

106TH CONGRESS  
2D SESSION

# S. 2481

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.

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## IN THE SENATE OF THE UNITED STATES

APRIL 27, 2000

Mr. WARNER (for himself and Mr. LEVIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

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 Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-  
5 thorization Act for Fiscal Year 2001”.

6 **SEC. 2. TABLE OF CONTENTS.**

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

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## 1           **TITLE I—PROCUREMENT**

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- Sec. 101. Army.  
 Sec. 102. Navy and Marine Corps.  
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 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 for Authorizations

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

## 2           **Subtitle A—Authorization of** 3           **Appropriations**

### 4   **SEC. 101. ARMY.**

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

7                   (1) For aircraft, \$1,323,262,000.

8                   (2) For missiles, \$1,295,728,000.

9                   (3) For weapons and tracked combat vehicles,  
 10           \$1,874,638,000.

11                   (4) For ammunition, \$1,131,323,000.

12                   (5) For other procurement, \$3,795,870,000.

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

2 (a) NAVY.—Funds are hereby authorized to be appro-  
3 priated for fiscal year 2001 for procurement for the Navy  
4 as follows:

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

6 (2) For weapons, including missiles and tor-  
7 pedoes, \$1,434,250,000.

8 (3) For shipbuilding and conversion,  
9 \$12,296,919,000.

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

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

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

16 **SEC. 103. AIR FORCE.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2001 for procurement for the Air Force as fol-  
19 lows:

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

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

22 (3) For procurement of ammunition,  
23 \$638,808,000.

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

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

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

5 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 2001 for procurement for the Defense Inspec-  
8 tor General in the amount of \$3,300,000.

9 **SEC. 106. DEFENSE HEALTH PROGRAM.**

10 Funds are hereby authorized to be appropriated for  
11 fiscal year 2001 for the Department of Defense for pro-  
12 curement for carrying out health care programs, projects,  
13 and activities of the Department of Defense in the total  
14 amount of \$290,006,000.

15 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

16 There is hereby authorized to be appropriated for fis-  
17 cal year 2001 in the amount of \$1,003,500,000 for—

18 (1) the destruction of lethal chemical weapons  
19 in accordance with section 1412 of the Department  
20 of Defense Authorization Act, 1986 (50 U.S.C.  
21 1521) and

22 (2) the destruction of chemical warfare material  
23 of the United States that is not covered by section  
24 1412 of such Act.

1       **Subtitle B—Multi-Year Contract**  
2                               **Authorizations**

3       **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR**  
4                               **CERTAIN ARMY PROGRAMS.**

5           Beginning with the fiscal year 2001 program year,  
6 the Secretary of the Army may, in accordance with section  
7 2306b of title 10, United States Code, enter into multi-  
8 year contracts for procurement of the following:

9                       (1) The M2A3 Bradley Fighting Vehicle.

10                      (2) The UH/60–CH/60 helicopter.

11       **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR THE**  
12                               **DDG–51.**

13           Beginning with the fiscal year 2001 program year,  
14 the Secretary of the Navy may, in accordance with section  
15 2306b of title 10, United States Code, enter into a multi-  
16 year contract for procurement of the DDG–51.

17       **TITLE II—RESEARCH, DEVELOP-**  
18                               **MENT, TEST, AND EVALUA-**  
19                               **TION**

Sec. 201. Authorization of Appropriations.

20       **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

21           Funds are hereby authorized to be appropriated for  
22 fiscal year 2001 for the use of the Armed Forces for re-  
23 search, development, test, and evaluation, as follows:

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

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

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

3 (4) For Defense-wide research, development,  
4 test, and evaluation, \$10,439,802,000, of which  
5 \$201,560,000 is authorized for the Director of Oper-  
6 ational Test and Evaluation.

7 (5) For the Defense Health Program,  
8 \$65,880,000.

9 **TITLE III—OPERATION AND**  
10 **MAINTENANCE**

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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 John-  
ston 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 Air-  
fields by Civil Aircraft.

Sec. 324. Economic Distribution of Distilled Spirits.

11 **Subtitle A—Authorization of**  
12 **Appropriations**

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

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 2001 for the use of the Armed Forces of the

1 United States and other activities and agencies of the De-  
2 partment of Defense, for expenses, not otherwise provided  
3 for, for operation and maintenance, in amounts as follows:

4 (1) For the Army, \$19,123,731,000.

5 (2) For the Navy, \$23,300,154,000.

6 (3) For the Marine Corps, \$2,705,658,000.

7 (4) For the Air Force, \$22,346,977,000.

8 (5) For the Defense-wide activities,  
9 \$11,920,069,000.

10 (6) For the Army Reserve, \$1,521,418,000.

11 (7) For the Naval Reserve, \$960,946,000.

12 (8) For the Marine Corps Reserve,  
13 \$133,959,000.

14 (9) For the Air Force Reserve, \$1,885,859,000.

15 (10) For the Army National Guard,  
16 \$3,182,335,000.

17 (11) For the Air National Guard,  
18 \$3,446,375,000.

19 (12) For the Defense Inspector General,  
20 \$144,245,000.

21 (13) For the United States Court of Appeals  
22 for the Armed Forces, \$8,574,000.

23 (14) For Environmental Restoration, Army,  
24 \$389,932,000.

1           (15) For Environmental Restoration, Navy,  
2           \$294,038,000.

3           (16) For Environmental Restoration, Air Force,  
4           \$376,300,000.

5           (17) For Environmental Restoration, Defense-  
6           wide, \$23,412,000.

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

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

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

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

16          (22) For the Defense Health Program,  
17          \$11,244,543,000.

18          (23) For Cooperative Threat Reduction pro-  
19          grams, \$458,400,000.

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

22 **SEC. 302. WORKING CAPITAL FUNDS.**

23          Funds are hereby authorized to be appropriated for  
24          fiscal year 2001 for the use of the Armed Forces of the  
25          United States and other activities and agencies of the De-

1 partment of Defense for providing capital for working cap-  
2 ital and revolving funds in amounts as follows:

3 (1) For the Defense Working Capital Funds,  
4 \$916,276,000.

5 (2) For the National Defense Sealift Fund,  
6 \$388,158,000.

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

8 There is hereby authorized to be appropriated for fis-  
9 cal year 2001 from the Armed Forces Retirement Home  
10 Trust Fund the sum of \$69,832,000 for the operation of  
11 the Armed Forces Retirement Home, including the United  
12 States Soldiers' and Airmen's Home and the Naval Home.

13 **SEC. 304. TRANSFERS FROM THE NATIONAL DEFENSE**  
14 **STOCKPILE TRANSACTION FUND.**

15 (a) **TRANSFER AUTHORITY.**—To the extent provided  
16 in appropriations Acts not more than \$150,000,000 is au-  
17 thorized to be transferred from the National Defense  
18 Stockpile Transaction Fund to operation and maintenance  
19 accounts for fiscal year 2001 in amounts as follows:

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

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

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

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

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

4 (2) may not be expended for an item that has  
5 been denied authorization of appropriations by Con-  
6 gress.

## 7 **Subtitle B—Environmental** 8 **Provisions**

### 9 **SEC. 311. REIMBURSEMENT FOR CERTAIN COSTS IN CON-** 10 **NECTION WITH THE FORMER NANSEMOND** 11 **ORDNANCE DEPOT SITE, IN SUFFOLK, VIR-** 12 **GINIA.**

13 (a) **AUTHORITY TO REIMBURSE EPA.**—The Sec-  
14 retary of Defense may pay not more than \$98,210.00,  
15 using funds described in subsection (b), to the Former  
16 Nansemond Ordnance Depot Site Special Account within  
17 the Hazardous Substance Superfund established by sec-  
18 tion 9507 of the Internal Revenue Code of 1986 (26  
19 U.S.C. 9507) to reimburse the Environmental Protection  
20 Agency for costs incurred by the agency in overseeing a  
21 time critical removal action (TCRA) under CERCLA  
22 being performed by DoD under the Defense Environ-  
23 mental Restoration Program (10 U.S.C. 2701) for ord-  
24 nance and explosive safety hazards at the Former  
25 Nansemon Ordnance Depot Site in Suffolk, Virginia, pur-

1 suant to an Interagency Agreement, entered into by the  
2 Department of the Army and the Environmental Protec-  
3 tion Agency on January 3, 2000.

4 (b) SOURCE OF FUNDS.—Any payment under sub-  
5 section (a) shall be made using amounts authorized to be  
6 appropriated by section 301 to Environmental Restora-  
7 tion, Formerly Used Defense Sites.

8 (c) CERCLA DEFINED.—In this section, the term  
9 “CERCLA” means the Comprehensive Environmental Re-  
10 sponse, Compensation and Liability Act of 1980 (42  
11 U.S.C. 9601 et seq.).

12 **SEC. 312. PAYMENT OF FINES OR PENALTIES IMPOSED FOR**  
13 **ENVIRONMENTAL VIOLATIONS.**

14 The Secretary of the Military Department concerned  
15 may pay from funds otherwise available for such purposes  
16 not more than the following amounts at the locations and  
17 for the purposes indicated below:

18 (1) For the Department of the Army:

19 (A) \$993,000 for Walter Reed Army Med-  
20 ical Center, Washington, D.C., under the Re-  
21 source Conservation and Recovery Act, in satis-  
22 faction of a fine imposed by Environmental  
23 Protection Agency Region 3, for a Supple-  
24 mental Environmental Project.

1 (B) \$377,250 for Fort Campbell, Ken-  
2 tucky, under the Resource Conservation and  
3 Recovery Act, in satisfaction of a fine imposed  
4 by Environmental Protection Agency Region 4,  
5 for a Supplemental Environmental Project.

6 (C) \$20,701 for Fort Gordon, Georgia,  
7 under the Resource Conservation and Recovery  
8 Act, in satisfaction of a fine imposed by the  
9 State of Georgia, for a Supplemental Environ-  
10 mental Project.

11 (D) \$78,500 for Pueblo Chemical Depot,  
12 Colorado, under the Resource Conservation and  
13 Recovery Act, in satisfaction of a fine imposed  
14 by the State of Colorado, for Supplemental En-  
15 vironmental Projects.

16 (E) \$20,000 for Deseret Chemical Depot,  
17 Utah, under the Resource Conservation and Re-  
18covery Act, in satisfaction of a fine imposed by  
19 the State of Utah, for a Supplemental Environ-  
20 mental Project.

21 (2) For the Department of the Navy:

22 (A) \$108,800 for Allegany Ballistics Lab-  
23 oratory, West Virginia, under the Resource  
24 Conservation and Recovery Act, to the West

1 Virginia Division of Environmental Protection  
2 to pay a cash penalty.

3 (B) \$5,000 for Naval Air Station, Corpus  
4 Christi, Texas, under the Clean Air Act, to En-  
5 vironmental Protection Agency Region 6, to pay  
6 a cash penalty.

## 7 **Subtitle C—Other Matters**

### 8 **SEC. 321. REIMBURSEMENT BY CIVIL AIR CARRIERS FOR** 9 **SUPPORT PROVIDED AT JOHNSTON ATOLL.**

10 (a) IN GENERAL.—Chapter 949 of title 10, United  
11 States Code, is amended by adding at the end the fol-  
12 lowing new section:

#### 13 **“§ 9783. Reimbursement by civil air carriers for sup-** 14 **port provided at Johnston Atoll**

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

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

21 “(1) may charge, but not exceed, the actual  
22 costs, including indirect costs, of support provided  
23 by the United States to the civil air carrier;

24 “(2) may only include charges for support re-  
25 quested by the civil air carrier or required to accom-

1 modate the civil air carrier's use of the Johnston  
2 Atoll; and

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

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

14 “(d) DISPOSITION OF PAYMENTS.—Notwithstanding  
15 any other provision of law, amounts collected from a civil  
16 air carrier under this section shall be credited to the ap-  
17 propriations under which the costs associated with the  
18 support were incurred. Amounts so credited shall be avail-  
19 able for obligation for the same period as the appropria-  
20 tion to which credited.

21 “(e) PAY-AS-YOU-GO-SCORING.—From the cash pro-  
22 ceeds resulting from services provided to civil air carriers  
23 at Johnston Atoll under the authorities provided by this  
24 section, for which the Air Force does not have existing

1 authority to retain, up to the following amounts shall be  
2 transferred to Miscellaneous Receipts in the Treasury:

3 “(1) In FY 2001, \$219,000;

4 “(2) In FY 2002, \$219,000;

5 “(3) In FY 2003, \$219,000;

6 “(4) In FY 2001, \$219,000; and

7 “(5) In FY 2001, \$219,000.”.

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

“9783. Reimbursement by civil air carriers for support provided by Johnston  
Atoll.”.

11 **SEC. 322. USE OF EXCESS TITANIUM SPONGE IN**  
12 **THE NATIONAL DEFENSE STOCKPILE FOR**  
13 **MANUFACTURING DEPARTMENT OF DE-**  
14 **FENSE EQUIPMENT.**

15 (a) TRANSFER AUTHORIZED.—Upon the request of  
16 the Secretary of a Military Department or the Director  
17 of a Defense Agency, the Secretary of Defense may trans-  
18 fer excess titanium sponge from the stocks of the National  
19 Defense Stockpile for use in manufacturing defense equip-  
20 ment.

21 (b) NON-REIMBURSABLE.—Transfer under this sec-  
22 tion shall be without a requirement to reimburse the Na-  
23 tional Defense Stockpile Transaction Fund. The recipient

1 Military Department shall pay all transportation and re-  
2 lated costs incurred in connection with the transfer.

3 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-  
4 ITY.—The quantity of titanium sponge transferred under  
5 this section may not exceed the amount identified as ex-  
6 cess in section 3304 of the National Defense Authorization  
7 Act for Fiscal Year 1998 (Public Law 105–85, 111 Stat.  
8 2057). Transfers to the Secretary of the Army pursuant  
9 to section 3305 of the National Defense Authorization Act  
10 for Fiscal Year 1996 (Public Law 104–106, 110 Stat.  
11 630) take precedence over transfers under this section.

12 **SEC. 323. CLARIFICATION AND EXTENSION OF PILOT PRO-**  
13 **GRAM FOR ACCEPTANCE AND USE OF LAND-**  
14 **ING FEES CHARGED FOR USE OF DOMESTIC**  
15 **MILITARY AIRFIELDS BY CIVIL AIRCRAFT.**

16 Section 377 of the Strom Thurmond National De-  
17 fense Authorization Act for Fiscal Year 1999, Public Law  
18 105–261, is amended as follows:

19 (1) in subsection (a)—

20 (A) by striking “1999 and 2000” and in-  
21 serting “2001, 2002, and 2003”; and

22 (B) by striking the last sentence of such  
23 subsection and inserting “Authority to carry  
24 out a pilot program under this section shall ter-  
25minate September 30, 2003.”;

1           (2) by amending subsection (b) to read as fol-  
2       lows:

3       “(b) **LANDING FEES DEFINED.**—For purposes of  
4 this section, the term ‘landing fees’ shall mean any fee  
5 established under or in accordance with regulations of the  
6 military department concerned, whether prescribed by fee  
7 schedule or imposed under a joint-use agreement, to re-  
8 cover costs for civil aircraft use of the department’s air-  
9 fields in the United States, its territories and posses-  
10 sions.”;

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

14           (4) in subsection (d)—

15               (A) by striking “March 31, 2000,” and in-  
16 serting “March 31, 2003,”; and

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

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

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

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

23           (2) by redesignating paragraph (3) as para-  
24 graph (2).

1                   **TITLE IV—MILITARY**  
 2                   **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 Strengths Exemption for Performing Funeral Honors Functions.

Sec. 416. Excluding Certain Reserve Component Members on Active Duty for 181 Days of 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.

3                   **Subtitle A—Active Forces**

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

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

7                   (1) The Army, 480,000.

8                   (2) The Navy, 372,000.

9                   (3) The Marine Corps, 172,600.

10                  (4) The Air Force, 357,000.

1           **Subtitle B—Reserve Forces**

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

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

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

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

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

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

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

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

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

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

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

22           (2) the total number of individual members not  
23 in units organized to serve as units of the Selected  
24 Reserve of such component who are on active duty  
25 (other than for training or for unsatisfactory partici-

1       pating in training) without their consent at the end  
2       of the fiscal year.

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

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

11       Within the end strengths prescribed in section  
12 411(a), the reserve components of the Armed Forces are  
13 authorized, as of September 30, 2001, the following num-  
14 ber of Reserves to be serving on full-time active duty, or,  
15 in the case of members of the National Guard, full-time  
16 National Guard duty for the purpose of organizing, ad-  
17 ministering, recruiting, instructing, or training the reserve  
18 components:

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

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

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

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

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

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

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

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

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

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

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

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

12 **SEC. 414. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**  
13 **GRADES AUTHORIZED TO BE ON ACTIVE**  
14 **DUTY IN SUPPORT OF THE RESERVES.**

15 (a) OFFICERS.—The table in section 12022(a) of title  
16 10, United States Code, is amended to 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”.

17 (b) SENIOR ENLISTED MEMBERS.—The table in sec-  
18 tion 12012(a) of title 10, United States Code, is amended  
19 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”.

1 **SEC. 415. ACTIVE DUTY END STRENGTH EXEMPTION FOR**  
2 **PERFORMING FUNERAL HONORS FUNC-**  
3 **TIONS.**

4 Section 115(d) of title 10, United States Code, is  
5 amended by adding at the end the following new para-  
6 graphs:

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

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

15 **SEC. 416. EXCLUDING CERTAIN RESERVE COMPONENT**  
16 **MEMBERS ON ACTIVE DUTY FOR 181 DAYS OR**  
17 **MORE FROM ACTIVE COMPONENT END**  
18 **STRENGTHS.**

19 Section 115(d) of title 10, United States Code, is  
20 amended by adding at the end the following new para-  
21 graph:

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

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

11           Section 517 of title 10, United States Code, is  
12           amended by adding at the end the following new sub-  
13           section (c):

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

1 termination of the emergency shall not apply to an exten-  
2 sion under this subsection.”.

3 **SEC. 418. SUSPENSION OF SENIOR OFFICERS PAY GRADE**  
4 **STRENGTH LIMITATIONS DURING WAR OR**  
5 **NATIONAL EMERGENCY.**

6 Sec. 12011 of title 10, United States Code, is amend-  
7 ed by adding at the end the following new subsection (c):  
8 “(c) The Secretary of Defense may suspend the oper-  
9 ation of this section in time of war, or of a national emer-  
10 gency declared by the Congress or by the President. Any  
11 suspension shall, if not sooner ended, end on the last day  
12 of the two-year period beginning on the date on which the  
13 suspension (or the last extension thereof) takes effect or  
14 on the last day of the one year period beginning on the  
15 date of the termination of the war or national emergency,  
16 whichever occurs first. Title II of the National Emer-  
17 gencies Act (50 U.S.C. §§ 1621–1622) which provides that  
18 powers or authorities exercised by reason of a national  
19 emergency shall cease to be exercised after the date of the  
20 termination of the emergency shall not apply to an exten-  
21 sion under this subsection.”.

1 **SEC. 419. SUSPENSION OF SENIOR ENLISTED PAY GRADE**  
2 **STRENGTH LIMITATIONS FOR ACTIVE DUTY**  
3 **(OTHER THAN FOR TRAINING) IN CONNEC-**  
4 **TION WITH ORGANIZING, ADMINISTERING,**  
5 **RECRUITING, INSTRUCTING, OR TRAINING**  
6 **THE RESERVE COMPONENTS OR NATIONAL**  
7 **GUARD DURING WAR OR NATIONAL EMER-**  
8 **GENCY.**

9       Sec. 12012 of title 10, United States Code, is amend-  
10 ed by adding at the end the following new subsection (c):

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

1 **TITLE V—MILITARY PERSONNEL**  
 2 **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.

1           **Subtitle A—Officer Personnel**  
 2   **Policy**

3   **SEC. 501. AUTHORITY TO RETAIN CHAPLAINS AND OFFI-**  
 4   **CERS IN MEDICAL SPECIALTIES UNTIL SPECI-**  
 5   **FIED AGE.**

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

8                           “(3) The Secretary of the Air Force may, with  
 9           the officer’s consent, retain in an active status any  
 10          reserve officer who is designated as a medical offi-  
 11          cer, dental officer, Air Force nurse, Medical Service  
 12          Corps officer, biomedical sciences officer or chap-  
 13          lain.”.

14   **SEC. 502. CLARIFICATION OF AUTHORITY FOR POST-**  
 15   **HUMOUS COMMISSIONS.**

16          Section 1521(a)(3) of title 10, United States Code,  
 17 is amended by inserting “(whether before or after the

1 member's death)" after "was approved by the Secretary  
2 concerned".

3 **SEC. 503. RELEASE OF OFFICER PROMOTION SELECTION**  
4 **BOARD REPORTS.**

5 (a) ACTIVE-DUTY LIST OFFICER BOARDS.—Section  
6 618(e) of title 10, United States Code, is amended by  
7 striking the first sentence and inserting the following:  
8 "Upon transmittal to the President of the report of a se-  
9 lection board that considered officers for promotion to a  
10 grade below brigadier general or rear admiral (lower half),  
11 the names of the officers recommended for promotion by  
12 the selection board (other than any name deferred from  
13 transmittal) may be disseminated to the armed force con-  
14 cerned."

15 (b) RESERVE ACTIVE-STATUS LIST OFFICER  
16 BOARDS.—Section 14112 of title 10, United States Code,  
17 is amended by striking the first sentence and inserting the  
18 following: "Upon transmittal to the President of the re-  
19 port of a selection board that considered officers for pro-  
20 motion to a grade below brigadier general or rear admiral  
21 (lower half), the names of the officers recommended for  
22 promotion by the selection board (other than any name  
23 deferred from transmittal) may be disseminated to the  
24 armed force concerned."

1       **Subtitle B—Reserve Component**  
2                   **Personnel Policy**

3       **SEC. 511. EXEMPTION OF CERTAIN RESERVE COMPONENT**  
4                   **GENERAL AND FLAG OFFICERS, SERVING IN**  
5                   **JOINT DUTY ASSIGNMENTS, FROM THE AC-**  
6                   **TIVE DUTY LIST FOR PROMOTION PURPOSES**

7       Section 641(1)(B) of title 10 is amended by inserting  
8       “526(b)(2)(A),” after “section” the first time such term  
9       appears in the subparagraph.

10       **SEC. 512. AUTHORITY TO TEMPORARILY INCREASE THE**  
11                   **NUMBER OF OFFICERS SERVING ON ACTIVE**  
12                   **DUTY OR FULL-TIME NATIONAL GUARD DUTY**  
13                   **IN CERTAIN CONTROLLED GRADES.**

14       Section 12011 of title 10, United States Code, is  
15       amended by adding at the end the following new sub-  
16       section:

17       “(c) Upon a determination by the Secretary of De-  
18       fense that such action is in the national interest, the Sec-  
19       retary may increase the number of officers serving in any  
20       grade for a fiscal year pursuant to subsection (a) by not  
21       more than the percent authorized by the Secretary under  
22       section 115(c)(2) of this title.”.

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

6 Section 12012 of title 10, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

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

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

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

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

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

1           (1) by redesignating subparagraphs (D)  
2 through (G) as subparagraphs (E) through (H), re-  
3 spectively; and

4           (2) by inserting after subparagraph (C) the fol-  
5 lowing new subparagraph:

6           “(D) who is currently on the Reserve Ac-  
7 tive Status List and is ordered to active duty  
8 under section 12301(d) of this title, other than  
9 as provided in subparagraph (C), for a period  
10 of three years or less;”.

11 **SEC. 516. CONTINUATION OF OFFICERS ON THE RESERVE**  
12 **ACTIVE STATUS LIST.**

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

16 **SEC. 517. TECHNICAL CORRECTION TO RETIRED GRADE**  
17 **RULE.**

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

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

24       (c) EFFECTIVE DATE.—The amendments made by  
25 subsections (a) and (b) shall apply to Reserve commis-

1 sioned officers who are promoted to a higher grade as a  
2 result of selection for promotion under chapter 36 or chap-  
3 ter 1405 of title 10, United States Code, or having been  
4 found qualified for federal recognition in a higher grade  
5 under chapter 3 of title 32, United States Code, after Oc-  
6 tober 5, 1994.

## 7           **Subtitle C—Education and** 8                                   **Training**

### 9   **SEC. 521. REPEAL OF CONTINGENT FUNDING FOR JUNIOR** 10                                   **RESERVE OFFICERS TRAINING CORPS.**

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

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

### 16   **SEC. 522. NATIONAL GUARD CHALLENGE PROGRAM.**

17           Section 509(b) of title 32, United States Code, is  
18 amended by striking, “, except that Federal expenditures  
19 under the program may not exceed \$50,000,000 for any  
20 fiscal year”.

1           **Subtitle D—Medal of Honor**  
2                           **Recipients**

3 **SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF**  
4                           **HONOR TO ED W. FREEMAN FOR VALOR DUR-**  
5                           **ING VIETNAM.**

6           (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-  
7 standing the time limitations specified in section 3744 of  
8 title 10, United States Code, or any other time limitation  
9 with respect to the awarding of certain medals to persons  
10 who served in the military service, the President may  
11 award the Medal of Honor under section 3741 of that title  
12 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  
15 to in subsection (a) are the actions of Ed W. Freeman  
16 on November 14, 1965, as a flight leader and second in  
17 command of a 16-helicopter lift unit, serving in the grade  
18 of Captain at landing zone X-Ray in the battle of the  
19 IaDrang Valley, Republic of Vietnam, with Alpha Com-  
20 pany, 229 Assault Helicopter Battalion, 101st Cavalry Di-  
21 vision (Airmobile).

1 **SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF**  
2 **HONOR TO ANDREW J. SMITH FOR VALOR**  
3 **DURING THE CIVIL WAR.**

4 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-  
5 standing the time limitations specified in section 3744 of  
6 title 10, United States Code, or any other time limitation  
7 with respect to the awarding of certain medals to persons  
8 who served in the military service, the President may  
9 award the Medal of Honor, posthumously, under section  
10 3741 of that title to Andrew J. Smith, for the acts of valor  
11 referred to in subsection (b).

12 (b) **ACTION DESCRIBED.**—The acts of valor referred  
13 to in subsection (a) are the actions of Andrew J. Smith  
14 on November 30, 1864, as an infantry corporal serving  
15 in the United States Army in South Carolina with the  
16 55th Massachusetts Voluntary Infantry during a combat  
17 operation in the Civil War Battle of Honey Hill, South  
18 Carolina.

19 **Subtitle E—Joint Management**

20 **SEC. 541. CHANGES TO THE JOINT SPECIALTY OFFICER**  
21 **PROGRAM TO IMPROVE UTILITY AND**  
22 **STREAMLINE MANAGEMENT.**

23 (a) **MANAGEMENT POLICIES FOR JOINT SPECIALTY**  
24 **OFFICERS.**—Section 661 of title 10, United States Code,  
25 is amended—

1           (1) in subsection (a), by striking “, or having  
2           been nominated for, ‘the joint specialty’.” and in-  
3           serting “the ‘joint specialty officer’ designation.  
4           Joint specialty officers are intended to provide a  
5           quickly identifiable, ready source of officers with  
6           joint experience and education to meet special re-  
7           quirements on any organizational staff and/or joint  
8           task force operation.”;

9           (2) in subsection (b), by amending the sub-  
10          section to read as follows:

11          “(b) NUMBERS AND SELECTIONS.—Officers will be  
12          designated with a joint specialty officer identifier upon  
13          completion of the requirements stipulated in paragraph (c)  
14          below. Designation of officers with the joint specialty offi-  
15          cer identifier can only be made among officers—

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

18                 “(2) who complete their joint duty assignment  
19                 when the officer is serving in a grade not less than  
20                 major or, in the case of the Navy, lieutenant com-  
21                 mander.”;

22          (3) in subsection (c)—

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

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

3           “(A) successfully completes a Chairman of  
4 the Joint Chiefs of Staff accredited program  
5 from a joint professional military education in-  
6 stitution and successfully completes a full tour  
7 of duty in a joint duty assignment (not nec-  
8 essarily in this order); or,

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

11           (B) in paragraph (2), by striking subpara-  
12 graph (A) and the designator “(B)” at the be-  
13 ginning of subparagraph (B); and

14           (C) by striking paragraph (4).

15           (4) subsection (d) is amended to read as fol-  
16 lows:

17           “(d) AUTHORITY TO GRANT WAIVERS.—The Sec-  
18 retary of a military department may request the Secretary  
19 of Defense to waive the provisions of subparagraphs (A)  
20 or (B) of section (e)(1) for a particular officer for unusual  
21 circumstances. The requesting Secretary must justify the  
22 request and relate how the officer’s situation equates to  
23 the established joint experience and educational standards  
24 expected for the joint specialty officer designation. In the  
25 case of a general or flag officer, the Secretary of Defense

1 may grant a waiver only for a critical need of the armed  
2 forces. The authority of the Secretary of Defense to grant  
3 a waiver under this subsection may be delegated only to  
4 the Deputy Secretary of Defense or Chairman of the Joint  
5 Chiefs of Staff.”;

6 (5) subsection (e) is amended to read as fol-  
7 lows:

8 “(e) JSO DESIGNATION FOR GENERAL AND FLAG  
9 POSITIONS.—The Secretary shall ensure that, of joint  
10 duty assignments filled by general or flag officers, those  
11 positions that require, or could be enhanced by, a joint  
12 specialty officer will be designated as requiring a joint spe-  
13 cialty officer. Once a position is designated as requiring  
14 a joint specialty officer, a non-joint specialty officer can  
15 be assigned to the position under a waiver of the require-  
16 ment only if deemed necessary by the Secretary of De-  
17 fense.”; and

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

19 “(f) DESIGNATION OF JOINT PROFESSIONAL MILI-  
20 TARY EDUCATION INSTITUTIONS.—For purposes of this  
21 chapter, an educational institution may not be construed  
22 to be a joint professional military education institution un-  
23 less it is accredited by the Chairman of the Joint Chiefs  
24 of Staff as such.”.

1 **SEC. 542. PROMOTION POLICY OBJECTIVES FOR JOINT OF-**  
2 **FICERS.**

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

5 (1) by amending subsection (a) to read as fol-  
6 lows:

7 “(a) **QUALIFICATIONS.**—(1) The Secretaries of each  
8 military department shall establish an internal procedure  
9 and process necessary to validate the qualifications of ac-  
10 tive duty list officers assigned to joint duty activities, as  
11 defined in section 668 of this title. Such internal require-  
12 ments shall ensure an adequate number of senior colonels,  
13 or in the case of the Navy, captains, are eligible for pro-  
14 motion to brigadier general/rear admiral (lower half) to  
15 meet the requirements of section 619a of this title.

16 “(2) The Secretary of Defense shall ensure that the  
17 qualifications of officers assigned to joint duty assign-  
18 ments are such that officers who are serving in joint duty  
19 assignments are expected, as a group, to be promoted to  
20 the next higher grade at a rate not less than the rate for  
21 all officers of the same armed force in the same grade  
22 and competitive category.

23 “(3) The Secretary of Defense shall develop policies  
24 to ensure that the Secretaries of the military departments  
25 provide appropriate consideration to joint service officers  
26 eligible for promotion selection boards. Such policies shall

1 ensure that an officer currently serving in a joint assign-  
 2 ment be appointed as a member of a military department  
 3 promotion board. Such officer shall first be approved by  
 4 the Chairman of the Joint Chiefs of Staff. Such policies  
 5 also shall ensure that the Chairman of the Joint Chiefs  
 6 of Staff have an opportunity to review and comment on  
 7 each promotion selection board to the Secretary of De-  
 8 fense and the Secretary of the military department con-  
 9 cerned prior to action on the board by the Secretary of  
 10 the military department concerned.”; and

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

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

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

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

23           (2) by striking subsection (d);

24           (3) by redesignating subsection (e) as sub-  
 25           section (d); and

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

3 (A) by striking the catchline for the sub-  
4 section and inserting “PRINCIPAL COURSES OF  
5 INSTRUCTION PROVIDED BY THE ARMED  
6 FORCES STAFF COLLEGE.—”;

7 (B) in paragraphs (1) and (2), by striking  
8 “course of instruction offered at the Armed  
9 Forces Staff College” each time such phrase oc-  
10 curs in each paragraph and inserting in each  
11 instance “course of instruction provided by the  
12 Armed Forces Staff College”;

13 (C) in paragraph (2), by striking “three”  
14 and inserting “two”; and

15 (D) by inserting before the period at the  
16 end of paragraph (2) “, whether taught at the  
17 Armed Forces Staff College or taught by the  
18 Armed Forces Staff College at another appro-  
19 priate location”.

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

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

24 (1) by amending subsection (a) to read as fol-  
25 lows:

1       “(a) LENGTH OF JOINT DUTY ASSIGNMENTS.—The  
2 length of a joint duty assignment will mirror the standard  
3 tour length the Secretary of Defense establishes for each  
4 installation or location at which joint duty assignments are  
5 authorized. Joint duty credit is awarded as provided by  
6 paragraph (d). Duty at a qualified joint task force head-  
7 quarters requires one year of total service credited in the  
8 manner specified in paragraph (g)(4)(B).”;

9           (2) in subsection (b)—

10           (A) by striking “subsection (a) in the case  
11 of any officer” and inserting thereof: “this sec-  
12 tion when it is considered critical for military  
13 personnel management”; and

14           (B) by adding at the end the following new  
15 sentence: “Such a waiver may be granted only  
16 on a case-by-case basis in the case of any offi-  
17 cer.”;

18           (3) by striking subsection (c);

19           (4) by amending subsection (d) to read as fol-  
20 lows:

21       “(d) EXCLUSIONS FROM TOUR LENGTH.—The Sec-  
22 retary of a military department may request the joint ac-  
23 tivity to which an officer is assigned to curtail the officer’s  
24 joint assignment. The Secretary of Defense may authorize  
25 such a joint service tour curtailment from the standards

1 prescribed in subsection (a), provided the officer serving  
2 the tour has served at least 24 months in a joint position  
3 with a tour length of greater than 24 months.”;

4 (5) by striking subsection (e);

5 (6) in subsection (f)—

6 (A) by inserting “, (c), or (e); or” after  
7 “that meets the standards prescribed in sub-  
8 section (a)”;

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

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

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

22 “(4) The joint duty assignment was completed  
23 when the officer was serving in a grade not less than  
24 major, or, in the case of the Navy, lieutenant com-  
25 mander.”; and

1 (C) by redesignating paragraph (6) as  
2 paragraph (5).

3 (7) by amending subsection (g) to read as fol-  
4 lows:

5 “(g) ACTIVITY OF ASSIGNMENT TO RECEIVE JOINT  
6 DUTY CREDIT.—Officers must serve in a permanent posi-  
7 tion considered a joint duty assignment as determined by  
8 the Secretary of Defense where significant experience in  
9 joint matters is obtained.”;

10 (8) by amending subsection (h) to read as fol-  
11 lows:

12 “(h) JOINT FULL TOUR CREDIT REQUIREMENT FOR  
13 PROMOTION TO GENERAL OR FLAG GRADE.—Officers  
14 must serve a full joint tour of duty under subsection (d)  
15 to meet the eligibility requirements set forth in section  
16 619a of this title.”;

17 (9) in subsection (i)—

18 (A) in paragraph (4)(E), by striking “com-  
19 bat or combat related” and inserting “as ap-  
20 proved by the Secretary of Defense”; and

21 (B) in paragraph (5), by striking “section  
22 661(d)(1), section 662(a)(3), section 662(b),  
23 subsection (a) of this section, and paragraphs  
24 (7), (8), (9), (11), and (12) of section 667” and

1 inserting “section 662 and section 667(a)(2),  
2 (4), and (7).”; and

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

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

6 **SEC. 545. CHANGE TO THE JOINT STAFF ROLE IN MONI-**  
7 **TORING JOINT OFFICERS TO ADD FLEXI-**  
8 **BILITY.**

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

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

12 “The Secretary of Defense shall take such action as  
13 necessary to enhance the capabilities of the Joint Staff  
14 so that it can monitor the personnel issues of officers with  
15 the joint specialty officer designation and of other officers  
16 who serve or have served in joint duty assignments, as  
17 required.”; and

18 (b) CONFORMING AMENDMENT.—The table of sec-  
19 tions at the beginning of such chapter 38 is amended by  
20 amending the item relating to section 665 to read as fol-  
21 lows:

“665. Monitoring careers of joint officers.”.

1 **SEC. 546. MODIFICATIONS TO THE ANNUAL REPORT TO**  
2 **CONGRESS TO HIGHLIGHT KEY INDICATORS**  
3 **OF COMPLIANCE.**

4 Section 667 of title 10, United States Code is amend-  
5 ed by striking paragraphs (1) through (18) and inserting  
6 the following new paragraphs:

7 “(1) The number of joint specialty officers re-  
8 ported by grade, and branch or specialty.

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

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

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

17 “(5) The percent of National Defense Univer-  
18 sity class seats filled, by course.

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

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

24 “(8) Such other significant information as de-  
25 termined by the Secretary of Defense.”.

1 **SEC. 547. MODIFICATIONS TO DEFINITION OF QUALIFYING**  
2 **JOINT SERVICE TO IMPROVE MANAGEMENT**  
3 **OF OFFICERS IN JOINT ACTIVITIES.**

4 Section 668(e) of title 10, United States Code, is  
5 amended to read as follows:

6 “(c) CLARIFICATION OF ‘TOUR OF DUTY’.—For pur-  
7 poses of this chapter, a single tour of duty for the purpose  
8 of awarding joint duty credit is defined as one in which  
9 the officer serves consecutive tours in joint duty assign-  
10 ment positions that award joint duty credit, or service as  
11 otherwise prescribed by the Secretary of Defense.”.

12 **SEC. 548. MODIFICATIONS TO WAIVERS AND EXCEPTIONS**  
13 **TO THE REQUIREMENT FOR A JOINT DUTY**  
14 **ASSIGNMENT BEFORE PROMOTION TO GEN-**  
15 **ERAL OR FLAG GRADE TO REDUCE WAIVERS.**

16 Section 619a(b) is amended—

17 (1) in paragraph (2) by striking “scientific and  
18 technical qualifications” and inserting “career field  
19 specialty qualifications”; and

20 (2) in paragraph (4), by striking subparagraphs  
21 (A) and (B) and the dash at the end of the remain-  
22 ing text of the paragraph, and inserting in lieu  
23 thereof a period.

1           **Subtitle F—Selection Board**  
2                           **Appeals**

3 **SEC. 551. REMEDY IN CASES INVOLVING CERTAIN SELEC-**  
4                           **TION BOARDS.**

5           (a) Chapter 79 of title 10, United States Code, is  
6 amending by adding after section 1557 a new section  
7 1558, to read as follows:

8 **“§ 1558. Remedy in cases involving selection boards**

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

14           “(b) A person challenging for any reason the action  
15 or recommendation of a selection board, shall not be enti-  
16 tled to relief in any judicial proceeding unless he has first  
17 been considered by a special board under this section, or  
18 has been denied such consideration by the Secretary con-  
19 cerned. A decision by the Secretary concerned to deny  
20 such consideration shall be subject to judicial review only  
21 for procedural error or on the basis that such decision is  
22 arbitrary, capricious or otherwise contrary to law. A rec-  
23 ommendation by a special board or a decision resulting  
24 from such recommendation shall be subject to judicial re-

1 view only for procedural error or on the basis that such  
2 decision is contrary to law.

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

13               “(1) with his consent, be retroactively and pro-  
14 spectively restored to the same status, rights and en-  
15 titlements (less appropriate offsets against back pay  
16 and allowances) in his armed force as he would have  
17 had if he had not been selected to be separated, re-  
18 tired or transferred to the retired reserve or to inac-  
19 tive status in a reserve component as a result of the  
20 recommendation of the original selection board, pro-  
21 vided that nothing herein shall be construed to per-  
22 mit the retention of such person on active duty or  
23 in an active status in a reserve component beyond  
24 the date on which he would have been separated, re-  
25 tired or transferred to the retired reserve or to inac-

1       tive status in a reserve component if he had not  
2       been selected to be separated, retired or transferred  
3       to the retired reserve or to inactive status in a re-  
4       serve component as a result of the recommendation  
5       of the original selection board; or

6               “(2) if he does not consent to such restoration,  
7       receive back pay and allowances (less appropriate  
8       offsets) and service credit from the date of his sepa-  
9       ration, retirement or transfer to the retired reserve  
10      or to inactive status in a reserve component until the  
11      earlier of (A) the date he would have been restored  
12      under clause (1) of this subsection, as determined by  
13      the Secretary concerned, or (B) the date on which  
14      he would have been separated, retired or transferred  
15      to the retired reserve or to inactive status in a re-  
16      serve component if he had not been selected to be  
17      separated, retired or transferred to the retired re-  
18      serve or to inactive status in a reserve component as  
19      a result of the recommendation of the original selec-  
20      tion board.

21           “(d) If consideration by a special board results in a  
22      decision unfavorable to a person considered thereby, such  
23      decision shall be deemed to confirm the action of the origi-  
24      nal selection board with respect to that person, retroactive

1 to the effective date of such action of the original selection  
2 board.

3 “(e) The Secretary concerned may prescribe regula-  
4 tions to implement this section. Such regulations may pre-  
5 scribe the circumstances under which the consideration  
6 may be provided under this section, including the cir-  
7 cumstances under which such consideration is contingent  
8 upon application for such consideration, and time limits  
9 within which a person must make such application in  
10 order to receive such consideration. Such regulations  
11 issued by the Secretary of a Military Department must  
12 be approved by the Secretary of Defense.

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

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

17 “(1) ‘Special board’ means a board convened by  
18 the Secretary concerned under any authority to con-  
19 sider whether to recommend a person for appoint-  
20 ment, enlistment, reenlistment, assignment, pro-  
21 motion, retention, separation, retirement or transfer  
22 to inactive status in a reserve component, in place  
23 of consideration by a prior selection board which  
24 considered or should have considered that person,  
25 but does not include a promotion special selection

1 board convened under section 628 or 14502 of this  
2 title. A board for correction of military or naval  
3 records convened under section 1552 of this title is  
4 a special board if so designated by the Secretary  
5 concerned.

6 “(2) ‘Selection board’ means a selection board  
7 convened under section 573, 580, 580a, 581, 611,  
8 637, 638, 638a, 14101, 14701, 14704, or 14705 of  
9 this title, and any other board (except a special  
10 board or a board convened under section 1552 of  
11 this title) convened by the Secretary concerned  
12 under any authority to recommend persons for ap-  
13 pointment, enlistment, reenlistment, assignment,  
14 promotion or retention in the armed forces; or for  
15 separation, retirement or transfer to inactive status  
16 in a reserve component for the purpose of reducing  
17 the number of persons serving in the armed forces.  
18 However, for the purposes of this section, ‘selection  
19 board’ does not include a promotion selection board  
20 convened under sections 573(a), 611(a), or 14101(a)  
21 of this title.

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

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 for such chapter is amended by adding after the item re-  
3 lated to section 1557 the following new item:

“1558. Remedy in cases involving certain selection boards.”.

4 **SEC. 552. SPECIAL SELECTION BOARDS.**

5 (a) Section 628 of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 sections:

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

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

16 “(A) the claim has been referred to a spe-  
17 cial selection board by the Secretary concerned  
18 and acted upon by that board; or

19 “(B) the claim has been rejected by the  
20 Secretary without consideration by a special se-  
21 lection board; or

22 “(2) to grant any relief on such a claim unless  
23 the officer or former officer has been selected for  
24 promotion by a special selection board convened  
25 under this section to consider the officer’s claim.

1       “(i) JUDICIAL REVIEW.—(1) A court of the United  
2 States may review a determination by the Secretary con-  
3 cerned under subsection (a)(1) or (b)(1) not to convene  
4 a special selection board. If a court finds the determina-  
5 tion to be arbitrary or capricious, not based on substantial  
6 evidence, or otherwise contrary to law, it shall remand the  
7 case to the Secretary concerned, who shall provide for con-  
8 sideration of the officer or former officer by a special selec-  
9 tion board under this section.

10       “(2) If a court finds that the action of a special selec-  
11 tion board which considers an officer or former officer was  
12 contrary to law or involved material error of fact or mate-  
13 rial administrative error, it shall remand the case to the  
14 Secretary concerned, who shall provide the officer or  
15 former officer reconsideration by a new special selection  
16 board.”.

17 **SEC. 553. EXISTING JURISDICTION.**

18       (a) Nothing in this Act shall limit the existing juris-  
19 diction of any federal court to determine the validity of  
20 any statute, regulation, or policy relating to selection  
21 boards, provided that, in the event any such statute, regu-  
22 lation or policy is found to be invalid, the remedies pre-  
23 scribed in this Act shall be the sole and exclusive remedies  
24 available to any person challenging the recommendation  
25 of a selection board on the basis of such invalidity.

1 (b) Nothing in this Act shall limit the existing author-  
2 ity of the Secretary of a military department (or with re-  
3 spect to the Coast Guard, the Secretary of Transpor-  
4 tation) to correct any military record of the Secretary's  
5 department under section 1552 of title 10, United States  
6 Code.

7 **SEC. 554. EFFECTIVE DATE.**

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

13 **Subtitle G—Other Matters**

14 **SEC. 561. EXEMPTION OF RETIREE COUNCIL MEMBERS**  
15 **FROM RECALLED RETIREE LIMITS.**

16 Section 690(b)(2) of title 10, United States Code, is  
17 amended by adding at the end the following new para-  
18 graph:

19 (D) Any officer assigned to duty as a  
20 member of the Army, Navy, or Air Force Re-  
21 tiree Council for the period of active duty to  
22 which ordered.”.

1 **SEC. 562. TENURE REQUIREMENT FOR CRITICAL ACQUISITION POSITIONS.**  
2

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

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

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

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19 **TITLE VI—COMPENSATION AND PERSONNEL BENEFITS**  
20

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).

1     **Subtitle A—Bonuses and Special**  
 2                     **and Incentive Pays**

3     **SEC. 601. AVIATION CAREER INCENTIVE PAY; DELEGATION**  
 4                     **OF AUTHORITY TO WAIVE OPERATIONAL FLY-**  
 5                     **ING DUTY REQUIREMENTS.**

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

1 **SEC. 602. IMPROVED CONSISTENCY OF SPECIAL PAY FOR**  
2 **RESERVE MEDICAL AND DENTAL OFFICERS.**

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

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

11 “(d) SPECIAL RULE FOR RESERVE MEDICAL AND  
12 DENTAL OFFICERS.—While a reserve medical or dental  
13 officer receives a special pay under section 302 or 302b  
14 (whichever applies) of this title by reason of subsection  
15 (a), the officer shall not be entitled to special pay under  
16 subsection (h) of such section 302 or 302b.”.

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

18 (a) COMPENSATION OF MEMBERS OF THE NATIONAL  
19 GUARD FOR FUNERAL HONORS DUTY.—Section  
20 115(b)(2) of title 32, United States Code, is amended by  
21 adding before the period at the end: “or compensation at  
22 the rate prescribed in section 206 of title 37”.

23 (b) COMPENSATION OF MEMBERS OF A RESERVE  
24 COMPONENT GUARD FOR FUNERAL HONORS DUTY.—  
25 Section 12503(b)(2) of title 10, United States Code, is

1 amended by adding before the period at the end; “or com-  
2 pensation at the rate prescribed in section 206 of title 37”.

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

5 **SEC. 604. EXTENSION OF AUTHORITIES RELATING TO PAY-**  
6 **MENT OF OTHER BONUSES AND SPECIAL**  
7 **PAYS.**

8 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
9 tion 301b(a) of title 37, United States Code, is amended  
10 by striking “December 31, 2000” and inserting “Sep-  
11 tember 30, 2002”.

12 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
13 BERS.—Section 308(g) of title 37, United States Code, is  
14 amended by striking “December 31, 2000” and inserting  
15 “September 30, 2002”.

16 (c) ENLISTMENT BONUSES FOR MEMBERS WITH  
17 CRITICAL SKILLS.—Section 308a(d) of title 37, United  
18 States Code, is amended by striking “December 31, 2000”  
19 and inserting “September 30, 2002”.

20 (d) ARMY ENLISTMENT BONUS.—Section 308f(e) of  
21 title 37, United States Code, is amended by striking “De-  
22 cember 31, 2000” and inserting “September 30, 2002”.

1 **SEC. 605. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
2 **PAY AUTHORITIES FOR RESERVE FORCES.**

3 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
4 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
5 302g(f) of title 37, United States Code, is amended by  
6 striking “December 31, 2000” and inserting “September  
7 30, 2002”.

8 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
9 Section 308b(f) of title 37, United States Code, is amend-  
10 ed by striking “December 31, 2000” and inserting “Sep-  
11 tember 30, 2002”.

12 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
13 tion 308c(e) of title 37, United States Code, is amended  
14 by striking “December 31, 2000” and inserting “Sep-  
15 tember 30, 2002”.

16 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
17 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
18 308d(c) of title 37, United States Code is amended by  
19 striking “December 31, 2000” and inserting “September  
20 30, 2002”.

21 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
22 tion 308e(e) of title 37, United States Code is amended  
23 by striking “December 31, 2000” and inserting “Sep-  
24 tember 30, 2002”.

25 (f) READY RESERVE ENLISTMENT AND REENLIST-  
26 MENT BONUS.—Section 308h(g) of title 37, United States

1 Code is amended by striking “December 31, 2000” and  
2 inserting “September 30, 2002”.

3 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section  
4 308i(f) of title 37, United States Code is amended by  
5 striking “December 31, 2000” and inserting “September  
6 30, 2002”.

7 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
8 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
9 LECTED RESERVES.—Section 16302(d) of title 10, United  
10 States Code, is amended by striking “January 1, 2001”  
11 and inserting “January 1, 2002”.

12 **SEC. 606. EXTENSION OF CERTAIN BONUSES AND SPECIAL**  
13 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**  
14 **DIDATES, REGISTERED NURSES, AND NURSE**  
15 **ANESTHETISTS.**

16 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
17 GRAM.—Section 2130a(a)(1) of title 10, United States  
18 Code, is amended by striking “December 31, 2000” and  
19 inserting “September 30, 2002”.

20 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
21 Section 302d(a)(1) of title 37, United States Code, is  
22 amended by striking “December 31, 2000” and inserting  
23 “September 30, 2002”.

24 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
25 THETISTS.—Section 302e(a)(1) of title 37, United States

1 Code, is amended by striking “December 31, 2000” and  
2 inserting “September 30, 2002”.

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

4 Section 302c(d)(1) of title 37, United States Code,  
5 is amended by inserting “an officer in the Coast Guard  
6 or Coast Guard Reserve designated as a physician assist-  
7 ant,” after “nurse”.

8 **Subtitle B—Travel and**  
9 **Transportation Allowances**

10 **SEC. 611. REVISION TO THE TRAVEL MANAGEMENT ALLOW-**  
11 **ANCE FOR TEMPORARY LODGING EXPENSES.**

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

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

16 (2) by adding at the end the following new sen-  
17 tences: “Allowances and entitlements authorized  
18 under this section may be paid in advance. When  
19 paid in advance, such payments may be based on an  
20 average number of days specified by the Service Sec-  
21 retaries.”.

1 **SEC. 612. CHANGES IN THE ADMINISTRATION OF BAGGAGE**  
2 **AND HOUSEHOLD GOODS MOVES PAYMENT**  
3 **FOR SAVINGS IN SHIPPING LESS THAN AU-**  
4 **THORIZED WEIGHTS.**

5 Section 406(b)(1) of title 37, United States Code, is  
6 amended by adding at the end the following new subpara-  
7 graph:

8 “(F) A member entitled to transportation  
9 of baggage and household effects under sub-  
10 paragraph (A) may be paid an amount that  
11 represents a prorated share of savings achieved  
12 by such member’s shipping/storage weight for  
13 baggage and household effects being less than  
14 the established average for the member’s cat-  
15 egory as described in subparagraph (C). Estab-  
16 lished averages for the categories designated in  
17 subparagraph (C) and the prorated shares of  
18 savings that are related to shipping/or storing  
19 less than such established averages shall be de-  
20 termined annually through averages arrived at  
21 through the Personal Property Shipping Pro-  
22 gram.”.

23 **SEC. 613. ADVANCE PAYMENT OF TEMPORARY LODGING**  
24 **ALLOWANCE.**

25 Section 405(a) of title 37, United States Code, is  
26 amended by striking “the Secretaries concerned may au-

1 thorize the payment of a per diem, considering” and in-  
2 serting “the Secretary concerned may pay a per diem in  
3 advance and, if such payment is authorized, shall con-  
4 sider”.

5 **SEC. 614. CHANGES IN THE ADMINISTRATION OF MOTOR**  
6 **VEHICLE TRANSPORTATION OR STORAGE.**

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

9 (1) in subsection (a)—

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

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

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

18 “(2) A member of an armed force authorized  
19 the transportation of a motor vehicle under para-  
20 graph (1) may be paid an amount that represents a  
21 prorated share, as determined annually by the Sec-  
22 retary of Defense, of savings achieved by the mem-  
23 ber not sending the vehicle to the new duty station.  
24 Such payment may be made in advance of the mem-  
25 ber’s change of permanent station.”;

1 (2) in subsection (b)—

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

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

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

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

19 “(5) A member of an armed force authorized  
20 the storage of a motor vehicle at the expense of the  
21 United States under this subsection may be paid an  
22 amount that represents a prorated share, as deter-  
23 mined annually by the Secretary of Defense, of sav-  
24 ings achieved by the member not storing the vehicle.

1 Such payment may be made in advance of the mem-  
 2 ber's change of permanent station.".

3 **Subtitle D—Servicemembers'**  
 4 **Group Life Insurance and Sur-**  
 5 **vivors Benefit Plan**

6 **SEC. 621. ELIGIBILITY OF CERTAIN MEMBERS OF THE INDI-**  
 7 **VIDUAL READY RESERVE FOR**  
 8 **SERVICEMEMBERS' GROUP LIFE INSURANCE.**

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

11 (1) by redesignating subparagraph (C) as sub-  
 12 paragraph (D);

13 (2) by striking “and” at the end of subpara-  
 14 graph (B); and

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

17 “(C) a person who volunteers for assign-  
 18 ment to a category in the Individual Ready Re-  
 19 serve of a uniformed service that is subject to  
 20 an involuntary call to active duty under section  
 21 12304 of title 10, United States Code; and”.

## 1                   **Subtitle E—Other Matters**

### 2   **SEC. 631. ELIGIBILITY FOR PRESIDENTIAL APPOINTMENT** 3                   **TO A SERVICE ACADEMY FOR CHILDREN OF** 4                   **RESERVE PERSONNEL.**

5           (a) ARMY.—Paragraph (1) of section 4342(b) of title  
6 10, United States Code, is amended—

7                   (1) in subparagraph (B), by striking “, other  
8                   than those granted retired pay under section 12731  
9                   of this title (or under section 1331 of this title as  
10                  in effect before the effective date of the Reserve Of-  
11                  ficer Personnel Management Act)”;

12                  (2) by adding at the end the following new sub-  
13                  paragraphs (C) and (D):

14                               “(C) are serving as a member of a reserve  
15                               component and have earned at least 2,880 re-  
16                               tirement points credited for purposes of section  
17                               12733 of this title; or

18                               “(D) are, or who died while they were, eli-  
19                               gible for retired pay under chapter 1223 of this  
20                               title, but had not yet reached age 60;”.

21           (b) NAVY.—Paragraph (1) of section 6954(b) of title  
22 10, United States Code, is amended—

23                   (1) in subparagraph (B), by striking “, other  
24                   than those granted retired pay under section 12731  
25                   of this title (or under section 1331 of this title as

1 in effect before the effective date of the Reserve Of-  
2 ficer Personnel Management Act)”; and

3 (2) by adding at the end the following new sub-  
4 paragraphs (C) and (D):

5 “(C) are serving as a member of a reserve  
6 component and who have earned at least 2,880  
7 retirement points countable for purposes of sec-  
8 tion 12733 of this title; or

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

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

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

19 (2) by adding at the end the following new sub-  
20 paragraphs (C) and (D):

21 “(C) are serving as a member of a reserve  
22 component and who have earned at least 2,880  
23 retirement points countable for purposes of sec-  
24 tion 12733 of this title; or

1           “(D) are, or who died while they were, eli-  
2           gible for retired pay under chapter 1223 of this  
3           title, but had not yet reached age 60;”.

4 **SEC. 632. PERSONAL MONEY ALLOWANCE FOR SENIOR EN-**  
5 **LISTED MEMBERS.**

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

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

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

11          “(3) \$2,000 a year, while serving as the senior  
12          enlisted member of one of the armed forces;”.

13 **SEC. 633. INCREASE IN UNIFORM ALLOWANCE FOR OFFI-**  
14 **CERS.**

15          (a) OFFICERS; INITIAL ALLOWANCE.—Section  
16 415(a) of title 37, United States Code, is amended by de-  
17 leting “\$200” and inserting “\$400”.

18          (b) OFFICERS; ADDITIONAL ALLOWANCE.—Section  
19 416(a) of title 37, United States Code, is amended by de-  
20 leting “\$100” and inserting “\$200”.

1 **SEC. 634. REVISION OF AUTHORITY TO PRESCRIBE THE**  
 2 **QUANTITY AND KIND OF CLOTHING TO BE**  
 3 **FURNISHED ANNUALLY TO ENLISTED MEM-**  
 4 **BERS (OR ALLOWANCE IN LIEU THEREOF).**

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

7 (1) in subsection (a), by striking “The Presi-  
 8 dent” and inserting “The Secretary of Defense and  
 9 the Secretary of Transportation, with respect to the  
 10 Coast Guard when it is not operating as a service  
 11 in the Navy,”; and

12 (2) in subsection (b), by striking “the Presi-  
 13 dent” and inserting “the Secretary of Defense”.

14 **TITLE VII—HEALTH CARE**  
 15 **PROVISIONS**

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

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

18 (a) IN GENERAL.—Chapter 55, title 10, United  
 19 States Code, is amended by inserting after section 1074g  
 20 the following new section:

21 **“§ 1074h. Medical and dental care: Medal of Honor re-**  
 22 **ipients**

23 “A person awarded a Medal of Honor pursuant to  
 24 sections 3741, 6241, 8741 of this title, or pursuant to sec-  
 25 tion 491 of title 14, is entitled to the medical and dental

1 benefits authorized by this chapter in the same manner  
 2 as if such person were a person described in section  
 3 1074(b) of this title. The spouse, unremarried widow,  
 4 unremarried widower, and child (as such terms are defined  
 5 in sections 1072(2)(A), (B), (C), and (D), respectively, of  
 6 this title) of such person are entitled to such medical and  
 7 dental benefits as are authorized by this chapter for a per-  
 8 son described in section 1076(b) of this title.”.

9 (b) CONFORMING AMENDMENT.—The table of sec-  
 10 tions at the beginning of such chapter is amended by in-  
 11 serting after the item relating to section 1074g the fol-  
 12 lowing new item:

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

13 **TITLE VIII—ACQUISITION POL-**  
 14 **ICY, ACQUISITION MANAGE-**  
 15 **MENT, AND RELATED MAT-**  
 16 **TERS**

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 Acqui-  
 sition Programs.
- Sec. 806. Department of Defense Acquisition Pilot Programs Authority Exten-  
 sion.
- 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 **Subtitle A—Amendments to Gen-**  
 2 **eral Contracting Authorities,**  
 3 **Procedures, and Limitations**

4 **SEC. 801. MULTIYEAR CONTRACT: ACQUISITION OF PROP-**  
 5 **ERTY.**

6 Section 2306b(1)(4) of title 10, United States Code,  
 7 is amended by inserting “that is subject to paragraph (3)”  
 8 after “The head of an agency may not enter into a  
 9 multiyear contract (or extend an existing multiyear con-  
 10 tract)”.

11 **SEC. 802. ELIMINATION OF THE REQUIREMENT TO FUR-**  
 12 **NISH WRITTEN ASSURANCES OF TECHNICAL**  
 13 **DATA CONFORMITY.**

14 Section 2320(b) of title 10, United States Code, is  
 15 amended—

16 (1) by striking paragraph (b)(7); and

17 (2) by re-designating paragraphs (b)(8) and  
 18 (b)(9) as (b)(7) and (b)(8), respectively.

1 **SEC. 803. ELIMINATION OF SUBCONTRACT NOTIFICATION**  
2 **REQUIREMENTS.**

3 Section 2306(e) of title 10, United States Code is  
4 amended to read as follows:

5 “(e) Except for contracts with a contractor that  
6 maintains a purchasing system that has been approved by  
7 the cognizant contracting officer, each cost contract and  
8 each cost-plus-a-fixed-fee contract shall include a contract  
9 provision that requires the contractor to notify the agency,  
10 prior to the award under a prime contract, of—

11 “(1) a cost-plus-a-fixed-fee subcontract; or

12 “(2) a fixed-price subcontract or purchase order  
13 involving more than the greater of—

14 “(A) the simplified acquisition threshold;

15 or

16 “(B) five percent of the estimated cost of  
17 the prime contract.”.

18 **SEC. 804. CERTAINTY IN APPLICATION OF COST PRIN-**  
19 **CIPLES.**

20 Section 2324(l)(1)(A) is amended—

21 (1) by inserting after “cost incentives” the fol-  
22 lowing: “(including fixed price modifications thereto  
23 without cost incentives)”; and

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

1 **SEC. 805. AUTHORIZATION FOR CONTRACTOR PARTICIPA-**  
2 **TION IN TESTING DEFENSE ACQUISITION**  
3 **PROGRAMS.**

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

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

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

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

15 (3) in subsection (d)—

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

18 (B) by striking “defense acquisition pro-  
19 gram” and inserting in lieu thereof “system”;

20 (C) by making the second sentence a para-  
21 graph and inserting “(2)” at the beginning of  
22 such new paragraph;

23 (D) in the newly designated paragraph (2),  
24 by striking “the preceding sentence” and insert-  
25 ing in lieu thereof “paragraph (1)”, and

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

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

9           “(4) Exceptions authorized under paragraphs  
10 (2) and (3) shall require steps to ensure the impar-  
11 tiality of such employees and the integrity of the  
12 testing and evaluation. In any case in which the Sec-  
13 retary authorizes involvement by such employees  
14 under the subsection, the Secretary shall include in  
15 the test and evaluation master plan for the program  
16 concerned and the operational test and evaluation  
17 plan the following:

18           “(A) An identification of the specific in-  
19 volvement of such employees in the operational  
20 test and evaluation.

21           “(B) The steps taken to ensure the impar-  
22 tiality of such employees or to ensure that such  
23 employees could not affect the integrity of the  
24 test and evaluation.”;

25           (4) in subsection (e)—

1 (A) by striking “development, production,  
2 or testing” and inserting in lieu thereof “devel-  
3 opment or production”; and

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

6 “(3) A contractor that has participated in (or  
7 is participating in) the development or production of  
8 a system for a military department or Defense Agen-  
9 cy (or for another contractor of the Department of  
10 Defense) may not be involved (in any way) in the es-  
11 tablishment of operational test evaluation criteria:

12 “(A) for data collection;

13 “(B) for performance assessment; or

14 “(C) for evaluation activities.”.

15 **SEC. 806. DEPARTMENT OF DEFENSE ACQUISITION PILOT**  
16 **PROGRAMS AUTHORITY EXTENSION.**

17 Notwithstanding section 5064(d) of the Federal Ac-  
18 quisition Streamlining Act of 1994 (Public Law 103–355;  
19 108 Stat. 3361), the special authorities provided under  
20 section 5064(e) of such Act shall continue to apply with  
21 respect to programs designated under section 5064(a) of  
22 such Act through the end of production of such programs.

1 **SEC. 807. ELECTRONIC ACCESS TO BUSINESS OPPORTUNI-**  
2 **TIES.**

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

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

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

22 (2) by redesignating subsections (h), (i), (j),  
23 and (k) as subsections (i), (j), (k), and (l), respec-  
24 tively; and

25 (3) by inserting after subsection (g), the fol-  
26 lowing new subsection (h):

1       “(h) Providing widespread electronic public notice of  
2 the solicitation in a form that allows convenient and uni-  
3 versal user access through the single Government-wide  
4 point of entry (designated in the Federal Acquisition Reg-  
5 ulation) will satisfy the publication requirements of this  
6 section.”.

7       (b) OFFICE OF FEDERAL PROCUREMENT POLICY  
8 ACT.—(1) Section 18 of the Office of Federal Procure-  
9 ment Policy Act (41 U.S.C. 416) is amended—

10           (A) in subsection (a)—

11               (i) by redesignating paragraphs (4), (5),  
12               and (6) as paragraphs (5), (6), and (7), respec-  
13               tively; and

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

16           “(4) Whenever a notice required by paragraph  
17           (1)(A) is accessible electronically through the single  
18           Government-wide point of entry (designated in the  
19           Federal Acquisition Regulation) as provided for in  
20           subsection (e) of this section, the wait period set  
21           forth in paragraph (3)(A) shall be reduced by 5  
22           days. If the solicitation applying to that notice also  
23           is accessible electronically through the single Gov-  
24           ernment-wide point of entry as provided for in sub-  
25           section (e), either simultaneously with or subsequent

1 to the notice, the wait period in paragraph (3)(A)  
2 shall not apply and the period specified in paragraph  
3 (3)(B) for submission of bids or proposals shall  
4 begin to run from the date the solicitation becomes  
5 accessible electronically.”; and

6 (B) by adding at the end the following new sub-  
7 section:

8 “(e) Providing widespread electronic public notice of  
9 the solicitation in a form that allows convenient and uni-  
10 versal user access through the single Government-wide  
11 point of entry (designated in the Federal Acquisition Reg-  
12 ulation) will satisfy the publication requirements of this  
13 section.”; and

14 (2) Section 30 of the Office of Federal Procurement  
15 Policy Act (41 U.S.C. 426) is amended in subsection (e)—

16 (A) by striking in the first sentence the words  
17 “and every year afterward through 2003” and in-  
18 serting in lieu thereof “and every even numbered  
19 year afterward through 2004”; and

20 (B) by striking in paragraph (4) the words  
21 “during the previous calendar year” and inserting in  
22 lieu thereof “during the previous two fiscal years”.

23 (c) IMPLEMENTATION.—This section shall not apply  
24 to the extent the President determines it is inconsistent

1 with any international agreement to which the United  
2 States is a party.

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

4 (a) IN GENERAL.—Chapter 141 of title 10, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7 **“§ 2410q. Use of indefinite-delivery contracts**

8 “(a) INDEFINITE DELIVERY CONTRACTS.—The Sec-  
9 retary of Defense may authorize orders to be made, either  
10 directly or through the contracting officer, from Depart-  
11 ment of Defense indefinite-delivery contracts, established  
12 in support of either the military services or Department  
13 of Defense activities, for gloves, boots, humanitarian and  
14 operational rations, and toxicological agent protection  
15 clothing, including chemical protective gloves by any of the  
16 following entities upon request—

17 “(1) a State or United States territory, any de-  
18 partment or agency of a State or territory, and any  
19 political subdivision of a State or territory, including  
20 a local government;

21 “(2) the Commonwealth of Puerto Rico;

22 “(3) the government of an Indian tribe (as de-  
23 fined in section 450b(e) of title 25);

24 “(4) the District of Columbia; and

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

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

10          “(c) REIMBURSEMENT.—In any case in which an en-  
11 tity listed in paragraph (a) makes an order against a De-  
12 partment of Defense indefinite-delivery contract, the Sec-  
13 retary of Defense may require the entity to reimburse the  
14 Department of Defense for any administrative costs asso-  
15 ciated with making an order.”.

16          (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of chapter 141 of title 10, United States  
18 Code, is amended by adding at the end the following new  
19 item:

“2410q. Use of indefinite-delivery contracts.”.

## 20                   **Subtitle B—Other Matters**

### 21   **SEC. 811. PRICE PREFERENCE ADJUSTMENTS IN SELECTED** 22                   **INDUSTRY CATEGORIES.**

23          Section 2323(e)(3)(B) of title 10, United States  
24 Code, is amended by redesignating clause “(iii)” as clause

1 “(iv)” and by inserting after clause (ii) the following new  
2 clause (iii):

3 “(iii) No suspension shall be issued in  
4 an industry category under this paragraph  
5 if the President, or his designee, deter-  
6 mines in writing that contracts for a price  
7 exceeding fair market cost are necessary to  
8 remedy demonstrated discrimination in  
9 such industry category. Any such deter-  
10 mination shall be published in the Federal  
11 Register not less than 60 days before be-  
12 coming effective. Any person or entity ad-  
13 versely affected by the application of such  
14 designation may seek judicial review in the  
15 appropriate United States District Court.”.

16 **SEC. 812. REVISION TO DEFINITION OF CONVENTIONAL AM-**  
17 **MUNITION FOR SINGLE MANAGER PROCURE-**  
18 **MENT.**

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

22 “(c) CONVENTIONAL AMMUNITION DEFINED.—For  
23 purposes of this section, the term ‘conventional ammuni-  
24 tion’ is that ammunition managed by the Department’s  
25 Single Manager for Conventional Ammunition, including:

- 1           (1) Small arms, mortar, automatic cannon, ar-  
2           tillery, and ship gun ammunition.
- 3           (2) Bombs (cluster, fuel air explosive, general  
4           purpose, and incendiary).
- 5           (3) Unguided rockets, projectiles, and submuni-  
6           tions.
- 7           (4) Chemical ammunition with various fillers  
8           (incendiary, not control, smoke, toxic agents, burster  
9           igniters, peptizers, and thickeners for flame fuel).
- 10          (5) Land mines (ground-to-ground and air-to-  
11          ground delivered).
- 12          (6) Demolition materiel.
- 13          (7) Grenades.
- 14          (8) Flares and pyrotechnics.
- 15          (9) All components of items included in para-  
16          graphs (1) through (8), above, such as explosives,  
17          propellants, chemical agents, cartridges, propelling  
18          charges, projectiles, warheads (with various fillers  
19          such as high explosive, illuminating, incendiary,  
20          antimateriel, and antipersonnel), fuzes, boosters, and  
21          safe and arm devices in bulk, combination, or sepa-  
22          rately packaged items of issue for complete round  
23          assembly.
- 24          (10) Related ammunition containers and pack-  
25          ing items of issue for complete round assembly.”.

1 **SEC. 813. EXTENSION OF JOINT DIRECT ATTACK MUNITION**  
2 **PILOT PROGRAM AUTHORITY.**

3 Notwithstanding section 5064(d) of the Federal Ac-  
4 quisition Streamlining Act of 1994 (Public Law 103–355;  
5 108 Stat. 3361), the special authorities provided under  
6 section 5064(e) of such Act shall apply with respect to  
7 all contracts awarded or modifications executed for the  
8 Joint Direct Attack Mmunition program from the full-rate  
9 production decision through the end of production of such  
10 program; provided, that the Secretary of Defense may  
11 award Joint Direct Attack Mmunition contracts and modi-  
12 fications on the same terms and conditions as contained  
13 in the Joint Direct Attack Mmunition Contract F08626–  
14 94–C–0003.

15 **SEC. 814. TECHNICAL DATA RIGHTS FOR ITEMS DEVEL-**  
16 **OPED EXCLUSIVELY AT PRIVATE EXPENSE.**

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

19 (1) in subparagraph (C), by striking “(iii) is  
20 necessary for operation, maintenance, installation, or  
21 training (other than detailed manufacturing or proc-  
22 ess data); or” and inserting “(iii) is necessary for  
23 normal operation, maintenance, or installation (other  
24 than detailed manufacturing or process data) when  
25 such services are to be provided by other than the  
26 contractor or its subcontractor, in such cases, the

1 provision of the rights involved shall be subject to  
2 negotiations between the government and the con-  
3 tractor(s) involved;”;

4 (2) by striking “or” at the end of clause  
5 (C)(iii);

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

7 (4) by inserting after clause (C)(iii) the fol-  
8 lowing new clause (C)(iv):

9 “(iv) is necessary for critical oper-  
10 ation, maintenance, or installation of de-  
11 ployed equipment, when such services are  
12 to be provided by other than the contractor  
13 or its subcontractor; or”; and

14 (5) in clause (F)(i)—

15 (A) in subclause (I), by striking “(C)” and  
16 inserting “(C)(i), (C)(ii), (C)(iv), or (C)(v)”;  
17 and

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

20 “(III) under the conditions de-  
21 scribed in subparagraph (a)(2)(C)(iii),  
22 reaching agreement in negotiations  
23 concerning provision of the rights in-  
24 volved may not be required as a condi-  
25 tion of being responsive to a solicita-

1                   tion, but may be a condition for the  
2                   award of a contract; or”.

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

6           (a) **WAIVER.**—Notwithstanding the requirement of  
7 section 2366(e)(1) of title 10, United States Code, that  
8 any waiver by the Secretary of Defense of the application  
9 of the survivability tests to a covered system occur before  
10 the system or program enters engineering and manufac-  
11 turing development, and notwithstanding the requirements  
12 of section 142 of the National Defense Authorization Act  
13 for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
14 2338) that operational test and evaluation and surviv-  
15 ability testing of the MH-47E helicopters and MH-60K  
16 helicopters be completed prior to full materiel release of  
17 the helicopters for operational use, the Secretary may  
18 waive the application of the survivability tests to the MH-  
19 47E and MH-60K helicopter modification programs be-  
20 fore full materiel release of the MH-47E and MH-60K  
21 helicopters for operational use.

22           (b) **REPORT.**—Except as provided in subsection (a)  
23 above, any waiver by the Secretary of Defense of the appli-  
24 cation of the survivability tests to the MH-47E and MH-  
25 60K helicopters shall comply with all other requirements

1 of subsection (c) of section 2366 of title 10, United States  
2 Code.

3 **SEC. 816. REPEAL OF CERTIFICATION OF FUNDING FOR**  
4 **SUPPORT COSTS IN THE FIVE YEAR DEFENSE**  
5 **PROGRAM.**

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

8 (1) by striking “each of the following conditions  
9 is satisfied.”;

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

11 (3) by striking “(B) The” and inserting “the”.

12 **TITLE IX—DEPARTMENT OF DE-**  
13 **FENSE ORGANIZATION AND**  
14 **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.

1 **Subtitle A—Department of Defense**  
2 **Organization**

3 **SEC. 901. CHANGE OF NAME FOR CERTAIN OFFICIALS OF**  
4 **THE HEADQUARTERS, MARINE CORPS.**

5 (a) INSTITUTION OF POSITIONS AS DEPUTY COM-  
6 MANDANTS.—Section 5041(b) of title 10, United States  
7 Code, is amended—

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

10 “(3) The Deputy Commandants.”; and

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

13 (b) DESIGNATION OF DEPUTY COMMANDANTS.—Sec-  
14 tion 5045 of title 10, United States Code, is amended—

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

18 (2) in the first sentence, by striking “a Chief of  
19 Staff, not more than five Deputy Chiefs of Staff,  
20 and not more than three Assistant Chiefs of Staff,”  
21 and inserting “not more than five Deputy Com-  
22 mandants,”.

23 (c) CLERICAL AMENDMENT.—The table of sections  
24 at the beginning of chapter 506 of title 10, United States

1 Code, is amended by revising the item relating to section  
2 5045 to read as follows:

“5045. Deputy Commandants.”.

3 (d) CONFORMING AMENDMENT.—Section  
4 1502(7)(D) of the Armed Forces Retirement Home Act  
5 of 1991 (24 U.S.C. 401) is amended to read as follows:

6 “(D) the Deputy Commandant of the Ma-  
7 rine Corps responsible for personnel matters.”.

8 **SEC. 902. AMENDMENT TO BROADEN THE DEFINITION OF**  
9 **INSPECTOR GENERAL AND TO CLARIFY RE-**  
10 **SPONSIBILITIES.**

11 (a) CLARIFICATION OF RESPONSIBILITIES.—Para-  
12 graph 1034(e)(3)(A) of title 10, United States Code, is  
13 amended by inserting “, in accordance with regulations  
14 prescribed under subsection (h),” after “shall expedi-  
15 tiously determine”.

16 (b) REDEFINITION OF “INSPECTOR GENERAL.”—  
17 Paragraph 1034(i)(2) of title 10, United States Code, is  
18 amended by striking subparagraphs (C), (D), (E), (F) and  
19 (G) and inserting after subparagraph (B) the following  
20 new subparagraph (C):

21 “(C) An officer of the armed forces or em-  
22 ployee assigned or detailed to serve as an In-  
23 spector General at any level in the Department  
24 of Defense.”.

1 **SEC. 903. AUTHORITY TO WITHHOLD FROM PUBLIC DISCLO-**  
2 **SURE CERTAIN SENSITIVE INFORMATION.**

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

6 **“§ 130b. Authority to protect and withhold from pub-**  
7 **lic disclosure certain sensitive informa-**  
8 **tion of foreign governments and inter-**  
9 **national organizations**

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

15 “(b) Subsection (a) applies to any information that  
16 a foreign government or international organization has  
17 provided to, otherwise made available to, or produced in  
18 cooperation with the United States if the Secretary con-  
19 cerned determines that the foreign government or inter-  
20 national organization is withholding the information from  
21 public disclosure (relying for that determination on the  
22 written representation of the foreign government or inter-  
23 national organization to that effect) and that any of the  
24 following conditions are met:

1           “(1) The foreign government or international  
2 organization requests, in writing, that the informa-  
3 tion be withheld.

4           “(2) The information was provided or made  
5 available to the United States Government on the  
6 condition that it not be released to the public.

7           “(3) The information is an item of information,  
8 or is in a category of information, that the Secretary  
9 concerned has specified in regulations under sub-  
10 section (f) would have an adverse effect on the abil-  
11 ity of the United States Government to obtain the  
12 same or similar information in the future.

13          “(c)(1) In the case of a request submitted to the head  
14 of an agency for disclosure of information that came into  
15 the possession or under the control of the United States  
16 Government before the date of the enactment of the Na-  
17 tional Defense Authorization Act for Fiscal Year 2000 and  
18 more than 25 years before the date on which the request  
19 is received by the agency, the information may be withheld  
20 only as set forth in paragraph (3).

21          “(2)(A) In the case of a request submitted to the  
22 head of an agency for disclosure of information that came  
23 into the possession or under the control of the United  
24 States Government on or after the date referred to in  
25 paragraph (1), the authority of the Secretary of Defense,

1 the Secretary of the Department in which the Coast Guard  
2 is operating, or the Secretary of Energy to withhold the  
3 information under this section is subject to the provisions  
4 of subparagraphs (B) and (C).

5           “(B) Information referred to in subparagraph  
6 (A) may not be withheld under the section after—

7           “(i) the date that is specified by the foreign  
8 government or international organization concerned  
9 in a request or condition of the foreign government  
10 or international organization described in paragraph  
11 (1) or (2) of subsection (b); or

12           “(ii) if there are more than one such foreign  
13 government or international organization, the latest  
14 date so specified by any of them.

15           “(C) If no date is applicable under subpara-  
16 graph (B) to a request for disclosure of any informa-  
17 tion described in subparagraph (A) that came into  
18 possession or under the control of the United States  
19 more than 10 years before the date on which the re-  
20 quest is received by an agency the Secretary of De-  
21 fense, or the Secretary of the Department in which  
22 the Coast Guard is operating, or the Secretary of  
23 Energy may withhold the information withheld  
24 under this section only as set forth in paragraph (3).

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

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

1           “(e) Nothing in this section shall be construed to au-  
2 thorize the Secretary of Defense, or the Secretary of the  
3 Department in which the Coast Guard is operating, or the  
4 Secretary of Energy to withhold, or to authorize the with-  
5 holding of, information from the appropriate committees  
6 of the Congress.

7           “(f) Nothing in this section shall be construed to au-  
8 thorize heads of agencies to withhold, or to authorize the  
9 withholding of, information from the Comptroller General,  
10 unless the information relates to activities that the Presi-  
11 dent designates as foreign intelligence or counterintel-  
12 ligence activities.

13           “(g)(1) The Secretary of Defense, or the Secretary  
14 of Transportation, and the Secretary of Energy shall pre-  
15 scribe regulations to carry out this section. The regula-  
16 tions shall include criteria for making the determinations  
17 required under subsection (b). The regulations may pro-  
18 vide for controls on access to and use of, and special mark-  
19 ings and specific safeguards for, a category or categories  
20 of information subject to this section.

21           “(2) The regulations shall include procedures for no-  
22 tifying and consulting with each foreign government or  
23 international concerned about requests for information to  
24 which this section applies.

25           “(h) In this section—

1           “(1) The term ‘agency’ has the meaning given  
2 that term in section 552(f) of title 5, United States  
3 Code. The term ‘international organization’ means:

4           “(A) a public international organization  
5 designated pursuant to section 1 of the Inter-  
6 national Organizations Immunities Act (59  
7 Stat. 669; 22 U.S.C. 288) as being entitled to  
8 enjoy the privileges, exemptions and immunities  
9 provided in such Act;

10           “(B) a public international organization  
11 created pursuant to a treaty or other inter-  
12 national agreement as an instrument through  
13 or by which two or more foreign governments  
14 engage in some aspect of their conduct of inter-  
15 national affairs; and

16           “(C) an official mission (other than a  
17 United States mission to a public international  
18 organization referred to on) to a public inter-  
19 national organization referred to in subpara-  
20 graph (A) or (B).”.

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

“130b. Authority to protect and withhold from public disclosure certain sensitive  
information of foreign governments and international organiza-  
tions.”.

1           **Subtitle B—Other Matters**

2   **SEC. 911. TO CONSOLIDATE VARIOUS DEPARTMENT OF THE**  
3                   **NAVY TRUST AND GIFT FUNDS.**

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

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

10          “(a)(1) The Secretary of the Navy may accept, hold,  
11 administer, and spend gifts and bequests of personal prop-  
12 erty, and loans of personal property other than money,  
13 made on the condition that it be used for the benefit of,  
14 or for use in connection with, the Naval Academy or the  
15 Naval Academy Museum, its collection, or its services.  
16 Gifts or bequests of money and the proceeds from the sales  
17 of property received as gifts shall be deposited in the  
18 Treasury in the fund called ‘United States Naval Academy  
19 Gift and Museum Fund.’ The Secretary may disburse  
20 funds deposited under this subsection for the benefit or  
21 use of the Naval Academy or the Naval Academy Museum  
22 subject to the terms of the gift or bequest.

23          “(2) The Secretary shall develop written guidelines  
24 to be used in determining whether the acceptance of  
25 money, personal property or loans of personal property

1 under paragraph (1) would reflect unfavorably upon the  
2 ability of the Department of the Navy or any employee  
3 of the Department of the Navy to carry out its responsibil-  
4 ities or his or her official duties in a fair and objective  
5 manner, or would compromise the integrity, or the appear-  
6 ance of the integrity, of its programs or any official in-  
7 volved in those programs.”; and

8           (2) in subsection 6973(c), by striking “United  
9 States Naval Academy general gift fund” both times  
10 such phrase appears in the subsection and by insert-  
11 ing in lieu thereof, in each instance, “United States  
12 Naval Academy Gift and Museum Fund.”.

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

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

17       (d) TRANSFER OF FUNDS.—

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

1           (2) NAVY GENERAL GIFT FUND.—All funds cur-  
2           rently deposited or held in the Naval Historical Cen-  
3           ter Fund, established pursuant to section 7222 of  
4           such title 10, shall be transferred to the Department  
5           of the Navy General Gift Fund authorized by section  
6           2601 of such title 10.

7           (e) CLERICAL AMENDMENTS.—

8           (1) CHAPTER 603.—The Table of Sections at  
9           the beginning of Chapter 603 of such title 10 is  
10          amended by striking the item relating to section  
11          6974.

12          (2) CHAPTER 631.—The Table of Sections at  
13          the beginning of Chapter 631 of such title 10 is  
14          amended by striking the item relating to section  
15          7222.

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

17          Notwithstanding section 6973 of title 10, United  
18          States Code, during fiscal year 2000 the Secretary of the  
19          Navy may dispose of the current cash value of a previously  
20          accepted gifts to the Naval Academy Gift Fund by trans-  
21          fer to an entity designated by the donor.

1 **SEC. 913. MAILING PRIVILEGES OF MEMBERS OF THE**  
2 **ARMED FORCES OF THE UNITED STATES AND**  
3 **OF FRIENDLY FOREIGN NATIONS.**

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

6 (1) by striking “100 inches in length and girth  
7 combined” and inserting “maximum size of Stand-  
8 ard Mail (B)”; and

9 (2) by striking “100 inches in length and girth  
10 combined” and inserting “maximum size of Stand-  
11 ard Mail (B)”.

12 **SEC. 914. COMMERCIAL PERSONNEL TRANSFER PROGRAM**  
13 **FOR SCIENCE AND ENGINEERING.**

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

17 **“§ 2195a. Science and engineering cooperative com-  
18 mercial personnel transfer program**

19 “(a) The Secretary of Defense may establish a pilot  
20 program for the assignment of no more than one hundred  
21 individuals employed by private commercial entities to the  
22 Department of Defense to conduct science and engineering  
23 functions. Each such assignment shall—

24 “(1) be on a temporary basis;

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

1           “(3) exclude involvement in managerial or pol-  
2           icy-making functions of the Department; and

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

5           “(b) The terms of an assignment made under sub-  
6           section (a) shall be in writing. Such terms may not include  
7           an exemption from any statute or regulation otherwise ap-  
8           plicable to the employee or the private commercial em-  
9           ployer.

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

16          “(d) An employee assigned to the Department of De-  
17          fense pursuant to subsection (a) may—

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

22                 “(2) be deemed to be on a detail to the Depart-  
23                 ment.

24          For purposes of this section, a detail is the temporary as-  
25          signment of a private commercial entity employee to the

1 Department of Defense, with the expectation that the em-  
2 ployee will return to the employee's position of record with  
3 the private commercial entity at the expiration of the de-  
4 tail. The employee, while remaining an employee of the  
5 private commercial entity during the period of the detail  
6 for purposes of establishing eligibility for benefits and lon-  
7 gevity in accordance with subsections (g) and (i), shall be  
8 paid by the Department of Defense in accordance with  
9 subsections (e) and (i).

10       “(e) A person given an assignment, whether by detail  
11 or appointment, pursuant to subsection (a), shall be paid  
12 solely by the Department of Defense at a rate established  
13 by the Secretary, of not less than the equivalent of grade  
14 12, step 1, of the General Schedule, and not to exceed  
15 the maximum rate provided in section 5306(e) of title 5,  
16 except that, under regulations established by the Sec-  
17 retary, the Secretary may provide such person compensa-  
18 tion (in addition to base pay), including benefits (to the  
19 extent not prohibited by subsection (f)), incentives, and  
20 allowances, consistent with, and not in excess of the level  
21 authorized for, comparable positions authorized by title 5.

22       “(f) A person assigned to the Department of Defense  
23 pursuant to subsection (a) is deemed, for the period of  
24 the assignment, to be an employee of the Department of

1 Defense for all purposes, except as otherwise provided in  
2 this section and except for—

3 “(1) subchapter III of chapter 83 of this title  
4 or other applicable retirement systems;

5 “(2) chapter 87 of this title; and

6 “(3) chapter 89 of this title or other applicable  
7 health benefits system unless his appointment re-  
8 sults in the loss of coverage in a group health bene-  
9 fits plan the premium of which has been paid in  
10 whole or in part by contribution by the private com-  
11 mercial entity.

12 “These exceptions shall not apply to non-Federal em-  
13 ployees who are covered by chapters 83, 87, and 89 of  
14 this title by virtue of their non-Federal employment imme-  
15 diately before assignment and appointment under this sec-  
16 tion.

17 “(g) Notwithstanding subsection (f) and section 209  
18 of title 18, the period of time a private commercial entity  
19 employee is assigned to the Department pursuant to this  
20 section may be counted by the private commercial entity,  
21 for purposes of determining the employee’s longevity or  
22 seniority with that private sector entity, as if it were em-  
23 ployment with that entity.

24 “(h) An employee of a private commercial entity who  
25 is provided an appointment in the Department of Defense

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

18       “(i) During the period that the private commercial  
19 entity employee is assigned to the Department of Defense  
20 pursuant to this section, the employer’s contributions to  
21 the private commercial entity’s retirement, life insurance,  
22 and health benefit plans covering the employee’s period  
23 of assignment may be made from the appropriations of  
24 the Department of Defense, as if paid by the private com-

1 merical entity, if provision is made for such payments by  
2 the agreement required under subsection (b).

3 “(j) For purposes of this section, a “private commer-  
4 cial entity” means a non-Federal commercial organization,  
5 including a corporation, partnership, sole proprietorship,  
6 limited liability company, or other such form of commer-  
7 cial enterprise.

8 “(k) The authority under subsection (a) expires five  
9 years after the effective date of this Act, but may be termi-  
10 nated earlier at the discretion of the Secretary of Defense.

11 “(l) The Secretary of Defense shall evaluate the pilot  
12 program established pursuant to this section and shall re-  
13 port to the President and the Congress on whether the  
14 program should be continued in its current form, ex-  
15 panded within the Department of Defense, or expanded  
16 to include other government agencies. This report shall be  
17 submitted during the fourth year of the pilot program.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of such chapter 111 is amended by insert-  
20 ing after the item relating to section 2195 the following  
21 new item:

“2595a. Science and engineering cooperative commercial personnel transfer pro-  
gram.”.

1 **SEC. 915. PILOT PROGRAM FOR PAYMENT OF RETRAINING**  
2 **AND RELOCATION EXPENSES.**

3 (a) IN GENERAL.—Chapter 141 of title 10, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 2410o. Pilot program for payment of retraining**  
7 **and relocation expenses**

8 “(a) AUTHORITY.—The Secretary of Defense may es-  
9 tablish a pilot program for the payment of retraining and  
10 relocation expenses in accordance with this section to fa-  
11 cilitate the reemployment of eligible employees of the De-  
12 partment of Defense who are being involuntarily separated  
13 due to a reduction-in-force or a transfer of functions of  
14 the facility or military installation where such persons are  
15 employed. Under the pilot program, the Secretary may pay  
16 retraining and relocation incentives to encourage non-Fed-  
17 eral employees to hire and retain such employees.

18 “(b) ELIGIBLE EMPLOYEES.—For purposes of this  
19 section, an eligible employee is an employee of the Depart-  
20 ment of Defense, serving under an appointment without  
21 time limitation, who has been employed by the Depart-  
22 ment of Defense for a continuous period of at least 12  
23 months and who has been given notice of separation pur-  
24 suant to a reduction in force, except that such term does  
25 not include—

1           “(1) a reemployed annuitant under subchapter  
2           III of chapter 83 of title 5, chapter 84 of title 5, or  
3           another retirement system for employees of the Gov-  
4           ernment;

5           “(2) an employee who, upon separation from  
6           Federal service, is eligible for an immediate annuity  
7           under subchapter III of chapter 83 of title 5 or sub-  
8           chapter II of chapter 84 of title 5; or

9           “(3) an employee who is eligible for disability  
10          retirement under any of the retirement systems re-  
11          ferred to in paragraph (1).

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

16                 “(A) to employ a person referred to in sub-  
17                 section (a) for at least 12 months for a salary that  
18                 is mutually agreeable to the employer and such per-  
19                 son; and

20                 “(B) to certify to the Secretary the cost in-  
21                 curred by the employer for any necessary training  
22                 provided to such person in connection with the em-  
23                 ployment by that employer.

24          “(2) The Secretary shall pay a retraining incentive  
25          to the non-Federal employer upon the employee’s comple-

1 tion of 12 months of continuous employment with that em-  
2 ployer. Subject to subsection (f), the Secretary shall pre-  
3 scribe the amount of the incentive.

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

8 “(4) In no event may the amount of retraining incen-  
9 tive paid for the training of any one person under the pilot  
10 program exceed the amount certified for that person under  
11 paragraph (1).

12 “(d) APPROVAL OF THE SECRETARY OF DEFENSE.—  
13 The Secretary of a military department or the head of a  
14 Defense Agency may offer an incentive under the pilot  
15 program with the prior approval of the Secretary of De-  
16 fense or pursuant to a delegation of authority by the Sec-  
17 retary of Defense.

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

21 “(f) DURATION.—No incentive may be paid the pilot  
22 program for training or relocations commenced after Sep-  
23 tember 30, 2003.

24 “(g) DEFINITIONS.—In this section:

1           “(1) The term ‘non-Federal employer’ means  
2           an employer that is not an Executive Agency, as de-  
3           fined in section 105 of title 5, or the legislation or  
4           judicial branch of the Federal Government.

5           “(2) The term ‘Defense Agency’ has the mean-  
6           ing given such term in section 101(a)(11) of this  
7           title.

8           “(h) OMB A-76 COST COMPARISON.—For purposes  
9           of this program, any costs incurred shall not be added as  
10          one-time costs for the purposes of any cost comparisons  
11          pursuant to the Office of Management and Budget Cir-  
12          cular A-76.”.

13          “(b) CLERICAL AMENDMENT.—The table of sections  
14          at the beginning of such chapter 141 is amended by add-  
15          ing at the end the following new item:

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

## 16   **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 Depart-  
ment of Defense.
- Sec. 1004. Codification of Annual Recurring Appropriations Act General Provi-  
sion for Reimbursements Related to Certain Reserve Intel-  
ligence or Counterintelligence Support.

### Subtitle B—Humanitarian and Civic Assistance

- Sec. 1011. Clarification of Authority to Provide Humanitarian and Civic Assist-  
ance.
- 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.

1           **Subtitle A—Financial Matters**

2   **SEC. 1001. ADMINISTRATIVE OFFSETS FOR TRANSPOR-**  
3                   **TATION OVERPAYMENTS.**

4           (a) **OFFSETS FOR OVERPAYMENTS.**—Section 2636 of  
5 title 10, United States Code, is amended—

6                   (1) by striking the section heading and sub-  
7                   stituting in lieu thereof:

8   **“§ 2636. Deductions from carriers supporting the De-**  
9                   **partment of Defense”;**

10                   (2) by inserting “or as an administrative offset  
11                   for overpayments previously paid to the carrier or  
12                   liquidated damages due under Department of De-  
13                   fense contracts for transportation services” after  
14                   “for a military department”; and

15                   (3) by striking the period at the end of the sec-  
16                   tion and inserting “or, in the case of overcharges or  
17                   liquidated damages, the appropriation or account  
18                   that funded the transportation services. The con-  
19                   tracting officer may offset amounts less than the

1 simplified acquisition threshold after providing the  
2 notice required by section 3716(a) of title 31.”.

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

“2636. Deductions from carriers supporting the Department of Defense.”.

7 **SEC. 1002. DATE FOR SUBMISSION OF JOINT REPORT ON**  
8 **SCORING OF BUDGET OUTLAYS.**

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

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

16 (2) in paragraph (a)(1), by striking, “major  
17 functional category 050” and all that follows  
18 through “section 1105 of title 31;”, and inserting  
19 “subfunction category 051 (Department of De-  
20 fense—Military) for that budget;”;

21 (3) in the catchline to subsection (b), by strik-  
22 ing “USE OF AVERAGES.—” and inserting “USE OF  
23 DIFFERENCES.—”; and

24 (4) in subsection (b), by striking “, the report  
25 shall reflect the average of the relevant outlay rates

1 or assumptions used by the two offices.” and insert-  
2 ing “, the report shall reflect the differences between  
3 the relevant outlay rates or assumptions used by the  
4 two offices. For each account where a difference ex-  
5 ists, the report also shall display the budget year  
6 budget authority (BA), the rates, and the outlays  
7 estimated by both offices.”.

8 **SEC. 1003. REPEAL OF REQUIREMENT FOR TWO-YEAR**  
9 **BUDGET CYCLE FOR THE DEPARTMENT OF**  
10 **DEFENSE.**

11 Section 1405 of the Department of Defense Author-  
12 ization Act, 1986 (31 U.S.C. 1105 note) is repealed.

13 **SEC. 1004. CODIFICATION OF ANNUAL RECURRING APPRO-**  
14 **PRIATIONS ACT GENERAL PROVISION FOR**  
15 **REIMBURSEMENTS RELATED TO CERTAIN**  
16 **RESERVE INTELLIGENCE OR COUNTERINTEL-**  
17 **LIGENCE SUPPORT.**

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

21 “(c) OPERATION AND MAINTENANCE REIMBURSE-  
22 MENTS.—Amounts appropriated for operation and main-  
23 tenance of the Military Departments, the Combatant Com-  
24 mands and Defense Agencies shall be available for reim-  
25 bursement of pay, allowances and other expenses which

1 would otherwise be incurred against appropriations for the  
 2 National Guard and Reserve when members of the Na-  
 3 tional Guard and Reserve provide intelligence or counter-  
 4 intelligence support to Combatant Commands, Defense  
 5 Agencies and Joint Intelligence activities, including the ac-  
 6 tivities and programs included within the National For-  
 7 eign Intelligence Program (NFIP), the Joint Military In-  
 8 telligence Program (JMIP), and the Tactical Intelligence  
 9 and Related Activities (TIARA) aggregate. Nothing in this  
 10 subsection authorizes deviation from established Reserve  
 11 and National Guard personnel and training procedures.”.

## 12 **Subtitle B—Humanitarian and** 13 **Civic Assistance**

### 14 **SEC. 1011. CLARIFICATION OF AUTHORITY TO PROVIDE HU-** 15 **MANITARIAN AND CIVIC ASSISTANCE.**

16 Section 401(e)(1) of title 10, United States Code, is  
 17 amended by inserting “or under served” after “in rural”.

### 18 **SEC. 1012. AUTHORITY TO PAY CERTAIN EXPENSES RELAT-** 19 **ING TO HUMANITARIAN AND CIVIC ASSIST-** 20 **ANCE FOR CLEARANCE OF LANDMINES.**

21 Section 401(e) of title 10, United States Code, is  
 22 amended—

23 (1) in paragraph (3), by striking “\$5,000,000”  
 24 and inserting “\$10,000,000”; and

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

3           “(5) Not more than ten percent of funds avail-  
4 able for the activities described in subsection (e)(5)  
5 may be used to pay for the pay and allowances of  
6 Reserve Component Special Operations Force per-  
7 sonnel performing duty in connection with training  
8 and activities related to the clearing of landmines for  
9 humanitarian purposes.”.

## 10 **Subtitle C—Miscellaneous Report-** 11 **ing Requirements and Repeals**

### 12 **SEC. 1015. REPEAL OF REPORTING REQUIREMENT** 13 **FOR B-2**

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

### 19 **SEC. 1016. AMENDMENT TO NATIONAL GUARD AND RE-** 20 **SERVE COMPONENT EQUIPMENT: ANNUAL** 21 **REPORT TO CONGRESS.**

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

24           “(a) The Secretary of Defense shall submit to the  
25 Congress each year, not later than March 1, a written re-

1 port concerning the equipment of the National Guard and  
2 the reserve components of the armed forces, to include the  
3 Coast Guard Reserve. This report shall cover the current  
4 fiscal year and three succeeding years. The focus should  
5 be on major items of equipment which address large dol-  
6 lar-value requirements, critical reserve component short-  
7 ages and major procurement items. Specific major items  
8 of equipment shall include ships, aircraft, combat vehicles  
9 and key combat support equipment.

10 “(b) Each annual report under this section should in-  
11 clude the following:

12 “(1) Major items of equipment required and on-  
13 hand in the inventories of each reserve component.

14 “(2) Major items of equipment which are ex-  
15 pected to be procured from commercial sources or  
16 transferred from the Active component to the re-  
17 serve components of each military department.

18 “(3) Major items of equipment in the inven-  
19 tories of each reserve component which are sub-  
20 stitutes for a required major item of equipment.

21 “(4) A narrative explanation of the plan of the  
22 Secretary concerned to equip each reserve compo-  
23 nent, including an explanation of the plan to equip  
24 units of the reserve components that are short major

1 items of equipment at the outset of war or a contin-  
2 gency operation.

3 “(5) A narrative discussing the current status  
4 of the compatibility and interoperability of equip-  
5 ment between the reserve components and the reg-  
6 ular components, the effect of that level of compat-  
7 ibility or interoperability on combat effectiveness,  
8 and a plan to achieve full equipment compatibility  
9 and interoperability.

10 “(6) A narrative discussing modernization  
11 shortfalls and maintenance backlogs within the re-  
12 serve components and the effect of those shortfalls  
13 on combat effectiveness.

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

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

1           **Subtitle D—Other Matters**

2   **SEC. 1021. RECOGNITION OF MILITARY TESTAMENTARY IN-**  
3                           **STRUMENTS.**

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

7   **“§ 1044d. Military wills and codicils; recognition**

8           “(a) INSTRUMENTS TO BE GIVEN LEGAL EFFECT.—  
9 A military will or codicil, executed in accordance with reg-  
10 ulations prescribed by the Secretary of Defense and the  
11 Secretary of Transportation, with respect to the Coast  
12 Guard when it is not operating as a service in the Depart-  
13 ment of the Navy, by a person who is eligible for legal  
14 assistance under the provisions of section 1044 of this  
15 title—

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

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

22                   “(3) shall be deemed valid for probate in the  
23 courts of the State concerned.

24           “(b) GENERAL REQUIREMENTS FOR MILITARY  
25 WILLS AND CODICILS.—Military wills and codicils include

1 all revocable instruments that meet the following require-  
2 ments:

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

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

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

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

16           “(5) The instrument must be prepared and exe-  
17 cuted in accordance with regulations prescribed by  
18 the Secretary of Defense and the Secretary of  
19 Transportation, with respect to the Coast Guard  
20 when it is not operating as a service in the Depart-  
21 ment of the Navy.

22           “(c) SELF-PROOF OF MILITARY WILLS AND CODI-  
23 CILS.—A military will or codicil executed in conformity  
24 with this section may be made self-proved at the time of  
25 its execution, or at any subsequent time, by the testator’s

1 acknowledgment of it and by affidavits of the witnesses.  
2 Such self-proving clauses, acknowledgments and affidavits  
3 shall be executed in accordance with regulations pre-  
4 scribed by the Secretary of Defense and the Secretary of  
5 Transportation, with respect to the Coast Guard when it  
6 is not operating as a service in the Department of the  
7 Navy. Such self-proving clauses shall consist of a certifi-  
8 cate of the testator, attesting witnesses and the official  
9 administering the oath, that is attached to, or follows the  
10 will or codicil. The specific form and content of such self-  
11 proving clauses shall be set forth in regulations prescribed  
12 by the Secretary of Defense and the Secretary of Trans-  
13 portation, with respect to the Coast Guard when it is not  
14 operating as a service in the Department of the Navy. The  
15 signature of the testator, attesting witnesses and presiding  
16 attorney, together with their respective titles, is prima  
17 facie evidence that the signatures are genuine, that the  
18 testator, witnesses and presiding attorney held the respec-  
19 tive designated title at the time of the execution, and that  
20 the will or codicil was executed in compliance with the re-  
21 quirements for form as prescribed by the Secretaries of  
22 Defense and Transportation.

23       “(d) VALIDITY OF OTHER TESTAMENTARY INSTRU-  
24 MENTS.—Nothing herein shall invalidate testamentary in-  
25 struments, to include holographic and nuncupative wills

1 that are prepared and executed by, or at the direction of,  
2 testators who although eligible for legal assistance under  
3 the provisions of section 1044 of this title, either elect not  
4 to avail themselves of such legal assistance, or by reason  
5 of circumstance are unable to obtain such legal assistance.  
6 The validity of such testamentary instruments shall be de-  
7 termined by the appropriate court in accordance with its  
8 rules and procedures.

9       “(e) STATE DEFINED.—For purposes of this section,  
10 the term ‘State’ includes the fifty States of the United  
11 States, the District of Columbia, the Commonwealth of  
12 Puerto Rico, the Commonwealth of the Northern Mariana  
13 Islands, and each territory and possession of the United  
14 States, to include Guam, American Samoa, the Trust Ter-  
15 ritory of the Pacific Islands, and the Virgin Islands.”.

16       (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of such chapter is amended by inserting  
18 after the item relating to section 1044c the following:

“1044d. Military wills and codicils; requirement for recognition.”.

19 **SEC. 1022. FEES FOR MILITARY HISTORY INFORMATION,**  
20 **MATERIAL, AND RESEARCH ASSISTANCE.**

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

1 **“§ 4595. United States Army Military History Insti-**  
2 **tute: retention of fees**

3 “(a) **AUTHORITY.**—The Secretary of the Army may  
4 charge and retain fees received for providing historical ma-  
5 terial or research assistance from the United States Army  
6 Military History Institute to public requesters.

7 “(b) **RETENTION OF FEES.**—Monies received by the  
8 United States Military History Institute under subsection  
9 (a) shall be retained by the Secretary and may only be  
10 used to offset the cost of providing historical material or  
11 research assistance. All funds accepted by the Secretary  
12 under this subsection (a) shall be credited to funds avail-  
13 able for the operation or support of the United States  
14 Army Military History Institute and shall remain available  
15 until expended.

16 “(c) **EXCLUSION.**—This section shall not apply to  
17 records made available to the public under section 552 of  
18 title 5.

19 “(d) **DEFINITIONS.**—In this section:

20 “(1) The term ‘United States Army Military  
21 History Institute’ means the Army’s primary archive  
22 for historical records and materials.

23 “(2) The term ‘public requesters’ means all per-  
24 sons who request historical material or research as-  
25 sistance from the Institute other than persons who  
26 request material or research assistance in their offi-

1        cial capacity as a member of the armed forces or an  
2        officer or employee of the United States, as defined  
3        in sections 2104 and 2105 of title 5, United States  
4        Code.”.

5        (b) CLERICAL AMENDMENT.—The table of sections  
6        at the beginning of such chapter 437 is amended by add-  
7        ing at the end the following new item:

“4595. United States Army History Institute: retention of fees.”.

8        (c) NAVY.—Chapter 649 of such title 10 is amended  
9        by adding at the end the following new section:

10    **“§ 7582. United States Navy and Marine Corps Histor-**  
11                            **ical Centers; retention of fees**

12        “(a) AUTHORITY.—The Secretary of the Navy may  
13        charge and retain fees received for providing historical ma-  
14        terial or research assistance from the United States Naval  
15        Historical Center and the Marine Corps Historical Center  
16        to public requesters.

17        “(b) RETENTION OF FEES.—Monies received by the  
18        Secretary under subsection (a) shall be retained by the  
19        Secretary and may only be used to offset the cost of pro-  
20        viding historical material or research assistance. All funds  
21        accepted by the Secretary under this subsection (a) shall  
22        be credited to funds available for the operation or support  
23        of the United States Naval Historical Center and the Ma-  
24        rine Corps Historical Center and shall remain available  
25        until expended.

1       “(c) EXCLUSION.—This section shall not apply to  
2 records made available to the public under section 552 of  
3 title 5.

4       “(d) DEFINITIONS.—In this section:

5           “(1) The term ‘United States Naval Historical  
6 Center’ means the Navy’s primary archive for histor-  
7 ical records and materials.

8           “(2) The term ‘Marine Corps Historical Center’  
9 means the Marine Corps’ primary archive for histor-  
10 ical records and materials.

11           “(3) The term ‘public requesters’ means all per-  
12 sons who request historical material or research as-  
13 sistance from the Navy other than persons who re-  
14 quest material or research assistance in their official  
15 capacity as a member of the armed forces or an offi-  
16 cer or employee of the United States, as defined in  
17 sections 2104 and 2105 of title 5, United States  
18 Code.”.

19       “(d) CLERICAL AMENDMENT.—The table of sections  
20 at the beginning of such chapter 649 is amended by add-  
21 ing at the end the following new item:

“7582. United States Navy and Marine Corps Military Historical Centers; reten-  
tion of fees.”.

22       “(e) AIR FORCE.—Chapter 937 of title 10, United  
23 States Code, is amended by adding at the end the fol-  
24 lowing new section:

1 **“§ 9594. United States Air Force Historical Research**  
2 **Agency; retention of fees**

3 “(a) **AUTHORITY.**—The Secretary of the Air Force  
4 may charge and retain fees received for providing histor-  
5 ical material and research assistance from the United  
6 States Air Force Historical Research Agency to public re-  
7 questers.

8 “(b) **RETENTION OF FEES.**—Monies received by the  
9 United States Air Force Historical Research Agency  
10 under subsection (a) shall be retained by the Secretary  
11 and may only be used to offset the cost of providing histor-  
12 ical material or research assistance. All funds accepted by  
13 the Secretary under this subsection (a) shall be credited  
14 to funds available for the operation or support of the  
15 United States Air Force Historical Research Agency and  
16 shall remain available until expended.

17 “(c) **EXCLUSION.**—This section shall not apply to  
18 records made available to the public under section 552 of  
19 title 5.

20 “(d) **DEFINITIONS.**—In this section:

21 “(1) The term ‘United States Air Force Histor-  
22 ical Research Agency’ means the Air Force’s pri-  
23 mary archive for historical records and materials.

24 “(2) The term ‘public requesters’ means all per-  
25 sons who request historical material or research as-  
26 sistance from the Institute other than persons who

1 request material or research assistance in their offi-  
2 cial capacity as a member of the armed forces or an  
3 officer or employee of the United States, as defined  
4 in sections 2104 and 2105 of title 5, United States  
5 Code.”.

6 (f) CLERICAL AMENDMENT.—The table of sections at  
7 the beginning of such chapter 937 is amended by adding  
8 at the end the following new item:

“9594. United States Air Force Historical Research Agency; retention of fees.”.

9 (g) COAST GUARD.—Chapter 17 of title 14, United  
10 States Code, is amended by inserting after section 664 the  
11 following new section:

12 **“§ 664a. Office of the Coast Guard Historian: reten-**  
13 **tion of fees**

14 “(a) AUTHORITY.—The Secretary of Transportation  
15 may charge and retain fees received for providing histor-  
16 ical material or research assistance from the Office of the  
17 Historian of the United States Coast Guard to public re-  
18 questers.

19 “(b) RETENTION OF FEES.—Monies received by the  
20 Office of the Coast Guard Historian under subsection (a)  
21 shall be retained by the Coast Guard and may only be  
22 used to offset the cost of providing historical material or  
23 research assistance. All funds accepted by the Secretary  
24 under this subsection (a) shall be credited to funds avail-  
25 able for the operation or support of the Office of the Coast

1 Guard Historian and shall remain available until ex-  
2 pended.

3 “(c) Exclusion.—This section shall not apply to  
4 records made available to the public under section 552 of  
5 title 5.

6 “(d) DEFINITIONS.—In this section:

7 “(1) The term ‘Office of the Coast Guard His-  
8 torian’ means the Coast Guard’s primary archive for  
9 historical records and materials.

10 “(2) The term ‘public requesters’ means all per-  
11 sons who request historical material or research as-  
12 sistance from the Office of the Coast Guard Histo-  
13 rian other than persons who request material or re-  
14 search assistance in their official capacity as a mem-  
15 ber of the armed forces or an officer or employee of  
16 the United States, as defined in sections 2104 and  
17 2105 of title 5, United States Code.”.

18 (h) CLERICAL AMENDMENT.—The table of sections  
19 for chapter 17 of such title 14 is amended by inserting  
20 after the item relating to section 664 the following new  
21 item:

“664a. Office of the Coast Guard Historian: retention of fees.”.

22 **SEC. 1023. COOPERATIVE MILITARY AIRLIFT AGREEMENTS:**

23 **ALLIED COUNTRIES.**

24 Section 2350c of Chapter 138 of title 10, United  
25 States Code, is amended—

- 1 (1) by striking subsection (d); and  
 2 (2) by redesignating subsection (e) as sub-  
 3 section (d).

4 **SEC. 1024. CHEMICAL WEAPONS DESTRUCTION FACILITY IN**  
 5 **RUSSIA.**

6 Section 1305 of the National Defense Authorization  
 7 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
 8 794) is repealed.

9 **TITLE XII—BASE REALIGNMENT**  
 10 **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 Re-  
 alignments.  
 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.

11 **DEFENSE BASE CLOSURE AND**  
 12 **REALIGNMENT ACT OF 2000**

13 **SEC. 1101. SHORT TITLE AND PURPOSE.**

14 (a) **SHORT TITLE.**—This part may be cited as the  
 15 “Defense Base Closure and Realignment Act of 2000”.

16 (b) **PURPOSE.**—The purpose of this part is to provide  
 17 a fair process that will result in the timely closure and  
 18 realignment of military installations inside the United  
 19 States.

1 **SEC. 1102. THE COMMISSION.**

2 (a) ESTABLISHMENT.—There is established an inde-  
3 pendent commission to be known as the “Defense Base  
4 Closure and Realignment Commission”.

5 (b) DUTIES.—The Commission shall carry out the  
6 duties specified for it in this part.

7 (c) APPOINTMENT.—(1)(A) The Commission shall be  
8 composed of eight members appointed by the President,  
9 by and with the advice and consent of the Senate.

10 (B) The President shall transmit to the Senate the  
11 nominations for appointment to the Commission—

12 (i) by no later than January 24, 2003, in the  
13 case of members of the Commission whose terms will  
14 expire at the end of the first session of the 108th  
15 Congress; and

16 (ii) by no later than March 15, 2005, in the  
17 case of members of the Commission whose terms will  
18 expire at the end of the first session of the 109th  
19 Congress;

20 (C) If the President does not transmit to Congress  
21 the nominations for appointment to the Commission on  
22 or before the date specified for 2005 in clause (ii) of sub-  
23 paragraph (B), the process by which military installations  
24 may be selected for closure to realignment under this part  
25 with respect to that year shall be terminated.

1       (2) In selecting individuals for nominations for ap-  
2 pointments to the Commission, the President should con-  
3 sult with—

4           (A) the Speaker of the House of Representa-  
5 tives concerning the appointment of two members;

6           (B) the majority leader of the Senate con-  
7 cerning the appointment of two members;

8           (C) the minority leader of the House of Rep-  
9 resentatives concerning the appointment of one  
10 member; and

11          (D) the minority leader of the Senate con-  
12 cerning the appointment of one member.

13       (3) At the time the President nominates individuals  
14 for appointment to the Commission for each session of  
15 Congress referred to in paragraph (1)(B), the President  
16 shall designate one such individual who shall serve as  
17 Chairman of the Commission.

18       (d) TERMS.—(1) Except as provided in paragraph  
19 (2), each member of the Commission shall serve until the  
20 adjournment of Congress sine die for the session during  
21 which the member was appointed to the Commission.

22       (2) The Chairman of the Commission shall serve until  
23 the confirmation of a successor.

24       (e) MEETINGS.—(1) The Commission shall meet only  
25 during calendar years 2003 and 2005.

1           (2)(A) Each meeting of the Commission, other than  
2 meetings in which classified information is to be discussed,  
3 shall be open to the public. The Commission shall provide  
4 an opportunity for the public to comment, and shall con-  
5 sider any such comments.

6           (B) All the proceedings, information, and delibera-  
7 tions of the Commission shall be open, upon request, to  
8 the following:

9           (i) The Chairman and the ranking minority  
10 party member of the Subcommittee on Readiness,  
11 Sustainability, and Support of the Committee on  
12 Armed Services of the Senate, or such other mem-  
13 bers of the Subcommittee designated by such Chair-  
14 man or ranking minority party member.

15           (ii) The Chairman and the ranking minority  
16 party member of the Subcommittee on Military In-  
17 stallations and Facilities of the Committee on Na-  
18 tional Security of the House of Representatives, or  
19 such other members of the Subcommittee designated  
20 by such Chairman or ranking minority party mem-  
21 ber.

22           (iii) The Chairmen and ranking minority party  
23 members of the Subcommittee on Military Construc-  
24 tion of the Committees on Appropriations of the  
25 Senate and of the House of Representatives, or such

1 other members of the Subcommittees designated by  
2 such Chairmen or ranking minority party members.

3 (f) VACANCIES.—A vacancy in the Commission shall  
4 be filled in the same manner as the original appointment,  
5 but the individual appointed to fill the vacancy shall serve  
6 only for the unexpired portion of the term for which the  
7 individual's predecessor was appointed.

8 (g) PAY AND TRAVEL EXPENSES.—(1)(A) Each  
9 member, other than the Chairman, shall be paid at a rate  
10 equal to the daily equivalent of the minimum annual rate  
11 of basic pay payable for level IV of the Executive Schedule  
12 under section 5315 of title 5, United States Code, for each  
13 day (including travel time) during which the member is  
14 engaged in the actual performance of duties vested in the  
15 Commission.

16 (B) The Chairman shall be paid for each day referred  
17 to in subparagraph (A) at a rate equal to the daily equiva-  
18 lent of the minimum annual rate of basic pay payable for  
19 level III of the Executive Schedule under section 5314,  
20 of title 5, United States Code.

21 (2) Members shall receive travel expenses, including  
22 per diem in lieu of subsistence, in accordance with sections  
23 5702 and 5703 of title 5, United States Code.

24 (h) DIRECTOR OF STAFF.—(1) The Commission  
25 shall, without regard to section 5311(b) of title 5, United

1 States Code, appoint a Director who has not served on  
2 active duty in the Armed Forces or as a civilian employee  
3 of the Department of Defense during the one-year period  
4 preceding the date of such appointment.

5 (2) The Director shall be paid at the rate of basic  
6 pay payable for level IV of the Executive Schedule under  
7 section 5315 of title 5, United States Code.

8 (i) STAFF.—(1) Subject to paragraphs (2) and (3),  
9 the Director, with the approval of the Commission, may  
10 appoint and fix the pay of additional personnel.

11 (2) The Director may make such appointments with-  
12 out regard to the provisions of title 5, United States Code,  
13 governing appointments in the competitive service, and  
14 any personnel so appointed may be paid without regard  
15 to the provisions of chapter 51 and subchapter III of chap-  
16 ter 53 of that title relating to classification and General  
17 Schedule pay rates, except that an individual so appointed  
18 may not receive pay in excess of the annual rate of basic  
19 pay payable for senior-level positions of the civil service  
20 as described in section 5376 of title 5, United States Code.

21 (3)(A) Not more than one-third of the personnel em-  
22 ployed by or detailed to the Commission may be on detail  
23 from the Department of Defense.

1 (B)(i) Not more than one-fifth of the professional an-  
2 alysts of the Commission staff may be persons detailed  
3 from the Department of Defense to the Commission.

4 (ii) No person detailed from the Department of De-  
5 fense to the Commission may be assigned as the lead pro-  
6 fessional analyst with respect to a military department or  
7 defense agency.

8 (C) A person may not be detailed from the Depart-  
9 ment of Defense to the Commission if, within 12 months  
10 before the detail is to begin, that person participated per-  
11 sonally and substantially in any matter within the Depart-  
12 ment of Defense concerning the preparation of rec-  
13 ommendations for closures or realignments of military in-  
14 stallations.

15 (D) No member of the Armed Forces, and no officer  
16 or employee of the Department of Defense, may—

17 (i) prepare any report concerning the effective-  
18 ness, fitness, or efficiency of the performance on the  
19 staff of the Commission of any person detailed from  
20 the Department of Defense to that staff;

21 (ii) review of the preparation of such a report;

22 or

23 (iii) approve or disapprove such a report.

24 (4) Upon request of the Director, the head of any  
25 Federal department or agency may detail any of the per-

1 sonnel of that department or agency to the Commission  
2 to assist the Commission in carrying out its duties under  
3 this part.

4 (5) The Comptroller General of the United States  
5 shall provide assistance, including the detailing of employ-  
6 ees, to the Commission in accordance with an agreement  
7 entered into with the Commission.

8 (6) The following restrictions relating to the per-  
9 sonnel of the Commission shall apply during 2004:

10 (A) There may not be more than 15 persons on  
11 the staff at any one time.

12 (B) The staff may perform only such functions  
13 as are necessary to prepare for the transition to new  
14 membership on the Commission in the following  
15 year.

16 (C) No member of the Armed Forces and no  
17 employee of the Department of Defense may serve  
18 on the staff.

19 (j) OTHER AUTHORITY.—(1) The Commission may  
20 procure by contract, to the extent funds are available, the  
21 temporary or intermittent services of experts or consult-  
22 ants pursuant to section 3109 of title 5, United States  
23 Code.

24 (2) The Commission may lease space and acquire per-  
25 sonal property to the extent funds are available.

1 (k) FUNDING.—(1) There are authorized to be appro-  
2 priated to the Commission such funds as are necessary  
3 to carry out its duties under this part. Such funds shall  
4 remain available until expended.

5 (2) If no funds are appropriated to the Commission  
6 by the 107th Congress, the Secretary of Defense may  
7 transfer to the Commission funds from the Department  
8 of Defense Base Closure Account established by section  
9 2906 of Public Law 101–510. Such funds shall remain  
10 available until expended.

11 (l) TERMINATION.—The Commission shall terminate  
12 on December 31, 2005.

13 (m) PROHIBITION AGAINST RESTRICTING COMMU-  
14 NICATIONS.—Section 1034 of title 10, United States  
15 Code, shall apply with respect to communications with the  
16 Commission.

17 **SEC. 1103. PROCEDURE FOR MAKING RECOMMENDATIONS**  
18 **FOR BASE CLOSURES AND REALIGNMENTS.**

19 (a) FORCE-STRUCTURE PLAN.—(1) As part of the  
20 budget justification documents submitted to Congress in  
21 support of the budget for the Department of Defense for  
22 each of the fiscal years 2004 and 2006, the Secretary shall  
23 include a force-structure plan for the Armed Forces based  
24 on an assessment by the Secretary of the probable threats  
25 to the national security during the six-year period begin-

1 ning with the fiscal year for which the budget request is  
2 made and of the anticipated levels of funding that will be  
3 available for national defense purposes during such period.

4 (2) Such plan shall include, without any reference (di-  
5 rectly or indirectly) to military installations inside the  
6 United States that may be closed or realigned under such  
7 plan—

8 (A) a description of the assessment referred to  
9 in paragraph (1);

10 (B) a description (i) of the anticipated force  
11 structure during and at the end of such period for  
12 each military department (with specifications of the  
13 number and type of units in the active and reserve  
14 forces of each such department), and (ii) of the  
15 units that will need to be forward based (with a jus-  
16 tification thereof) during and at the end of each  
17 such period; and

18 (C) a description of the anticipated implementa-  
19 tion of such force-structure plan.

20 (3) The Secretary shall also transmit a copy of each  
21 such force-structure plan to the Commission.

22 (b) SELECTION CRITERIA.—(1) The Secretary shall,  
23 by no later than December 31, 2001, publish in the Fed-  
24 eral Register and transmit to the congressional defense  
25 committees the criteria proposed to be used by the Depart-

1 ment of Defense in making recommendations for the clo-  
2 sure or realignment of military installations inside the  
3 United States under this part. The Secretary shall provide  
4 an opportunity for public comment on the proposed cri-  
5 teria for a period of at least 30 days and shall include  
6 notice of that opportunity in the publication required  
7 under the preceding sentence.

8       (2)(A) The Secretary shall, by no later than February  
9 15, 2002, publish in the Federal Register and transmit  
10 to the congressional defense committees the final criteria  
11 to be used in making recommendations for the closure or  
12 realignment of military installations inside the United  
13 States under this part. Except as provided in subpara-  
14 graph (B), such criteria shall be the final criteria to be  
15 used, making such recommendations unless disapproved  
16 by a joint resolution of Congress enacted on or before  
17 March 31, 2002.

18       (B) the Secretary may amend such criteria, but such  
19 amendments may not become effective until they have  
20 been published in the Federal Register, opened to public  
21 comment for at least 30 days, and then transmitted to  
22 the congressional defense committees in final form by no  
23 later than January 15 of the years concerned. Such  
24 amended criteria shall be the final criteria to be used,  
25 along with the force-structure plan referred to in sub-

1 section (a), in making such recommendations unless dis-  
2 approved by a joint resolution of Congress enacted on or  
3 before February 15 of the year concerned.

4 (c) SECRETARY OF DEFENSE RECOMMENDATIONS.—

5 (1) The Secretary may, by no later than March 14, 2003,  
6 and May 16, 2005, publish in the Federal Register and  
7 transmit to the congressional defense committees and to  
8 the Commission a list of the military installations inside  
9 the United States that the Secretary recommends for clo-  
10 sure or realignment on the basis of the force-structure  
11 plan and the final criteria referred to in subsection (b)  
12 that are applicable to the year concerned.

13 (2) The Secretary shall include, with the list of rec-  
14 ommendations published and transmitted pursuant to  
15 paragraph (1), a summary of the selection process that  
16 resulted in the recommendation for each installation, in-  
17 cluding a justification for each recommendation and an  
18 evaluation discussing each of the final selection criteria es-  
19 tablished pursuant to section 03(b). The Secretary shall  
20 transmit the matters referred to in the preceding sentence  
21 not later than 7 days after the date of the transmittal  
22 to the congressional defense committees and the Commis-  
23 sion of the list referred to in paragraph (1).

24 (3)(A) In considering military installations for clo-  
25 sure or realignment, the Secretary shall consider all mili-

1 tary installations inside the United States equally without  
2 regard to whether the installation has been previously con-  
3 sidered or proposed for closure or realignment by the De-  
4 partment.

5 (B) In considering military installations for closure  
6 or realignment, the Secretary may not take into account  
7 for any purpose any advance conversion planning under-  
8 taken by an affected community with respect to the antici-  
9 pated closure or realignment of an installation.

10 (C) For purposes of subparagraph (B), in the case  
11 of a community anticipating the economic effects of a clo-  
12 sure or realignment of a military installation, advance con-  
13 version planning—

14 (i) shall include community adjustment and eco-  
15 nomic diversification planning undertaken by the  
16 community before an anticipated selection of a mili-  
17 tary installation in or near the community for clo-  
18 sure or realignment; and

19 (ii) may include the development of contingency  
20 redevelopment plans, plans for economic develop-  
21 ment and diversification, and plans for the joint use  
22 (including civilian and military use, public and pri-  
23 vate use, civilian dual use, and civilian shared use)  
24 of the property or facilities of the installation after  
25 the anticipated closure or realignment.

1           (4) In addition to making all information used by the  
2 Secretary to prepare the recommendations under this sub-  
3 section available to Congress (including any committee or  
4 member of Congress), the Secretary shall also make such  
5 information available to the Commission and the Comp-  
6 troller General of the United States.

7           (5)(A) Each person referred to in subparagraph (B),  
8 when submitting information to the Secretary of Defense  
9 or the Commission concerning the closure or realignment  
10 of a military installation, shall certify that such informa-  
11 tion is accurate and complete to the best of that person's  
12 knowledge and belief.

13           (B) Subparagraph (A) applies to the following per-  
14 sons:

15           (i) The Secretaries of the military departments.

16           (ii) The heads of the Defense Agencies.

17           (iii) Each person who is in a position the duties  
18 of which include personal and substantial involve-  
19 ment in the preparation and submission of informa-  
20 tion and recommendations concerning the closure or  
21 realignment of military installations, as designated  
22 in regulations which the Secretary of Defense shall  
23 prescribe, regulations which the Secretary of each  
24 military department shall prescribe for personnel  
25 within that military department, or regulations

1       which the head of each Defense Agency shall pre-  
2       scribe for personnel within that Defense Agency.

3       (6) Any information provided to the Commission by  
4 a person described in paragraph (5)(B) shall also be sub-  
5 mitted to the Senate and the House of Representatives  
6 to be made available to the Members of the House con-  
7 cerned in accordance with the rules of that House. The  
8 information shall be submitted to the Senate and House  
9 of Representatives within 48 hours after the submission  
10 of the information to the Commission.

11       (d) REVIEW AND RECOMMENDATIONS BY THE COM-  
12 MISSION.—(1) After receiving the recommendations from  
13 the Secretary pursuant to subsection (c) for any year, the  
14 Commission shall conduct public hearings on the rec-  
15 ommendations. All testimony before the Commission at a  
16 public hearing conducted under this paragraph shall be  
17 presented under oath.

18       (2)(A) The Commission shall, by no later than July  
19 7, 2003, and September 8, 2005, if the Secretary trans-  
20 mits recommendations to it pursuant to subsection (c),  
21 transmit to the President a report containing the Commis-  
22 sion's findings and conclusions based on a review and  
23 analysis of the recommendations made by the Secretary,  
24 together with the Commission's recommendations for clo-

1 sures and realignments of military installations inside the  
2 United States.

3 (B) subject to subparagraph (C), in making its rec-  
4 ommendations, the Commission may make changes in any  
5 of the recommendations made by the Secretary if the  
6 Commission determines that the Secretary deviated sub-  
7 stantially from the force-structure plan and final criteria  
8 referred to in subsection (c)(1) in making recommenda-  
9 tions.

10 (C) In the case of a change described in subpara-  
11 graph (D) in the recommendations made by the Secretary,  
12 the Commission may make the change only if the  
13 Commission—

14 (i) makes the determination required by sub-  
15 paragraph (B);

16 (ii) determines that the change is consistent  
17 with the force-structure plan and final criteria re-  
18 ferred to in subsection (c)(1);

19 (iii) publishes a notice of the proposed change  
20 in the Federal Register not less than 45 days before  
21 transmitting its recommendations to the President  
22 pursuant to paragraph (2); and

23 (iv) conducts public hearings on the proposed  
24 change.

1 (D) Subparagraph (C) shall apply to a change by the  
2 Commission in the Secretary's recommendations that  
3 would—

4 (i) add a military installation to the list of mili-  
5 tary installations recommended by the Secretary for  
6 closure;

7 (ii) add a military installation to the list of mili-  
8 tary installations recommended by the Secretary for  
9 realignment; or

10 (iii) increase the extent of a realignment of a  
11 particular military installation recommended by the  
12 Secretary.

13 (E) In making recommendations under this para-  
14 graph, the Commission may not take into account for any  
15 purpose any advance conversion planning undertaken by  
16 an affected community with respect to the anticipated clo-  
17 sure or realignment of a military installation.

18 (3) The Commission shall explain and justify in its  
19 report submitted to the President pursuant to paragraph  
20 (2) any recommendation made by the Commission that is  
21 different from the recommendations made by the Sec-  
22 retary pursuant to subsection (c). The Commission shall  
23 transmit a copy of such report to the congressional defense  
24 committees on the same date on which it transmits its rec-  
25 ommendations to the President under paragraph (2).

1       (4) After July 7, 2003 and September 8, 2005, if  
2 the Commission transmits recommendations to the Presi-  
3 dent under this subsection, the Commission shall promptly  
4 provide, upon request, to any Member of Congress infor-  
5 mation used by the Commission in making its rec-  
6 ommendations.

7       (5) The Comptroller General of the United States  
8 shall—

9           (A) assist the Commission, to the extent re-  
10       requested, in the Commission’s review and analysis of  
11       the recommendations made by the Secretary pursu-  
12       ant to subsection (C); and

13           (B) by no later than April 15, 2003 and June  
14       17, 2005, if the Secretary makes such recommenda-  
15       tions, transmit to the Congress and to the Commis-  
16       sion a report containing a detailed analysis of the  
17       Secretary’s recommendations and selection process.

18       (e) REVIEW BY THE PRESIDENT.—(1) The President  
19 shall, by no later than July 22, 2003, and September 23,  
20 2005, if the Commission makes recommendations under  
21 subsection (d), transmit to the Commission and to the  
22 Congress a report containing the President’s approval or  
23 disapproval of the Commission’s recommendations.

24       (2) If the President approves all the recommenda-  
25 tions of the Commission, the President shall transmit a

1 copy of such recommendations to the Congress, together  
2 with a certification of such approval.

3 (3) If the President disapproves the recommendations  
4 of the Commission, in whole or in part, the President shall  
5 transmit to the Commission and the Congress the reasons  
6 for that disapproval. The Commission shall then transmit  
7 to the President, by no later than August 18, 2003, and  
8 October 20, 2005, a revised list of recommendations for  
9 the closure and realignment of military installations.

10 (4) If the President approves all of the revised rec-  
11 ommendations of the Commission transmitted to the  
12 President under paragraph (3), the President shall trans-  
13 mit a copy of such revised recommendations to the Con-  
14 gress, together with a certification of such approval.

15 (5) If the President does not transmit to the Con-  
16 gress an approval and certification described in paragraph  
17 (2) or (4) by September 3, 2003, and November 7, 2005,  
18 if the Commission has transmitted recommendations to  
19 the President under this part, the process by which mili-  
20 tary installations may be selected for closure or realign-  
21 ment under this part with respect to that year shall be  
22 terminated.

1 **SEC. 1104. CLOSURE AND REALIGNMENT OF MILITARY IN-**  
2 **STALLATIONS.**

3 (a) IN GENERAL.—Subject to subsection (b), the Sec-  
4 retary shall—

5 (1) close all military installations recommended  
6 for closure by the Commission in each report trans-  
7 mitted to the Congress by the President pursuant to  
8 section 03(e);

9 (2) realign all military installations rec-  
10 ommended for realignment by such Commission in  
11 each such report;

12 (3) initiate all such closures and realignments  
13 no later than two years after the date on which the  
14 President transmits a report to the Congress pursu-  
15 ant to section 03(e) containing the recommendations  
16 for such closures or realignments; and

17 (4) complete all such closures and realignments  
18 no later than the end of the six-year period begin-  
19 ning on the date on which the President transmits  
20 the report pursuant to section 03(e) containing the  
21 recommendations for such closures or realignments.

22 (b) CONGRESSIONAL DISAPPROVAL.—(1) The Sec-  
23 retary may not carry out any closure or realignment rec-  
24 ommended by the Commission in a report transmitted  
25 from the President pursuant to section 03(e) if a joint  
26 resolution is enacted, in accordance with the provisions of

1 section 08, disapproving such recommendations of the  
2 Commission before the earlier of—

3 (A) the end of the 45-day period beginning on  
4 the date on which the President transmits such re-  
5 port; or

6 (B) the adjournment of Congress sine die for  
7 the session during which such report is transmitted.

8 (2) For purposes of paragraph (1) of this subsection  
9 and subsections (a) and (c) of section 08, the days on  
10 which either House of Congress is not in session because  
11 of adjournment of more than three days to a day certain  
12 shall be excluded in the computation of a period.

13 **SEC. 1105. IMPLEMENTATION.**

14 (a) IN GENERAL.—(1) In closing or realigning any  
15 military installation under this part, the Secretary may—

16 (A) take such actions as may be necessary to  
17 close or realign any military installation, including  
18 the acquisition of such land, the construction of such  
19 replacement facilities, the performance of such ac-  
20 tivities, and the conduct of such advance planning  
21 and design as may be required to transfer functions  
22 from a military installation being closed or realigned  
23 to another military installation, and may use for  
24 such purpose funds in the Account or funds appro-  
25 priated to the Department of Defense for use in

1 planning and design, minor construction, or oper-  
2 ation and maintenance;

3 (B) provide—

4 (i) economic adjustment assistance to any  
5 community located near a military installation  
6 being closed or realigned, and

7 (ii) community planning assistance to any  
8 community located near a military installation  
9 to which functions will be transferred as a re-  
10 sult of the closure or realignment of a military  
11 installation,

12 if the Secretary of Defense determines that the fi-  
13 nancial resources available to the community (by  
14 grant or otherwise) for such purposes are inad-  
15 equate, and may use for such purposes funds in the  
16 Account or funds appropriated to the Department of  
17 Defense for economic adjustment assistance or com-  
18 munity planning assistance;

19 (C) carry out activities for the purposes of envi-  
20 ronmental restoration and mitigation at any such in-  
21 stallation, and shall use for such purpose funds in  
22 the Account.

23 (D) provide outplacement assistance to civilian  
24 employees employed by the Department of Defense  
25 at military installations being closed or realigned,

1 and may use for such purpose funds in the Account  
2 or funds appropriated to the Department of Defense  
3 for outplacement assistance to employees; and

4 (E) reimburse other Federal agencies for ac-  
5 tions performed at the request of the Secretary with  
6 respect to any such closure or realignment, and may  
7 use for such purpose funds in the Account or funds  
8 appropriated to the Department of Defense and  
9 available for such purpose.

10 (2) In carrying out any closure or realignment under  
11 this part, the Secretary shall ensure that environmental  
12 restoration of any property made excess to the needs of  
13 the Department of Defense as a result of such closure or  
14 realignment be carried out as soon as possible with funds  
15 available for such purpose.

16 (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

17 (1) The Administrator of General Services shall delegate  
18 to the Secretary of Defense, with respect to excess and  
19 surplus real property, facilities, and personal property lo-  
20 cated at a military installation closed or realigned under  
21 this part—

22 (A) the authority of the Administrator to utilize  
23 excess property under section 202 of the Federal  
24 Property and Administrative Services Act of 1949  
25 (40 U.S.C. 483);

1 (B) the authority of the Administrator to dis-  
2 pose of surplus property under section 203 of that  
3 Act (40 U.S.C. 484);

4 (C) the authority to dispose of surplus property  
5 for public airports under sections 47151 through  
6 47153 of title 49, United States Code; and

7 (D) the authority of the Administrator to deter-  
8 mine the availability of excess or surplus real prop-  
9 erty for wildlife conservation purposes in accordance  
10 with the Act of May 19, 1948 (16 U.S.C. 667b).

11 (2)(A) Subject to subparagraph (B) and paragraphs  
12 (3), (4), (5), and (6), the Secretary of Defense shall exer-  
13 cise the authority delegated to the Secretary pursuant to  
14 paragraph (1) in accordance with—

15 (i) all regulations governing the utilization of  
16 excess property and the disposal of surplus property  
17 under the Federal Property and Administrative  
18 Services Act of 1949; and

19 (ii) all regulations governing the conveyance  
20 and disposal of property under section 13(g) of the  
21 Surplus Property Act of 1944 (50 U.S.C. App.  
22 1622(g)).

23 (B) The Secretary may, with the concurrence of the  
24 administrator of General Services—

1 (i) prescribe general policies and methods for  
2 utilizing excess property and disposing of surplus  
3 property pursuant to the authority delegated under  
4 paragraph (1); and

5 (ii) issue regulations relating to such policies  
6 and methods, which shall supersede the regulations  
7 referred to in subparagraph (A) with respect to that  
8 authority.

9 (C) The Secretary of Defense may transfer real prop-  
10 erty or facilities located at a military installation to be  
11 closed or realigned under this part, with or without reim-  
12 bursement, to a military department or other entity (in-  
13 cluding a nonappropriated fund instrumentality) within  
14 the Department of Defense or the Coast Guard.

15 (D) Before any action may be taken with respect to  
16 the disposal of any surplus real property or facility located  
17 at any military installation to be closed or realigned under  
18 this part, the Secretary of Defense shall consult with the  
19 governor of the State and the heads of the local govern-  
20 ments concerned for the purpose of considering any plan  
21 for the use of such property by the local community con-  
22 cerned.

23 (3)(A) Not later than 6 months after the date of ap-  
24 proval of the closure or realignment of a military installa-  
25 tion under this part, the Secretary, in consultation with

1 the redevelopment authority with respect to the installa-  
2 tion, shall—

3 (i) inventory Department of Defense personal  
4 property located at the installation; and

5 (ii) identify the items (or categories of items) of  
6 such Department of Defense personal property that  
7 the Secretary determines to be related to real prop-  
8 erty and anticipates will support the implementation  
9 of the redevelopment plan with respect to the instal-  
10 lation.

11 (B) If no redevelopment authority referred to in sub-  
12 paragraph (a) exists with respect to an installation, the  
13 Secretary shall consult with—

14 (i) the local government in whose jurisdiction  
15 the installation is wholly located; or

16 (ii) a local government agency or State govern-  
17 ment agency designated for the purpose of such con-  
18 sultation by the chief executive officer of the State  
19 in which the installation is located.

20 (C)(i) Except as provided in subparagraphs (E) and  
21 (F), the Secretary may not carry out any of the activities  
22 referred to in clause (ii) with respect to an installation  
23 referred to in that clause until the earlier of—

1 (I) one week after the date on which the rede-  
2 velopment plan for the installation is submitted to  
3 the Secretary;

4 (II) the date on which the redevelopment au-  
5 thority notifies the Secretary that it will not submit  
6 such a plan;

7 (III) twenty-four months after the date of ap-  
8 proval of the closure or realignment of the installa-  
9 tion; or

10 (IV) ninety days before the date of the closure  
11 or realignment of the installation.

12 (ii) The activities referred to in clause (i) are activi-  
13 ties relating to the closure or realignment of an installa-  
14 tion to be closed or realigned under this part as follows:

15 (I) The transfer from the installation of items  
16 of Department of Defense personal property at the  
17 installation identified in accordance with subpara-  
18 graph (A).

19 (II) The reduction in maintenance and repair of  
20 facilities or equipment located at the installation  
21 below the minimum levels required to support the  
22 use of such facilities or equipment for nonmilitary  
23 purposes.

24 (D) Except as provided in paragraph (4), the Sec-  
25 retary may not transfer items of Department of Defense

1 personal property located at an installation to be closed  
2 or realigned under this part to another installation, or dis-  
3 pose of such items, if such items are identified in the rede-  
4 velopment plan for the installation as items essential to  
5 the reuse or redevelopment of the installation. In connec-  
6 tion with the development of the redevelopment plan for  
7 the installation, the Secretary shall consult with the entity  
8 responsible for developing the redevelopment plan to iden-  
9 tify the items of personal property located at the installa-  
10 tion, if any, that the entity desires to be retained at the  
11 installation for reuse or redevelopment of the installation.

12 (E) This paragraph shall not apply to any Depart-  
13 ment of Defense personal property located at an installa-  
14 tion to be closed or realigned under this part if the  
15 property—

16 (i) is required for the operation of a unit, func-  
17 tion, component, weapon, or weapons system at an-  
18 other installation;

19 (ii) is uniquely military in character, and is  
20 likely to have no civilian use (other than use for its  
21 material content or as a source of commonly used  
22 components);

23 (iii) is not required for the reutilization or rede-  
24 velopment of the installation (as jointly determined  
25 by the Secretary and the redevelopment authority);

1 (iv) is stored at the installation for purposes of  
2 distribution (including spare parts or stock items);  
3 or

4 (v)(I) meets known requirements of an author-  
5 ized program of another Federal department or  
6 agency for which expenditures for similar property  
7 would be necessary, and

8 (II) is the subject of a written request by the  
9 head of the department or agency.

10 (F) Notwithstanding subparagraphs (C)(i) and (D),  
11 the Secretary may carry out any activity referred to in  
12 subparagraph (C)(ii) or (D) if the Secretary determines  
13 that the carrying out of such activity is in the national  
14 security interest of the United States.

15 (4)(A) The Secretary may transfer real property and  
16 Department of Defense personal property located at a  
17 military installation to be closed or realigned under this  
18 part to the redevelopment authority with respect to the  
19 installation for purposes of job generation on the installa-  
20 tion.

21 (B) For purposes of job generation on a military in-  
22 stallation, the transfer of property of a military installa-  
23 tion under subparagraph (A) shall be without consider-  
24 ation if the redevelopment authority with respect to the  
25 installation—

1 (i) agrees that the proceeds from any sale or  
2 lease of the property (or any portion thereof) re-  
3 ceived by the redevelopment authority during at  
4 least the first seven years after the date of the  
5 transfer under subparagraph (A) shall be used to  
6 support the economic redevelopment of, or related  
7 to, the installation; and

8 (ii) executes the agreement for transfer of the  
9 property and accepts control of the property within  
10 a reasonable time after the date of the property dis-  
11 posal record of decision or finding of no significant  
12 impact under the National Environmental Policy Act  
13 of 1969 (42 U.S.C. 4321 et seq.).

14 (C) For purposes of subparagraph (B), the use of  
15 proceeds from a sale or lease described in such subpara-  
16 graph to pay for, or offset the costs of, public investment  
17 on or related to the installation for any of the following  
18 purposes shall be considered a use to support the economic  
19 redevelopment of, or related to, the installation:

20 (i) Road construction.

21 (ii) Transportation management facilities.

22 (iii) Storm and sanitary sewer construction.

23 (iv) Police and fire protection facilities and  
24 other public facilities.

25 (v) Utility construction.

- 1 (vi) Building rehabilitation.
- 2 (vii) Historic property preservation.
- 3 (viii) Pollution prevention equipment or facili-  
4 ties.
- 5 (ix) Demolition.
- 6 (x) Disposal of hazardous materials generated  
7 by demolition.
- 8 (xi) Landscaping, grading, and other site or  
9 public improvements.
- 10 (xii) Planning for or the marketing of the devel-  
11 opment and reuse of the installation.
- 12 (D) The Secretary may recoup from a redevelopment  
13 authority such portion of the proceeds from a sale or lease  
14 described in subparagraph (B) as the Secretary deter-  
15 mines appropriate if the redevelopment authority does not  
16 use the proceeds to support economic redevelopment of,  
17 or related to, the installation for the period specified in  
18 subparagraph (B).
- 19 (E)(i) The Secretary may transfer real property at  
20 an installation approved for closure or realignment under  
21 this part (including property at an installation approved  
22 for realignment which will be retained by the Department  
23 of Defense or another Federal agency after realignment)  
24 to the redevelopment authority for the installation if the  
25 redevelopment authority agrees to lease, directly upon

1 transfer, one or more portions of the property transferred  
2 under this subparagraph to the Secretary or to the head  
3 of another department or agency of the Federal Govern-  
4 ment. Subparagraph (B) shall apply to a transfer under  
5 this subparagraph.

6 (ii) A lease under clause (i) shall be for a term of  
7 not to exceed 50 years, but may provide for options for  
8 renewal or extension of the term by the department or  
9 agency concerned.

10 (iii) A lease under clause (i) may not require rental  
11 payments by the United States.

12 (iv) A lease under clause (i) shall include a provision  
13 specifying that if the department or agency concerned  
14 ceases requiring the use of the leased property before the  
15 expiration of the term of the lease, the remainder of the  
16 lease term may be satisfied by the same or another depart-  
17 ment or agency of the Federal Government using the prop-  
18 erty for a use similar to the use under the lease. Exercise  
19 of the authority provided by this clause shall be made in  
20 consultation with the redevelopment authority concerned.

21 (F) The transfer of personal property under  
22 subparagraph (A) shall not be subject to the provi-  
23 sions of sections 202 and 203 of the Federal Prop-  
24 erty and Administrative Services Act of 1949 (40  
25 U.S.C. 483, 484) if the Secretary determines that

1 the transfer of such property is necessary for the ef-  
2 fective implementation of a redevelopment plan with  
3 respect to the installation at which such property is  
4 located.

5 (G) The provisions of section 120(h) of the Com-  
6 prehensive Environmental Response, Compensation, and  
7 Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to  
8 any transfer of real property under this paragraph.

9 (H) The Secretary may require any additional terms  
10 and conditions in connection with a transfer under this  
11 paragraph as such Secretary considers appropriate to pro-  
12 tect the interests of the United States.

13 (5)(A) Except as provided in subparagraph (b), the  
14 Secretary shall take such actions as the Secretary deter-  
15 mines necessary to ensure that final determinations under  
16 paragraph (1) regarding whether another department or  
17 agency of the Federal Government has identified a use for  
18 any portion of a military installation to be closed or re-  
19 aligned under this part, or will accept transfer of any por-  
20 tion of such installation, are made not later than 6 months  
21 after the date of approval of closure or realignment of that  
22 installation.

23 (B) The Secretary may, in consultation with the rede-  
24 velopment authority with respect to an installation, post-  
25 pone making the final determinations referred to in sub-

1 paragraph (A) with respect to the installation for such pe-  
2 riod as the Secretary determines appropriate if the Sec-  
3 retary determines that such postponement is in the best  
4 interests of the communities affected by the closure or re-  
5 alignment of the installation.

6 (6)(A) The disposal of buildings and property located  
7 at installations approved for closure or realignment under  
8 this part shall be carried out in accordance with this para-  
9 graph.

10 (B)(i) Not later than the date on which the Secretary  
11 of Defense completes the final determinations referred to  
12 in paragraph (5) relating to the use or transferability of  
13 any portion of an installation covered by this paragraph,  
14 the Secretary shall—

15 (I) identify the buildings and property at the  
16 installation for which the Department of Defense  
17 has a use, for which another department or agency  
18 of the Federal Government has identified a use, or  
19 of which another department or agency will accept  
20 a transfer;

21 (II) take such actions as are necessary to iden-  
22 tify any building or property at the installation not  
23 identified under subclause (I) that is excess property  
24 or surplus property;

1           (III) submit to the Secretary of Housing and  
2           Urban Development and to the redevelopment au-  
3           thority for the installation (or the chief executive of-  
4           ficer of the State in which the installation is located  
5           if there is no redevelopment authority for the instal-  
6           lation at the completion of the determination de-  
7           scribed in the stem of this sentence) information on  
8           any building or property that is identified under sub-  
9           clause (II); and

10           (IV) publish in the Federal Register and in a  
11           newspaper of general circulation in the communities  
12           in the vicinity of the installation information on the  
13           buildings and property identified under subclause  
14           (II).

15           (ii) Upon the recommendation of a redevelopment au-  
16           thority for an installation covered by this paragraph, the  
17           Secretary of Defense shall publish in the Federal Register  
18           and in a newspaper of general circulation in the commu-  
19           nities in the vicinity of the installation information on the  
20           redevelopment authority.

21           (C)(i) State and local governments, representatives of  
22           the homeless, and other interested parties located in the  
23           communities in the vicinity of an installation covered by  
24           this paragraph shall submit to the redevelopment author-  
25           ity for the installation a notice of the interest, if any, of

1 such governments, representatives, and parties in the  
2 buildings or property, or any portion thereof, at the instal-  
3 lation that are identified under subparagraph (B)(i)(II).  
4 A notice of interest under this clause shall describe the  
5 need of the government, representative, or party concerned  
6 for the buildings or property covered by the notice.

7 (ii) The redevelopment authority for an installation  
8 shall assist the governments, representatives, and parties  
9 referred to in clause (i) in evaluating buildings and prop-  
10 erty at the installation for purposes of this subparagraph.

11 (iii) In providing assistance under clause (ii), a rede-  
12 velopment authority shall—

13 (I) consult with representatives of the homeless  
14 in the communities in the vicinity of the installation  
15 concerned; and

16 (II) undertake outreach efforts to provide infor-  
17 mation on the buildings and property to representa-  
18 tives of the homeless, and to other persons or enti-  
19 ties interested in assisting the homeless, in such  
20 communities.

21 (iv) It is the sense of Congress that redevelopment  
22 authorities should begin to conduct outreach efforts under  
23 clause (iii)(II) with respect to an installation as soon as  
24 is practicable after the date of approval of closure or re-  
25 alignment of the installation.

1 (D)(i) State and local governments, representatives  
2 of the homeless, and other interested parties shall submit  
3 a notice of interest to a redevelopment authority under  
4 subparagraph (C) not later than the date specified for  
5 such notice by the redevelopment authority.

6 (ii) The date specified under clause (i) shall be—

7 (I) in the case of an installation for which a re-  
8 development authority has been recognized as of the  
9 date of the completion of the determinations referred  
10 to in paragraph (5), not earlier than 3 months and  
11 not later than 6 months after the date of publication  
12 of such determination in a newspaper of general cir-  
13 culation in the communities in the vicinity of the in-  
14 stallation, as required by section 05(b)(6)(D)(iii)(I);  
15 and

16 (II) in the case of an installation for which a  
17 redevelopment authority is not recognized as of such  
18 date, not earlier than 3 months and not later than  
19 6 months after the date of the recognition of a rede-  
20 velopment authority for the installation.

21 (iii) Upon specifying a date for an installation under  
22 this subparagraph, the redevelopment authority for the in-  
23 stallation shall—

24 (I) publish the date specified and other require-  
25 ments of purposes of submitting notices of interest

1 in a newspaper of general circulation in the commu-  
2 nities in the vicinity of the installation concerned;  
3 and

4 (II) notify the Secretary of Defense of the date.

5 (E)(i) In submitting to a redevelopment authority  
6 under subparagraph (C) a notice of interest in the use  
7 of buildings or property at an installation to assist the  
8 homeless, a representative of the homeless shall submit the  
9 following:

10 (I) A description of the homeless assistance  
11 program that the representative proposes to carry  
12 out at the installation.

13 (II) An assessment of the need for the program.

14 (III) A description of the extent to which the  
15 program is or will be coordinated with other home-  
16 less assistance programs in the communities in the  
17 vicinity of the installation.

18 (IV) A description of the buildings and property  
19 at the installation that are necessary in order to  
20 carry out the program.

21 (V) A description of the financial plan, the or-  
22 ganization, and the organizational capacity of the  
23 representative to carry out the program.

24 (VI) An assessment of the time required in  
25 order to commence carrying out the program.

1           (ii) A redevelopment authority may not release to the  
2 public any information submitted to the redevelopment au-  
3 thority under clause (i)(V) without the consent of the rep-  
4 resentative of the homeless concerned unless such release  
5 is authorized under Federal law and under the law of the  
6 State and communities in which the installation concerned  
7 is located.

8           (F)(i) The redevelopment authority for each installa-  
9 tion covered by this paragraph shall prepare a redevel-  
10 opment plan for the installation. The redevelopment author-  
11 ity shall, in preparing the plan, consider the interests in  
12 the use to assist the homeless of the buildings and prop-  
13 erty at the installation that are expressed in the notices  
14 submitted to the redevelopment authority under subpara-  
15 graph (C).

16           (ii)(I) In connection with a redevelopment plan for  
17 an installation, a redevelopment authority and representa-  
18 tives of the homeless shall prepare legally binding agree-  
19 ments that provide for the use to assist the homeless of  
20 buildings and property, resources, and assistance on or off  
21 the installation. The implementation of such agreements  
22 shall be contingent upon the decision regarding the dis-  
23 posal of the buildings and property covered by the agree-  
24 ments by the Secretary of Defense under subparagraph  
25 (K) or (L).

1       (II) Agreements under this clause shall provide for  
2 the reversion to the redevelopment authority concerned, or  
3 to such other entity or entities as the agreements shall  
4 provide, of buildings and property that are made available  
5 under this paragraph for use to assist the homeless in the  
6 event that such buildings and property cease being used  
7 for that purpose.

8       (iii) A redevelopment authority shall provide oppor-  
9 tunity for public comment on a redevelopment plan before  
10 submission of the plan to the Secretary of Defense and  
11 the Secretary of Housing and Urban Development under  
12 subparagraph (G).

13       (iv) A redevelopment authority shall complete prepa-  
14 ration of a redevelopment plan for an installation and sub-  
15 mit the plan under subparagraph (G) not later than 9  
16 months after the date specified by the redevelopment au-  
17 thority for the installation under subparagraph (D).

18       (G)(i) Upon completion of a redevelopment plan  
19 under subparagraph (F), a redevelopment authority shall  
20 submit an application containing the plan to the Secretary  
21 of Defense and to the Secretary of Housing and Urban  
22 Development.

23       (ii) A redevelopment authority shall include in an ap-  
24 plication under clause (i) the following:

1           (I) A copy of the redevelopment plan, including  
2 a summary of any public comments on the plan re-  
3 ceived by the redevelopment authority under sub-  
4 paragraph (F)(iii).

5           (II) A copy of each notice of interest of use of  
6 buildings and property to assist the homeless that  
7 was submitted to the redevelopment authority under  
8 subparagraph (C), together with a description of the  
9 manner, if any, in which the plan addresses the in-  
10 terest expressed in each such notice and, if the plan  
11 does not address such an interest, an explanation  
12 why the plan does not address the interest.

13           (III) A summary of the outreach undertaken by  
14 the redevelopment authority under subparagraph  
15 (C)(iii)(II) in preparing the plan.

16           (IV) A statement identifying the representatives  
17 of the homeless and the homeless assistance plan-  
18 ning boards, if any, with which the redevelopment  
19 authority consulted in preparing the plan, and the  
20 results of such consultations.

21           (V) An assessment of the manner in which the  
22 redevelopment plan balances the expressed needs of  
23 the homeless and the need of the communities in the  
24 vicinity of the installation for economic redevelop-  
25 ment and other development.

1           (VI) Copies of the agreements that the redevelop-  
2           ment authority proposes to enter into under sub-  
3           paragraph (F)(ii).

4           (H)(i) Not later than 60 days after receiving a rede-  
5           velopment plan under subparagraph (G), the Secretary of  
6           Housing and Urban Development shall complete a review  
7           of the plan. The purpose of the review is to determine  
8           whether the plan, with respect to the interest and requests  
9           of representatives of the homeless—

10           (I) takes into consideration the size and nature  
11           of the homeless population in the communities in the  
12           vicinity of the installation, the availability of existing  
13           services in such communities to meet the needs of  
14           the homeless in such communities, and the suit-  
15           ability of the buildings and property covered by the  
16           plan for the use and needs of the homeless in such  
17           communities;

18           (II) takes into consideration any economic im-  
19           pact of the homeless assistance under the plan on  
20           the communities in the vicinity of the installation;

21           (III) balances in an appropriate manner the  
22           needs of the communities in the vicinity of the in-  
23           stallation for economic redevelopment and other de-  
24           velopment with the needs of the homeless in such  
25           communities;

1           (IV) was developed in consultation with rep-  
2           representatives of the homeless and the homeless assist-  
3           ance planning boards, if any, in the communities in  
4           the vicinity of the installation; and

5           (V) specifies the manner in which buildings and  
6           property, resources, and assistance on or off the in-  
7           stallation will be made available for homeless assist-  
8           ance purposes.

9           (ii) It is the sense of Congress that the Secretary of  
10          Housing and Urban Development shall, in completing the  
11          review of a plan under this subparagraph, take into con-  
12          sideration and be receptive to the predominant views on  
13          the plan of the communities in the vicinity of the installa-  
14          tion covered by the plan.

15          (iii) The Secretary of Housing and Urban Develop-  
16          ment may engage in negotiations and consultations with  
17          a redevelopment authority before or during the course of  
18          a review under clause (i) with a view toward resolving any  
19          preliminary determination of the Secretary that a redevel-  
20          opment plan does not meet a requirement set forth in that  
21          clause. The redevelopment authority may modify the rede-  
22          velopment plan as a result of such negotiations and con-  
23          sultations.

24          (iv) Upon completion of a review of a redevelopment  
25          plan under clause (i), the Secretary of Housing and Urban

1 Development shall notify the Secretary of Defense and the  
2 redevelopment authority concerned of the determination of  
3 the Secretary of Housing and Urban Development under  
4 that clause.

5 (v) If the Secretary of Housing and Urban Develop-  
6 ment determines as a result of such a review that a rede-  
7 velopment plan does not meet the requirements set forth  
8 in clause (i), a notice under clause (iv) shall include—

9 (I) an explanation of that determination; and

10 (II) a statement of the actions that the redevelop-  
11 ment authority must undertake in order to ad-  
12 dress that determination.

13 (I)(i) Upon receipt of a notice under subparagraph  
14 (H)(iv) of a determination that a redevelopment plan does  
15 not meet a requirement set forth in subparagraph (H)(i),  
16 a redevelopment authority shall have the opportunity to—

17 (I) revise the plan in order to address the deter-  
18 mination; and

19 (II) submit the revised plan to the Secretary of  
20 Defense and the Secretary of Housing and Urban  
21 Development.

22 (ii) A redevelopment authority shall submit a revised  
23 plan under this subparagraph to such Secretaries, if at  
24 all, not later than 90 days after the date on which the

1 redevelopment authority receives the notice referred to in  
2 clause (i).

3 (J)(i) Not later than 30 days after receiving a revised  
4 redevelopment plan under subparagraph (I), the Secretary  
5 of Housing and Urban Development shall review the re-  
6 vised plan and determine if the plan meets the require-  
7 ments set forth in subparagraph (H)(i).

8 (ii) The Secretary of Housing and Urban Develop-  
9 ment shall notify the Secretary of Defense and the redevel-  
10 opment authority concerned of the determination of the  
11 Secretary of Housing and Urban Development under this  
12 subparagraph.

13 (K)(i) Upon receipt of a notice under subparagraph  
14 (H)(iv) or (J)(ii) of the determination of the Secretary of  
15 Housing and Urban Development that a redevelopment  
16 plan for an installation meets the requirements set forth  
17 in subparagraph (H)(i), the Secretary of Defense shall dis-  
18 pose of the buildings and property at the installation.

19 (ii) For purposes of carrying out an environmental  
20 assessment of the closure or realignment of an installa-  
21 tion, the Secretary of Defense shall treat the redevel-  
22 opment plan for the installation (including the aspects of the  
23 plan providing for disposal to State or local governments,  
24 representatives of the homeless, and other interested par-

1 ties) as part of the proposed Federal action for the instal-  
2 lation.

3 (iii) The Secretary of Defense shall dispose of build-  
4 ings and property under clause (i) in accordance with the  
5 record of decision or other decision document prepared by  
6 the Secretary in accordance with the National Environ-  
7 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In  
8 preparing the record of decision or other decision docu-  
9 ment, the Secretary shall give substantial deference to the  
10 redevelopment plan concerned.

11 (iv) The disposal under clause (i) of buildings and  
12 property to assist the homeless shall be without consider-  
13 ation.

14 (v) In the case of a request for a conveyance under  
15 clause (i) of buildings and property for public benefit  
16 under section 203(k) of the Federal Property and Admin-  
17 istrative Services Act of 1949 (40 U.S.C. 484(k)) or sec-  
18 tions 47151 through 47153 of title 49, United States  
19 Code, the sponsoring Federal agency shall use the eligi-  
20 bility criteria set forth in such section or such subchapter  
21 (as the case may be) to determine the eligibility of the  
22 applicant and use proposed in the request for the public  
23 benefit conveyance.

24 (L)(i) If the Secretary of Housing and Urban Devel-  
25 opment determines under subparagraph (J) that a revised

1 redevelopment plan for an installation does not meet the  
2 requirements set forth in subparagraph (H)(i), or if no  
3 revised plan is so submitted, that Secretary shall—

4 (I) review the original redevelopment plan sub-  
5 mitted to that Secretary under subparagraph (G),  
6 including the notice or notices of representatives of  
7 the homeless referred to in clause (ii)(II) of that  
8 subparagraph;

9 (II) consult with the representatives referred to  
10 in subclause (I), if any, for purposes of evaluating  
11 the continuing interest of such representatives in the  
12 use of buildings or property at the installation to as-  
13 sist the homeless;

14 (III) request that each such representative sub-  
15 mit to that Secretary the items described in clause  
16 (ii); and

17 (IV) based on the actions of that Secretary  
18 under subclauses (I) and (II), and on any informa-  
19 tion obtained by that Secretary as a result of such  
20 actions, indicate to the Secretary of Defense the  
21 buildings and property at the installation that meet  
22 the requirements set forth in subparagraph (H)(i).

23 (ii) The Secretary of Housing and Urban Develop-  
24 ment may request under clause (i)(III) that a representa-  
25 tive of the homeless submit to that Secretary the following:

1 (I) A description of the program of such rep-  
2 resentative to assist the homeless.

3 (II) A description of the manner in which the  
4 buildings and property that the representative pro-  
5 poses to use for such purpose will assist the home-  
6 less.

7 (III) Such information as that Secretary re-  
8 quires in order to determine the financial capacity of  
9 the representative to carry out the program and to  
10 ensure that the program will be carried out in com-  
11 pliance with Federal environmental law and Federal  
12 law against discrimination.

13 (IV) Such information as the Secretary requires  
14 in order to determine that police services, fire pro-  
15 tection services, and water and sewer services avail-  
16 able in the communities in the vicinity of the instal-  
17 lation concerned are adequate for the program.

18 (iii) Not later than 90 days after the date of the re-  
19 ceipt of a revised plan for an installation under subpara-  
20 graph (J), the Secretary of Housing and Urban Develop-  
21 ment shall—

22 (I) notify the Secretary of Defense and the re-  
23 development authority concerned of the buildings  
24 and property at an installation under clause (i)(IV)  
25 that the Secretary of Housing and Urban Develop-

1       ment determines are suitable for use to assist the  
2       homeless; and

3               (II) notify the Secretary of Defense of the ex-  
4       tent to which the revised plan meets the criteria set  
5       forth in subparagraph (H)(i).

6       (iv)(I) Upon notice from the Secretary of Housing  
7       and Urban Development with respect to an installation  
8       under clause (iii), the Secretary of Defense shall dispose  
9       of buildings and property at the installation in consulta-  
10      tion with the Secretary of Housing and Urban Develop-  
11      ment and the redevelopment authority concerned.

12       (II) For purposes of carrying out an environmental  
13      impact analysis of the closure or realignment of an instal-  
14      lation, the Secretary of Defense shall treat the redevelo-  
15      pment plan submitted by the redevelopment authority for  
16      the installation (including the aspect of the plan providing  
17      for disposal to State or local governments, representatives  
18      of the homeless, and other interested parties) as an alter-  
19      native to be analyzed in the environmental impact anal-  
20      ysis. The Secretary of Defense shall incorporate the notifi-  
21      cation of the Secretary of Housing and Urban Develop-  
22      ment under clause (iii)(I) as part of the proposed Federal  
23      action for the installation only to the extent, if any, that  
24      the Secretary of Defense considers such incorporation to  
25      be appropriate and consistent with the best and highest

1 use of the installation as a whole, taking into consideration  
2 the redevelopment plan submitted by the redevelopment  
3 authority.

4 (III) The Secretary of Defense shall dispose of build-  
5 ings and property under subclause (I) in accordance with  
6 the record of decision or other decision document prepared  
7 by the Secretary in accordance with the National Environ-  
8 mental Policy Act of 1969 (42 U.S.C. 4331 et seq.). In  
9 preparing the record of decision or other decision docu-  
10 ment, the Secretary shall give deference to the redevelop-  
11 ment plan submitted by the redevelopment authority for  
12 the installation.

13 (IV) The disposal under subclause (I) of buildings  
14 and property to assist the homeless shall be without con-  
15 sideration.

16 (V) In the case of a request for a conveyance under  
17 subclause (I) of buildings and property for public benefit  
18 under section 203(k) of the Federal Property and Admin-  
19 istrative Services Act of 1949 (40 U.S.C. 484(k)) or sec-  
20 tions 47151 through 47153 of title 49, United States  
21 Code, the sponsoring Federal agency shall use the eligi-  
22 bility criteria set forth in such section or such subchapter  
23 (as the case may be) to determine the eligibility of the  
24 applicant and use proposed in the request for the public  
25 benefit conveyance.

1 (M)(i) In the event of the disposal of buildings and  
2 property of an installation pursuant to subparagraph (K)  
3 or (L), the redevelopment authority for the installation  
4 shall be responsible for the implementation of and compli-  
5 ance with agreements under the redevelopment plan de-  
6 scribed in that subparagraph for the installation.

7 (ii) If a building or property reverts to a redevelo-  
8 ment authority under such an agreement, the redevelo-  
9 ment authority shall take appropriate actions to secure,  
10 to the maximum extent practicable, the utilization of the  
11 building or property by other homeless representatives to  
12 assist the homeless. A redevelopment authority may not  
13 be required to utilize the building or property to assist  
14 the homeless.

15 (N) The Secretary of Defense may postpone or ex-  
16 tend any deadline provided for under this paragraph in  
17 the case of an installation covered by this paragraph for  
18 such period as the Secretary considers appropriate if the  
19 Secretary determines that such postponement is in the in-  
20 terests of the communities affected by the closure or re-  
21 alignment of the installation. The Secretary shall make  
22 such determinations in consultation with the redevelo-  
23 ment authority concerned and, in the case of deadlines  
24 provided for under this paragraph with respect to the Sec-  
25 retary of Housing and Urban Development, in consulta-

1 tion with the Secretary of Housing and Urban Develop-  
2 ment.

3 (O) For purposes of this paragraph, the term “com-  
4 munities in the vicinity of the installation”, in the case of  
5 an installation, means the communities that constitute the  
6 political jurisdictions (other than the State in which the  
7 installation is located) that comprise the redevelopment  
8 authority for the installation.

9 (P) For purposes of this paragraph, the term “other  
10 interested parties”, in the case of an installation, includes  
11 any parties eligible for the conveyance of property of the  
12 installation under section 203(k) of the Federal Property  
13 and Administrative Services Act of 1949 (40 U.S.C.  
14 484(k)) or sections 47151 through 47153 of title 49,  
15 United States Code, whether or not the parties assist the  
16 homeless.

17 (7)(A) Subject to subparagraph (C), the Secretary  
18 may enter into agreements (including contracts, coopera-  
19 tive agreements, or other arrangements for reimburse-  
20 ment) with local governments for the provision of police  
21 or security services, fire protection services, airfield oper-  
22 ation services, or other community services by such gov-  
23 ernments at military installations closed or to be closed  
24 or realigned or to be realigned, under this part, if the Sec-  
25 retary determines that the provision of such services under

1 such agreements is in the best interests of the Department  
2 of Defense.

3 (B) The Secretary may exercise the authority pro-  
4 vided under this paragraph without regard to the provi-  
5 sions of chapter 146 of title 10, United States Code.

6 (C) The Secretary may not exercise the authority  
7 under subparagraph (A) with respect to an installation  
8 earlier than 180 days before the date on which the instal-  
9 lation is to be closed.

10 (D) The Secretary shall include in a contract for serv-  
11 ices entered into with a local government under this para-  
12 graph a clause that requires the use of professionals to  
13 furnish the services to the extent that professionals are  
14 available in the area under the jurisdiction of such govern-  
15 ment.

16 (c) APPLICABILITY OF NATIONAL ENVIRONMENTAL  
17 POLICY ACT OF 1969.—(1) The provisions of the National  
18 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
19 seq.) shall not apply to the actions of the Commission,  
20 and, except as provided in paragraph (2), the Department  
21 of Defense in carrying out this part.

22 (2)(A) The provisions of the National Environmental  
23 Policy Act of 1969 shall apply to actions of the Depart-  
24 ment of Defense under this part (i) during the process  
25 of property disposal, and (ii) during the process of relo-

1 cating functions from a military installation being closed  
2 or realigned to another military installation after the re-  
3 ceiving installation has been selected but before the func-  
4 tions are relocated.

5 (B) In applying the provisions of the National Envi-  
6 ronmental Policy Act of 1969 to the processes referred  
7 to in subparagraph (A), the Secretary of Defense and the  
8 Secretary of the military departments concerned shall not  
9 have to consider—

10 (i) the need for closing or realigning the mili-  
11 tary installation which has been recommended for  
12 closure or realignment by the Commission;

13 (ii) the need for transferring functions to any  
14 military installation which has been selected as the  
15 receiving installation; or

16 (iii) military installations alternative to those  
17 recommended or selected.

18 (3) A civil action for judicial review, with respect to  
19 any requirement of the National Environmental Policy Act  
20 of 1969 to the extent such Act is applicable under para-  
21 graph (2), of any act or failure to act by the Department  
22 of Defense during the closing, realigning, or relocating of  
23 functions referred to in clauses (i) and (ii) of paragraph  
24 (2)(A), may not be brought more than 60 days after the  
25 date of such act or failure to act.

1 (d) WAIVER.—The Secretary of Defense may close or  
2 realign military installations under this part without re-  
3 gard to—

4 (1) any provision of law restricting the use of  
5 funds for closing or realigning military installations  
6 included in any appropriations or authorization Act;  
7 and

8 (2) sections 2662 and 2687 of title 10, United  
9 States Code.

10 (e) TRANSFER AUTHORITY IN CONNECTION WITH  
11 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

12 (1)(A) Subject to paragraph (2) of this subsection and sec-  
13 tion 120(h) of the Comprehensive Environmental Re-  
14 sponse, Compensation, and Liability Act of 1980 (42  
15 U.S.C. 9620(h)), the Secretary may enter into an agree-  
16 ment to transfer by deed real property or facilities referred  
17 to in subparagraph (B) with any person who agrees to  
18 perform all environmental restoration, waste management,  
19 and environmental compliance activities that are required  
20 for the property or facilities under Federal and State laws,  
21 administrative decisions, agreements (including schedules  
22 and milestones), and concurrences.

23 (B) The real property and facilities referred to in  
24 subparagraph (A) are the real property and facilities lo-  
25 cated at an installation closed or to be closed or realigned

1 or to be realigned under this part that are available exclu-  
2 sively for the use, or expression of an interest in a use,  
3 of a redevelopment authority under subsection (b)(6)(F)  
4 during the period provided for that use, or expression of  
5 interest in use, under that subsection.

6 (C) The Secretary may require any additional terms  
7 and conditions in connection with an agreement author-  
8 ized by subparagraph (A) as the Secretary considers ap-  
9 propriate to protect the interests of the United States.

10 (2) A transfer of real property or facilities may be  
11 made under paragraph (1) only if the Secretary certifies  
12 to Congress that—

13 (A) the costs of all environmental restoration,  
14 waste management, and environmental compliance  
15 activities to be paid by the recipient of the property  
16 or facilities are equal to or greater than the fair  
17 market value of the property or facilities to be trans-  
18 ferred, as determined by the Secretary; or

19 (B) if such costs are lower than the fair market  
20 value of the property or facilities, the recipient of  
21 the property or facilities agrees to pay the difference  
22 between the fair market value and such costs.

23 (3) As part of an agreement under paragraph (1),  
24 the Secretary shall disclose to the person to whom the  
25 property or facilities will be transferred any information

1 of the Secretary regarding the environmental restoration,  
2 waste management, and environmental compliance activi-  
3 ties described in paragraph (1) that relate to the property  
4 or facilities. The Secretary shall provide such information  
5 before entering into the agreement.

6 (4) Nothing in this subsection shall be construed to  
7 modify, alter, or amend the Comprehensive Environmental  
8 Response, Compensation, and Liability Act of 1980 (42  
9 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42  
10 U.S.C. 6901 et seq.).

11 (5) Section 330 of the National Defense Authoriza-  
12 tion Act for Fiscal Year 1993 (Public Law 102-484; 10  
13 U.S.C. 2687 note) shall not apply to any transfer under  
14 this subsection to persons or entities described in sub-  
15 section (a)(2) of such section 330.

16 (f) TRANSFER AUTHORITY IN CONNECTION WITH  
17 CONSTRUCTION OR PROVISION OF MILITARY FAMILY  
18 HOUSING.—(1) Subject to paragraph (2), the Secretary  
19 may enter into an agreement to transfer by deed real prop-  
20 erty or facilities located at or near an installation closed  
21 or to be closed, or realigned or to be realigned, under this  
22 part with any person who agrees, in exchange for the real  
23 property or facilities, to transfer to the Secretary housing  
24 units that are constructed or provided by the person and  
25 located at or near a military installation at which there

1 is a shortage of suitable housing to meet the requirements  
2 of members of the Armed Forces and their dependents.  
3 The Secretary may not select real property for transfer  
4 under this paragraph if the property is identified in the  
5 redevelopment plan for the installation as property essen-  
6 tial to the reuse or redevelopment of the installation.

7 (2) A transfer of real property or facilities may be  
8 made under paragraph (1) only if—

9 (A) the fair market value of the housing units  
10 to be received by the Secretary in exchange for the  
11 property or facilities to be transferred is equal to or  
12 greater than the fair market value of such property  
13 or facilities, as determined by the Secretary; or

14 (B) in the event the fair market value of the  
15 housing units is less than the fair market value of  
16 property or facilities to be transferred, the recipient  
17 of the property or facilities agreed to pay to the Sec-  
18 retary the amount equal to the excess of the fair  
19 market value of the property or facilities over the  
20 fair market value of the housing units.

21 (3) Notwithstanding paragraph (2) of section 06(a),  
22 the Secretary may deposit funds received under paragraph  
23 (2)(B) in the Department of Defense Family Housing Im-  
24 provement Fund established under section 2873(a) of title  
25 10, United States Code.

1           (4) The Secretary shall submit to the congressional  
2 defense committees a report describing each agreement  
3 proposed to be entered into under paragraph (1), includ-  
4 ing the consideration to be received by the United States  
5 under the agreement. The Secretary may not enter into  
6 the agreement until the end of the 30-day period begin-  
7 ning on the date the congressional defense committees re-  
8 ceive the report regarding the agreement.

9           (5) The Secretary may require any additional terms  
10 and conditions in connection with an agreement author-  
11 ized by this subsection as the Secretary considers appro-  
12 priate to protect the interests of the United States.

13           (g) ACQUISITION OF MANUFACTURED HOUSING.—

14 (1) In closing or realigning any military installation under  
15 this part, the Secretary may purchase any or all right,  
16 title, and interest of a member of the Armed Forces and  
17 any spouse of the member in manufactured housing lo-  
18 cated at a manufactured housing park established at an  
19 installation closed or realigned under this part, or make  
20 a payment to the member to relocate the manufactured  
21 housing to a suitable new site, if the Secretary determines  
22 that—

23                   (A) it is in the best interest of the Federal Gov-  
24 ernment to eliminate or relocate the manufactured  
25 housing park; and

1           (B) the elimination or relocation of the manu-  
2           factured housing park would result in an unreason-  
3           able financial hardship to the owners of the manu-  
4           factured housing.

5           (2) Any payment made under this subsection shall  
6           not exceed 90 percent of the purchase price of the manu-  
7           factured housing, as paid by the member or any spouse  
8           of the member, plus the cost of any permanent improve-  
9           ments subsequently made to the manufactured housing by  
10          the member or spouse of the member.

11          (3) The Secretary shall dispose of manufactured  
12          housing acquired under this subsection through resale, do-  
13          nation, trade or otherwise within one year of acquisition.

14          **SEC. 1106. ACCOUNT.**

15          (a) IN GENERAL.—(1) There is hereby established on  
16          the books of the Treasury an account to be known as the  
17          “Department of Defense Base Closure Account 2000”  
18          which shall be administered by the Secretary as a single  
19          account.

20          (2) There shall be deposited into the Account—

21                  (A) funds authorized for and appropriated to  
22                  the Account;

23                  (B) any funds that the Secretary may, subject  
24                  to approval in an appropriation Act, transfer to the  
25                  Account from funds appropriated to the Department

1 of Defense for any purpose, except that such funds  
2 may be transferred only after the date on which the  
3 Secretary transmits written notice of, and justifica-  
4 tion for, such transfer to the congressional defense  
5 committees; and

6 (C) except as provided in subsection (d), pro-  
7 ceeds received from the lease, transfer, or disposal of  
8 any property at a military installation closed or re-  
9 aligned under this Act.

10 (3) The Account shall be closed at the time and in  
11 the manner provided for appropriation accounts under sec-  
12 tion 1555 of title 31, United States Code. Unobligated  
13 funds which remain in the Account upon closure shall be  
14 held by the Secretary of the Treasury until transferred  
15 by law after the congressional defense committees receive  
16 the final report transmitted under subsection (c)(2).

17 (b) USE OF FUNDS.—(1) The Secretary may use the  
18 funds in the Account only for the purposes described in  
19 section 05. After the termination of the authority of the  
20 Secretary to carry out a closure or realignment under this  
21 Act, the Account shall be the sole source of Federal funds  
22 for environmental restoration, property management, and  
23 other caretaker costs associated with any real property at  
24 military installations closed or realigned under this Act.

1           (2) When a decision is made to use funds in the Ac-  
2 count to carry out a construction project under section  
3 05(a) and the cost of the project will exceed the maximum  
4 amount authorized by law for a minor military construc-  
5 tion project, the Secretary shall notify in writing the con-  
6 gressional defense committees of the nature of, and jus-  
7 tification for, the project and the amount of expenditures  
8 for such project. Any such construction project may be  
9 carried out without regard to section 2802(a) of title 10,  
10 United States Code.

11           (c) REPORTS.—(1)(A) No later than 60 days after  
12 the end of each fiscal year in which the Secretary carries  
13 out activities under this Act, the Secretary shall transmit  
14 a report to the congressional defense committees of the  
15 amount and nature of the deposits into, and the expendi-  
16 tures from, the Account during such fiscal year and of  
17 the amount and nature of other expenditures made pursu-  
18 ant to section 05(a) during such fiscal year.

19           (B) The report for a fiscal year shall include the fol-  
20 lowing:

21                   (i) The obligations and expenditures from the  
22 Account during the fiscal year, identified by sub-  
23 account, for each military department and Defense  
24 Agency.

1           (ii) The fiscal year in which appropriations for  
2           such expenditures were made and the fiscal year in  
3           which funds were obligated for such expenditures.

4           (iii) Each military construction project for  
5           which such obligations and expenditures were made,  
6           identified by installation and project title.

7           (iv) A description and explanation of the extent,  
8           if any, to which expenditures for military construc-  
9           tion projects for the fiscal year differed from pro-  
10          posals for projects and funding levels that were in-  
11          cluded in the justification transmitted to Congress  
12          under section 07(1), or otherwise, for the funding  
13          proposals for the Account for such fiscal year, in-  
14          cluding an explanation of—

15               (I) any failure to carry out military con-  
16               struction projects that were so proposed; and

17               (II) any expenditures for military construc-  
18               tion projects that were not so proposed.

19          (2) No later than 60 days after the termination of  
20          the authority of the Secretary to carry out a closure or  
21          realignment under this Act, and no later than 60 days  
22          after the closure of the Account under subsection (a)(3),  
23          the Secretary shall transmit to the congressional defense  
24          committees a report containing an accounting of—

1           (A) all the funds deposited into and expended  
2           from the Account or otherwise expended under this  
3           Act; and

4           (B) any amount remaining in the Account.

5           (d) DISPOSAL OR TRANSFER OF COMMISSARY  
6 STORES AND PROPERTY PURCHASED WITH NON-  
7 APPROPRIATED FUNDS.—(1) If any real property or facil-  
8 ity acquired, constructed, or improved (in whole or in part)  
9 with commissary store funds or nonappropriated funds is  
10 transferred or disposed of in connection with the closure  
11 or realignment of a military installation under this Act,  
12 a portion of the proceeds of the transfer or other disposal  
13 of property on that installation shall be deposited in the  
14 reserve account established under section 204(b)(7)(C) of  
15 the Defense Authorization Amendments and Base Closure  
16 and Realignment Act (10 U.S.C. 2687 note).

17           (2) The amount so deposited shall be equal to the  
18 depreciated value of the investment made with such funds  
19 in the acquisition, construction, or improvement of that  
20 particular real property or facility. The depreciated value  
21 of the investment shall be computed in accordance with  
22 regulations prescribed by the Secretary of Defense.

23           (3) The Secretary may use amounts in the account  
24 (in such an aggregate amount as is provided in advance

1 in appropriation Acts) for the purpose of acquiring, con-  
2 structing, and improving—

3 (A) commissary stores; and

4 (B) real property and facilities for non-  
5 appropriated fund instrumentalities.

6 (4) As used in this subsection:

7 (A) The term “commissary store funds” means  
8 funds received from the adjustment of, or surcharge  
9 on, selling prices at commissary stores fixed under  
10 section 2685 of title 10, United States Code.

11 (B) The term “nonappropriated funds” means  
12 funds received from a nonappropriated fund instru-  
13 mentality.

14 (C) The term “nonappropriated fund instru-  
15 mentality” means an instrumentality of the United  
16 States under the jurisdiction of the Armed Forces  
17 (including the Army and Air Force Exchange Serv-  
18 ice, the Navy Resale and Services Support Office,  
19 and the Marine Corps exchanges) which is conducted  
20 for the comfort, pleasure, contentment, or physical  
21 or mental improvement of members of the Armed  
22 Forces.

23 (e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR  
24 ENVIRONMENTAL RESTORATION PROJECTS.—Except for  
25 funds deposited into the Account under subsection (a),

1 funds appropriated to the Department of Defense may not  
2 be used for purposes described in section 05(a)(1)(C). The  
3 prohibition in this subsection shall expire upon the closure  
4 of the Account under subsection (a)(3.)

5 **SEC. 1107. REPORTS.**

6 As part of the budget request for the Department of  
7 Defense for fiscal year 2005 and for each fiscal year there-  
8 after in which the Secretary carries out activities under  
9 this part, the Secretary shall transmit to the congressional  
10 defense committees of Congress—

11 (1) a schedule of the closure and realignment  
12 actions to be carried out under this part in the fiscal  
13 year for which the request is made and an estimate  
14 of the total expenditures required and cost savings  
15 to be achieved by such closure and realignment and  
16 of the time period in which these savings are to be  
17 achieved in each case, together with the Secretary's  
18 assessment of the environmental effects of such ac-  
19 tions; and

20 (2) a description of the military installations,  
21 including those under construction and those  
22 planned for construction, to which functions are to  
23 be transferred as a result of such closures and re-  
24 alignments, together with the Secretary's assessment  
25 of the environmental effects of such transfers.

1 **SEC. 1108. CONGRESSIONAL CONSIDERATION OF COMMIS-**  
 2 **SION REPORT.**

3 (a) **TERMS OF THE RESOLUTION.**—For purposes of  
 4 section 04(b), the term “joint resolution” means only a  
 5 joint resolution which is introduced within the 10-day pe-  
 6 riod beginning on the date on which the President trans-  
 7 mits the report to the Congress under section 03(e), and—

8 (1) which does not have a preamble;

9 (2) the matter after the resolving clause of  
 10 which is as follows: “That Congress disapproves the  
 11 recommendations of the Defense Base Closure and  
 12 Realignment Commission as submitted by the Presi-  
 13 dent on \_\_\_\_\_”, the blank space being filled in  
 14 with the appropriate date; and

15 (3) the title of which is as follows: “Joint reso-  
 16 lution disapproving the recommendations of the De-  
 17 fense Base Closure and realignment Commission.”.

18 (b) **REFERRAL.**—A resolution described in subsection  
 19 (a) that is introduced in the House of Representatives  
 20 shall be referred to the Committee on Armed Services of  
 21 the House of Representatives. A resolution described in  
 22 subsection (a) introduced in the Senate shall be referred  
 23 to the Committee on Armed Services of the Senate.

24 (c) **DISCHARGE.**—If the committee to which a resolu-  
 25 tion described in subsection (a) is referred has not re-  
 26 ported such a resolution (or an identical resolution) by the

1 end of the 20-day period beginning on the date on which  
2 the President transmits the report to Congress under sec-  
3 tion 03(e), such committee shall be, at the end of such  
4 period, discharged from further consideration of such reso-  
5 lution, and such resolution shall be placed on the appro-  
6 priate calendar of the House involved.

7 (d) CONSIDERATION.—(1) On or after the third day  
8 after the date on which the committee to which such a  
9 resolution is referred has reported, or has been discharged  
10 (under subsection (c)) from further consideration of, such  
11 a resolution, it is in order (even though a previous motion  
12 to the same effect has been disagreed to) for any Member  
13 of the respective House to move to proceed to the consider-  
14 ation of the resolution. A member may make the motion  
15 only on the day after the calendar day on which the Mem-  
16 ber announces to the House concerned the Member's in-  
17 tention to make the motion, except that, in the case of  
18 the House of Representatives, the motion may be made  
19 without such prior announcement if the motion is made  
20 by direction of the committee to which the resolution was  
21 referred. The motion is highly privileged in the House of  
22 Representatives and is privileged in the Senate and is not  
23 debatable. The motion is not subject to amendment, or  
24 to a motion to postpone, or to a motion to proceed to the  
25 consideration of other business. A motion to reconsider the

1 vote by which the motion is agreed to or disagreed to shall  
2 not be in order. If a motion to proceed to the consideration  
3 of the resolution is agreed to, the respective House shall  
4 immediately proceed to consideration of the joint resolu-  
5 tion without intervening motion, order, or other business,  
6 and the resolution shall remain the unfinished business of  
7 the respective House until disposed of.

8       (2) Debate on the resolution, and on all debatable  
9 motions and appeals in connection therewith, shall be lim-  
10 ited to not more than 2 hours, which shall be divided  
11 equally between those favoring and those opposing the res-  
12 olution. An amendment to the resolution is not in order.  
13 A motion further to limit debate is in order and not debat-  
14 able. A motion to postpone, or a motion to proceed to the  
15 consideration of other business, or a motion to recommit  
16 the resolution is not in order. A motion to reconsider the  
17 vote by which the resolution is agreed to or disagreed to  
18 is not in order.

19       (3) Immediately following the conclusion of the de-  
20 bate on a resolution described in subsection (a) and a sin-  
21 gle quorum call at the conclusion of the debate if re-  
22 quested in accordance with the rules of the appropriate  
23 House, the vote on final passage of the resolution shall  
24 occur.

1           (4) Appeals from the decisions of the Chair relating  
2 to the application of the rules of the Senate or the House  
3 of Representatives, as the case may be, to the procedure  
4 relating to a resolution described in subsection (a) shall  
5 be decided with out debate.

6           (e) CONSIDERATION BY OTHER HOUSE.—(1) If, be-  
7 fore the passage by one House of a resolution of that  
8 House described in subsection (a), that House receives  
9 from the other House a resolution described in subsection  
10 (a), then the following procedures shall apply:

11           (A) The resolution of the other House shall not  
12 be referred to a committee and may not be consid-  
13 ered in the House receiving it except in the case of  
14 final passage as provided in subparagraph (B)(ii).

15           (B) With respect to a resolution described in  
16 subsection (a) of the House receiving the  
17 resolution—

18           (i) the procedure in that House shall be  
19 the same as if no resolution had been received  
20 from the other House; but

21           (ii) the vote on final passage shall be on  
22 the resolution of the other House.

23           (2) Upon disposition of the resolution received from  
24 the other House, it shall no longer be in order to consider  
25 the resolution that originated in the receiving House.

1 (f) RULES OF THE SENATE AND HOUSE.—This sec-  
2 tion is enacted by Congress—

3 (1) as an exercise of the rulemaking power of  
4 the Senate and House of Representatives, respec-  
5 tively, and as such it is deemed a part of the rules  
6 of each House, respectively, but applicable only with  
7 respect to the procedure to be followed in that  
8 House in the case of a resolution described in sub-  
9 section (a), and it supersedes other rules only to the  
10 extent that it is inconsistent with such rules; and

11 (2) with full recognition of the constitutional  
12 right of either House to change the rules (so far as  
13 relating to the procedure of that House) at any time,  
14 in the same manner, and to the same extent as in  
15 the case of any other rule of that House.

16 **SEC. 1109. RESTRICTION ON OTHER BASE CLOSURE AU-**  
17 **THORITY.**

18 (a) IN GENERAL.—Except as provided in subsection  
19 (c), during the period beginning on the date of the enact-  
20 ment of this Act and ending on December 31, 2005, this  
21 part shall be the exclusive authority for selecting for clo-  
22 sure or realignment, or for carryiny out any closure or  
23 realignment of, military installation inside the United  
24 States.

1 (b) RESTRICTION.—Except as provided in subsection  
2 (c), none of the funds available to the Department of De-  
3 fense may be used, other than under this part, during the  
4 period specified in subsection (a)—

5 (1) to identify, through any transmittal to the  
6 Congress or through any other public announcement  
7 or notification, any military installation inside the  
8 United States as an installation to be closed or re-  
9 aligned or as an installation under consideration for  
10 closure or realignment; or

11 (2) to carry out any closure or realignment of  
12 a military installation inside the United States.

13 (c) EXCEPTION.—Nothing in this part affects the au-  
14 thority of the Secretary to carry out—

15 (1) closures and realignments under title II of  
16 Public Law 100–526;

17 (2) closures and realignments under Public Law  
18 101–510; and

19 (3) closures and realignments to which section  
20 2687 of title 10, United States Code, is not applica-  
21 ble, including closures and realignments carried out  
22 for reasons of national security or a military emer-  
23 gency referred to in subsection (c) of such section.

24 **SEC. 1110. DEFINITIONS.**

25 As used in this part:

1           (1) The term “Account” means the Department  
2 of Defense Base Closure Account 2000 established  
3 by section 06(a)(1).

4           (2) The term “congressional defense commit-  
5 tees” means the Committee on Armed Services and  
6 the Committee on Appropriations of the Senate and  
7 the Committee on National Security and the Com-  
8 mittee on Appropriations of the House of Represent-  
9 atives.

10          (3) The term “Commission” means the Com-  
11 mission established by section 02.

12          (4) The term “military installation” means a  
13 base, camp, post, station, yard, center, homeport fa-  
14 cility for any ship, or other activity under the juris-  
15 diction of the Department of Defense, including any  
16 leased facility. Such term does not include any facil-  
17 ity used primarily for civil works, rivers and harbors  
18 projects, flood control, or other projects not under  
19 the primary jurisdiction or control of the Depart-  
20 ment of Defense.

21          (5) The term “realignment” includes any action  
22 which both reduces and relocates functions and civil-  
23 ian personnel positions but does not include a reduc-  
24 tion in force resulting from workload adjustments,

1 reduced personnel or funding levels, or skill imbal-  
2 ances.

3 (6) The term “Secretary” means the Secretary  
4 of Defense.

5 (7) The term “United States” means the 50  
6 States, the District of Columbia, the Commonwealth  
7 of Puerto Rico, Guam, the Virgin Islands, American  
8 Samoa, and any other commonwealth, territory, or  
9 possession of the United States.

10 (8) The term “date of approval”, with respect  
11 to a closure or realignment of an installation, means  
12 the date on which the authority of Congress to dis-  
13 approve a recommendation of closure or realign-  
14 ment, as the case may be, of such installation under  
15 this part expires.

16 (9) The term “redevelopment authority”, in the  
17 case of an installation to be closed or realigned  
18 under this part, means any entity (including an enti-  
19 ty established by a State or local government) recog-  
20 nized by the Secretary of Defense as the entity re-  
21 sponsible for developing the redevelopment plan with  
22 respect to the installation or for directing the imple-  
23 mentation of such plan.

1           (10) The term “redevelopment plan” in the  
2 case of an installation to be closed or realigned  
3 under this part, means a plan that—

4                   (A) is agreed to by the local redevelopment  
5 authority with respect to the installation; and

6                   (B) provides for the reuse or redevelop-  
7 ment of the property and personal property of  
8 the installation that is available for such reuse  
9 and redevelopment as a result of the closure or  
10 realignment of the installation.

11           (11) The term “representative of the homeless”  
12 has the meaning given such term in section  
13 501(i)(4) of the Stewart B. McKinney Homeless As-  
14 sistance Act (42 U.S.C. 11411(i)(4)).

15 **SEC. 1111. CLARIFYING AMENDMENTS.**

16           (a) All authorities provided to the Secretary of De-  
17 fense with respect to installations closed or to be closed  
18 pursuant to the Defense Base Closure and Realignment  
19 Act of 1990 (Public Law 101–510, as amended; 10 U.S.C.  
20 2687 note), shall apply to the same extent to installations  
21 realigned or to be realigned pursuant to the Defense Base  
22 Closure and Realignment Act of 1990 (Public Law 101–  
23 510, as amended; 10 U.S.C. 2687 note).

1 (b) For the purposes of this Act and notwithstanding  
2 any other provision of law, governments of Indian tribes  
3 shall be treated as State and local governments.

4 **SEC. 1112. CONFORMING AMENDMENTS.**

5 (a) DEFINITIONS OF BASE CLOSURE LAW.—(1) Sub-  
6 section (c)(1) of section 3341 of title 5, United States  
7 Code, is amended by adding at the end the following new  
8 paragraph (D):

9 “(D) Any other similar law enacted after  
10 November 5, 1990.”.

11 (2) Subsection (h) of section 2667 of title 10, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing new paragraph (4):

14 “(4) Any other similar law enacted after No-  
15 vember 5, 1990.”.

16 (3) Subsection (h) of section 2705 of title 10, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing new paragraph (4):

19 “(4) Any other similar law enacted after No-  
20 vember 5, 1990.”.

21 (4) Subsection (2) of section 2871 of title 10, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing new paragraph (D):

24 “(D) Any other similar law enacted after No-  
25 vember 5, 1990.”.

1       (5) Subsection (q)(6) of section 484 of title 40,  
2 United States Code, is amended by adding at the end the  
3 following new paragraph (D):

4           “(D) Any other similar law enacted after No-  
5 vember 5, 1990.”.

6       (6) Subsection (k)(1) of section 1334 of Public Law  
7 103–160, is amended by adding at the end the following  
8 new paragraph (C):

9           “(C) Any other similar law enacted after No-  
10 vember 5, 1990.”.

11       (7) Subsection (b) of section 2814 of Public Law  
12 103–337, is amended by adding at the end the following  
13 new paragraph (3):

14           “(3) Any other similar law enacted after No-  
15 vember 5, 1990.”.

16       (b) REFERENCES TO BRAC ACCOUNTS.—Subsection  
17 (d)(5) of section 2667 of title 10, United States Code, is  
18 amended by inserting “or any successor account, as appro-  
19 priate” at the end thereof.

○