

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2586

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## AN ACT

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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 2002”.

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

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

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

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

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

17        (b) TABLE OF CONTENTS.—The table of contents for  
 18 this Act is as follows:

Sec. 1. Short title; findings.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

**DIVISION A—DEPARTMENT OF DEFENSE**

**AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

- Sec. 105. Defense Inspector General.
- Sec. 106. Chemical demilitarization program.
- Sec. 107. Defense health programs.
- Sec. 108. Additional amount for shipbuilding and conversion, Navy.

#### **Subtitle B—Army Programs**

- Sec. 111. Extension of multiyear contract for Family of Medium Tactical Vehicles.
- Sec. 112. Repeal of limitations on bunker defeat munitions program.

#### **Subtitle C—Air Force Programs**

- Sec. 121. Responsibility of Air Force for contracts for all defense space launches.
- Sec. 122. Multi-year procurement of C-17 aircraft.

#### **Subtitle D—Chemical Munitions Destruction**

- Sec. 141. Destruction of existing stockpile of lethal chemical agents and munitions.

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

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

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

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

- Sec. 211. Cooperative Department of Defense-Department of Veterans Affairs medical research program.
- Sec. 212. Advanced Land Attack Missile program.
- Sec. 213. Collaborative program for development of advanced radar systems for naval applications.
- Sec. 214. Cost limitation applicable to F-22 aircraft program engineering and manufacturing development.
- Sec. 215. C-5 aircraft modernization.

#### **Subtitle C—Ballistic Missile Defense**

- Sec. 231. Transfer of responsibility for procurement for missile defense programs from Ballistic Missile Defense Organization to military departments.
- Sec. 232. Repeal of program element requirements for ballistic missile defense programs.
- Sec. 233. Support of ballistic missile defense activities of the Department of Defense by the national defense laboratories of the Department of Energy.
- Sec. 234. Missile defense testing initiative.
- Sec. 235. Missile Defense System Test Bed Facilities.

#### **Subtitle D—Other Matters**

- Sec. 241. Establishment of unmanned aerial vehicle joint operational test bed system.

- Sec. 242. Demonstration project to increase small business and university participation in Office of Naval Research efforts to extend benefits of science and technology research to fleet.
- Sec. 243. Management responsibility for Navy mine countermeasures programs.
- Sec. 244. Program to accelerate the introduction of innovative technology in defense acquisition programs.

**Subtitle E—Air Force Science and Technology for the 21st Century**

- Sec. 251. Short title.
- Sec. 252. Science and technology investment and development planning.
- Sec. 253. Study and report on effectiveness of Air Force science and technology program changes.

**TITLE III—OPERATION AND MAINTENANCE**

**Subtitle A—Authorization of Appropriations**

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

**Subtitle B—Environmental Provisions**

- Sec. 311. Inventory of explosive risk sites at former military ranges.
- Sec. 312. National security impact statements.
- Sec. 313. Reimbursement for certain costs in connection with Hooper Sands site, South Berwick, Maine.
- Sec. 314. River mitigation studies.
- Sec. 315. Elimination of annual report on contractor reimbursement for costs of environmental response actions.

**Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities**

- Sec. 321. Reserve component commissary benefits.
- Sec. 322. Reimbursement for noncommissary use of commissary facilities.
- Sec. 323. Civil recovery for nonappropriated fund instrumentality costs related to shoplifting.

**Subtitle D—Workforce and Depot Issues**

- Sec. 331. Workforce review limitations.
- Sec. 332. Applicability of core logistics capability requirements to nuclear aircraft carriers.
- Sec. 333. Continuation of contractor manpower reporting system in Department of the Army.
- Sec. 334. Limitation on expansion of Wholesale Logistics Modernization Program.
- Sec. 335. Pilot project for exclusion of certain expenditures from limitation on private sector performance of depot-level maintenance.
- Sec. 336. Protections for purchasers of articles and services manufactured or performed by working-capital funded industrial facilities of the Department of Defense.

**Subtitle E—Defense Dependents Education**

- Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
- Sec. 342. Availability of auxiliary services of defense dependents' education system for dependents who are home school students.
- Sec. 343. Report regarding compensation for teachers employed in teaching positions in overseas schools operated by the Department of Defense.

#### **Subtitle F—Other Matters**

- Sec. 351. Availability of excess defense personal property to support Department of Veterans Affairs initiative to assist homeless veterans.
- Sec. 352. Continuation of limitations on implementation of Navy-Marine Corps Intranet contract.
- Sec. 353. Completion and evaluation of current demonstration programs to improve quality of personal property shipments of members.
- Sec. 354. Expansion of entities eligible for loan, gift, and exchange of documents, historical artifacts, and obsolete combat materiel.
- Sec. 355. Sense of Congress regarding security to be provided at the 2002 Winter Olympic Games.

### **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

#### **Subtitle A—Active Forces**

- Sec. 401. End strengths for active forces.
- Sec. 402. Revision in permanent end strength minimum levels.

#### **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. Fiscal year 2002 limitation on non-dual status technicians.
- Sec. 415. Limitations on numbers of Reserve personnel serving on active duty or full-time National Guard duty in certain grades for administration of Reserve components.

#### **Subtitle C—Other Matters Relating to Personnel Strengths**

- Sec. 421. Increase in percentage by which active component end strengths for any fiscal year may be increased.
- Sec. 422. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.
- Sec. 423. Increase in authorized strengths for Air Force officers on active duty in the grade of major.

#### **Subtitle D—Authorization of Appropriations**

- Sec. 431. Authorization of appropriations for military personnel.

### **TITLE V—MILITARY PERSONNEL POLICY**

#### **Subtitle A—General Personnel Management Authorities**

- Sec. 501. Enhanced flexibility for management of senior general and flag officer positions.

- Sec. 502. Original appointments in regular grades for Academy graduates and certain other new officers.
- Sec. 503. Temporary reduction of time-in-grade requirement for eligibility for promotion for certain active-duty list officers in grades of first lieutenant and lieutenant (junior grade).
- Sec. 504. Increase in senior enlisted active duty grade limit for Navy, Marine Corps, and Air Force.
- Sec. 505. Authority for limited extension of medical deferment of mandatory retirement or separation.
- Sec. 506. Authority for limited extension on active duty of members subject to mandatory retirement or separation.
- Sec. 507. Clarification of disability severance pay computation.
- Sec. 508. Officer in charge of United States Navy Band.
- Sec. 509. One-year extension of expiration date for certain force management authorities.

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

- Sec. 511. Placement on active-duty list of certain reserve officers on active duty for a period of three years or less.
- Sec. 512. Expanded application of Reserve special selection boards.
- Sec. 513. Exception to baccalaureate degree requirement for appointment of reserve officers to grades above first lieutenant.
- Sec. 514. Improved disability benefits for certain reserve component members.
- Sec. 515. Time-in-grade requirement for reserve component officers with a non-service connected disability.
- Sec. 516. Reserve members considered to be deployed for purposes of personnel tempo management.
- Sec. 517. Funeral honors duty performed by Reserve and Guard members to be treated as inactive-duty training for certain purposes.
- Sec. 518. Members of the National Guard performing funeral honors duty while in non-Federal status.
- Sec. 519. Use of military leave for funeral honors duty by Reserve members and National Guardsmen.
- Sec. 520. Preparation for, participation in, and conduct of athletic competitions by the National Guard and members of the National Guard.

### **Subtitle C—Joint Specialty Officers and Joint Professional Military Education**

- Sec. 521. Nominations for joint specialty.
- Sec. 522. Joint duty credit.
- Sec. 523. Retroactive joint service credit for duty in certain joint task forces.
- Sec. 524. Revision to annual report on joint officer management.
- Sec. 525. Requirement for selection for joint specialty before promotion to general or flag officer grade.
- Sec. 526. Independent study of joint officer management and joint professional military education reforms.
- Sec. 527. Professional development education.
- Sec. 528. Authority for National Defense University to enroll certain private sector civilians.
- Sec. 529. Continuation of reserve component professional military education test.

### **Subtitle D—Military Education and Training**

- Sec. 531. Defense Language Institute Foreign Language Center.
- Sec. 532. Authority for the Marine Corps University to award degree of master of strategic studies.
- Sec. 533. Increase in number of foreign students authorized to be admitted to the service academies.
- Sec. 534. Increase in maximum age for appointment as a cadet or midshipman in Senior Reserve Officer Training Corps scholarship programs.
- Sec. 535. Active duty participation as a cadet or midshipman in Senior ROTC advanced training.
- Sec. 536. Authority to modify the service obligation of certain ROTC cadets in military junior colleges receiving financial assistance.
- Sec. 537. Modification of nurse officer candidate accession program restriction on students attending educational institutions with Senior Reserve Officers' Training programs.
- Sec. 538. Repeal of limitation on number of Junior Reserve Officers' Training Corps (JROTC) units.
- Sec. 539. Reserve health professionals stipend program expansion.
- Sec. 540. Housing allowance for the Chaplain for the Corps of Cadets, United States Military Academy.

#### **Subtitle E—Decorations, Awards, and Commendations**

- Sec. 541. Authority for award of the medal of honor to Humbert R. Versace for valor during the Vietnam War.
- Sec. 542. Review regarding award of medal of honor to certain Jewish American and Hispanic American war veterans.
- Sec. 543. Authority to issue duplicate medal of honor.
- Sec. 544. Authority to replace stolen military decorations.
- Sec. 545. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.
- Sec. 546. Korea Defense Service medal.
- Sec. 547. Cold War Service medal.
- Sec. 548. Option to convert award of Armed Forces Expeditionary Medal awarded for Operation Frequent Wind to Vietnam Service Medal.
- Sec. 549. Sense of Congress on new medal to recognize civilian employees of the Department of Defense killed or wounded as a result of hostile action.

#### **Subtitle F—Matters Relating to Voting**

- Sec. 551. Voting assessments and assistance for members of the uniformed services.
- Sec. 552. Electronic voting demonstration project.

#### **Subtitle G—Matters Relating to Military Spouses and Family Members**

- Sec. 561. Improved financial and other assistance to military spouses for job training and education.
- Sec. 562. Authority to conduct surveys of dependents and survivors of military retirees.
- Sec. 563. Clarification of treatment of classified information concerning persons in a missing status.

- Sec. 564. Transportation to annual meeting of next-of-kin of persons unaccounted for from conflicts after World War II.
- Sec. 565. Amendments to charter of Defense Task Force on Domestic Violence.

### **Subtitle H—Military Justice and Legal Matters**

- Sec. 571. Requirement that courts-martial consist of not less than 12 members in capital cases.
- Sec. 572. Right of convicted accused to request sentencing by military judge.
- Sec. 573. Codification of requirement for regulations for delivery of military personnel to civil authorities when charged with certain offenses
- Sec. 574. Authority to accept voluntary legal services for members of the Armed Forces.

### **Subtitle I—Other Matters**

- Sec. 581. Shipment of privately owned vehicles when making permanent change of station moves within United States.
- Sec. 582. Payment of vehicle storage costs in advance.
- Sec. 583. Permanent authority for use of military recruiting funds for certain expenses at Department of Defense recruiting functions.
- Sec. 584. Clarification of military recruiter access to secondary school directory information about students.
- Sec. 585. Repeal of requirement for final Comptroller General report relating to Army end strength allocations.
- Sec. 586. Posthumous Army commission in the grade of captain in the Chaplains Corps to Ella E. Gibson for service as chaplain of the First Wisconsin Heavy Artillery regiment during the Civil War.
- Sec. 587. National Guard Challenge Program.
- Sec. 588. Payment of FEHBP premiums for certain Reservists called to active duty in support of contingency operations.
- Sec. 589. 18-month enlistment pilot program.
- Sec. 590. Per diem allowance for lengthy or numerous deployments.
- Sec. 591. Congressional review period for change in ground combat exclusion policy.
- Sec. 592. Report on health and disability benefits for pre-accession training and education programs.
- Sec. 593. Requirement to provide appropriate articles of clothing as a civilian uniform for civilians participating in funeral honor details for veterans upon showing of financial need.

## **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

### **Subtitle A—Pay and Allowances**

- Sec. 601. Increase in basic pay for fiscal year 2002.
- Sec. 602. Basic pay rate for certain reserve commissioned officers with prior service as an enlisted member or warrant officer.
- Sec. 603. Subsistence allowances.
- Sec. 604. Eligibility for basic allowance for housing while between permanent duty stations.
- Sec. 605. Uniform allowance for officers.
- Sec. 606. Family separation allowance for certain members electing to serve unaccompanied tour of duty.

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

- Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
- Sec. 612. One-year extension of certain bonus and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. One-year extension of other bonus and special pay authorities.
- Sec. 614. Conforming accession bonus for dental officers authority with authorities for other special pay and bonuses.
- Sec. 615. Additional type of duty resulting in eligibility for hazardous duty incentive pay.
- Sec. 616. Equal treatment of reservists performing inactive-duty training for receipt of aviation career incentive pay.
- Sec. 617. Secretarial discretion in prescribing submarine duty incentive pay rates.
- Sec. 618. Imposition of critical wartime skill requirement for eligibility for Individual Ready Reserve bonus.
- Sec. 619. Installment payment authority for 15-year career status bonus.
- Sec. 620. Accession bonus for new officers.

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

- Sec. 631. Minimum per diem rate for travel and transportation allowance for travel performed upon a change of permanent station and certain other travel.
- Sec. 632. Payment or reimbursement of temporary subsistence expenses.
- Sec. 633. Increased weight allowance for transportation of baggage and household effects for junior enlisted members.
- Sec. 634. Reimbursement of members for mandatory pet quarantine fees for household pets.
- Sec. 635. Availability of dislocation allowance for married member, whose spouse is a member, assigned to military family housing.
- Sec. 636. Elimination of prohibition on receipt of dislocation allowance by members ordered to first duty station.
- Sec. 637. Partial dislocation allowance authorized for housing moves ordered for Government convenience.
- Sec. 638. Allowances for travel performed in connection with members taking authorized leave between consecutive overseas tours.
- Sec. 639. Funded student travel as part of school-sponsored exchange programs.

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

- Sec. 641. Contingent authority for concurrent receipt of military retired pay and veterans' disability compensation.

### **Subtitle E—Other Matters**

- Sec. 651. Funeral honors duty allowance for retired members.

## **TITLE VII—HEALTH CARE PROVISIONS**

### **Subtitle A—TRICARE Program**

- Sec. 701. Implementing cost-effective payment rates under the TRICARE program.

- Sec. 702. Waiver of nonavailability statement or preauthorization requirement.
- Sec. 703. Improvements in administration of the TRICARE program.
- Sec. 704. Sub-acute and long-term care program reform.
- Sec. 705. Reimbursement of travel expenses of a parent, guardian, or responsible family member of a minor covered beneficiary.

#### **Subtitle B—Other Matters**

- Sec. 711. Prohibition against requiring military retirees to receive health care solely through the Department of Defense.
- Sec. 712. Trauma and medical care pilot program.
- Sec. 713. Enhancement of medical product development.
- Sec. 714. Repeal of obsolete report requirement.
- Sec. 715. Clarifications and improvements regarding the Department of Defense Medicare-Eligible Retiree Health Care Fund.

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

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

- Sec. 801. Acquisition milestones.
- Sec. 802. Acquisition workforce qualifications.
- Sec. 803. Two-year extension of program applying simplified procedures to certain commercial items.
- Sec. 804. Contracts for services to be performed outside the United States.
- Sec. 805. Codification and modification of “Berry Amendment” requirements.
- Sec. 806. Increase of assistance limitation regarding procurement technical assistance programs.
- Sec. 807. Study of contract consolidations.

#### **Subtitle B—Erroneous Payments Recovery**

- Sec. 811. Short title.
- Sec. 812. Identification of errors made by executive agencies in payments to contractors and recovery of amounts erroneously paid.
- Sec. 813. Disposition of recovered funds.
- Sec. 814. Sources of recovery services.
- Sec. 815. Management improvement programs.
- Sec. 816. Reports.
- Sec. 817. Relationship to authority of inspectors general.
- Sec. 818. Privacy protections.
- Sec. 819. Definition.

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

- Sec. 901. Further reductions in defense acquisition and support workforce.
- Sec. 902. Sense of Congress on establishment of an Office of Transformation in the Department of Defense.
- Sec. 903. Revised joint report on establishment of national collaborative information analysis capability.
- Sec. 904. Elimination of triennial report by Chairman of the Joint Chiefs of Staff on roles and missions of the Armed Forces.
- Sec. 905. Repeal of requirement for semiannual reports through March 2003 on activities of Joint Requirements Oversight Council.
- Sec. 906. Correction of references to Air Mobility Command.

Sec. 907. Organizational alignment change for Director for Expeditionary Warfare.

## **TITLE X—GENERAL PROVISIONS**

### **Subtitle A—Financial Matters**

- Sec. 1001. Transfer authority.  
 Sec. 1002. Incorporation of classified annex.  
 Sec. 1003. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2002.  
 Sec. 1004. Increase in limitations on administrative authority of the Navy to settle admiralty claims.

### **Subtitle B—Naval Vessels**

- Sec. 1011. Revision in types of excess naval vessels for which approval by law is required for disposal to foreign nations.

### **Subtitle C—Counter-Drug Activities**

- Sec. 1021. Extension of reporting requirement regarding Department of Defense expenditures to support foreign counter-drug activities.  
 Sec. 1022. Authority to transfer Tracker aircraft currently used by Armed Forces for counter-drug purposes.  
 Sec. 1023. Authority to transfer Tethered Aerostat Radar System currently used by Armed Forces for counter-drug purposes.  
 Sec. 1024. Assignment of members to assist Immigration and Naturalization Service and Customs Service.

### **Subtitle D—Reports**

- Sec. 1031. Requirement that Department of Defense reports to Congress be accompanied by electronic version.  
 Sec. 1032. Report on Department of Defense role in homeland security matters.  
 Sec. 1033. Revision of annual report to Congress on National Guard and reserve component equipment.

### **Subtitle E—Other Matters**

- Sec. 1041. Department of Defense gift authorities.  
 Sec. 1042. Termination of referendum requirement regarding continuation of military training on island of Vieques, Puerto Rico, and imposition of additional conditions on closure of live-fire training range.  
 Sec. 1043. Repeal of limitation on reductions in Peacekeeper ICBM missiles.  
 Sec. 1044. Transfer of Vietnam Era F-4 aircraft to nonprofit museum.  
 Sec. 1045. Bomber force structure.  
 Sec. 1046. Technical and clerical amendments.  
 Sec. 1047. Leasing of Navy ships for University National Oceanographic Laboratory System.  
 Sec. 1048. Sense of Congress regarding continued United States commitment to restoring Lafayette Escadrille Memorial, Marnes La-Coguette, France.  
 Sec. 1049. Designation of firefighter assistance program in honor of Floyd D. Spence, a former Member of the House of Representatives, and sense of Congress on need to continue the program.

- Sec. 1050. Sense of Congress on implementation of fuel efficiency reforms in Department of Defense.
- Sec. 1051. Plan for securing Russia's nuclear weapons, material, and expertise.
- Sec. 1052. Two-year extension of advisory panel to assess domestic response capabilities for terrorism involving weapons of mass destruction.
- Sec. 1053. Action to promote national defense features program.
- Sec. 1054. Amendments relating to Commission on the Future of the United States Aerospace Industry.
- Sec. 1055. Authority to accept monetary contributions for repair and reconstruction of pentagon reservation.

### **TITLE XI—CIVILIAN PERSONNEL**

- Sec. 1101. Undergraduate training program for employees of the National Imagery and Mapping Agency.
- Sec. 1102. Pilot program for payment of retraining expenses.
- Sec. 1103. Payment of expenses to obtain professional credentials.
- Sec. 1104. Retirement portability elections for certain Department of Defense and Coast Guard employees.
- Sec. 1105. Removal of requirement that granting civil service compensatory time be based on amount of irregular or occasional overtime work.
- Sec. 1106. Applicability of certain laws to certain individuals assigned to work in the Federal Government.
- Sec. 1107. Limitation on premium pay.
- Sec. 1108. Use of common occupational and health standards as a basis for differential payments made as a consequence of exposure to asbestos.
- Sec. 1109. Authority for designated civilian employees abroad to act as a notary.
- Sec. 1110. "Monroney amendment" restored to its prior form.

### **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

- Sec. 1201. Clarification of authority to furnish nuclear test monitoring equipment to foreign governments.
- Sec. 1202. Acquisition of logistical support for security forces.
- Sec. 1203. Report on the sale and transfer of military hardware, expertise, and technology from States of the former Soviet Union to the People's Republic of China.
- Sec. 1204. Limitation on funding for Joint Data Exchange Center.
- Sec. 1205. Extension of authority to provide assistance under Weapons of Mass Destruction Act for support of United Nations-sponsored efforts to inspect and monitor Iraqi weapons activities.
- Sec. 1206. Repeal of requirement for reporting to Congress on military deployments to Haiti.
- Sec. 1207. Report by Comptroller General on provision of defense articles, services, and military education and training to foreign countries and international organizations.
- Sec. 1208. Limitation on number of military personnel in Colombia.
- Sec. 1209. Authority for employees of Federal Government contractors to accompany chemical weapons inspection teams at Government-owned facilities.

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

- Sec. 1301. Specification of Cooperative Threat Reduction programs and funds.
- Sec. 1302. Funding allocations.
- Sec. 1303. Prohibition against use of funds until submission of reports.
- Sec. 1304. Report on use of revenue generated by activities carried out under Cooperative Threat Reduction programs.
- Sec. 1305. Prohibition against use of funds for second wing of fissile material storage facility.
- Sec. 1306. Prohibition against use of funds for construction or refurbishment of certain fossil fuel energy plants.
- Sec. 1307. Reports on activities and assistance under Cooperative Threat Reduction programs.
- Sec. 1308. Report on responsibility for carrying out Cooperative Threat Reduction programs.
- Sec. 1309. Chemical weapons destruction.

#### **TITLE XIV—DEFENSE SPACE REORGANIZATION**

- Sec. 1401. Short title.
- Sec. 1402. Authority to establish position of Under Secretary of Defense for Space, Intelligence, and Information.
- Sec. 1403. Authority to designate Under Secretary of the Air Force as acquisition executive for space of the Department of Defense.
- Sec. 1404. Major force program category for space programs.
- Sec. 1405. Comptroller General assessment of implementation of recommendations of Space Commission.
- Sec. 1406. Commander of Air Force Space Command.
- Sec. 1407. Authority to establish separate career field in the Air Force for space.
- Sec. 1408. Relationship to authorities and responsibilities of Director of Central Intelligence.

#### **TITLE XV—ACTIVITIES TO COMBAT TERRORISM**

##### **Subtitle A—Increased Funding to Combat Terrorism**

- Sec. 1501. Increased funding.
- Sec. 1502. Treatment of transferred amounts.

##### **Subtitle B—Policy Matters Relating to Combating Terrorism**

- Sec. 1511. Assessment of Department of Defense ability to respond to terrorist attacks.
- Sec. 1512. Report on Department of Defense ability to protect the United States from airborne threats.
- Sec. 1513. Establishment of combating terrorism as a national security mission.
- Sec. 1514. Department of Defense coordination with FEMA and FBI.

#### **DIVISION B—MILITARY CONSTRUCTION**

##### **AUTHORIZATIONS**

- Sec. 2001. Short title; definition.

#### **TITLE XXI—ARMY**

- Sec. 2101. Authorized Army construction and land acquisition projects.

- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Modification of authority to carry out certain fiscal year 2001 projects.

#### **TITLE XXII—NAVY**

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

#### **TITLE XXIII—AIR FORCE**

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Modification of authority to carry out certain fiscal year 2001 project.

#### **TITLE XXIV—DEFENSE AGENCIES**

- Sec. 2401. Authorized defense agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, defense agencies.
- Sec. 2404. Modification of authority to carry out certain fiscal year 2001 project.
- Sec. 2405. Modification of authority to carry out certain fiscal year 2000 projects.
- Sec. 2406. Modification of authority to carry out certain fiscal year 1999 project.
- Sec. 2407. Modification of authority to carry out certain fiscal year 1995 project.
- Sec. 2408. Prohibition on expenditures to develop forward operating location on Aruba for United States Southern Command counter-drug detection and monitoring flights.

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

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

#### **TITLE XXVI—GUARD AND RESERVE FACILITIES**

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

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

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

- Sec. 2702. Extension of authorizations of certain fiscal year 1999 projects.  
 Sec. 2703. Extension of authorizations of certain fiscal year 1998 projects.  
 Sec. 2704. Effective date.

## **TITLE XXVIII—GENERAL PROVISIONS**

### **Subtitle A—Military Construction Program and Military Family Housing Changes**

- Sec. 2801. Increase in certain unspecified minor military construction project thresholds.  
 Sec. 2802. Exclusion of unforeseen environmental hazard remediation from limitation on authorized cost variations.  
 Sec. 2803. Repeal of annual reporting requirement on military construction and military family housing activities.  
 Sec. 2804. Permanent authorization for alternative authority for acquisition and improvement of military housing.

### **Subtitle B—Real Property and Facilities Administration**

- Sec. 2811. Use of military installations for certain recreational activities.  
 Sec. 2812. Base efficiency project at Brooks Air Force Base, Texas.  
 Sec. 2813. Use of buildings on military installations and reserve component facilities as polling places.

### **Subtitle C—Defense Base Closure and Realignment**

- Sec. 2821. Lease back of base closure property.

### **Subtitle D—Land Conveyances**

#### PART I—ARMY CONVEYANCES

- Sec. 2831. Modification of land exchange, Rock Island Arsenal, Illinois.  
 Sec. 2832. Modification of land conveyances, Fort Dix, New Jersey.  
 Sec. 2833. Lease authority, Fort DeRussy, Hawaii.  
 Sec. 2834. Land exchange and consolidation, Fort Lewis, Washington.  
 Sec. 2835. Land conveyance, Whittier-Anchorage Pipeline Tank Farm, Anchorage, Alaska.

#### PART II—NAVY CONVEYANCES

- Sec. 2841. Transfer of jurisdiction, Centerville Beach Naval Station, Humboldt County, California.  
 Sec. 2842. Land conveyance, Naval Weapons Industrial Reserve Plant, Toledo, Ohio.  
 Sec. 2843. Modification of authority for conveyance of Naval Computer and Telecommunications Station, Cutler, Maine.  
 Sec. 2844. Modification of land conveyance, former United States Marine Corps Air Station, Eagle Mountain Lake, Texas.  
 Sec. 2845. Land transfer and conveyance, Naval Security Group Activity, Winter Harbor, Maine.

#### PART III—AIR FORCE CONVEYANCES

- Sec. 2851. Water rights conveyance, Andersen Air Force Base, Guam.  
 Sec. 2852. Reexamination of land conveyance, Lowry Air Force Base, Colorado.  
 Sec. 2853. Land conveyance, defense fuel support point, Florida.

**Subtitle E—Other Matters**

- Sec. 2861. Transfer of jurisdiction for development of Armed Forces recreation facility, Park City, Utah.
- Sec. 2862. Selection of site for United States Air Force Memorial and related land transfers for the improvement of Arlington National Cemetery, Virginia.
- Sec. 2863. Management of the Presidio of San Francisco.
- Sec. 2864. Effect of limitation on construction of roads or highways, Marine Corps Base, Camp Pendleton, California.
- Sec. 2865. Establishment of World War II memorial at additional location on Guam.
- Sec. 2866. Additional extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
- Sec. 2867. Conveyance of aviation easements, former Norton Air Force Base, California.
- Sec. 2868. Report on options to promote economic development in community adjacent to United States Military Academy, New York.

**TITLE XXIX—FORT IRWIN MILITARY LAND WITHDRAWAL**

- Sec. 2901. Short title.
- Sec. 2902. Withdrawal and reservation of lands for National Training Center.
- Sec. 2903. Map and legal description.
- Sec. 2904. Management of withdrawn and reserved lands.
- Sec. 2905. Water rights.
- Sec. 2906. Environmental compliance and environmental response requirements.
- Sec. 2907. West Mojave Coordinated Management Plan.
- Sec. 2908. Release of wilderness study areas.
- Sec. 2909. Training activity separation from utility corridors.
- Sec. 2910. Duration of withdrawal and reservation.
- Sec. 2911. Extension of initial withdrawal and reservation.
- Sec. 2912. Termination and relinquishment.
- Sec. 2913. Delegation of authority.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL  
SECURITY AUTHORIZATIONS AND OTHER AU-  
THORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

- Sec. 3101. National Nuclear Security Administration.
- Sec. 3102. Defense environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense environmental management privatization.
- Sec. 3105. Defense nuclear waste disposal.
- Sec. 3106. Increased amount for nonproliferation and verification.

**Subtitle B—Recurring General Provisions**

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for conceptual and construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.
- Sec. 3129. Transfers of defense environmental management funds at field offices of the Department of Energy.
- Sec. 3130. Transfers of weapons activities funds at national security laboratories and nuclear weapons production facilities.

**Subtitle C—Program Authorizations, Restrictions, and  
Limitations**

- Sec. 3131. Termination date of Office of River Protection, Richland, Washington.
- Sec. 3132. Organizational modifications for National Nuclear Security Administration.
- Sec. 3133. Consolidation of Nuclear Cities Initiative program with Initiatives for Proliferation Prevention program.
- Sec. 3134. Disposition of surplus defense plutonium at Savannah River Site, Aiken, South Carolina.
- Sec. 3135. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY  
BOARD**

- Sec. 3201. Authorization.

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

- Sec. 3301. Definitions.
- Sec. 3302. Authorized uses of stockpile funds.
- Sec. 3303. Disposal of obsolete and excess materials contained in national defense stockpile.
- Sec. 3304. Expedited implementation of authority to dispose of cobalt from National Defense Stockpile.

**TITLE XXXIV—NAVAL PETROLEUM RESERVES**

- Sec. 3401. Authorization of appropriations.

**TITLE XXXV—MARITIME ADMINISTRATION**

- Sec. 3501. Authorization of appropriations for fiscal year 2002.
- Sec. 3502. Define “war risks” to vessels to include confiscation, expropriation, nationalization, and deprivation of the vessels.
- Sec. 3503. Holding obligor’s cash as collateral under title XI of Merchant Marine Act, 1936.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

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

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

6 (2) the Committee on Armed Services and the  
7 Committee on Appropriations of the House of Rep-  
8 resentatives.

9 **DIVISION A—DEPARTMENT OF**  
10 **DEFENSE AUTHORIZATIONS**  
11 **TITLE I—PROCUREMENT**  
12 **Subtitle A—Authorization of**  
13 **Appropriations**

14 **SEC. 101. ARMY.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2002 for procurement for the Army as follows:

17 (1) For aircraft, \$1,987,491,000.

18 (2) For missiles, \$1,097,286,000.

19 (3) For weapons and tracked combat vehicles,  
20 \$2,367,046,000.

21 (4) For ammunition, \$1,208,565,000.

22 (5) For other procurement, \$4,143,986,000.

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

24 (a) NAVY.—Funds are hereby authorized to be appro-  
25 priated for fiscal year 2002 for procurement for the Navy  
26 as follows:

1 (1) For aircraft, \$8,337,243,000.

2 (2) For weapons, including missiles and tor-  
3 pedoes, \$1,476,692,000.

4 (3) For shipbuilding and conversion,  
5 \$9,321,121,000.

6 (4) For other procurement, \$4,157,313,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to  
8 be appropriated for fiscal year 2002 for procurement for  
9 the Marine Corps in the amount of \$1,025,624,000.

10 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
11 are hereby authorized to be appropriated for fiscal year  
12 2002 for procurement of ammunition for the Navy and  
13 the Marine Corps in the amount of \$463,507,000.

14 **SEC. 103. AIR FORCE.**

15 Funds are hereby authorized to be appropriated for  
16 fiscal year 2002 for procurement for the Air Force as fol-  
17 lows:

18 (1) For aircraft, \$10,705,687,000.

19 (2) For missiles, \$3,226,336,000.

20 (3) For ammunition, \$871,344,000.

21 (4) For other procurement, \$8,250,821,000.

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

23 Funds are hereby authorized to be appropriated for  
24 fiscal year 2002 for Defense-wide procurement in the  
25 amount of \$2,267,346,000.

1 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 2002 for procurement for the Inspector General  
4 of the Department of Defense in the amount of  
5 \$1,800,000.

6 **SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

7 There is hereby authorized to be appropriated for fis-  
8 cal year 2002 the amount of \$1,078,557,000 for—

9 (1) the destruction of lethal chemical agents  
10 and munitions in accordance with section 1412 of  
11 the Department of Defense Authorization Act, 1986  
12 (50 U.S.C. 1521); and

13 (2) the destruction of chemical warfare materiel  
14 of the United States that is not covered by section  
15 1412 of such Act.

16 **SEC. 107. DEFENSE HEALTH PROGRAMS.**

17 Funds are hereby authorized to be appropriated for  
18 fiscal year 2002 for the Department of Defense for pro-  
19 curement for carrying out health care programs, projects,  
20 and activities of the Department of Defense in the total  
21 amount of \$267,915,000.

22 **SEC. 108. ADDITIONAL AMOUNT FOR SHIPBUILDING AND**  
23 **CONVERSION, NAVY.**

24 (a) INCREASE IN SCN AMOUNT.—The amount pro-  
25 vided in section 102(a)(3) for shipbuilding and conversion  
26 for the Navy is hereby increased by \$57,100,000, to be

1 available for the U.S.S. Eisenhower (CVN-69) Refueling  
2 Complex Overhaul program.

3 (b) OFFSET.—The amount provided in section  
4 301(5) is hereby reduced by \$57,100,000, to be derived  
5 from amounts for consulting services.

## 6 **Subtitle B—Army Programs**

### 7 **SEC. 111. EXTENSION OF MULTIYEAR CONTRACT FOR FAM-** 8 **ILY OF MEDIUM TACTICAL VEHICLES.**

9 In order to ensure that an adequate number of vehi-  
10 cles of the “A1” variant of the Family of Medium Tactical  
11 Vehicles program continue to be fielded to the Army, the  
12 Secretary of the Army may extend for one additional year  
13 the existing multiyear procurement contract, authorized  
14 by section 112(b) of the National Defense Authorization  
15 Act for Fiscal Year 1998 (Public Law 105-85; 111 Stat.  
16 1648) and awarded on October 14, 1998, for procurement  
17 of vehicles under that program (notwithstanding the max-  
18 imum period for such contracts otherwise applicable under  
19 section 2306b(k) of title 10, United States Code) if the  
20 Secretary determines that it is necessary to do so in order  
21 to prevent a break in production of those vehicles.

1 **SEC. 112. REPEAL OF LIMITATIONS ON BUNKER DEFEAT**  
2 **MUNITIONS PROGRAM.**

3 Section 116 of the National Defense Authorization  
4 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.  
5 2682) is repealed.

6 **Subtitle C—Air Force Programs**

7 **SEC. 121. MULTI-YEAR PROCUREMENT OF C-17 AIRCRAFT.**

8 If the Secretary of Defense certifies to the congres-  
9 sional defense committees before the enactment of this Act  
10 that it is in the interest of the Department of Defense  
11 to proceed with a follow-on multi-year procurement of ad-  
12 ditional C-17 aircraft, then the Secretary may, in accord-  
13 ance with section 2306b of title 10, United States Code,  
14 enter into a new multi-year procurement contract or ex-  
15 tend the current multi-year procurement contract begin-  
16 ning in fiscal year 2002 to procure up to 60 additional  
17 C-17 aircraft in order to meet the Department’s airlift  
18 requirements.

19 **Subtitle D—Chemical Munitions**  
20 **Destruction**

21 **SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LE-**  
22 **THAL CHEMICAL AGENTS AND MUNITIONS.**

23 Section 152 of the National Defense Authorization  
24 Act for Fiscal Year 1996 (Public Law 104–106; 50 U.S.C.  
25 1521 note) is amended—

26 (1) in subsection (b)—

1 (A) by inserting “for that site” after “in  
2 place”; and

3 (B) by adding at the end the following new  
4 paragraphs:

5 “(4) Emergency preparedness and response ca-  
6 pabilities have been established at the site and in the  
7 surrounding communities to respond to emergencies  
8 involving risks to public health or safety that are  
9 identified by the Secretary of Defense as being risks  
10 resulting from the storage or destruction of lethal  
11 chemical agents and munitions at the site.

12 “(5) The Under Secretary of Defense for Ac-  
13 quisition, Technology, and Logistics recommends ini-  
14 tiation of destruction at the site after considering  
15 the recommendation by the board established by  
16 subsection (g).”; and

17 (2) by adding at the end the following new sub-  
18 section:

19 “(g) OVERSIGHT BOARDS.—(1) The Under Secretary  
20 of Defense for Acquisition, Technology, and Logistics shall  
21 convene, for each site at which the chemical munitions  
22 stockpile is stored, an independent oversight board com-  
23 posed of—

24 “(A) the Secretary of the Army;

1           “(B) the Director of the Federal Emergency  
2 Management Agency;

3           “(C) the Administrator of the Environmental  
4 Protection Agency;

5           “(D) the President of the National Academy of  
6 Sciences;

7           “(E) the Governor of the State in which the  
8 site is located; and

9           “(F) one individual designated by the Under  
10 Secretary from a list of three local representatives of  
11 the area in which the site is located, prepared jointly  
12 by the Member of the House of Representatives who  
13 represents the Congressional District in which the  
14 site is located and the Senators representing the  
15 State in which the site is located.

16          “(2) Not later than six months after each such board  
17 is convened, the board shall make a recommendation to  
18 the Under Secretary whether the destruction of the chem-  
19 ical munitions stockpile should be initiated at the site.

20          “(3) The Under Secretary may not recommend initi-  
21 ation of destruction of the chemical munitions stockpile  
22 at a site after considering a negative recommendation of  
23 the board until 90 days after the Under Secretary provides  
24 notice to Congress of the intent to recommend initiation  
25 of destruction.”.

1 **TITLE II—RESEARCH, DEVELOP-**  
2 **MENT, TEST, AND EVALUA-**  
3 **TION**

4 **Subtitle A—Authorization of**  
5 **Appropriations**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 Funds are hereby authorized to be appropriated for  
8 fiscal year 2002 for the use of the Department of Defense  
9 for research, development, test, and evaluation as follows:

10 (1) For the Army, \$6,749,025,000.

11 (2) For the Navy, \$10,863,274,000.

12 (3) For the Air Force, \$14,455,653,000.

13 (4) For Defense-wide activities,  
14 \$15,591,978,000, of which \$217,355,000 is author-  
15 ized for the Director of Operational Test and Eval-  
16 uation.

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

18 (a) FISCAL YEAR 2002.—Of the amounts authorized  
19 to be appropriated by section 201, \$4,973,843,000 shall  
20 be available for basic research and applied research  
21 projects.

22 (b) BASIC RESEARCH AND APPLIED RESEARCH DE-  
23 FINED.—For purposes of this section, the term “basic re-  
24 search and applied research” means work funded in pro-

1 gram elements for defense research and development  
2 under Department of Defense category 6.1 or 6.2.

3 **Subtitle B—Program Requirements, Restrictions, and Limita-**  
4 **ments, Restrictions, and Limita-**  
5 **tions**

6 **SEC. 211. COOPERATIVE DEPARTMENT OF DEFENSE-DE-**  
7 **PARTMENT OF VETERANS AFFAIRS MEDICAL**  
8 **RESEARCH PROGRAM.**

9 Of the funds authorized to be appropriated by section  
10 201(4), \$5,000,000 shall be available for the cooperative  
11 Department of Defense/Department of Veterans Affairs  
12 medical research program. The Secretary of Defense shall  
13 transfer such amount to the Secretary of Veterans Affairs  
14 for such purpose not later than 30 days after the date  
15 of the enactment of this Act.

16 **SEC. 212. ADVANCED LAND ATTACK MISSILE PROGRAM.**

17 (a) PROGRAM REQUIRED.—The Secretary of Defense  
18 shall establish a competitive program for the development  
19 of an advanced land attack missile for the DD-21 land  
20 attack destroyer and other naval combatants.

21 (b) REPORT.—The Secretary of Defense shall submit  
22 to the congressional defense committees, with the submis-  
23 sion of the budget request for the Department of Defense  
24 for fiscal year 2003, a report providing the program plan  
25 for the Advanced Land Attack Missile program, the sched-

1 rule for that program, and funding required for that pro-  
2 gram.

3 (c) FUNDING.—Of the amount authorized to be ap-  
4 propriated under section 201(2) for research, develop-  
5 ment, test, and evaluation for the Navy, \$20,000,000 shall  
6 be available in PE 0603795N for the Advanced Land At-  
7 tack Missile program.

8 **SEC. 213. COLLABORATIVE PROGRAM FOR DEVELOPMENT**  
9 **OF ADVANCED RADAR SYSTEMS FOR NAVAL**  
10 **APPLICATIONS.**

11 (a) PROGRAM REQUIRED.—The Secretary of Defense  
12 shall carry out a program to develop and demonstrate ad-  
13 vanced technologies and concepts leading to advanced  
14 radar systems for naval and other applications.

15 (b) DESCRIPTION OF PROGRAM.—The program  
16 under subsection (a) shall be carried out collaboratively  
17 pursuant to a memorandum of agreement to be entered  
18 into by the Director of Defense Research and Engineering,  
19 the Secretary of the Navy, and the Director of the Defense  
20 Advanced Research Projects Agency. The program shall  
21 include the following activities:

22 (1) Activities needed to develop and deploy ad-  
23 vanced electronics materials, including specifically  
24 wide band gap electronics components needed to ex-  
25 tend the range and sensitivity of naval radars.

1           (2) Identification of acquisition systems for use  
2           of the new technology.

3           (c) REPORT.—Not later than January 31, 2002, the  
4 Director of Defense Research and Engineering, the Sec-  
5 retary of the Navy, and the Director of the Defense Ad-  
6 vanced Research Projects Agency shall submit to the con-  
7 gressional defense committees a joint report on the imple-  
8 mentation of the program under subsection (a). The re-  
9 port shall include the following:

10           (1) A description of the memorandum of agree-  
11           ment referred to in subsection (b).

12           (2) A schedule for the program.

13           (3) Identification of the funding required for  
14           fiscal year 2003 and for the future-years defense  
15           program to carry out the program.

16           (4) A list of program capability goals and objec-  
17           tives.

18           (d) FUNDING.—(1) Of the amount authorized to be  
19 appropriated for Defense-wide activities by section 201(4)  
20 for the Defense Advanced Research Projects Agency,  
21 \$41,000,000 shall be available for applied research and  
22 maturation of high frequency and high power wide band  
23 gap semiconductor electronics technology to carry out the  
24 program under subsection (a).

1           (2) Of the amount authorized to be appropriated by  
2 section 201(2) for the Department of the Navy,  
3 \$15,500,000 shall be available to carry out the program  
4 under subsection (a).

5 **SEC. 214. COST LIMITATION APPLICABLE TO F-22 AIR-**  
6 **CRAFT PROGRAM ENGINEERING AND MANU-**  
7 **FACTURING DEVELOPMENT.**

8           Section 217(c)(3) of the National Defense Authoriza-  
9 tion Act for Fiscal Year 1998 (Public Law 105–85; 111  
10 Stat. 1660) is amended by inserting “plus \$250,000,000”  
11 after “and (2))”.

12 **SEC. 215. C-5 AIRCRAFT MODERNIZATION.**

13           (a) INCREASE IN AIR FORCE RDTE AMOUNT.—The  
14 amount provided in section 201(3) for Research, Develop-  
15 ment, Test, and Evaluation for the Air Force is hereby  
16 increased by \$30,000,000, to be available for Re-engining  
17 and Avionics Modernization for the C-5 aircraft.

18           (b) OFFSET.—The amount provided in section  
19 301(5) is hereby reduced by \$30,000,000, to be derived  
20 from amounts for consulting services.

1           **Subtitle C—Ballistic Missile**  
2                           **Defense**

3   **SEC. 231. TRANSFER OF RESPONSIBILITY FOR PROCURE-**  
4                           **MENT FOR MISSILE DEFENSE PROGRAMS**  
5                           **FROM BALLISTIC MISSILE DEFENSE ORGANI-**  
6                           **ZATION TO MILITARY DEPARTMENTS.**

7           (a) BUDGETING OF MISSILE DEFENSE PROCURE-  
8   MENT AUTHORITY.—(1) Subsection (a) of section 224 of  
9   title 10, United States Code is amended by striking “pro-  
10   curement” both places it appears and inserting “research,  
11   development, test, and evaluation”.

12           (2) Such section is further amended by striking sub-  
13   sections (b) and (c) and inserting the following:

14           “(b) COVERED PROGRAMS.—Subsection (a) applies  
15   to any ballistic missile defense program for which re-  
16   search, development, test, and evaluation is carried out by  
17   the Ballistic Missile Defense Organization.”.

18           (3)(A) The heading of that section is amended to  
19   read as follows:

20   **“§ 224. Ballistic missile defense programs: display of**  
21                           **amounts for research, development, test,**  
22                           **and evaluation”.**

23           (B) The item relating to section 224 in the table of  
24   sections at the beginning of chapter 9 of such title is  
25   amended to read as follows:

“224. Ballistic missile defense programs: display of amounts for research, development, test, and evaluation.”.

1           (b) **TRANSFER CRITERIA.**—The Secretary of Defense  
2 shall establish, and submit to the congressional defense  
3 committees, criteria for the transfer of ballistic missile de-  
4 fense programs from the Ballistic Missile Defense Organi-  
5 zation to the military departments. Those criteria shall,  
6 at a minimum, address technical maturity of the program,  
7 availability of facilities for production, and service commit-  
8 ment to procurement funding.

9           (c) **NOTIFICATION OF TRANSFER.**—Before responsi-  
10 bility for a ballistic missile defense program is transferred  
11 from the Ballistic Missile Defense Organization to the Sec-  
12 retary of a military department, the Secretary of Defense  
13 shall submit to the congressional defense committees no-  
14 tice in writing of the Secretary’s intent to make that  
15 transfer. The Secretary shall include with such notice a  
16 certification that the program has met the criteria estab-  
17 lished under subsection (b) for such a transfer. The trans-  
18 fer may then be carried out after the end of the 60-day  
19 period beginning on the date of such notice.

20 **SEC. 232. REPEAL OF PROGRAM ELEMENT REQUIREMENTS**  
21 **FOR BALLISTIC MISSILE DEFENSE PRO-**  
22 **GRAMS.**

23           (a) **REPEAL.**—Section 223 of title 10, United States  
24 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 9 of such title is amended by  
3 striking the item relating to section 223.

4 **SEC. 233. SUPPORT OF BALLISTIC MISSILE DEFENSE AC-**  
5 **TIVITIES OF THE DEPARTMENT OF DEFENSE**  
6 **BY THE NATIONAL DEFENSE LABORATORIES**  
7 **OF THE DEPARTMENT OF ENERGY.**

8 (a) FUNDS TO CARRY OUT CERTAIN BALLISTIC MIS-  
9 SILE DEFENSE ACTIVITIES.—Of the amounts authorized  
10 to be appropriated to the Department of Defense pursuant  
11 to section 201(4), \$25,000,000 shall be available, subject  
12 to subsection (b) and at the discretion of the Director of  
13 the Ballistic Missile Defense Organization, for research,  
14 development, and demonstration activities at the national  
15 laboratories of the Department of Energy in support of  
16 the missions of the Ballistic Missile Defense Organization,  
17 including the following activities:

18 (1) Technology development, concept dem-  
19 onstration, and integrated testing to enhance per-  
20 formance, reduce risk, and improve reliability in hit-  
21 to-kill interceptors for ballistic missile defense.

22 (2) Support for science and engineering teams  
23 to assess critical technical problems and prudent al-  
24 ternative approaches as agreed upon by the Director

1 of the Ballistic Missile Defense Organization and the  
2 Administrator for Nuclear Security.

3 (b) REQUIREMENT FOR MATCHING FUNDS FROM  
4 NNSA.—Funds shall be available as provided in sub-  
5 section (a) only if the Administrator for Nuclear Security  
6 makes available matching funds for the activities referred  
7 to in subsection (a).

8 (c) MEMORANDUM OF UNDERSTANDING.—The ac-  
9 tivities referred to in subsection (a) shall be carried out  
10 under the memorandum of understanding entered into by  
11 the Secretary of Energy and the Secretary of Defense for  
12 the use of national laboratories for ballistic missile defense  
13 programs, as required by section 3131 of the National De-  
14 fense Authorization Act for Fiscal Year 1998 (Public Law  
15 105–85; 111 Stat. 2034) and modified pursuant to section  
16 3132 of the Floyd D. Spence National Defense Authoriza-  
17 tion Act for Fiscal Year 2001 (as enacted into law by Pub-  
18 lic Law 106–398; 114 Stat. 1654A–455) to provide for  
19 jointly funded projects.

20 **SEC. 234. MISSILE DEFENSE TESTING INITIATIVE.**

21 (a) TESTING INFRASTRUCTURE.—(1) The Secretary  
22 of Defense shall ensure that each annual budget request  
23 of the Department of Defense—

1 (A) is designed to provide for comprehensive  
2 testing of ballistic missile defense programs during  
3 early stages of development; and

4 (B) includes necessary funding to support and  
5 improve test infrastructure and provide adequate  
6 test assets for the testing of such programs.

7 (2) The Secretary shall ensure that ballistic missile  
8 defense programs incorporate, to the greatest possible ex-  
9 tent, operationally realistic test configurations (referred to  
10 as “test bed” configurations) to demonstrate system per-  
11 formance across a broad range of capability and, during  
12 final stages of operational testing, to demonstrate reliable  
13 performance.

14 (3) The Secretary shall ensure that the test infra-  
15 structure for ballistic missile defense programs is capable  
16 of supporting continued testing of ballistic missile defense  
17 systems after deployment.

18 (b) REQUIREMENTS FOR EARLY STAGES OF SYSTEM  
19 DEVELOPMENT.—In order to demonstrate acceptable risk  
20 and developmental stability, the Secretary of Defense shall  
21 ensure that any ballistic missile defense program incor-  
22 porates, to the maximum extent practicable, the following  
23 elements during the early stages of system development:

24 (1) Pursuit of parallel conceptual approaches  
25 and technological paths for all critical problematic

1 components until effective and reliable solutions can  
2 be demonstrated.

3 (2) Comprehensive ground testing in conjunc-  
4 tion with flight-testing for key elements of the pro-  
5 posed system that are considered to present high  
6 risk, with such ground testing to make use of exist-  
7 ing facilities and combinations of facilities that sup-  
8 port testing at the highest possible levels of integra-  
9 tion.

10 (3) Where appropriate, expenditures to enhance  
11 the capabilities of existing test facilities, or to con-  
12 struct new test facilities, to support alternative com-  
13plementary test methodologies.

14 (4) Sufficient funding of test instrumentation  
15 to ensure accurate measurement of all critical test  
16 events and, where possible, incorporation of mobile  
17 assets to enhance flexibility in test configurations.

18 (5) Incorporation into the program of sufficient  
19 schedule flexibility and expendable test assets, in-  
20 cluding missile interceptors and targets, to ensure  
21 that failed or aborted tests can be repeated in a pru-  
22 dent, but expeditious manner.

23 (6) Incorporation into flight-test planning for  
24 the program, where possible, of—

1 (A) methods referred to as “campaign test-  
2 ing” and “test through failure” and other ap-  
3 propriate test methods in order to reduce costs  
4 per test event;

5 (B) events to demonstrate engagement of  
6 multiple targets, “shoot-look-shoot”, and other  
7 planned operational concepts; and

8 (C) exploitation of opportunities to facili-  
9 tate early development and demonstration of  
10 “family of systems” concepts.

11 (c) SPECIFIC REQUIREMENTS FOR GROUND-BASED  
12 MID-COURSE INTERCEPTOR SYSTEMS.—For ground-  
13 based mid-course interceptor systems, the Secretary of  
14 Defense shall initiate steps during fiscal year 2002 to es-  
15 tablish a flight-test capability of launching not less than  
16 three missile defense interceptors and not less than two  
17 ballistic missile targets to provide a realistic test infra-  
18 structure.

19 **SEC. 235. MISSILE DEFENSE SYSTEM TEST BED FACILITIES.**

20 (a) AUTHORITY TO ACQUIRE OR CONSTRUCT FACILI-  
21 TIES.—(1) The Secretary of Defense, using funds appro-  
22 priated to the Department of Defense for research, devel-  
23 opment, test, and evaluation for fiscal years after fiscal  
24 year 2001 that are available for programs of the Ballistic  
25 Missile Defense Organization, may carry out construction

1 projects, or portions of construction projects, including  
2 projects for the acquisition, improvement, or construction  
3 of facilities of general utility, to establish and operate the  
4 Missile Defense System Test Bed Facilities.

5 (2) The authority provided in paragraph (1) may be  
6 used to acquire, improve, or construct facilities at a total  
7 cost not to exceed \$500,000,000.

8 (b) AUTHORITY TO PROVIDE ASSISTANCE TO LOCAL  
9 COMMUNITIES.—(1) Subject to paragraph (2), the Sec-  
10 retary of Defense, using funds appropriated to the Depart-  
11 ment of Defense for research, development, test, and eval-  
12 uation for fiscal years after fiscal year 2001 that are avail-  
13 able for programs of the Ballistic Missile Defense Organi-  
14 zation, may provide assistance, by grant or otherwise, to  
15 local communities to meet the need for increased munic-  
16 ipal or community services or facilities resulting from the  
17 construction, installation, or operation of the Missile De-  
18 fense System Test Bed Facilities.

19 (2) Assistance may be provided to a community under  
20 paragraph (1) only if the Secretary of Defense determines  
21 that there is an immediate and substantial increase in the  
22 need for municipal or community services or facilities as  
23 a direct result of the construction, installation, or oper-  
24 ation of the Missile Defense System Test Bed Facilities.

1                   **Subtitle D—Other Matters**

2   **SEC. 241. ESTABLISHMENT OF UNMANNED AERIAL VEHI-**  
3                   **CLE JOINT OPERATIONAL TEST BED SYSTEM.**

4           (a) ESTABLISHMENT OF TEST BED SYSTEM.—The  
5 commander of the United States Joint Forces Command  
6 shall establish a capability (referred to as a “test bed”)  
7 within the facilities and resources of that command to  
8 evaluate and ensure joint interoperability of unmanned  
9 aerial vehicle systems. That capability shall be inde-  
10 pendent of the military departments and shall be managed  
11 directly by the Joint Forces Command.

12           (b) REQUIRED TRANSFER OF PREDATOR UAV AS-  
13 SETS.—The Secretary of the Navy shall transfer to the  
14 commander of the Joint Forces Command the two Pred-  
15 ator unmanned aerial vehicles currently undergoing oper-  
16 ational testing by the Navy, together with associated pay-  
17 loads and antennas and the associated tactical control sys-  
18 tem (TCS) ground station.

19           (c) USE BY JOINT FORCES COMMAND.—The items  
20 transferred pursuant to subsection (a) may be used by the  
21 commander of the United States Joint Forces Command  
22 only through the independent joint operational test bed  
23 system established pursuant to subsection (a) for testing  
24 of those items, including further development of the asso-  
25 ciated tactical control system (TCS) ground station, other

1 aspects of unmanned aerial vehicle interoperability, and  
2 participation in such experiments and exercises as the  
3 commander considers appropriate to the mission of that  
4 command.

5 (d) DEADLINE FOR TRANSFERS.—The transfers re-  
6 quired by subsection (b) shall be completed not later than  
7 90 days after the date of the enactment of this Act.

8 (e) TRANSFER WHEN NO LONGER REQUIRED BY  
9 JOINT FORCES COMMAND.—Upon a determination by the  
10 commander of the United States Joint Forces Command  
11 that any of the items transferred pursuant to subsection  
12 (a) are no longer needed by that command for use as pro-  
13 vided in subsection (c), those items shall be transferred  
14 to the Secretary of the Air Force.

15 **SEC. 242. DEMONSTRATION PROJECT TO INCREASE SMALL**  
16 **BUSINESS AND UNIVERSITY PARTICIPATION**  
17 **IN OFFICE OF NAVAL RESEARCH EFFORTS TO**  
18 **EXTEND BENEFITS OF SCIENCE AND TECH-**  
19 **NOLOGY RESEARCH TO FLEET.**

20 (a) PROJECT REQUIRED.—The Secretary of the  
21 Navy, acting through the Chief of Naval Research, shall  
22 carry out a demonstration project to increase access to  
23 Navy facilities of small businesses and universities that  
24 are engaged in science and technology research beneficial  
25 to the fleet.

1 (b) PROJECT ELEMENTS.—In carrying out the dem-  
2 onstration project, the Secretary shall—

3 (1) establish and operate a Navy Technology  
4 Extension Center at a location to be selected by the  
5 Secretary;

6 (2) permit participants in the Small Business  
7 Innovation Research Program (SBIR) and Small  
8 Business Technology Transfer Program (STTR)  
9 that are awarded contracts by Office of Naval Re-  
10 search to access and use Navy facilities without  
11 charge for purposes of carrying out such contracts;  
12 and

13 (3) permit universities, institutions of higher  
14 learning, and Federally Funded Research and Devel-  
15 opment Centers (FFRDC) collaborating with SBIR  
16 and STTR participants to use Navy facilities.

17 (c) REPORT.—Not later than February 1, 2004, the  
18 Secretary shall submit to Congress a report on the dem-  
19 onstration project. The report shall include a description  
20 of the activities carried out under the demonstration  
21 project and any recommendations for the improvement or  
22 expansion of the demonstration project that the Secretary  
23 considers appropriate.

1 **SEC. 243. MANAGEMENT RESPONSIBILITY FOR NAVY MINE**  
2 **COUNTERMEASURES PROGRAMS.**

3 Section 216(a) of the National Defense Authorization  
4 Act for Fiscal Years 1992 and 1993 (Public Law 102–  
5 190; 105 Stat. 1317), as most recently amended by sec-  
6 tion 211 of the Strom Thurmond National Defense Au-  
7 thorization Act for Fiscal Year 1999 (Public Law 105–  
8 261; 112 Stat. 1946), is amended by striking “through  
9 2003” and inserting “through 2008”.

10 **SEC. 244. PROGRAM TO ACCELERATE THE INTRODUCTION**  
11 **OF INNOVATIVE TECHNOLOGY IN DEFENSE**  
12 **ACQUISITION PROGRAMS.**

13 (a) PROGRAM REQUIRED.—The Secretary of Defense  
14 shall carry out a program to provide opportunities for the  
15 increased introduction of innovative and cost-saving tech-  
16 nology in acquisition programs of the Department of De-  
17 fense. The program, to be known as the Challenge Pro-  
18 gram, shall provide an individual or activity within or out-  
19 side the Department of Defense with the opportunity to  
20 propose alternatives, to be known as challenge proposals,  
21 at the component, subsystem, or system level of an exist-  
22 ing Department of Defense acquisition program that  
23 would result in improvements in performance, afford-  
24 ability, manufacturability, or operational capability at the  
25 component, subsystem, or system level of that acquisition  
26 program.

1 (b) PANEL.—(1) In carrying out the Challenge Pro-  
2 gram, the Secretary of Defense shall establish a panel of  
3 highly qualified scientists and engineers (hereinafter in  
4 this section referred to as the “Panel”) under the auspices  
5 of the Under Secretary of Defense for Acquisition, Tech-  
6 nology, and Logistics. The duty of the Panel shall be to  
7 carry out review and evaluation of challenge proposals  
8 under subsection (c).

9 (2) A member of the Panel may not participate in  
10 any review and evaluation of a challenge proposal under  
11 subsection (c) if at any time within the previous five years  
12 that member has, in any capacity, participated in or been  
13 affiliated with the Department of Defense program for  
14 which the challenge proposal is proposed.

15 (c) REVIEW AND EVALUATION OF CHALLENGE PRO-  
16 POSALS.—(1) Under procedures prescribed by the Sec-  
17 retary, an individual or activity within or outside the De-  
18 partment of Defense may submit challenge proposals to  
19 the Panel.

20 (2) The Panel shall carry out an expedited evaluation  
21 of each challenge proposal submitted under paragraph (1)  
22 to determine whether a prima facie case has been made  
23 that the challenge proposal will result in improvements in  
24 performance, affordability, manufacturability, or oper-  
25 ational capability at the component, subsystem, or system

1 level of the applicable acquisition program. If the Panel  
2 determines that such a case has not been made, the Panel  
3 may turn down the challenge proposal. In any other case,  
4 the Panel shall provide for a full review of the challenge  
5 proposal under paragraph (3).

6 (3) In carrying out a full review of a challenge pro-  
7 posal, the Panel shall ensure the following:

8 (A) Any incumbent that would be displaced by  
9 the implementation of the challenge proposal is pro-  
10 vided notice of the challenge proposal and a full op-  
11 portunity to demonstrate why the challenge proposal  
12 should not be implemented.

13 (B) Notice of the full review of the challenge  
14 proposal is published in one or more appropriate  
15 commercial publications of national circulation.

16 (C) If one or more other challenge proposals  
17 are submitted on matters relating to the challenge  
18 proposal being reviewed, the Panel shall, to the max-  
19 imum extent practicable, carry out a full review of  
20 those other challenge proposals together with the full  
21 review of the original challenge proposal.

22 (4) The Secretary of Defense shall ensure that the  
23 Panel, in carrying out review and evaluation of challenge  
24 proposals under this subsection, has the authority to call  
25 upon the technical resources of the laboratories, research,

1 development, and engineering centers, test and evaluation  
2 activities, and other elements of the Department.

3 (d) FINDINGS OF SUBSTANTIAL SUPERIORITY.—If,  
4 after the full review of a challenge proposal is completed,  
5 the Panel finds that the challenge proposal will result in  
6 improvements in performance, affordability,  
7 manufacturability, or operational capability at the compo-  
8 nent, subsystem, or system level of the applicable acquisi-  
9 tion program that are substantially superior to that of the  
10 incumbent, the Panel shall submit that finding to the  
11 Under Secretary.

12 (e) ACTION UPON FINDINGS.—Upon receiving a find-  
13 ing under subsection (d), the Under Secretary shall carry  
14 out a plan to acquire and implement the challenge pro-  
15 posal with respect to which the finding was made. The  
16 Secretary shall carry out such plan—

17 (1) after canceling the contract of any incum-  
18 bent that would be displaced by the implementation  
19 of the challenge proposal; or

20 (2) after an appropriate program milestone  
21 (such as the expiration of such a contract) has been  
22 reached.

23 (f) ELIMINATION OF CONFLICTS OF INTEREST.—In  
24 carrying out each review and evaluation under subsection

1 (c), the Secretary shall ensure the elimination of conflicts  
2 of interest.

3 (g) FUNDING.—Of the funds authorized to be appro-  
4 priated by section 201(4) for Defense-wide research, devel-  
5 opment, test, and evaluation for fiscal year 2002,  
6 \$40,000,000 shall be available in PE 63826D8Z for the  
7 Challenge Program required by this section.

8 (h) REPORT.—The Secretary shall submit to Con-  
9 gress, with the submission of the budget request for the  
10 Department of Defense for each fiscal year beginning with  
11 fiscal year 2003, a report on the implementation of this  
12 section. The report shall include the number and scope  
13 of challenge proposals submitted, reviewed and evaluated,  
14 found to be substantially superior, and implemented.

15 **Subtitle E—Air Force Science and**  
16 **Technology for the 21st Century**

17 **SEC. 251. SHORT TITLE.**

18 This subtitle may be cited as the “Air Force Science  
19 and Technology for the 21st Century Act”.

20 **SEC. 252. SCIENCE AND TECHNOLOGY INVESTMENT AND**  
21 **DEVELOPMENT PLANNING.**

22 (a) SENSE OF CONGRESS.—It is the sense of Con-  
23 gress that the Secretary of the Air Force should carry out  
24 each of the following:

1           (1) Continue and improve efforts to ensure  
2 that—

3           (A) the Air Force science and technology  
4 community is represented, and the rec-  
5 ommendations of that community are consid-  
6 ered, at all levels of program planning and  
7 budgetary decisionmaking within the Air Force;

8           (B) advocacy for science and technology  
9 development is institutionalized across all levels  
10 of Air Force management in a manner that is  
11 not dependent on individuals; and

12           (C) the value of Air Force science and  
13 technology development is made increasingly  
14 apparent to the warfighters, by linking the  
15 needs of those warfighters with decisions on  
16 science and technology development.

17           (2) Complete and adopt a policy directive that  
18 provides for changes in how the Air Force makes  
19 budgetary and nonbudgetary decisions with respect  
20 to its science and technology development programs  
21 and how it carries out those programs.

22           (3) At least once every five years, conduct a re-  
23 view of the long-term challenges and short-term ob-  
24 jectives of the Air Force science and technology pro-  
25 grams that is consistent with the review specified in

1 section 252 of the Floyd D. Spence National De-  
2 fense Authorization Act for Fiscal Year 2001 (as en-  
3 acted into law by Public Law 106–398; 114 Stat.  
4 1654A–46).

5 (4) Ensure that development and science and  
6 technology planning and investment activities are  
7 carried out for future space warfighting systems and  
8 for future nonspace warfighting systems in an inte-  
9 grated manner.

10 (5) Elevate the position within the Office of the  
11 Secretary of the Air Force that has primary respon-  
12 sibility for budget and policy decisions for science  
13 and technology programs.

14 (b) REINSTATEMENT OF DEVELOPMENT PLAN-  
15 NING.—(1) The Secretary of the Air Force shall reinstate  
16 and implement a revised development planning process  
17 that provides for each of the following:

18 (A) Coordinating the needs of Air Force  
19 warfighters with decisions on science and technology  
20 development.

21 (B) Giving input into the establishment of pri-  
22 orities among science and technology programs.

23 (C) Analyzing Air Force capability options for  
24 the allocation of Air Force resources.



1 technology program implemented during the past two  
2 years affect the future capabilities of the Air Force.

3 (b) MATTERS STUDIED.—(1) The study shall inde-  
4 pendently review and assess whether such changes as a  
5 whole are sufficient to ensure the following:

6 (A) That the concerns about the management  
7 of the science and technology program that have  
8 been raised by the Congress, the Defense Science  
9 Board, the Air Force Science Advisory Board, and  
10 the Air Force Association have been adequately ad-  
11 dressed.

12 (B) That appropriate and sufficient technology  
13 is available to ensure the military superiority of the  
14 United States and counter future high-risk threats.

15 (C) That the science and technology invest-  
16 ments are balanced to meet the near-, mid-, and  
17 long-term needs of the Air Force.

18 (D) That technologies are made available that  
19 can be used to respond flexibly and quickly to a wide  
20 range of future threats.

21 (E) That the Air Force organizational structure  
22 provides for a sufficiently senior level advocate of  
23 science and technology to ensure an ongoing, effec-  
24 tive presence of the science and technology commu-  
25 nity during the budget and planning process.

1           (2) In addition, the study shall independently assess  
2 the specific changes to the Air Force science and tech-  
3 nology program as follows:

4           (A) Whether the biannual science and tech-  
5 nology summits provide sufficient visibility into, and  
6 understanding and appreciation of, the value of the  
7 science and technology program to the senior level of  
8 Air Force budget and policy decisionmakers.

9           (B) Whether the applied technology councils are  
10 effective in contributing the input of all levels be-  
11 neath the senior leadership into the coordination,  
12 focus, and content of the science and technology pro-  
13 gram.

14           (C) Whether the designation of the commander  
15 of the Air Force Materiel Command as the science  
16 and technology budget advocate is effective to assure  
17 that an adequate budget top line is set.

18           (D) Whether the revised development planning  
19 process is effective to aid in the coordination of the  
20 needs of the Air Force warfighters with decisions on  
21 science and technology investments and the estab-  
22 lishment of priorities among different science and  
23 technology programs.

24           (E) Whether the implementation of section 252  
25 of the Floyd D. Spence National Defense Authoriza-

1       tion Act for Fiscal Year 2001 (as enacted into law  
2       by Public Law 106–398; 114 Stat. 1654A–46) is ef-  
3       fective to identify the basis for the appropriate  
4       science and technology program top line and invest-  
5       ment portfolio.

6       (c) REPORT.—Not later than 60 days after the date  
7       on which the study required by subsection (a) is com-  
8       pleted, the Secretary of the Air Force shall submit to Con-  
9       gress the results of the study.

10       (d) FUNDING.—Of the amount made available pursu-  
11       ant to section 201(3) for research, development, test, and  
12       evaluation for the Air Force, \$950,000 shall be available  
13       only to carry out this section.

## 14       **TITLE III—OPERATION AND** 15       **MAINTENANCE**

### 16       **Subtitle A—Authorization of** 17       **Appropriations**

#### 18       **SEC. 301. OPERATION AND MAINTENANCE FUNDING.**

19       Funds are hereby authorized to be appropriated for  
20       fiscal year 2002 for the use of the Armed Forces and other  
21       activities and agencies of the Department of Defense for  
22       expenses, not otherwise provided for, for operation and  
23       maintenance, in amounts as follows:

24               (1) For the Army, \$21,015,280,000.

25               (2) For the Navy, \$26,587,962,000.

- 1 (3) For the Marine Corps, \$2,898,114,000.
- 2 (4) For the Air Force, \$25,811,462,000.
- 3 (5) For Defense-wide activities,
- 4 \$11,922,131,000.
- 5 (6) For the Army Reserve, \$1,814,246,000.
- 6 (7) For the Naval Reserve, \$1,003,690,000.
- 7 (8) For the Marine Corps Reserve,
- 8 \$144,023,000.
- 9 (9) For the Air Force Reserve, \$2,017,866,000.
- 10 (10) For the Army National Guard,
- 11 \$3,705,359,000.
- 12 (11) For the Air National Guard,
- 13 \$3,967,361,000.
- 14 (12) For the Defense Inspector General,
- 15 \$152,021,000.
- 16 (13) For the United States Court of Appeals
- 17 for the Armed Forces, \$9,096,000.
- 18 (14) For Environmental Restoration, Army,
- 19 \$389,800,000.
- 20 (15) For Environmental Restoration, Navy,
- 21 \$257,517,000.
- 22 (16) For Environmental Restoration, Air Force,
- 23 \$385,437,000.
- 24 (17) For Environmental Restoration, Defense-
- 25 wide, \$23,492,000.

1           (18) For Environmental Restoration, Formerly  
2           Used Defense Sites, \$190,255,000.

3           (19) For Overseas Humanitarian, Disaster, and  
4           Civic Aid programs, \$49,700,000.

5           (20) For Drug Interdiction and Counter-drug  
6           Activities, Defense-wide, \$820,381,000.

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

10          (22) For Defense Health Program,  
11          \$17,570,750,000.

12          (23) For Cooperative Threat Reduction pro-  
13          grams, \$403,000,000.

14          (24) For Overseas Contingency Operations  
15          Transfer Fund, \$2,844,226,000.

16          (25) Support for International Sporting Com-  
17          petitions, Defense, \$15,800,000.

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

19          Funds are hereby authorized to be appropriated for  
20          fiscal year 2002 for the use of the Armed Forces and other  
21          activities and agencies of the Department of Defense for  
22          providing capital for working capital and revolving funds  
23          in amounts as follows:

24                 (1) For the Defense Working Capital Funds,  
25                 \$1,951,986,000.

1           (2) For the National Defense Sealift Fund,  
2           \$407,708,000.

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

4           There is hereby authorized to be appropriated for fis-  
5 cal year 2002 from the Armed Forces Retirement Home  
6 Trust Fund the sum of \$71,440,000 for the operation of  
7 the Armed Forces Retirement Home, including the United  
8 States Soldiers' and Airmen's Home and the Naval Home.

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

11           (a) TRANSFER AUTHORITY.—To the extent provided  
12 in appropriations Acts, not more than \$150,000,000 is au-  
13 thorized to be transferred from the National Defense  
14 Stockpile Transaction Fund to operation and maintenance  
15 accounts for fiscal year 2002 in amounts as follows:

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

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

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

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

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

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

4           (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-  
5           ITY.—The transfer authority provided in this section is in  
6           addition to the transfer authority provided in section  
7           1001.

## 8                           **Subtitle B—Environmental** 9                           **Provisions**

### 10       **SEC. 311. INVENTORY OF EXPLOSIVE RISK SITES AT** 11                           **FORMER MILITARY RANGES.**

12           (a) INVENTORY REQUIRED.—(1) Chapter 160 of title  
13           10, United States Code, is amended by adding at the end  
14           the following new section:

15       **“§ 2710. Former military ranges: inventory of explo-**  
16                           **sive risk sites; use of inventory; public**  
17                           **safety issues**

18           “(a) DEFINITIONS.—In this section:

19                           “(1) The term ‘former military range’ means a  
20           military range presently located in the United States  
21           that—

22   “(A) is or was owned by, leased to, or oth-  
23           erwise possessed or used by the Federal Gov-  
24           ernment;

1           “(B) is designated as a closed, transferred,  
2           or transferring military range (rather than as  
3           an active or inactive range); or

4           “(C) is or was used as a site for the dis-  
5           posal of military munitions or for the use of  
6           military munitions in training or research, de-  
7           velopment, testing, and evaluation.

8           “(2) The term ‘abandoned military munitions’  
9           means unexploded ordnance and other abandoned  
10          military munitions, including components thereof  
11          and chemical weapons materiel, that pose a threat to  
12          human health or safety.

13          “(3) The term ‘State’ includes the District of  
14          Columbia, the Commonwealth of Puerto Rico, and  
15          the territories and possessions.

16          “(4) The term ‘United States’, in a geographic  
17          sense, includes the Commonwealth of Puerto Rico  
18          and the territories and possessions.

19          “(b) INVENTORY REQUIRED.—(1) The Secretary of  
20          Defense shall develop and maintain an inventory of former  
21          military ranges that are known or suspected to contain  
22          abandoned military munitions.

23          “(2) The information for each former military range  
24          in the inventory shall include, at a minimum, the fol-  
25          lowing:

1           “(A) A unique identifier for the range and its  
2           current designation as either a closed, transferred,  
3           or transferring range.

4           “(B) An appropriate record showing the loca-  
5           tion, boundaries, and extent of the range, including  
6           identification of the State and political subdivisions  
7           of the State in which the range is located and any  
8           Tribal lands encompassed by the range.

9           “(C) Known persons and entities, other than a  
10          military department, with any current ownership in-  
11          terest or control of lands encompassed by the range.

12          “(D) Any restrictions or other land use controls  
13          currently in place that might affect the potential for  
14          public and environmental exposure to abandoned  
15          military munitions.

16          “(c) SITE PRIORITIZATION.—(1) With respect to  
17          each former military range included on the inventory, the  
18          Secretary of Defense shall assign the range a relative pri-  
19          ority for response activities based on the overall conditions  
20          at the range. The level of response priority assigned the  
21          range shall be included with the information required by  
22          subsection (b)(2) to be maintained for the range.

23          “(2) In assigning the response priority for a former  
24          military range, the Secretary of Defense shall primarily

1 consider factors relating to safety and environmental haz-  
2 ard potential, such as the following:

3           “(A) Whether there are known, versus sus-  
4           pected, abandoned military munitions on all or any  
5           portion of the range and the types of munitions  
6           present or suspected to be present.

7           “(B) Whether public access to the range is con-  
8           trolled, and the effectiveness of these controls.

9           “(C) The potential for direct human contact  
10          with abandoned military munitions at the range and  
11          evidence of people entering the range.

12          “(D) Whether a response action has been or is  
13          being undertaken at the range under the Formerly  
14          Used Defense Sites program or other programs.

15          “(E) The planned or mandated dates for trans-  
16          fer of the range from military control.

17          “(F) The extent of any documented incidents  
18          involving abandoned military munitions at or from  
19          the range. In this subparagraph, the term ‘incidents’  
20          means any or all of the following: explosions, discov-  
21          eries, injuries, reports, and investigations.

22          “(G) The potential for drinking water contami-  
23          nation or the release of weapon components into the  
24          air.

1           “(H) The potential for destruction of sensitive  
2           ecosystems and damage to natural resources.

3           “(d) UPDATES AND AVAILABILITY.—(1) The Sec-  
4           retary of Defense shall annually update the inventory and  
5           site prioritization list to reflect new information that be-  
6           comes available. The inventory shall be available in pub-  
7           lished and electronic form.

8           “(2) The Secretary of Defense shall work with adja-  
9           cent communities to provide information concerning condi-  
10          tions at the former military range and response activities,  
11          and shall respond to inquiries. At a minimum, the Sec-  
12          retary shall notify immediately affected individuals, appro-  
13          priate State, local, tribal, and Federal officials, and, when  
14          appropriate, civil defense or emergency management agen-  
15          cies.”.

16          (2) The table of sections at the beginning of such  
17          chapter is amended by adding at the end the following  
18          new item:

          “2710. Former military ranges: inventory of explosive risk sites; use of inven-  
          tory; public safety issues.”.

19          (b) INITIAL INVENTORY.—The inventory required by  
20          section 2710 of title 10, United States Code, as added by  
21          subsection (a), shall be completed and made available not  
22          later than one year after the date of the enactment of this  
23          Act.

1 **SEC. 312. NATIONAL SECURITY IMPACT STATEMENTS.**

2 (a) EVALUATION OF NATIONAL SECURITY IMPACTS  
3 REQUIRED.—(1) Chapter 160 of title 10, United States  
4 Code, is amended by inserting after section 2710, as  
5 added by section 311, the following new section:

6 **“§ 2711. Environmental impact statements and envi-**  
7 **ronmental assessments: evaluation of na-**  
8 **tional security impacts of proposed ac-**  
9 **tion and alternatives**

10 “(a) AGENCY ACTION.—Whenever an environmental  
11 impact statement or environmental assessment is required  
12 under section 102 of the National Environmental Policy  
13 Act of 1969 (42 U.S.C. 4332) to be prepared in connec-  
14 tion with a proposed Department of Defense action, the  
15 Secretary of Defense shall include as a part of the environ-  
16 mental impact statement or environmental assessment a  
17 detailed evaluation of the impact of the proposed action,  
18 and each alternative to the proposed action considered in  
19 the statement or assessment, on national security, includ-  
20 ing the readiness, training, testing, and operations of the  
21 armed forces.

22 “(b) AGENCY INPUT.—The Secretary of Defense  
23 shall also include the evaluation required by subsection (a)  
24 in any input provided by the Department of Defense as  
25 a cooperating agency to a lead agency preparing an envi-

1 ronmental impact statement or environmental assess-  
2 ment.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by adding at the end the following  
5 new item:

“2711. Environmental impact statements and environmental assessments: eval-  
uation of national security impacts of proposed action and al-  
ternatives.”.

6 (b) EFFECTIVE DATE.—Section 2711 of title 10,  
7 United States Code, as added by subsection (a), shall take  
8 effect on the date of the enactment of this Act and apply  
9 with respect to any environmental impact statement or en-  
10 vironmental assessment prepared by the Secretary of De-  
11 fense that has not been released in final form as of that  
12 date.

13 **SEC. 313. REIMBURSEMENT FOR CERTAIN COSTS IN CON-**  
14 **NECTION WITH HOOPER SANDS SITE, SOUTH**  
15 **BERWICK, MAINE.**

16 Using amounts authorized to be appropriated by sec-  
17 tion 301(15) for environmental restoration for the Navy,  
18 the Secretary of the Navy may pay \$1,005,478 to the  
19 Hooper Sands Special Account within the Hazardous Sub-  
20 stance Superfund established by section 9507 of the Inter-  
21 nal Revenue Code of 1986 (26 U.S.C. 9507) to reimburse  
22 the Environmental Protection Agency in full for certain  
23 response costs incurred by the Environmental Protection  
24 Agency for actions taken pursuant to the Comprehensive

1 Environmental Response, Compensation, and Liability Act  
2 of 1980 (42 U.S.C. 9601 et seq.) at the Hooper Sands  
3 site in South Berwick, Maine, pursuant to an interagency  
4 agreement entered into by the Department of the Navy  
5 and the Environmental Protection Agency in January  
6 2001.

7 **SEC. 314. RIVER MITIGATION STUDIES.**

8 (a) PORT OF ORANGE, SABINE RIVER.—The Sec-  
9 retary of Defense may conduct a study regarding mitiga-  
10 tion needs in connection with protruding structures and  
11 submerged objects remaining from the World War II Navy  
12 ship building industry located at the former Navy installa-  
13 tion in Orange, Texas, which create navigational hazards  
14 along the Sabine River and surrounding the Port of Or-  
15 ange.

16 (b) PHILADELPHIA NAVAL SHIPYARD, DELAWARE  
17 RIVER.—The Secretary of Defense may conduct a study  
18 regarding mitigation needs in connection with floating and  
19 partially submerged debris possibly relating to the Phila-  
20 delphia Naval Shipyard in that portion of the Delaware  
21 River from Philadelphia to the mouth of the river which  
22 create navigational hazards along the river.

23 (c) USE OF EXISTING INFORMATION.—In conducting  
24 the studies authorized by this section, the Secretary shall  
25 take into account any information available from other

1 studies conducted in connection with the same navigation  
2 channels.

3 (d) CONSULTATION.—The Secretary shall conduct  
4 the studies authorized by this section in consultation with  
5 appropriate State and local government entities and Fed-  
6 eral agencies.

7 (e) REPORT ON STUDY RESULTS.—Not later than  
8 April 30, 2002, the Secretary of Defense shall submit to  
9 the Committee on Armed Services of the House of Rep-  
10 resentatives and the Committee on Armed Services of the  
11 Senate a report that summarizes the results of the studies  
12 conducted under this section.

13 (f) COST SHARING.—Nothing in this section is in-  
14 tended to require non-Federal cost sharing of the costs  
15 incurred by the Secretary of Defense to conduct the stud-  
16 ies authorized by this section.

17 (g) REMOVAL AUTHORITY.—Consistent with existing  
18 laws, using funds authorized to be appropriated for these  
19 purposes, and after providing notice to Congress, the Sec-  
20 retary of Defense may work with the other Federal, State,  
21 local, and private entities—

22 (1) to remove the protruding structures and  
23 submerged objects along the Sabine River and sur-  
24 rounding the Port of Orange that resulted from the

1 abandonment of the ship building industry and Navy  
2 installation in Orange, Texas; and

3 (2) to remove floating and partially submerged  
4 debris in the portion of the Delaware River subject  
5 to the study under subsection (b).

6 (h) RELATION TO OTHER LAWS AND AGREE-  
7 MENTS.—This section is not intended to modify any au-  
8 thorities provided to the Secretary of the Army by the  
9 Water Resources Development Act of 1986 (33 U.S.C.  
10 2201 et seq.), nor is it intended to modify any non-Federal  
11 cost-sharing responsibilities outlined in any local coopera-  
12 tion agreements.

13 **SEC. 315. ELIMINATION OF ANNUAL REPORT ON CON-**  
14 **TRACTOR REIMBURSEMENT FOR COSTS OF**  
15 **ENVIRONMENTAL RESPONSE ACTIONS.**

16 Section 2706 of title 10, United States Code, is  
17 amended by striking subsection (e).

18 **Subtitle C—Commissaries and Non-**  
19 **appropriated Fund Instrumen-**  
20 **talities**

21 **SEC. 321. RESERVE COMPONENT COMMISSARY BENEFITS.**

22 (a) ELIGIBILITY FOR COMMISSARY BENEFITS.—Sec-  
23 tion 1063 of title 10, United States Code, is amended—  
24 (1) by striking subsection (a);

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

3           (3) by inserting after the section heading the  
4           following new subsections:

5           “(a) ELIGIBILITY.—Subject to subsection (c), the  
6           Secretary concerned shall authorize members of the Ready  
7           Reserve described in subsection (b) to have 24 days of eli-  
8           gibility to use commissary stores of the Department of De-  
9           fense for any calendar year.

10          “(b) COVERED MEMBERS.—Subsection (a) applies  
11          with respect to the following members of the Ready Re-  
12          serve:

13                 “(1) A member of the Selected Reserve who is  
14                 satisfactorily participating in required training as  
15                 prescribed in section 10147(a)(1) of this title or sec-  
16                 tion 502(a) of title 32 in that calendar year.

17                 “(2) A member of the Ready Reserve (other  
18                 than a member described in paragraph (1)) who sat-  
19                 isfactorily completes 50 or more points credible  
20                 under section 12732(a)(2) of this title in that cal-  
21                 endar year.

22          “(c) REDUCED NUMBER OF COMMISSARY VISITS FOR  
23          NEW MEMBERS.—The number of commissary visits au-  
24          thorized for a member of the Selected Reserve described  
25          in subsection (b)(1) who enters the Selected Reserve after

1 the beginning of the calendar year shall be equal to twice  
2 the number of full months remaining in the calendar  
3 year.”.

4 (b) CLERICAL AMENDMENTS.—(1) The heading of  
5 such section is amended to read as follows:

6 **“§ 1063. Use of commissary stores: members of Ready**  
7 **Reserve”.**

8 (2) The table of sections at the beginning of chapter  
9 54 of such title is amended by striking the item relating  
10 to section 1063 and inserting the following new item:

“1063. Use of commissary stores: members of Ready Reserve.”.

11 **SEC. 322. REIMBURSEMENT FOR NONCOMMISSARY USE OF**  
12 **COMMISSARY FACILITIES.**

13 Section 2685 of title 10, United States Code, is  
14 amended by adding at the end the following new sub-  
15 section:

16 “(f) REIMBURSEMENT FOR NONCOMMISSARY USE OF  
17 COMMISSARY FACILITIES.—(1) If the Secretary concerned  
18 uses for noncommissary purposes a commissary facility  
19 whose construction was financed (in whole or in part)  
20 using the proceeds of adjustments or surcharges author-  
21 ized by subsection (a) or revenues referred to in subsection  
22 (e), the Secretary concerned shall reimburse the com-  
23 missary surcharge account for the depreciated value of the  
24 investment made with such proceeds and revenues.

1 “(2) In paragraph (1), the term ‘construction’ has  
2 the meaning given such term in subsection (d)(2).”

3 **SEC. 323. CIVIL RECOVERY FOR NONAPPROPRIATED FUND**  
4 **INSTRUMENTALITY COSTS RELATED TO**  
5 **SHOPLIFTING.**

6 Section 3701(b)(1)(B) of title 31, United States  
7 Code, is amended by inserting before the comma at the  
8 end the following: “, including actual and administrative  
9 costs related to shoplifting, theft detection, and theft pre-  
10 vention”.

11 **Subtitle D—Workforce and Depot**  
12 **Issues**

13 **SEC. 331. WORKFORCE REVIEW LIMITATIONS.**

14 (a) **LIMITATION PENDING GAO REPORT.**—No more  
15 than 50 percent of the workforce reviews planned during  
16 fiscal year 2002 may be initiated before the date that is  
17 the earlier of (1) May 1, 2002, or (2) the date on which  
18 the Comptroller General submits to Congress the report  
19 required by section 832 of the Floyd D. Spence National  
20 Defense Authorization Act for Fiscal Year 2001 (as en-  
21 acted by Public Law 106–398; 114 Stat. 1654A–221), re-  
22 garding policies and procedures governing the transfer of  
23 commercial activities from Government personnel to Fed-  
24 eral contractors.

1           (b)    REQUIRED   COST   SAVINGS   LEVEL   FOR  
2   CHANGE.—(1) A commercial or industrial type function  
3   of the Department of Defense may not be changed to per-  
4   formance by the private sector as a result of a workforce  
5   review unless, as a result of the cost comparison examina-  
6   tion required as part of the review that employed the most  
7   efficient organization process described in Office of Man-  
8   agement and Budget Circular A–76 or any successor ad-  
9   ministrative regulation or policy, at least a 10-percent cost  
10  savings would be achieved by performance of the function  
11  by the private sector over the term of the contract.

12           (2) The cost savings requirement specified in para-  
13  graph (1) does not apply to any contracts for special stud-  
14  ies and analyses, construction services, architectural serv-  
15  ices, engineering services, medical services, scientific and  
16  technical services related to (but not in support of) re-  
17  search and development, and depot-level maintenance and  
18  repair services.

19           (3) The Secretary of Defense may waive the cost sav-  
20  ings requirement if—

21                   (A) the written waiver is prepared by the Sec-  
22                   retary of Defense, or the relevant Assistant Sec-  
23                   retary or agency head; and

24                   (B) the written waiver is accompanied by a de-  
25                   tailed determination that national security interests

1 are so compelling as to preclude compliance with the  
2 requirement for a cost comparison examination.

3 (C) The Secretary of Defense shall publish a  
4 copy of the waiver in the Federal Register.

5 (e) WORKFORCE REVIEW DEFINED.—In this section,  
6 the term “workforce review” with respect to a function  
7 of the Department of Defense performed by Department  
8 of Defense civilian employees, means a review conducted  
9 under Office of Management and Budget Circular A–76  
10 (or any successor administrative regulation or policy).

11 **SEC. 332. APPLICABILITY OF CORE LOGISTICS CAPABILITY**  
12 **REQUIREMENTS TO NUCLEAR AIRCRAFT**  
13 **CARRIERS.**

14 Section 2464(a)(3) of title 10, United States Code,  
15 is amended by striking “nuclear aircraft carriers” and in-  
16 serting “nuclear refueling of aircraft carriers”.

17 **SEC. 333. CONTINUATION OF CONTRACTOR MANPOWER RE-**  
18 **PORTING SYSTEM IN DEPARTMENT OF THE**  
19 **ARMY.**

20 Section 343 of the National Defense Authorization  
21 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
22 569) is amended—

23 (1) by striking subsection (a) and inserting the  
24 following new subsection (a):

1       “(a) REPORTING REQUIREMENT FOR DEPARTMENT  
2 OF THE ARMY.—(1) Not later than March 1 of each fiscal  
3 year, the Secretary of the Army shall submit to Congress  
4 a report describing the use during the previous fiscal year  
5 of non-Federal entities to provide services to the Depart-  
6 ment of the Army.

7       “(2) The data collection required to prepare the re-  
8 port is deemed to be in compliance with the requirements  
9 of chapter 35 of title 44, United States Code, commonly  
10 known as the Paperwork Reduction Act.

11       “(3) The report required by this section is needed to  
12 comply with sections 115a and 129a of title 10, United  
13 States Code, and is not a procurement action.”;

14               (2) by striking “Department of Defense” each  
15 place it appears and inserting “Department of the  
16 Army”; and

17               (3) by adding at the end the following new sub-  
18 section:

19       “(d) GAO EVALUATION.—Not later than 60 days  
20 after the Secretary submits to Congress the report re-  
21 quired under subsection (a) for a fiscal year, the Comp-  
22 troller General shall submit to Congress an evaluation of  
23 the report.”.

1 **SEC. 334. LIMITATION ON EXPANSION OF WHOLESALE LO-**  
2 **GISTICS MODERNIZATION PROGRAM.**

3 (a) **LIMITATION.**—The Secretary of the Army may  
4 not authorize the expansion of the Wholesale Logistics  
5 Modernization Program beyond the original legacy sys-  
6 tems included in the scope of the contract awarded in De-  
7 cember 1999 until the Secretary certifies to Congress that  
8 the original legacy systems have been successfully re-  
9 placed.

10 (b) **GAO EVALUATION.**—Not later than 60 days after  
11 the Secretary of the Army submits to Congress the certifi-  
12 cation required under subsection (a), the Comptroller Gen-  
13 eral shall submit to Congress an evaluation of the certifi-  
14 cation.

15 **SEC. 335. PILOT PROJECT FOR EXCLUSION OF CERTAIN EX-**  
16 **PENDITURES FROM LIMITATION ON PRIVATE**  
17 **SECTOR PERFORMANCE OF DEPOT-LEVEL**  
18 **MAINTENANCE.**

19 Section 2474 of title 10, United States Code, is  
20 amended by adding at the end the following new sub-  
21 section:

22 “(g) **PILOT PROJECT FOR THE EXCLUSION OF CER-**  
23 **TAIN EXPENDITURES FROM LIMITATION ON PRIVATE**  
24 **SECTOR PERFORMANCE OF DEPOT-LEVEL MAINTEN-**  
25 **NANCE.**—

1           “(1) AMOUNTS EXCLUDED.—Amounts ex-  
2           pended out of funds described in paragraph (2) for  
3           the performance of a depot-level maintenance and  
4           repair workload by non-Federal Government per-  
5           sonnel at a Center of Industrial and Technical Ex-  
6           cellence named in paragraph (4) shall not be count-  
7           ed for the purposes of section 2466(a) of this title  
8           if the personnel are provided by private industry  
9           pursuant to a public-private partnership undertaken  
10          by the Center under subsection (b).

11          “(2) FUNDS FOR FISCAL YEARS 2002 THROUGH  
12          2006.—The funds referred to in paragraph (1) are  
13          funds available to the Air Force for depot-level  
14          maintenance and repair workloads for fiscal year  
15          2002, 2003, 2004, 2005, or 2006, and shall not ex-  
16          ceed 10 percent of the total funds available in any  
17          single year.

18          “(3) REPORTING REQUIREMENTS.—All funds  
19          covered by paragraph (1) shall be included as a sep-  
20          arate item in the reports required under paragraphs  
21          (1), (2), and (3) of section 2466(e) of this title.

22          “(4) COVERED CENTERS.—(A) The Centers of  
23          Industrial and Technical Excellence referred to in  
24          paragraph (1) are the following:

1           “(i) Oklahoma City Air Logistics Center,  
2           Oklahoma.

3           “(ii) Ogden Air Logistics Center, Utah.

4           “(iii) Warner-Robins Air Logistics Center,  
5           Georgia.

6           “(B) The Secretary of the Air Force shall des-  
7           ignate as a Center of Industrial and Technical Ex-  
8           cellence under this section any of the air logistics  
9           centers named in subparagraph (A) that have not  
10          previously been so designated and shall specify the  
11          core competencies for which the designation is  
12          made.”.

13 **SEC. 336. PROTECTIONS FOR PURCHASERS OF ARTICLES**  
14           **AND SERVICES MANUFACTURED OR PER-**  
15           **FORMED BY WORKING-CAPITAL FUNDED IN-**  
16           **DUSTRIAL FACILITIES OF THE DEPARTMENT**  
17           **OF DEFENSE..**

18          (a) GENERAL RULE.—Section 2563(c) of title 10,  
19          United States Code, is amended—

20           (1) in paragraph (1)(B), by striking “in any  
21           case of willful misconduct or gross negligence” and  
22           inserting “as provided in paragraph (3)”; and

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



1           (2) \$1,000,000 shall be available only for the  
2           purpose of making payments to local educational  
3           agencies to assist such agencies in adjusting to re-  
4           ductions in the number of military dependent stu-  
5           dents as a result of the closure or realignment of  
6           military installations, as provided in section 386(d)  
7           of the National Defense Authorization Act for Fiscal  
8           Year 1993 (Public Law 102–484; 20 U.S.C. 7703  
9           note).

10          (b) NOTIFICATION.—Not later than June 30, 2002,  
11          the Secretary of Defense shall notify each local edu-  
12          cational agency that is eligible for assistance or a payment  
13          under subsection (a) for fiscal year 2002 of—

14                 (1) that agency’s eligibility for the assistance or  
15                 payment; and

16                 (2) the amount of the assistance or payment for  
17                 which that agency is eligible.

18          (c) DISBURSEMENT OF FUNDS.—The Secretary of  
19          Defense shall disburse funds made available under sub-  
20          section (a) not later than 30 days after the date on which  
21          notification to the eligible local educational agencies is  
22          provided pursuant to subsection (b).

23          (d) DEFINITIONS.—In this section:

24                 (1) The term “educational agencies assistance”  
25                 means assistance authorized under section 386(b) of

1 the National Defense Authorization Act for Fiscal  
2 Year 1993 (Public Law 102–484; 20 U.S.C. 7703  
3 note).

4 (2) The term “local educational agency” has  
5 the meaning given that term in section 8013(9) of  
6 the Elementary and Secondary Education Act of  
7 1965 (20 U.S.C. 7713(9)).

8 **SEC. 342. AVAILABILITY OF AUXILIARY SERVICES OF DE-**  
9 **FENSE DEPENDENTS’ EDUCATION SYSTEM**  
10 **FOR DEPENDENTS WHO ARE HOME SCHOOL**  
11 **STUDENTS.**

12 Section 1407 of the Defense Dependents’ Education  
13 Act of 1978 (20 U.S.C. 926) is amended—

14 (1) by redesignating subsection (d) as sub-  
15 section (e); and

16 (2) by inserting after subsection (c) the fol-  
17 lowing new subsection:

18 “(d) **AUXILIARY SERVICES AVAILABLE TO HOME**  
19 **SCHOOL STUDENTS.**—(1) A dependent who is educated in  
20 a home school setting, but who is eligible to enroll in a  
21 school of the defense dependents’ education system, shall  
22 be permitted to use or receive auxiliary services of that  
23 school without being required to either enroll in that  
24 school or register for a minimum number of courses of-  
25 fered by that school. The dependent may be required to

1 satisfy other eligibility requirements applicable to students  
2 actually enrolled in that school who use or receive the  
3 same auxiliary services.

4 “(2) For purposes of paragraph (1), the term ‘auxil-  
5 iary services’ includes registration in individual courses,  
6 use of academic resources, access to the library of the  
7 school, after hours use of school facilities, and participa-  
8 tion in music, sports, and other extracurricular and inter-  
9 scholastic activities.”.

10 **SEC. 343. REPORT REGARDING COMPENSATION FOR**  
11 **TEACHERS EMPLOYED IN TEACHING POSI-**  
12 **TIONS IN OVERSEAS SCHOOLS OPERATED BY**  
13 **THE DEPARTMENT OF DEFENSE.**

14 Not later than 180 days after the date of the enact-  
15 ment of this Act, the Secretary of Defense shall submit  
16 to Congress a report evaluating the method currently used  
17 by the Secretary to fix the basic compensation for teachers  
18 and teaching positions in the Department of Defense  
19 under the Defense Department Overseas Teachers Pay  
20 and Personnel Practices Act (20 U.S.C. 901 et seq.). The  
21 report shall include the recommendations of the Secretary  
22 regarding a proposal to increase such compensation to re-  
23 flect the average of the range of rates of basic compensa-  
24 tion for similar teaching positions of a comparable level  
25 of duties and responsibilities for teachers employed in pub-

1 lie schools in the District of Columbia metropolitan area,  
2 which includes the District of Columbia Public Schools,  
3 Arlington Public Schools, Alexandria City Public Schools,  
4 Fairfax County Public Schools, Montgomery County Pub-  
5 lie Schools, and Prince George’s County Public Schools.

## 6 **Subtitle F—Other Matters**

### 7 **SEC. 351. AVAILABILITY OF EXCESS DEFENSE PERSONAL** 8 **PROPERTY TO SUPPORT DEPARTMENT OF** 9 **VETERANS AFFAIRS INITIATIVE TO ASSIST** 10 **HOMELESS VETERANS.**

11 (a) TRANSFER AUTHORITY.—Section 2557(a) of title  
12 10, United States Code, is amended—

13 (1) by striking “The Secretary” and inserting  
14 “(1) The Secretary”; and

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

17 “(2) The Secretary of Defense may make excess  
18 clothing, shoes, sleeping bags, and related nonlethal excess  
19 supplies available to the Secretary of Veterans Affairs for  
20 distribution to homeless veterans and programs assisting  
21 homeless veterans. The transfer of nonlethal excess sup-  
22 plies to the Secretary of Veterans Affairs under this para-  
23 graph shall be without reimbursement.”.

24 (b) CLERICAL AMENDMENTS.—(1) The heading of  
25 such section is amended to read as follows:

1 **“§ 2557. Excess nonlethal supplies: availability for**  
2 **homeless veteran initiatives and humani-**  
3 **tarian relief”.**

4 (2) The table of sections at the beginning of chapter  
5 152 of such title is amended by striking the item relating  
6 to section 2557 and inserting the following new item:

“2557. Excess nonlethal supplies: availability for homeless veteran initiatives  
and humanitarian relief.”.

7 **SEC. 352. CONTINUATION OF LIMITATIONS ON IMPLEMEN-**  
8 **TATION OF NAVY-MARINE CORPS INTRANET**  
9 **CONTRACT.**

10 (a) EXCLUSION OF MARINE CORPS.—Subsection (c)  
11 of section 814 of the Floyd D. Spence National Defense  
12 Authorization Act for Fiscal Year 2001 (as enacted by  
13 Public Law 106–398; 114 Stat. 1654A–215) is  
14 amended—

15 (1) by striking “PROHIBITION ON INCREASE OF  
16 RATES CHARGED.—” and inserting “PROHIBI-  
17 TIONS.—(1)”;

18 (2) by striking “fiscal year 2001” and inserting  
19 “fiscal year 2002”; and

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

22 “(2) The Navy Intranet contract may not include any  
23 activities of the Marine Corps.”.

1 (b) LIMITATION ON PHASED IMPLEMENTATION.—

2 Subsection (b)(4) of such section is amended—

3 (1) by striking “fiscal year 2001” both places  
4 it appears and inserting “fiscal year 2002”; and

5 (2) by striking “Marine Corps, the naval ship-  
6 yards, or” both places it appears and inserting  
7 “naval shipyards or”.

8 **SEC. 353. COMPLETION AND EVALUATION OF CURRENT**  
9 **DEMONSTRATION PROGRAMS TO IMPROVE**  
10 **QUALITY OF PERSONAL PROPERTY SHIP-**  
11 **MENTS OF MEMBERS.**

12 (a) COMPLETION.—The Secretary of Defense shall  
13 conduct to completion all demonstration programs in the  
14 Department of Defense that were designed to improve the  
15 movement of household goods of members of the Armed  
16 Forces and were being conducted or authorized as of Octo-  
17 ber 1, 2000,

18 (b) EVALUATION.—Not later than August 31, 2002,  
19 the Secretary of Defense shall submit to Congress a report  
20 evaluating whether the demonstration programs referred  
21 to in subsection (a), as implemented, satisfy the goals (as  
22 contained in the General Accounting Report NSIAD 97–  
23 49) for such demonstration programs previously agreed  
24 upon between the Department of Defense and representa-  
25 tives of private sector entities involved in the transpor-

1 tation of household goods for members of the Armed  
2 Forces.

3 (c) INTERIM REPORTS.—Not later than January 15,  
4 2002, and April 15, 2002, the Secretary shall submit to  
5 Congress interim reports regarding the progress of the  
6 demonstration programs referred to in subsection (a).

7 **SEC. 354. EXPANSION OF ENTITIES ELIGIBLE FOR LOAN,**  
8 **GIFT, AND EXCHANGE OF DOCUMENTS, HIS-**  
9 **TORICAL ARTIFACTS, AND OBSOLETE COM-**  
10 **BAT MATERIEL.**

11 Section 2572(a)(1) of title 10, United States Code,  
12 is amended by inserting before the period at the end the  
13 following: “, county, or other political subdivision of a  
14 State”.

15 **SEC. 355. SENSE OF CONGRESS REGARDING SECURITY TO**  
16 **BE PROVIDED AT THE 2002 WINTER OLYMPIC**  
17 **GAMES.**

18 It is the sense of Congress that the Secretary of De-  
19 fense should provide essential and appropriate public safe-  
20 ty and security support for the 2002 Winter Olympic  
21 Games in Salt Lake City, Utah.

1                   **TITLE IV—MILITARY**  
2           **PERSONNEL AUTHORIZATIONS**  
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, 2002, as follows:

- 7                   (1) The Army, 480,000.  
8                   (2) The Navy, 376,000.  
9                   (3) The Marine Corps, 172,600.  
10                  (4) The Air Force, 358,800.

11   **SEC. 402. REVISION IN PERMANENT END STRENGTH MIN-**  
12                   **IMUM LEVELS.**

13           (a) **REVISED END STRENGTH FLOORS.**—Section  
14   691(b) of title 10, United States Code, is amended—

- 15                   (1) in paragraph (2), by striking “372,000”  
16                   and inserting “376,000”; and  
17                   (2) in paragraph (4), by striking “357,000”  
18                   and inserting “358,800”.

19           (b) **EFFECTIVE DATE.**—The amendments made by  
20   subsection (a) shall take effect on October 1, 2001, or the  
21   date of the enactment of this Act, whichever is later.

## 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, 2002, 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, 87,000.

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

11          (5) The Air National Guard of the United  
12 States, 108,400.

13          (6) The Air Force Reserve, 74,700.

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       pation 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 proportion-  
7 ately increased 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, 2002, the following num-  
14 ber of Reserves to be serving on full-time active duty or  
15 full-time duty, in the case of members of the National  
16 Guard, for the purpose of organizing, administering, re-  
17 cruiting, instructing, or training the reserve components:

18           (1) The Army National Guard of the United  
19       States, 22,974.

20           (2) The Army Reserve, 13,108.

21           (3) The Naval Reserve, 14,811.

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

23           (5) The Air National Guard of the United  
24       States, 11,591.

25           (6) The Air Force Reserve, 1,437.

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

3 The minimum number of military technicians (dual  
4 status) as of the last day of fiscal year 2002 for the re-  
5 serve components of the Army and the Air Force (notwith-  
6 standing section 129 of title 10, United States Code) shall  
7 be the following:

8 (1) For the Army National Guard of the  
9 United States, 23,128.

10 (2) For the Army Reserve, 5,999.

11 (3) For the Air National Guard of the  
12 United States, 22,422.

13 (4) For the Air Force Reserve, 9,818.

14 **SEC. 414. FISCAL YEAR 2002 LIMITATION ON NON-DUAL STA-**  
15 **TUS TECHNICIANS.**

16 (a) **LIMITATION.**—The number of non-dual status  
17 technicians employed by the reserve components of the  
18 Army and the Air Force as of September 30, 2002, may  
19 not exceed the following:

20 (1) For the Army Reserve, 1,095.

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

23 (3) For the Air Force Reserve, 90.

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

1 (b) NON-DUAL STATUS TECHNICIANS DEFINED.—In  
 2 this section, the term “non-dual status technician” has the  
 3 meaning given that term in section 10217(a) of title 10,  
 4 United States Code.

5 **SEC. 415. LIMITATIONS ON NUMBERS OF RESERVE PER-**  
 6 **SONNEL SERVING ON ACTIVE DUTY OR FULL-**  
 7 **TIME NATIONAL GUARD DUTY IN CERTAIN**  
 8 **GRADES FOR ADMINISTRATION OF RESERVE**  
 9 **COMPONENTS.**

10 (a) OFFICERS.—The text of section 12011 of title 10,  
 11 United States Code, is amended to read as follows:

12 “(a) LIMITATIONS.—(1) Of the total number of mem-  
 13 bers of a reserve component who are serving on full-time  
 14 reserve component duty at the end of any fiscal year, the  
 15 number of those members who may be serving in each of  
 16 the grades of major, lieutenant colonel, and colonel may  
 17 not, as of the end of that fiscal year, exceed the number  
 18 determined in accordance with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
Army Reserve:			
10,000 .....	1,390	740	230
11,000 .....	1,529	803	242
12,000 .....	1,668	864	252
13,000 .....	1,804	924	262
14,000 .....	1,940	984	272
15,000 .....	2,075	1,044	282
16,000 .....	2,210	1,104	291
17,000 .....	2,345	1,164	300
18,000 .....	2,479	1,223	309
19,000 .....	2,613	1,282	318
20,000 .....	2,747	1,341	327
21,000 .....	2,877	1,400	336

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
<b>Army National Guard:</b>			
20,000 .....	1,500	850	325
22,000 .....	1,650	930	350
24,000 .....	1,790	1,010	370
26,000 .....	1,930	1,085	385
28,000 .....	2,070	1,160	400
30,000 .....	2,200	1,235	405
32,000 .....	2,330	1,305	408
34,000 .....	2,450	1,375	411
36,000 .....	2,570	1,445	411
38,000 .....	2,670	1,515	411
40,000 .....	2,770	1,580	411
42,000 .....	2,837	1,644	411
<b>Marine Corps Reserve:</b>			
1,100 .....	106	56	20
1,200 .....	110	60	21
1,300 .....	114	63	22
1,400 .....	118	66	23
1,500 .....	121	69	24
1,600 .....	124	72	25
1,700 .....	127	75	26
1,800 .....	130	78	27
1,900 .....	133	81	28
2,000 .....	136	84	29
2,100 .....	139	87	30
2,200 .....	141	90	31
2,300 .....	143	92	32
2,400 .....	145	94	33
2,500 .....	147	96	34
2,600 .....	149	98	35
<b>Air Force Reserve:</b>			
500 .....	83	85	50
1,000 .....	155	165	95
1,500 .....	220	240	135
2,000 .....	285	310	170
2,500 .....	350	369	203
3,000 .....	413	420	220
3,500 .....	473	464	230
4,000 .....	530	500	240
4,500 .....	585	529	247
5,000 .....	638	550	254
5,500 .....	688	565	261
6,000 .....	735	575	268
7,000 .....	770	595	280
8,000 .....	805	615	290
10,000 .....	835	635	300
<b>Air National Guard:</b>			
5,000 .....	333	335	251
6,000 .....	403	394	260
7,000 .....	472	453	269
8,000 .....	539	512	278
9,000 .....	606	571	287
10,000 .....	673	630	296
11,000 .....	740	688	305
12,000 .....	807	742	314
13,000 .....	873	795	323
14,000 .....	939	848	332
15,000 .....	1,005	898	341
16,000 .....	1,067	948	350

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of officers of that reserve component who may be serving in the grade of:		
	Major	Lieutenant Colonel	Colonel
17,000 .....	1,126	998	359
18,000 .....	1,185	1,048	368
19,000 .....	1,235	1,098	377
20,000 .....	1,283	1,148	380.

1       “(2) Of the total number of members of the Naval  
2 Reserve who are serving on full-time reserve component  
3 duty at the end of any fiscal year, the number of those  
4 members who may be serving in each of the grades of lieu-  
5 tenant commander, commander, and captain may not, as  
6 of the end of that fiscal year, exceed the number deter-  
7 mined in accordance with the following table:

“Total number of members of Naval Reserve serving on full-time reserve component duty	Number of officers who may be serving in the grade of:		
	Lieutenant commander	Commander	Captain
10,000 .....	807	447	141
11,000 .....	867	467	153
12,000 .....	924	485	163
13,000 .....	980	503	173
14,000 .....	1,035	521	183
15,000 .....	1,088	538	193
16,000 .....	1,142	555	203
17,000 .....	1,195	565	213
18,000 .....	1,246	575	223
19,000 .....	1,291	585	233
20,000 .....	1,334	595	242
21,000 .....	1,364	603	250
22,000 .....	1,384	610	258
23,000 .....	1,400	615	265
24,000 .....	1,410	620	270.

8       “(b) DETERMINATIONS BY INTERPOLATION.—If the  
9 total number of members of a reserve component serving  
10 on full-time reserve component duty is between any two  
11 consecutive numbers in the first column of the appropriate  
12 table in paragraph (1) or (2) of subsection (a), the cor-  
13 responding authorized strengths for each of the grades

1 shown in that table for that component are determined  
2 by mathematical interpolation between the respective  
3 numbers of the two strengths. If the total number of mem-  
4 bers of a reserve component serving on full-time reserve  
5 component duty is more or less than the highest or lowest  
6 number, respectively, set forth in the first column of the  
7 appropriate table in paragraph (1) or (2) of subsection  
8 (a), the Secretary concerned shall fix the corresponding  
9 strengths for the grades shown in that table at the same  
10 proportion as is reflected in the nearest limit shown in  
11 the table.

12       “(c) REALLOCATIONS TO LOWER GRADES.—When-  
13 ever the number of officers serving in any grade for duty  
14 described in subsection (a) is less than the number author-  
15 ized for that grade under this section, the difference be-  
16 tween the two numbers may be applied to increase the  
17 number authorized under this section for any lower grade.

18       “(d) SECRETARIAL WAIVER.—(1) Upon determining  
19 that it is in the national interest to do so, the Secretary  
20 of Defense may increase for a particular fiscal year the  
21 number of reserve officers that may be on full-time reserve  
22 component duty for a reserve component in a grade re-  
23 ferred to in a table in subsection (a) by a number that  
24 does not exceed the number equal to 5 percent of the max-  
25 imum number specified for the grade in that table.

1           “(2) Whenever the Secretary exercises the authority  
2 provided in paragraph (1), the Secretary shall submit to  
3 the Committee on Armed Services of the Senate and the  
4 Committee on Armed Services of the House of Represent-  
5 atives notice in writing of the adjustment made.

6           “(e) FULL-TIME RESERVE COMPONENT DUTY DE-  
7 FINED.—In this section, the term ‘full-time reserve com-  
8 ponent duty’ means the following duty:

9                   “(1) Active duty described in sections 10211,  
10           10302, 10303, 10304, 10305, 12310, or 12402 of  
11           this title.

12                   “(2) Full-time National Guard duty (other than  
13           for training) under section 502(f) of title 32.

14                   “(3) Active duty described in section 708 of  
15           title 32.”.

16           (b) SENIOR ENLISTED MEMBERS.—The text of sec-  
17 tion 12012 of title 10, United States Code, is amended  
18 to read as follows:

19                   “(a) LIMITATIONS.—Of the total number of members  
20 of a reserve component who are serving on full-time re-  
21 serve component duty at the end of any fiscal year, the  
22 number of those members in each of pay grades of E-  
23 8 and E-9 who may be serving on active duty under sec-  
24 tion 10211 or 12310, or on full-time National Guard duty  
25 under the authority of section 502(f) of title 32 (other

1 than for training) in connection with organizing, admin-  
 2 istering, recruiting, instructing, or training the reserve  
 3 components or the National Guard may not, as of the end  
 4 of that fiscal year, exceed the number determined in ac-  
 5 cordance with the following table:

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
Army Reserve:		
10,000 .....	1,052	154
11,000 .....	1,126	168
12,000 .....	1,195	180
13,000 .....	1,261	191
14,000 .....	1,327	202
15,000 .....	1,391	213
16,000 .....	1,455	224
17,000 .....	1,519	235
18,000 .....	1,583	246
19,000 .....	1,647	257
20,000 .....	1,711	268
21,000 .....	1,775	278
Army National Guard:		
20,000 .....	1,650	550
22,000 .....	1,775	615
24,000 .....	1,900	645
26,000 .....	1,945	675
28,000 .....	1,945	705
30,000 .....	1,945	725
32,000 .....	1,945	730
34,000 .....	1,945	735
36,000 .....	1,945	738
38,000 .....	1,945	741
40,000 .....	1,945	743
42,000 .....	1,945	743
Naval Reserve:		
10,000 .....	340	143
11,000 .....	364	156
12,000 .....	386	169
13,000 .....	407	182
14,000 .....	423	195
15,000 .....	435	208
16,000 .....	447	221
17,000 .....	459	234
18,000 .....	471	247
19,000 .....	483	260
20,000 .....	495	273
21,000 .....	507	286
22,000 .....	519	299
23,000 .....	531	312
24,000 .....	540	325
Marine Corps Reserve:		
1,100 .....	50	11
1,200 .....	55	12
1,300 .....	60	13

“Total number of members of a reserve component serving on full-time reserve component duty:	Number of members of that reserve component who may be serving in the grade of:	
	E-8	E-9
1,400 .....	65	14
1,500 .....	70	15
1,600 .....	75	16
1,700 .....	80	17
1,800 .....	85	18
1,900 .....	89	19
2,000 .....	93	20
2,100 .....	96	21
2,200 .....	99	22
2,300 .....	101	23
2,400 .....	103	24
2,500 .....	105	25
2,600 .....	107	26
Air Force Reserve:		
500 .....	75	40
1,000 .....	145	75
1,500 .....	208	105
2,000 .....	270	130
2,500 .....	325	150
3,000 .....	375	170
3,500 .....	420	190
4,000 .....	460	210
4,500 .....	495	230
5,000 .....	530	250
5,500 .....	565	270
6,000 .....	600	290
7,000 .....	670	330
8,000 .....	740	370
10,000 .....	800	400
Air National Guard		
5,000 .....	1,020	405
6,000 .....	1,070	435
7,000 .....	1,120	465
8,000 .....	1,170	490
9,000 .....	1,220	510
10,000 .....	1,270	530
11,000 .....	1,320	550
12,000 .....	1,370	570
13,000 .....	1,420	589
14,000 .....	1,470	608
15,000 .....	1,520	626
16,000 .....	1,570	644
17,000 .....	1,620	661
18,000 .....	1,670	678
19,000 .....	1,720	695
20,000 .....	1,770	712.

1           “(b) DETERMINATIONS BY INTERPOLATION.—If the  
2 total number of members of a reserve component serving  
3 on full-time reserve component duty is between any two  
4 consecutive numbers in the first column of the table in  
5 subsection (a), the corresponding authorized strengths for

1 each of the grades shown in that table for that component  
2 are determined by mathematical interpolation between the  
3 respective numbers of the two strengths. If the total num-  
4 ber of members of a reserve component serving on full-  
5 time reserve component duty is more or less than the high-  
6 est or lowest number, respectively, set forth in the first  
7 column of the table in subsection (a), the Secretary con-  
8 cerned shall fix the corresponding strengths for the grades  
9 shown in the table at the same proportion as is reflected  
10 in the nearest limit shown in the table.

11       “(c) REALLOCATIONS TO LOWER GRADE.—Whenever  
12 the number of officers serving in pay grade E-9 for duty  
13 described in subsection (a) is less than the number author-  
14 ized for that grade under this section, the difference be-  
15 tween the two numbers may be applied to increase the  
16 number authorized under this section for pay grade E-  
17 8.

18       “(d) SECRETARIAL WAIVER.—(1) Upon determining  
19 that it is in the national interest to do so, the Secretary  
20 of Defense may increase for a particular fiscal year the  
21 number of reserve enlisted members that may be on active  
22 duty or full-time National Guard duty as described in sub-  
23 section (a) for a reserve component in a pay grade referred  
24 to in a table in subsection (a) by a number that does not  
25 exceed the number equal to 5 percent of the maximum

1 number specified for that grade and reserve component  
2 in the table.

3 “(2) Whenever the Secretary exercises the authority  
4 provided in paragraph (1), the Secretary shall submit to  
5 the Committee on Armed Services of the Senate and the  
6 Committee on Armed Services of the House of Represent-  
7 atives notice in writing of the adjustment made.

8 “(e) FULL-TIME RESERVE COMPONENT DUTY DE-  
9 FINED.—In this section, the term ‘full-time reserve com-  
10 ponent duty’ has the meaning given the term in section  
11 12011(e) of this title.”

12 (c) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect on October 1, 2001, or the  
14 date of the enactment of this Act, whichever is later.

## 15 **Subtitle C—Other Matters Relating** 16 **to Personnel Strengths**

### 17 **SEC. 421. INCREASE IN PERCENTAGE BY WHICH ACTIVE** 18 **COMPONENT END STRENGTHS FOR ANY FIS-** 19 **CAL YEAR MAY BE INCREASED.**

20 (a) INCREASE.—Section 115(c)(1) of title 10, United  
21 States Code, is amended by striking “1 percent” and in-  
22 serting “2 percent”.

23 (b) EFFECTIVE DATE.—The amendment made by  
24 subsection (a) shall take effect on October 1, 2001, or the  
25 date of the enactment of this Act, whichever is later.

1 **SEC. 422. ACTIVE DUTY END STRENGTH EXEMPTION FOR**  
2 **NATIONAL GUARD AND RESERVE PER-**  
3 **SONNEL PERFORMING FUNERAL HONORS**  
4 **FUNCTIONS.**

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

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

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

16 **SEC. 423. INCREASE IN AUTHORIZED STRENGTHS FOR AIR**  
17 **FORCE OFFICERS ON ACTIVE DUTY IN THE**  
18 **GRADE OF MAJOR.**

19 The table in section 523(a)(1) of title 10, United  
20 States Code, is amended by striking the figures under the  
21 heading “Major” in the portion of the table relating to  
22 the Air Force and inserting the following:

“9,861  
10,727  
11,593  
12,460  
13,326  
14,192  
15,058  
15,925  
16,792  
17,657  
18,524  
19,389  
20,256  
21,123  
21,989  
22,855  
23,721  
24,588  
25,454”.

1           **Subtitle D—Authorization of**  
2                           **Appropriations**

3   **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
4                           **TARY PERSONNEL.**

5           There is hereby authorized to be appropriated to the  
6 Department of Defense for military personnel for fiscal  
7 year 2002 a total of \$82,279,101,000. The authorization  
8 in the preceding sentence supersedes any other authoriza-  
9 tion of appropriations (definite or indefinite) for such pur-  
10 pose for fiscal year 2002.

1 **TITLE V—MILITARY PERSONNEL**  
2 **POLICY**  
3 **Subtitle A—General Personnel**  
4 **Management Authorities**

5 **SEC. 501. ENHANCED FLEXIBILITY FOR MANAGEMENT OF**  
6 **SENIOR GENERAL AND FLAG OFFICER POSI-**  
7 **TIONS.**

8 (a) REPEAL OF LIMIT ON NUMBER OF OFFICERS ON  
9 ACTIVE DUTY IN GRADES OF GENERAL AND ADMIRAL.—  
10 Section 528 of title 10, United States Code, is repealed.

11 (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 32 of such title is amended  
13 by striking the item relating to section 528.

14 **SEC. 502. ORIGINAL APPOINTMENTS IN REGULAR GRADES**  
15 **FOR ACADEMY GRADUATES AND CERTAIN**  
16 **OTHER NEW OFFICERS.**

17 (a) REPEAL OF REQUIREMENT FOR ONE YEAR OF  
18 ACTIVE DUTY IN A RESERVE GRADE.—Section 532(e) of  
19 title 10, United States Code, is repealed.

20 (b) MILITARY ACADEMY GRADUATES.—Section  
21 4353(b) of such title is amended to read as follows:

22 “(b) A cadet who completes the prescribed course of  
23 instruction, is qualified for an original appointment in a  
24 regular component under section 532 of this title, and  
25 meets such other criteria for appointment as a commis-

1 sioned officer in the Army as may be prescribed by the  
2 Secretary of the Army shall, upon graduation, be ap-  
3 pointed a second lieutenant in the Regular Army under  
4 section 531 of this title, unless appointed under that sec-  
5 tion in a regular component of one of the other armed  
6 forces in accordance with section 541 of this title.”.

7 (c) NAVAL ACADEMY GRADUATES.—Section 6967 of  
8 such title is amended—

9 (1) by inserting “(a)” before “Under regula-  
10 tions”; and

11 (2) by adding at the end the following:

12 “(b) A midshipman who completes the prescribed  
13 course of instruction, is qualified for an original appoint-  
14 ment in a regular component under section 532 of this  
15 title, and meets such other criteria for appointment as a  
16 commissioned officer in the naval service as may be pre-  
17 scribed by the Secretary of the Navy shall, upon gradua-  
18 tion, be appointed an ensign in the Regular Navy or a  
19 second lieutenant in the Regular Marine Corps under sec-  
20 tion 531 of this title, unless appointed under that section  
21 in a regular component of one of the other armed forces  
22 in accordance with section 541 of this title.”.

23 (d) AIR FORCE ACADEMY GRADUATES.—Section  
24 9353(b) of such title is amended to read as follows:

1       “(b) A cadet who completes the prescribed course of  
2 instruction, is qualified for an original appointment in a  
3 regular component under section 532 of this title, and  
4 meets such other criteria for appointment as a commis-  
5 sioned officer in the Air Force as may be prescribed by  
6 the Secretary of the Air Force shall, upon graduation, be  
7 appointed a second lieutenant in the Regular Air Force  
8 under section 531 of this title, unless appointed under that  
9 section in a regular component of one of the other armed  
10 forces in accordance with section 541 of this title.”.

11       (e) ROTC DISTINGUISHED GRADUATES.—Section  
12 2106(a) of such title is amended by adding at the end  
13 the following new sentence: “However, a member of the  
14 program selected for an appointment under this section  
15 who, under regulations prescribed by the Secretary of the  
16 military department concerned, is designated or selected  
17 as a Distinguished Graduate (or the equivalent) shall be  
18 appointed as a regular officer.”.

19       (f) OTHER COMMISSIONING PROGRAMS.—(1) Chap-  
20 ter 33 of such title is amended by adding at the end the  
21 following new section:

1 **“§ 542. Distinguished Graduates of officer commis-**  
2 **sioning programs other than service**  
3 **academies and ROTC**

4 “A person who is selected for an original appointment  
5 as a commissioned officer in the Army, Navy, Air Force,  
6 or Marine Corps as a result of satisfactory completion of  
7 an officer commissioning program other than the course  
8 of instruction at one of the service academies named in  
9 section 541 of this title or the Senior Reserve Officers’  
10 Training Corps program and who, under regulations pre-  
11 scribed by the Secretary of the military department con-  
12 cerned, is designated or selected as a Distinguished Grad-  
13 uate of that program (or the equivalent) shall be appointed  
14 as a regular officer.”.

15 (2) The table of sections at the beginning of such  
16 chapter is amended by adding at the end the following  
17 new item:

“542. Distinguished Graduates of officer commissioning programs other than  
service academies and ROTC.”.

18 (g) **EFFECTIVE DATE.**—The amendments made by  
19 this section shall take effect on May 1, 2002.

1 **SEC. 503. TEMPORARY REDUCTION OF TIME-IN-GRADE RE-**  
2 **QUIREMENT FOR ELIGIBILITY FOR PRO-**  
3 **MOTION FOR CERTAIN ACTIVE-DUTY LIST OF-**  
4 **FICERS IN GRADES OF FIRST LIEUTENANT**  
5 **AND LIEUTENANT (JUNIOR GRADE).**

6 (a) **AUTHORITY.**—Subsection (a) of section 619 of  
7 title 10, United States Code, is amended—

8 (1) in paragraph (1)(B), by inserting before the  
9 period at the end the following: “, or such shorter  
10 period as may be in effect under paragraph (6)”;  
11 and

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

14 “(6)(A) When the needs of the service require, the  
15 Secretary of the military department concerned may re-  
16 duce to eighteen months the period of service in grade ap-  
17 plicable for purposes of paragraph (1)(B) in the case of  
18 officers who are serving in a position that is authorized  
19 for officers in the grade of captain or, in the case of the  
20 Navy, lieutenant.

21 “(B) If the Secretary of the military department con-  
22 cerned uses the authority provided in subparagraph (A),  
23 the number of captains or, in the case of the Navy, lieuten-  
24 ants on the active-duty list may not exceed the number  
25 of positions for which officers in that grade are authorized  
26 by more than one percent.

1       “(C) The authority under subparagraph (A) and the  
2 limitation under subparagraph (B) expire on September  
3 30, 2005.”.

4       (b) **STYLISTIC AMENDMENTS.**—Such section is fur-  
5 ther amended as follows:

6           (1) Subsection (a) is amended by striking  
7 “(a)(1)” and inserting “(a) **TIME-IN-GRADE RE-**  
8 **QUIREMENTS.—(1)**”.

9           (2) Subsection (b) is amended by striking  
10 “(b)(1)” and inserting “(b) **CONTINUED ELIGI-**  
11 **BILITY FOR CONSIDERATION FOR PROMOTION OF**  
12 **OFFICERS WHO HAVE PREVIOUSLY FAILED OF SE-**  
13 **LECTION.—(1)**”.

14           (3) Subsection (c) is amended by striking  
15 “(c)(1)” and inserting “(c) **OFFICERS TO BE CON-**  
16 **SIDERED BY PROMOTION BOARDS.—(1)**”.

17           (4) Subsection (d) is amended by inserting  
18 “**CERTAIN OFFICERS NOT TO BE CONSIDERED.—**”  
19 after “(d)”.

20       (c) **TECHNICAL AMENDMENT.**—Subsection (a)(4) of  
21 such section is amended by striking “clause (A)” and in-  
22 serting “subparagraph (A)”.

1 **SEC. 504. INCREASE IN SENIOR ENLISTED ACTIVE DUTY**  
2 **GRADE LIMIT FOR NAVY, MARINE CORPS,**  
3 **AND AIR FORCE.**

4 (a) MEMBERS IN PAY GRADE E-8.—Section 517(a)  
5 of title 10, United States Code, is amended by striking  
6 “2 percent (or, in the case of the Army, 2.5 percent)”  
7 and inserting “2.5 percent”.

8 (b) EFFECTIVE DATE.—The amendment made by  
9 subsection (a) shall take effect on October 1, 2001, or the  
10 date of the enactment of this Act, whichever is later.

11 **SEC. 505. AUTHORITY FOR LIMITED EXTENSION OF MED-**  
12 **ICAL DEFERMENT OF MANDATORY RETIRE-**  
13 **MENT OR SEPARATION.**

14 The text of section 640 of title 10, United States  
15 Code, is amended to read as follows:

16 “(a) If the Secretary of the military department con-  
17 cerned determines that the evaluation of the physical con-  
18 dition of an officer and determination of the officer’s enti-  
19 tlement to retirement or separation for physical disability  
20 require hospitalization or medical observation and that  
21 such hospitalization or medical observation cannot be com-  
22 pleted with confidence in a manner consistent with the  
23 member’s well being before the date on which the officer  
24 would otherwise be required to retire or be separated  
25 under this title, the Secretary may defer the retirement  
26 or separation of the officer under this title.

1       “(b) A deferral of retirement or separation under  
2 subsection (a) may not extend for more than 30 days after  
3 completion of the evaluation requiring hospitalization or  
4 medical observation.”.

5 **SEC. 506. AUTHORITY FOR LIMITED EXTENSION ON ACTIVE**  
6                   **DUTY OF MEMBERS SUBJECT TO MANDA-**  
7                   **TORY RETIREMENT OR SEPARATION.**

8       (a) SECTION 12305 STOP-LOSS AUTHORITY.—Sec-  
9 tion 12305 of title 10, United States Code, is amended  
10 by adding at the end the following new subsection:

11       “(c) Upon the termination of a suspension made  
12 under the authority of subsection (a) of a provision of law  
13 otherwise requiring the separation or retirement of officers  
14 on active duty because of age, length of service or length  
15 of service in grade, or failure of selection for promotion,  
16 the Secretary concerned shall extend by up to 90 days the  
17 otherwise required separation or retirement date of any  
18 officer covered by the suspended provision whose separa-  
19 tion or retirement date, but for the suspension, would have  
20 been before the date of the termination of the suspension  
21 or within 90 days of the date of such termination.”.

22       (b) SECTION 123 STOP-LOSS AUTHORITY.—Section  
23 123 of such title is amended by adding at the end the  
24 following new subsection:

1       “(d) Upon the termination of a suspension made  
2 under the authority of subsection (a) of a provision of law  
3 otherwise requiring the separation or retirement of officers  
4 on active duty because of age, length of service or length  
5 of service in grade, or failure of selection for promotion,  
6 the Secretary concerned shall extend by up to 90 days the  
7 otherwise required separation or retirement date of any  
8 officer covered by the suspended provision whose separa-  
9 tion or retirement date, but for the suspension, would have  
10 been before the date of the termination of the suspension  
11 or within 90 days of the date of such termination.”.

12 **SEC. 507. CLARIFICATION OF DISABILITY SEVERANCE PAY**  
13 **COMPUTATION.**

14       (a) CLARIFICATION.—Section 1212(a)(2) of title 10,  
15 United States Code, is amended by striking “for pro-  
16 motion” in subparagraph (C) and the first place it appears  
17 in subparagraph (D).

18       (b) EFFECTIVE DATE.—The amendments made by  
19 subsection (a) shall apply with respect to members sepa-  
20 rated under section 1203 or 1206 of title 10, United  
21 States Code, on or after date of the enactment of this Act.

22 **SEC. 508. OFFICER IN CHARGE OF UNITED STATES NAVY**  
23 **BAND.**

24       (a) DETAIL AND GRADE.—Section 6221 of title 10,  
25 United States Code, is amended to read as follows:

1 **§ 6221. United States Navy Band; officer in charge**

2 “(a) There is a Navy band known as the United  
3 States Navy Band.

4 “(b) An officer of the Navy designated for limited  
5 duty under section 5589 or 5596 of this title who is serv-  
6 ing in a grade not below lieutenant commander may be  
7 detailed by the Secretary of the Navy as Officer in Charge  
8 of the United States Navy Band. While so serving, an offi-  
9 cer so detailed shall hold the grade of captain if rec-  
10 ommended by the Secretary of the Navy for appointment  
11 to that grade and appointed to that grade by the Presi-  
12 dent, by and with the advice and consent of the Senate.  
13 Such an appointment may be made notwithstanding sec-  
14 tion 5596(d) of this title.”.

15 (b) CLERICAL AMENDMENT.—The item relating to  
16 section 6221 in the table of sections at the beginning of  
17 chapter 565 of such title is amended to read as follows:

“6221. United States Navy Band; officer in charge.”.

18 **SEC. 509. ONE-YEAR EXTENSION OF EXPIRATION DATE FOR**  
19 **CERTAIN FORCE MANAGEMENT AUTHORI-**  
20 **TIES.**

21 (a) EARLY RETIREMENT AUTHORITY FOR ACTIVE  
22 FORCE MEMBERS.—Section 4403(i) of the National De-  
23 fense Authorization Act for Fiscal Year 1993 (10 U.S.C.  
24 1293 note) is amended by striking “December 31, 2001”  
25 and inserting “December 31, 2002”.

1 (b) SSB AND VSI.—Sections 1174a(h)(1) and  
2 1175(d)(3) of title 10, United States Code, are amended  
3 by striking “December 31, 2001” and inserting “Decem-  
4 ber 31, 2002”.

5 (c) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-  
6 tion 638a(a) of such title is amended by striking “Decem-  
7 ber 31, 2001” and inserting “December 31, 2002”.

8 (d) TIME-IN-GRADE REQUIREMENT FOR RETENTION  
9 OF GRADE UPON VOLUNTARY RETIREMENT.—Section  
10 1370 of such title is amended by striking “December 31,  
11 2001” in subsections (a)(2)(A) and (d)(5) and inserting  
12 “December 31, 2002”.

13 (e) MINIMUM COMMISSIONED SERVICE FOR VOL-  
14 UNTARY RETIREMENT AS AN OFFICER.—Sections  
15 3911(b), 6323(a)(2), and 8911(b) of such title are amend-  
16 ed by striking “December 31, 2001” and inserting “De-  
17 cember 31, 2002”.

18 (f) TRAVEL, TRANSPORTATION, AND STORAGE BEN-  
19 EFITS.—Sections 404(c)(1)(C), 404(f)(2)(B)(v),  
20 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United  
21 States Code, and section 503(c)(1) of the National De-  
22 fense Authorization Act for Fiscal Year 1991 (37 U.S.C.  
23 406 note) are amended by striking “December 31, 2001”  
24 and inserting “December 31, 2002”.

1 (g) EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-  
2 NITY SERVICE.—Section 4463(f) of the National Defense  
3 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a  
4 note) is amended by striking “December 31, 2001” and  
5 inserting “December 31, 2002”.

6 (h) TRANSITIONAL HEALTH BENEFITS.—Sub-  
7 sections (a)(1), (c)(1), and (e) of section 1145 of title 10,  
8 United States Code, are amended by striking “December  
9 31, 2001” and inserting “December 31, 2002”.

10 (i) TRANSITIONAL COMMISSARY AND EXCHANGE  
11 BENEFITS.—Section 1146 of such title is amended by  
12 striking “December 31, 2001” both places it appears and  
13 inserting “December 31, 2002”.

14 (j) TRANSITIONAL USE OF MILITARY HOUSING.—  
15 Paragraphs (1) and (2) of section 1147(a) of such title  
16 are amended by striking “December 31, 2001” and insert-  
17 ing “December 31, 2002”.

18 (k) CONTINUED ENROLLMENT OF DEPENDENTS IN  
19 DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section  
20 1407(c)(1) of the Defense Dependents’ Education Act of  
21 1978 (20 U.S.C. 926(c)(1)) is amended by striking “De-  
22 cember 31, 2001” and inserting “December 31, 2002”.

23 (l) FORCE REDUCTION TRANSITION PERIOD DE-  
24 FINED FOR CERTAIN GUARD AND RESERVE BENEFITS.—  
25 Section 4411 of the National Defense Authorization Act

1 for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended  
2 by striking “December 31, 2001” and inserting “Decem-  
3 ber 31, 2002”.

4 (m) RETIRED PAY FOR NON-REGULAR SERVICE.—  
5 Sections 12731(f) and 12731a(b) of title 10, United  
6 States Code, are amended by striking “December 31,  
7 2001” and inserting “December 31, 2002”.

8 (n) AFFILIATION WITH GUARD AND RESERVE  
9 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section  
10 1150(a) of such title is amended by striking “December  
11 31, 2001” and inserting “December 31, 2002”.

12 (o) RESERVE MONTGOMERY GI BILL.—Section  
13 16133(b)(1)(B) of such title is amended by striking “De-  
14 cember 31, 2001” and inserting “December 31, 2002”.

## 15 **Subtitle B—Reserve Component**

### 16 **Personnel Policy**

17 **SEC. 511. PLACEMENT ON ACTIVE-DUTY LIST OF CERTAIN**  
18 **RESERVE OFFICERS ON ACTIVE DUTY FOR A**  
19 **PERIOD OF THREE YEARS OR LESS.**

20 (a) CLARIFICATION OF EXEMPTION.—Section  
21 641(1)(D) of title 10, United States Code, is amended to  
22 read as follows:

23 “(D) on active duty under section  
24 12301(d) of this title, other than as provided  
25 under subparagraph (C), if the call or order to

1 active duty, under regulations prescribed by the  
2 Secretary concerned, specifies a period of three  
3 years or less and continued placement on the  
4 reserve active-status list;”.

5 (b) RETROACTIVE APPLICATION.—(1) The Secretary  
6 of the military department concerned may provide that an  
7 officer who was excluded from the active-duty list under  
8 section 641(1)(D) of title 10, United States Code, as  
9 amended by section 521 of the Floyd D. Spence National  
10 Defense Authorization Act for Fiscal Year 2001 (as en-  
11 acted into law by Public Law 106–398; 114 Stat. 1654A–  
12 108), shall be considered to have been on the active-duty  
13 list during the period beginning on the date on which the  
14 officer was so excluded and ending on the date of the en-  
15 actment of this Act.

16 (2) The Secretary of the military department con-  
17 cerned may provide that a Reserve officer who was placed  
18 on the active-duty list on or after October 30, 1997, shall  
19 be placed on the reserve active-status list if the officer oth-  
20 erwise meets the conditions specified in section 641(1)(D)  
21 of title 10, United States Code, as amended by subsection  
22 (a).

1 **SEC. 512. EXPANDED APPLICATION OF RESERVE SPECIAL**  
2 **SELECTION BOARDS.**

3 (a) **SPECIAL SELECTION BOARD FOR BELOW-THE-**  
4 **ZONE CONSIDERATION.**—Section 14502 of title 10,  
5 United States Code, is amended—

6 (1) in subsection (a)(1), by striking “from in or  
7 above the promotion zone”;

8 (2) in subsection (a)(3), by inserting “for selec-  
9 tion for promotion from in or above the promotion  
10 zone” after “for consideration”; and

11 (3) in subsection (b)(1), by striking “from in or  
12 above the promotion zone”.

13 (b) **TECHNICAL AMENDMENT.**—Subsection (b)(1) of  
14 such section is amended by striking “under this chapter  
15 by a selection board” and inserting “by a promotion board  
16 convened under section 14101(a) of this title”.

17 (c) **EFFECTIVE DATE.**—The amendments made by  
18 subsection (a) shall apply to any Reserve officer who was  
19 not considered for promotion because of administrative  
20 error, or was considered for promotion but not selected  
21 because of material error, under part III of subtitle E of  
22 title 10, United States Code, on or after October 1, 1996.

1 **SEC. 513. EXCEPTION TO BACCALAUREATE DEGREE RE-**  
2 **QUIREMENT FOR APPOINTMENT OF RESERVE**  
3 **OFFICERS TO GRADES ABOVE FIRST LIEU-**  
4 **TENANT.**

5 Section 12205(b) of title 10, United States Code, is  
6 amended—

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

9 (2) by inserting after paragraph (3) the fol-  
10 lowing new paragraph (4):

11 “(4) The appointment to a grade in the Army  
12 Reserve of a person whose original appointment as  
13 an officer in the Army Reserve was through the Of-  
14 ficer Candidate School program and who imme-  
15 diately before that original appointment was an en-  
16 listed member on active duty.”.

17 **SEC. 514. IMPROVED DISABILITY BENEFITS FOR CERTAIN**  
18 **RESERVE COMPONENT MEMBERS.**

19 (a) **MEDICAL AND DENTAL CARE.**—Sections  
20 1074a(a)(3) and 1076(a)(2)(C) of title 10, United States  
21 Code, are each amended by striking “, if the” and all that  
22 follows through “member’s residence”.

23 (b) **ELIGIBILITY FOR DISABILITY RETIREMENT OR**  
24 **SEPARATION.**—Sections 1204(2)(B)(iii) and  
25 1206(2)(B)(iii) of title 10, United States Code, are each

1 amended by striking “, if the” and all that follows through  
2 “member’s residence”.

3 (c) RECOVERY, CARE, AND DISPOSITION OF RE-  
4 MAINS.—Section 1481(a)(2)(D) of title 10, United States  
5 Code, is amended by striking “, if the site is outside rea-  
6 sonable commuting distance from the member’s resi-  
7 dence”.

8 (d) PAY.—Sections 204(g)(1)(D), 204(h)(1)(D), and  
9 206(a)(3)(C) of title 37, United States Code, are each  
10 amended by striking “, if the site is outside reasonable  
11 commuting distance from the member’s residence”.

12 **SEC. 515. TIME-IN-GRADE REQUIREMENT FOR RESERVE**  
13 **COMPONENT OFFICERS WITH A NONSERVICE**  
14 **CONNECTED DISABILITY.**

15 Section 1370(d)(3)(B) of title 10, United States  
16 Code, is amended to read as follows:

17 “(B) A person covered by subparagraph (A) who has  
18 completed at least six months of satisfactory service in  
19 grade may be credited with satisfactory service in the  
20 grade in which serving at the time of transfer or dis-  
21 charge, notwithstanding failure of the person to complete  
22 three years of service in that grade, if that person—

23 “(i) is transferred from an active status or dis-  
24 charged as a reserve commissioned officer solely due  
25 to the requirements of a nondiscretionary provision

1 of law requiring that transfer or discharge due to  
2 the person's age or years of service; or

3 “(ii) is retired under chapter 1223 of this title  
4 because the person no longer meets the qualification  
5 for membership in the Ready Reserve solely because  
6 of a physical disability, as determined, at a min-  
7 imum, by a medical evaluation board.”.

8 **SEC. 516. RESERVE MEMBERS CONSIDERED TO BE DE-**  
9 **PLOYED FOR PURPOSES OF PERSONNEL**  
10 **TEMPO MANAGEMENT.**

11 Section 991(b) of title 10, United States Code, is  
12 amended—

13 (1) in paragraph (1)—

14 (A) by inserting “active” before “service”;  
15 and

16 (B) by adding at the end the following:

17 “For the purpose of applying the preceding sen-  
18 tence to a member of a reserve component per-  
19 forming active service, the housing in which the  
20 member resides when on garrison duty at the  
21 member's permanent duty station or homeport,  
22 as the case may be, shall be considered to be  
23 either the housing the member normally occu-  
24 pies when on garrison duty or the member's  
25 permanent civilian residence.”;

1 (2) by striking paragraph (2);

2 (3) by redesignating paragraphs (3) and (4) as  
3 paragraphs (2) and (3), respectively; and

4 (4) in paragraph (3) (as so redesignated), by  
5 striking “in paragraphs (1) and (2)” and inserting  
6 “in paragraph (1)”.

7 **SEC. 517. FUNERAL HONORS DUTY PERFORMED BY RE-**  
8 **SERVE AND GUARD MEMBERS TO BE TREAT-**  
9 **ED AS INACTIVE-DUTY TRAINING FOR CER-**  
10 **TAIN PURPOSES.**

11 (a) **RESERVE MEMBERS.**—Section 12503(a) of title  
12 10, United States Code, is amended by adding at the end  
13 the following new sentence: “Performance of funeral hon-  
14 ors duty by a Reserve not on active duty shall be treated  
15 as inactive-duty training (including with respect to travel  
16 to and from such duty) for purposes of any provision of  
17 law other than sections 206 and 435 of title 37.”.

18 (b) **NATIONAL GUARD MEMBERS.**—Section 115(a) of  
19 title 32, United States Code, is amended by adding at the  
20 end the following new sentence: “Performance of funeral  
21 honors duty by such a member not on active duty or full-  
22 time National Guard duty shall be treated as inactive-duty  
23 training (including with respect to travel to and from such  
24 duty) for purposes of any provision of law other than sec-  
25 tions 206 and 435 of title 37.”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall apply to funeral honors duty performed  
3 on or after October 30, 2000.

4 **SEC. 518. MEMBERS OF THE NATIONAL GUARD PER-**  
5 **FORMING FUNERAL HONORS DUTY WHILE IN**  
6 **NON-FEDERAL STATUS.**

7 Section 1491(b) of title 10, United States Code, is  
8 amended by adding at the end the following new para-  
9 graph:

10 “(3) A member of the Army National Guard of the  
11 United States or the Air National Guard of the United  
12 States who serves as a member of a funeral honors detail  
13 while in a duty status authorized under State law shall  
14 be considered to be a member of the armed forces for the  
15 purposes of the first sentence of paragraph (2).”.

16 **SEC. 519. USE OF MILITARY LEAVE FOR FUNERAL HONORS**  
17 **DUTY BY RESERVE MEMBERS AND NATIONAL**  
18 **GUARDSMEN.**

19 Section 6323(a)(1) of title 5, United States Code, is  
20 amended by inserting “funeral honors duty (as described  
21 in section 12503 of title 10 and section 115 of title 32),”  
22 after “(as defined in section 101 of title 37).”.

1 **SEC. 520. PREPARATION FOR, PARTICIPATION IN, AND CON-**  
2 **DUCT OF ATHLETIC COMPETITIONS BY THE**  
3 **NATIONAL GUARD AND MEMBERS OF THE NA-**  
4 **TIONAL GUARD.**

5 (a) ATHLETIC AND SMALL ARMS COMPETITIONS.—  
6 Section 504 of title 32, United States Code, is amended  
7 by adding at the end the following new subsection:

8 “(c) CONDUCT OF AND PARTICIPATION IN CERTAIN  
9 COMPETITIONS.—(1) Under regulations prescribed by the  
10 Secretary of Defense, members and units of the National  
11 Guard may conduct and compete in a qualifying athletic  
12 competition or a small arms competition so long as—

13 “(A) the conduct of, or participation in, the  
14 competition does not adversely affect the quality of  
15 training or otherwise interfere with the ability of a  
16 member or unit of the National Guard to perform  
17 the military functions of the member or unit;

18 “(B) National Guard personnel will enhance  
19 their military skills as a result of conducting or par-  
20 ticipating in the competition; and

21 “(C) the conduct of or participation in the com-  
22 petition will not result in a significant increase in  
23 National Guard costs.

24 “(2) Facilities and equipment of the National Guard,  
25 including military property and vehicles described in sec-  
26 tion 508(c) of this title, may be used in connection with

1 the conduct of or participation in a qualifying athletic  
2 competition or a small arms competition under paragraph  
3 (1).”.

4 (b) OTHER MATTERS.—Such section is further  
5 amended by adding after subsection (c), as added by sub-  
6 section (a) of this section, the following new subsections:

7 “(d) AVAILABILITY OF FUNDS.—(1) Subject to para-  
8 graph (2) and such limitations as may be enacted in ap-  
9 propriations Acts and such regulations as the Secretary  
10 of Defense may prescribe, amounts appropriated for the  
11 National Guard may be used to cover—

12 “(A) the costs of conducting or participating in  
13 a qualifying athletic competition or a small arms  
14 competition under subsection (c); and

15 “(B) the expenses of members of the National  
16 Guard under subsection (a)(3), including expenses of  
17 attendance and participation fees, travel, per diem,  
18 clothing, equipment, and related expenses.

19 “(2) Not more than \$2,500,000 may be obligated or  
20 expended in any fiscal year under subsection (c).

21 “(e) QUALIFYING ATHLETIC COMPETITION DE-  
22 FINED.—In this section, the term ‘qualifying athletic com-  
23 petition’ means a competition in athletic events that re-  
24 quire skills relevant to military duties or involve aspects  
25 of physical fitness that are evaluated by the armed forces

1 in determining whether a member of the National Guard  
2 is fit for military duty.”.

3 (c) **STYLISTIC AMENDMENTS.**—Such section is fur-  
4 ther amended—

5 (1) in subsection (a), by inserting “AUTHOR-  
6 IZED ACTIVITIES.—” after “(a)”; and

7 (2) in subsection (b), by inserting “AUTHOR-  
8 IZED LOCATIONS.—” after “(b)”.

9 (d) **CONFORMING AND CLERICAL AMENDMENTS.**—

10 (1) Subsection (a) of such section is amended—

11 (A) in paragraph (1), by inserting “and” after  
12 the semicolon;

13 (B) in paragraph (2), by striking “; or” and in-  
14 serting a period; and

15 (C) by striking paragraph (3).

16 (2) The heading of such section is amended to read  
17 as follows:

18 “**§ 504. National Guard schools; small arms competi-**  
19 **tions; athletic competitions”.**

20 (3) The item relating to section 504 in the table of  
21 sections at the beginning of chapter 5 of title 10, United  
22 States Code, is amended to read as follows:

“504. National Guard schools; small arms competitions; athletic competitions.”.

1 **Subtitle C—Joint Specialty Officers**  
2 **and Joint Professional Military**  
3 **Education**

4 **SEC. 521. NOMINATIONS FOR JOINT SPECIALTY.**

5 Paragraph (2) of section 661(b) of title 10, United  
6 States Code, is amended by striking “The Secretaries”  
7 and all that follows through “officers—” and inserting  
8 “Each officer on the active-duty list on the date of the  
9 enactment of the National Defense Authorization Act for  
10 Fiscal Year 2002 who has not before that date been nomi-  
11 nated for the joint specialty by the Secretary of a military  
12 department, and each officer who is placed on the active-  
13 duty list after such date, who meets the requirements of  
14 subsection (c) shall automatically be considered to have  
15 been nominated for the joint specialty. From among those  
16 officers considered to be nominated for the joint specialty,  
17 the Secretary may select for the joint specialty only offi-  
18 cers—”.

19 **SEC. 522. JOINT DUTY CREDIT.**

20 Paragraph (4) of section 664(i) of title 10, United  
21 States Code, is amended—

22 (1) in subparagraph (E), by striking “The” and  
23 inserting “Except as provided in subparagraph (F),  
24 the”; and

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

3           “(F) Service in a temporary joint task force as-  
4 signment not involved in combat or combat-related  
5 operations may not be credited for the purposes of  
6 joint duty, unless, and only if—

7           “(i) the service of the officer and the na-  
8 ture of the joint task force not only meet all cri-  
9 teria of this section, except subparagraph (E),  
10 but also any additional criteria the Secretary  
11 may establish;

12           “(ii) the Secretary has specifically ap-  
13 proved the operation conducted by the joint  
14 task force as one that qualifies for joint service  
15 credit, and notifies Congress upon each ap-  
16 proval, providing the criteria that led to that  
17 approval; and

18           “(iii) the operation is conducted by the  
19 joint task force in an environment where an ex-  
20 tremely fragile state of peace and high potential  
21 for hostilities coexist.”.

22 **SEC. 523. RETROACTIVE JOINT SERVICE CREDIT FOR DUTY**  
23 **IN CERTAIN JOINT TASK FORCES.**

24           (a) **AUTHORITY.**—In accordance with section 664(i)  
25 of title 10, United States Code, as amended by section

1 522, the Secretary of Defense may award joint service  
2 credit to any officer who served on the staff of a United  
3 States joint task force headquarters in an operation and  
4 during the period set forth in subsection (b) and who  
5 meets the criteria specified in such section. To determine  
6 which officers qualify for such retroactive credit, the Sec-  
7 retary shall undertake a case-by-case review of the records  
8 of officers.

9 (b) ELIGIBLE OPERATIONS.—Service in the following  
10 operations, during the specified periods, may be counted  
11 for credit under subsection (a):

12 (1) Operation Northern Watch, during the pe-  
13 riod beginning on August 1, 1992, and ending on a  
14 date to be determined.

15 (2) Operation Southern Watch, during the pe-  
16 riod beginning on August 27, 1992, and ending on  
17 a date to be determined.

18 (3) Operation Able Sentry, during the period  
19 beginning on June 26, 1993, and ending on Feb-  
20 ruary 28, 1999.

21 (4) Operation Joint Endeavor, during the pe-  
22 riod beginning on December 25, 1995, and ending  
23 on December 19, 1996.

1           (5) Operation Joint Guard, during the period  
2 beginning on December 20, 1996, and ending on  
3 June 20, 1998.

4           (6) Operation Desert Thunder, beginning on  
5 January 24, 1998, and ending on December 15,  
6 1998.

7           (7) Operation Joint Forge, beginning on June  
8 20, 1998, and ending on June 10, 1999.

9           (8) Operation Noble Anvil, beginning on March  
10 24, 1999, and ending on July 20, 1999.

11           (9) Operation Joint Guardian, beginning on  
12 June 11, 1999, and ending on a date to be deter-  
13 mined.

14           (c) REPORT.—Not later than one year after the date  
15 of the enactment of this Act, the Secretary of Defense  
16 shall submit to Congress a report of the numbers, by serv-  
17 ice, grade, and operation, of the officers given joint service  
18 credit in accordance with this section.

19 **SEC. 524. REVISION TO ANNUAL REPORT ON JOINT OFFI-**  
20 **CER MANAGEMENT.**

21           Section 667 of title 10, United States Code, is  
22 amended—

23           (1) in paragraph (1)—

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

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

3 “(B) The number of officers who meet the cri-  
4 teria for selection for the joint specialty but were not  
5 selected, together with the reasons why.”;

6 (2) by amending paragraph (2) to read as fol-  
7 lows:

8 “(2) The number of officers with the joint spe-  
9 cialty, shown by grade and branch or specialty and  
10 by education.”;

11 (3) in paragraph (3)—

12 (A) in subparagraph (A) and (B), by strik-  
13 ing “nominated” and inserting “selected”;

14 (B) by inserting “and” at the end of sub-  
15 paragraph (D);

16 (C) by striking subparagraph (E); and

17 (D) by redesignating subparagraph (F) as  
18 subparagraph (E);

19 (4) in paragraph (4)(A), by striking “nomi-  
20 nated” and inserting “selected”;

21 (5) in paragraph (14)—

22 (A) by inserting “(A)” after “(14)”; and

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



1 paragraph (1) or paragraph (2) of subsection (a), or both  
2 paragraphs (1) and (2) of subsection (a), in the following  
3 circumstances (except that paragraph (2) of subsection (a)  
4 may not be waived by reason of paragraph (4)):".

5 (c) PROPOSED LEGISLATIVE CHANGES.—Not later  
6 than December 1, 2002, the Secretary of Defense shall  
7 submit to Congress a draft proposal for such legislative  
8 changes as the Secretary considers needed to implement  
9 the amendment made by subsections (a) and (b).

10 **SEC. 526. INDEPENDENT STUDY OF JOINT OFFICER MAN-**  
11 **AGEMENT AND JOINT PROFESSIONAL MILI-**  
12 **TARY EDUCATION REFORMS.**

13 (a) STUDY.—The Secretary of Defense shall provide  
14 for an independent study of the joint officer management  
15 system and the joint professional military education sys-  
16 tem. The Secretary shall ensure that the entity conducting  
17 the study is provided such information and support as re-  
18 quired. The Secretary shall include in the contract for the  
19 study a requirement that the entity conducting the study  
20 submit a report to Congress on the study not later than  
21 June 30, 2002.

22 (b) MATTERS TO BE INCLUDED WITH RESPECT TO  
23 JOINT OFFICER MANAGEMENT.—With respect to the joint  
24 officer management system, the entity conducting the  
25 independent study shall provide for the following:

1           (1) Assessment of implications for joint officer  
2 education, development, and management that would  
3 result from proposed joint organizational operational  
4 concepts (such as standing joint task forces) and  
5 from emerging officer management and personnel  
6 reforms (such as longer careers and more stabiliza-  
7 tion), that are under consideration by the Secretary  
8 of Defense.

9           (2) Assessment of the effectiveness of the cur-  
10 rent joint officer management system to develop and  
11 use joint specialty qualified officers in meeting both  
12 current and future requirements for joint specialty  
13 officers.

14           (3) Recommendations, based on empirical and  
15 other data, to improve the effectiveness of the joint  
16 officer management system, especially with regard to  
17 the following:

18                   (A) The proper mix and sequencing of edu-  
19 cation assignments and experience assignments  
20 (to include, with respect to both types of assign-  
21 ments, consideration of the type and quality,  
22 and the length, of such assignments) to qualify  
23 an officer as a joint specialty officer, as well as  
24 the implications of adopting a variable joint  
25 duty tour length and the advisability and impli-

1 cations of a system of qualifying officers as  
2 joint specialty officers that uses multiple short-  
3 er qualification tracks to selection as a joint  
4 specialty officer than are now codified.

5 (B) The system of using joint specialty of-  
6 ficers, including the continued utility of such  
7 measures as—

8 (i) the required fill of positions on the  
9 joint duty assignment list, as specified in  
10 paragraphs (1) and (4) of section 661(d)  
11 of title 10, United States Code;

12 (ii) the fill by such officers of a re-  
13 quired number of critical billets, as pre-  
14 scribed by section 661(d)(2) of such title;

15 (iii) the mandated fill by general and  
16 flag officers of a minimum number of crit-  
17 ical billets, as prescribed by section  
18 661(d)(3) of such title; and

19 (iv) current promotion policy objec-  
20 tives for officers with the joint specialty,  
21 officers serving on the Joint Staff, and of-  
22 ficers serving in joint duty assignment list  
23 positions, as prescribed by section 662 of  
24 such title.

1 (C) Changes in policy and law required to  
2 provide officers the required joint specialty  
3 qualification before promotion to general or flag  
4 officer grade.

5 (D) A determination of the number of re-  
6 serve component officers who would be qualified  
7 for designation as a joint specialty officer by  
8 reason of experience or education if the stand-  
9 ards of existing law, including waiver authori-  
10 ties, were applied to them, and recommenda-  
11 tions for a process for qualifying and employing  
12 future reserve component officers as joint spe-  
13 cialty officers.

14 (e) MATTERS TO BE INCLUDED WITH RESPECT TO  
15 JOINT PROFESSIONAL MILITARY EDUCATION.—With re-  
16 spect to the joint professional military education system,  
17 the entity conducting the independent study shall provide  
18 for the following:

19 (1) The number of officers who under the cur-  
20 rent system (A) qualified as joint specialty officers  
21 by attending joint professional military education  
22 programs before their first joint duty assignment,  
23 (B) qualified as joint specialty officers after arriving  
24 at their first joint duty assignment but before com-  
25 pleting that assignment, and (C) qualified as joint

1 specialty officers without any joint professional mili-  
2 tary education.

3 (2) Recommended initiatives (include changes  
4 in officer personnel management law, if necessary)  
5 to provide incentives and otherwise facilitate attend-  
6 ance at joint professional military education pro-  
7 grams before an officer's first joint duty assignment.

8 (3) Recommended goals for attendance at the  
9 Joint Forces Staff College en route to a first joint  
10 duty assignment.

11 (4) An assessment of the continuing utility of  
12 statutory requirements for use of officers following  
13 joint professional military education, as prescribed  
14 by section 662(d) of title 10, United States Code.

15 (5) Determination of whether joint professional  
16 military education programs should remain prin-  
17 cipally an in-resident, multi-service experience and  
18 what role non-resident or distributive learning can or  
19 should play in future joint professional military edu-  
20 cation programs.

21 (6) Examination of options for the length of  
22 and increased capacity at Joint Forces Staff College,  
23 and whether other in-resident joint professional mili-  
24 tary education sources should be opened, and if  
25 opened, how they might be properly accredited and

1       overseen to provide instruction at the level of the  
2       program designated as "joint professional military  
3       education".

4       (d) CHAIRMAN OF JOINT CHIEFS OF STAFF.—With  
5       respect to the roles of the Secretary of Defense and the  
6       Chairman of the Joint Chiefs of Staff, the entity con-  
7       ducting the independent study shall—

8               (1) provide for an evaluation of the current  
9       roles of the Secretary of Defense, the Chairman of  
10      the Joint Chiefs of Staff, and joint staff in law, pol-  
11      icy, and implementation with regard to establishing  
12      and maintaining oversight of joint officer manage-  
13      ment, career guidelines, and joint professional mili-  
14      tary education; and

15              (2) make recommendations to improve and  
16      strengthen those roles.

17      (e) REQUIREMENTS FOR STUDY ENTITY.—In pro-  
18      viding for the independent study required by subsection  
19      (a), the Secretary of Defense shall ensure that the entity  
20      conducting the study—

21              (1) is not a Department of Defense organiza-  
22      tion; and

23              (2) shall, at a minimum, involve in the study,  
24      in an integral way, the following persons:

1 (A) The Chairman of the Joint Chiefs of  
2 Staff and available former Chairmen of the  
3 Joint Chiefs of Staff.

4 (B) Members and former members of the  
5 Joint Staff, the Armed Forces, the Congress,  
6 and congressional staff who are or who have  
7 been significantly involved in the development,  
8 implementation, or modification of joint officer  
9 management and joint professional military  
10 education.

11 (C) Experts in joint officer management  
12 and education from civilian academic and re-  
13 search centers.

14 **SEC. 527. PROFESSIONAL DEVELOPMENT EDUCATION.**

15 (a) EXECUTIVE AGENT FOR FUNDING.—(1) Effec-  
16 tive beginning with fiscal year 2003, the Secretary of De-  
17 fense shall be the executive agent for funding professional  
18 development education operations of all components of the  
19 National Defense University, including the Joint Forces  
20 Staff College. The Secretary may not delegate the Sec-  
21 retary's functions and responsibilities under the preceding  
22 sentence to the Secretary of a military department.

23 (2) Nothing in this subsection affects policies in ef-  
24 fect on the date of the enactment of this Act with respect  
25 to—

1 (A) the reporting of the President of the Na-  
2 tional Defense University to the Chairman of the  
3 Joint Chiefs of Staff; or

4 (B) provision of logistical and base operations  
5 support for components of the National Defense  
6 University by the military departments.

7 (b) PREPARATION OF BUDGET REQUESTS.—Section  
8 2162(b) of title 10, United States Code, is amended—

9 (1) by redesignating paragraph (2) as para-  
10 graph (3); and

11 (2) by inserting after paragraph (1) the fol-  
12 lowing new paragraph:

13 “(2) As executive agent for funding professional de-  
14 velopment education at the National Defense University,  
15 including the Joint Forces Staff College, the Secretary of  
16 Defense, with the advice of the Chairman of the Joint  
17 Chiefs of Staff, shall prepare the annual budget for profes-  
18 sional development education operations at the National  
19 Defense University and set forth that request as a sepa-  
20 rate budget request in the materials submitted to Con-  
21 gress in support of the budget request for the Department  
22 of Defense. Nothing in the preceding sentence affects poli-  
23 cies in effect on the date of the enactment of this para-  
24 graph with respect to budgeting for the funding of  
25 logistical and base operations support for components of

1 the National Defense University through the military de-  
2 partments.”.

3 (c) FUNDING SOURCE.—(1) Section 2165 of title 10,  
4 United States Code, is amended by adding at the end the  
5 following new subsection:

6 “(d) SOURCE OF FUNDS FOR PROFESSIONAL DEVEL-  
7 OPMENT EDUCATION OPERATIONS.—Funding for the pro-  
8 fessional development education operations of the National  
9 Defense University shall be provided from funds made  
10 available to the Secretary of Defense from the annual ap-  
11 propriation ‘Operation and Maintenance, Defense-wide’.”.

12 (2) Subsection (d) of section 2165 of title 10, United  
13 States Code, as added by paragraph (1), shall become ef-  
14 fective beginning with fiscal year 2003.

15 **SEC. 528. AUTHORITY FOR NATIONAL DEFENSE UNIVER-**  
16 **SITY TO ENROLL CERTAIN PRIVATE SECTOR**  
17 **CIVILIANS.**

18 (a) IN GENERAL.—(1) Chapter 108 of title 10,  
19 United States Code, is amended by adding at the end the  
20 following new section:

21 **“§ 2167. National Defense University: admission of**  
22 **private sector civilians to professional**  
23 **military education program**

24 “(a) AUTHORITY FOR ADMISSION.—The Secretary of  
25 Defense may permit eligible private sector employees who

1 work in organizations relevant to national security to re-  
2 ceive instruction at the National Defense University in ac-  
3 cordance with this section. No more than 10 full-time  
4 equivalent private sector employees may be enrolled at any  
5 one time. Upon successful completion of the course of in-  
6 struction in which enrolled, any such private sector em-  
7 ployee may be awarded an appropriate diploma or degree  
8 under section 2165 of this title.

9       “(b) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—For  
10 purposes of this section, an eligible private sector employee  
11 is an individual employed by a private firm that is engaged  
12 in providing to the Department of Defense or other Gov-  
13 ernment departments or agencies significant and substan-  
14 tial defense-related systems, products, or services or whose  
15 work product is relevant to national security policy or  
16 strategy. A private sector employee admitted for instruc-  
17 tion at the National Defense University remains eligible  
18 for such instruction only so long as that person remains  
19 employed by the same firm.

20       “(c) ANNUAL CERTIFICATION BY SECRETARY OF DE-  
21 FENSE.—Private sector employees may receive instruction  
22 at the National Defense University during any academic  
23 year only if, before the start of that academic year, the  
24 Secretary of Defense determines, and certifies to the Com-  
25 mittee on Armed Services of the Senate and the Com-

1 mittee on Armed Services of the House of Representatives,  
2 that providing instruction to private sector employees  
3 under this section during that year will further national  
4 security interests of the United States.

5 “(d) PROGRAM REQUIREMENTS.—The Secretary of  
6 Defense shall ensure that—

7 “(1) the curriculum for the professional mili-  
8 tary education program in which private sector em-  
9 ployees may be enrolled under this section is not  
10 readily available through other schools and con-  
11 centrates on national security relevant issues; and

12 “(2) the course offerings at the National De-  
13 fense University continue to be determined solely by  
14 the needs of the Department of Defense.

15 “(e) TUITION.—The President of the National De-  
16 fense University shall charge students enrolled under this  
17 section a rate—

18 “(1) that is at least the rate charged for em-  
19 ployees of the United States outside the Department  
20 of Defense, less infrastructure costs, and

21 “(2) that considers the value to the school and  
22 course of the private sector student.

23 “(f) STANDARDS OF CONDUCT.—While receiving in-  
24 struction at the National Defense University, students en-  
25 rolled under this section, to the extent practicable, are

1 subject to the same regulations governing academic per-  
2 formance, attendance, norms of behavior, and enrollment  
3 as apply to Government civilian employees receiving in-  
4 struction at the university.

5 “(g) USE OF FUNDS.—Amounts received by the Na-  
6 tional Defense University for instruction of students en-  
7 rolled under this section shall be retained by the university  
8 to defray the costs of such instruction. The source, and  
9 the disposition, of such funds shall be specifically identi-  
10 fied in records of the university.”

11 (2) The table of sections at the beginning of such  
12 chapter is amended by adding at the end the following  
13 new item:

“2167. National Defense University: admission of private sector civilians to pro-  
fessional military education program.”

14 (b) EFFECTIVE DATE.—Section 2167 of title 10,  
15 United States Code, as added by subsection (a), shall take  
16 effect on January 1, 2002.

17 **SEC. 529. CONTINUATION OF RESERVE COMPONENT PRO-**  
18 **FESSIONAL MILITARY EDUCATION TEST.**

19 (a) CONTINUATION OF CONCEPT VALIDATION  
20 TEST.—During fiscal year 2002, the Secretary of Defense  
21 shall continue the concept validation test of Reserve com-  
22 ponent joint professional military education that was  
23 begun in fiscal year 2001 at the National Defense Univer-  
24 sity.

1 (b) PILOT PROGRAM.—If the Secretary of Defense  
 2 determines that the results of the concept validation test  
 3 referred to in subsection (a) warrant conducting a pilot  
 4 program of the concept that was the subject of the test,  
 5 the Secretary shall conduct such a pilot program during  
 6 fiscal year 2003.

7 (c) FUNDING.—The Secretary shall provide funds for  
 8 the concept validation test under subsection (a) and for  
 9 any pilot program under subsection (b) from funds appro-  
 10 priated to the Secretary of Defense in addition those ap-  
 11 propriated for operations of the National Defense Univer-  
 12 sity.

## 13 **Subtitle D—Military Education and** 14 **Training**

### 15 **SEC. 531. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-** 16 **GUAGE CENTER.**

17 (a) AUTHORITY TO CONFER ASSOCIATE OF ARTS  
 18 DEGREE.—Chapter 108 of title 10, United States Code,  
 19 is amended by adding after section 2167, as added by sec-  
 20 tion 528(a)(1), the following new section:

21 **“§ 2168. Defense Language Institute Foreign Lan-**  
 22 **guage Center: degree of Associate of Arts**  
 23 **in foreign language**

24 “(a) Subject to subsection (b), the Commandant of  
 25 the Defense Language Institute may confer an Associate

1 of Arts degree in a foreign language upon any graduate  
 2 of the Foreign Language Center of the Institute who ful-  
 3 fills the requirements for that degree.

4 “(b) A degree may be conferred upon a student under  
 5 this section only if the Provost of the Center certifies to  
 6 the Commandant that the student has satisfied all the re-  
 7 quirements prescribed for the degree.

8 “(c) The authority provided by subsection (a) shall  
 9 be exercised under regulations prescribed by the Secretary  
 10 of Defense.”.

11 (b) CLERICAL AMENDMENT.—The table of sections  
 12 at the beginning of such chapter is amended by adding  
 13 after the item relating to section 2167, as added by section  
 14 528(a)(2), the following new item:

“2168. Defense Language Institute Foreign Language Center: degree of Asso-  
 ciate of Arts in foreign language.”.

15 **SEC. 532. AUTHORITY FOR THE MARINE CORPS UNIVER-**  
 16 **SITY TO AWARD DEGREE OF MASTER OF**  
 17 **STRATEGIC STUDIES.**

18 (a) MARINE CORPS WAR COLLEGE DEGREE.—Sec-  
 19 tion 7102 of title 10, United States Code, is amended—

20 (1) by redesignating subsection (b) as sub-  
 21 section (c); and

22 (2) by inserting after subsection (a) the fol-  
 23 lowing new subsection (b):

1           “(b) MARINE CORPS WAR COLLEGE.—Upon the rec-  
2 ommendation of the Director and faculty of the Marine  
3 Corps War College of the Marine Corps University, the  
4 President of the Marine Corps University may confer the  
5 degree of master of strategic studies upon graduates of  
6 the Marine Corps War College who fulfill the requirements  
7 for that degree.”.

8           (b) CONFORMING AMENDMENTS.—(1) Subsection (a)  
9 of such section is amended by striking “upon graduates”  
10 and all that follows and inserting “upon graduates of the  
11 Command and Staff College who fulfill the requirements  
12 for that degree.”.

13           (2) Subsection (c) of such section, as redesignated by  
14 subsection (a)(1), is amended by striking “subsection (a)”  
15 and inserting “subsections (a) and (b)”.

16           (3)(A) The heading of such section is amended to  
17 read as follows:

18           “**§ 7102. Marine Corps University: masters degrees;**  
19   **board of advisors”.**

20           (B) The item relating to such section in the table of  
21 sections at the beginning of chapter 609 of such title is  
22 amended to read as follows:

          “7102. Marine Corps University: masters degrees; board of advisors.”.

23           (c) CODIFICATION OF REQUIREMENT FOR BOARD OF  
24 ADVISORS.—(1) Section 7102 of title 10, United States  
25 Code, as amended by subsections (a) and (b), is further

1 amended by adding at the end the following new sub-  
2 section:

3 “(d) BOARD OF ADVISORS.—The Secretary of the  
4 Navy shall establish a board of advisors for the Marine  
5 Corps University. The Secretary shall ensure that the  
6 board is established so as to meet all requirements of the  
7 appropriate regional accrediting association.”.

8 (2) Section 912 of the National Defense Authoriza-  
9 tion Act for Fiscal Year 1995 (Public Law 103–337; 10  
10 U.S.C. 7102 note) is repealed.

11 (d) EFFECTIVE DATE.—The authority to confer the  
12 degree of master of strategic studies under section  
13 7102(b) of title 10, United States Code (as added by sub-  
14 section (a)) may not be exercised until the Secretary of  
15 Education determines, and certifies to the President of the  
16 Marine Corps University, that the requirements estab-  
17 lished by the Marine Corps War College of the Marine  
18 Corps University for that degree are in accordance with  
19 generally applicable requirements for a degree of master  
20 of arts. Upon receipt of such a certification, the President  
21 of the University shall promptly transmit a copy of the  
22 certification to the Committee on Armed Services of the  
23 Senate and Committee on Armed Services of the House  
24 of Representatives.

1 **SEC. 533. INCREASE IN NUMBER OF FOREIGN STUDENTS**  
2 **AUTHORIZED TO BE ADMITTED TO THE SERV-**  
3 **ICE ACADEMIES.**

4 (a) UNITED STATES MILITARY ACADEMY.—(1) Sub-  
5 section (a)(1) of section 4344 of title 10, United States  
6 Code, is amended by striking “40 persons” and inserting  
7 “60 persons”.

8 (2) Subsection (b) of such section is amended—

9 (A) by inserting “some or all” in paragraph (2)  
10 after “unless a written waiver of”; and

11 (B) by striking paragraph (3).

12 (3) The amendments made by paragraph (2) shall  
13 not apply with respect to any person who entered the  
14 United States Military Academy to receive instruction  
15 under section 4344 of title 10, United States Code, before  
16 the date of the enactment of this Act.

17 (b) UNITED STATES NAVAL ACADEMY.—(1) Sub-  
18 section (a)(1) of section 6957 of title 10, United States  
19 Code, is amended by striking “40 persons” and inserting  
20 “60 persons”.

21 (2) Subsection (b) of such section is amended—

22 (A) by inserting “some or all” in paragraph (2)  
23 after “unless a written waiver of”; and

24 (B) by striking paragraph (3).

25 (3) The amendments made by paragraph (2) shall  
26 not apply with respect to any person who entered the

1 United States Naval Academy to receive instruction under  
2 section 6957 of title 10, United States Code, before the  
3 date of the enactment of this Act.

4 (c) UNITED STATES AIR FORCE ACADEMY.—(1)  
5 Subsection (a)(1) of section 9344 of title 10, United  
6 States Code, is amended by striking “40 persons” and in-  
7 serting “60 persons”.

8 (2) Subsection (b) of such section is amended—

9 (A) by inserting “some or all” in paragraph (2)  
10 after “unless a written waiver of”; and

11 (B) by striking paragraph (3).

12 (3) The amendments made by paragraph (2) shall  
13 not apply with respect to any person who entered the  
14 United States Air Force Academy to receive instruction  
15 under section 9344 of title 10, United States Code, before  
16 the date of the enactment of this Act.

17 **SEC. 534. INCREASE IN MAXIMUM AGE FOR APPOINTMENT**  
18 **AS A CADET OR MIDSHIPMAN IN SENIOR RE-**  
19 **SERVE OFFICER TRAINING CORPS SCHOLAR-**  
20 **SHIP PROGRAMS.**

21 (a) GENERAL ROTC SCHOLARSHIP PROGRAM.—Sec-  
22 tion 2107(a) of title 10, United States Code, is amended—

23 (1) by striking “27 years of age on June 30”  
24 and inserting “35 years of age on December 31”;  
25 and



1 **SEC. 536. AUTHORITY TO MODIFY THE SERVICE OBLIGA-**  
2 **TION OF CERTAIN ROTC CADETS IN MILI-**  
3 **TARY JUNIOR COLLEGES RECEIVING FINAN-**  
4 **CIAL ASSISTANCE.**

5 (a) **AUTHORITY TO MODIFY AGREEMENTS.**—Sub-  
6 section (b) of section 2107a of title 10, United States  
7 Code, is amended—

8 (1) by inserting “(1)” after “(b)”;

9 (2) by redesignating paragraphs (1), (2), (3),  
10 (4), (5), and (6) as subparagraphs (A), (B), (C),  
11 (D), (E), and (F), respectively;

12 (3) by designating the sentence following sub-  
13 paragraph (F), as so redesignated, as paragraph (2);  
14 and

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

17 “(3) In the case of a cadet under this section at a  
18 military junior college, the Secretary may, at any time and  
19 with the consent of the cadet concerned, modify an agree-  
20 ment described in paragraph (1)(F) submitted by the  
21 cadet to reduce or eliminate the troop program unit service  
22 obligation specified in the agreement and to establish, in  
23 lieu of that obligation, an active duty service obligation.  
24 Such a modification may be made only if the Secretary  
25 determines that it is in the best interests of the United  
26 States to do so.”.

1 (b) RETROACTIVE APPLICATION.—The authority of  
2 the Secretary of Defense under section 2107a(b)(3) of title  
3 10, United States Code, as added by subsection (a), may  
4 be exercised with regard to any agreement described in  
5 subsection (b)(1)(F) (including agreements related to par-  
6 ticipation in the Advanced Course of the Army Reserve  
7 Officers’ Training Corps at a military college or civilian  
8 institution) entered into during the period beginning on  
9 January 1, 1991 and ending on July 12, 2000.

10 (c) TECHNICAL AMENDMENT.—Subsection (h) of  
11 such section is amended by striking “military college” in  
12 the second sentence and inserting “military junior col-  
13 lege”.

14 **SEC. 537. MODIFICATION OF NURSE OFFICER CANDIDATE**  
15 **ACCESSION PROGRAM RESTRICTION ON STU-**  
16 **DENTS ATTENDING EDUCATIONAL INSTITU-**  
17 **TIONS WITH SENIOR RESERVE OFFICERS’**  
18 **TRAINING PROGRAMS.**

19 Section 2130a of title 10, United States Code, is  
20 amended—

21 (1) in subsection (a)(2), by striking “that does  
22 not have a Senior Reserve Officers’ Training Pro-  
23 gram established under section 2102 of this title”;  
24 and

1           (2) in subsection (b)(1), by inserting before the  
2           semicolon at the end “or that has a Senior Reserve  
3           Officers’ Training Program for which the student is  
4           ineligible”.

5 **SEC. 538. REPEAL OF LIMITATION ON NUMBER OF JUNIOR**  
6                   **RESERVE OFFICERS’ TRAINING CORPS**  
7                   **(JROTC) UNITS.**

8           Section 2031(a)(1) of title 10, United States Code,  
9           is amended by striking the second sentence.

10 **SEC. 539. RESERVE HEALTH PROFESSIONALS STIPEND**  
11                   **PROGRAM EXPANSION.**

12           (a) PURPOSE OF PROGRAM.—Subsection (a) of sec-  
13           tion 16201 of title 10, United States Code, is amended—

14                   (1) by striking “specialties critically needed in  
15                   wartime”;

16                   (2) by striking “training in such specialties”  
17                   and inserting “training that leads to a degree in  
18                   medicine or dentistry or training in a health profes-  
19                   sions specialty that is critically needed in wartime”;  
20                   and

21                   (3) by striking “training in certain health care  
22                   specialties” and inserting “health care education and  
23                   training”.

24           (b) MEDICAL AND DENTAL STUDENT STIPEND.—  
25           Such section is further amended—

1           (1) by redesignating subsections (b), (c), (d),  
2           and (e) as subsections (c), (d), (e), and (f), respec-  
3           tively; and

4           (2) by inserting after subsection (a) the fol-  
5           lowing new subsection (b):

6           “(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—

7           (1) Under the stipend program under this chapter, the  
8           Secretary of the military department concerned may enter  
9           into an agreement with a person who—

10           “(A) is eligible to be appointed as an officer in  
11           a reserve component;

12           “(B) is enrolled or has been accepted for enroll-  
13           ment in an institution in a course of study that re-  
14           sults in a degree in medicine or dentistry;

15           “(C) signs an agreement that, unless sooner  
16           separated, the person will—

17           “(i) complete the educational phase of the  
18           program;

19           “(ii) accept a reappointment or redesigna-  
20           tion within the person’s reserve component, if  
21           tendered, based upon the person’s health pro-  
22           fession, following satisfactory completion of the  
23           educational and intern programs; and

24           “(iii) participate in a residency program;  
25           and

1           “(D) if required by regulations prescribed by  
2 the Secretary of Defense, agrees to apply for, if eli-  
3 gible, and accept, if offered, residency training in a  
4 health profession skill which has been designated by  
5 the Secretary of Defense as a critically needed war-  
6 time skill.

7           “(2) Under the agreement—

8           “(A) the Secretary of the military department  
9 concerned shall agree to pay the participant a sti-  
10 pend, in the amount determined under subsection  
11 (f), for the period or the remainder of the period the  
12 student is satisfactorily progressing toward a degree  
13 in medicine or dentistry while enrolled in an accred-  
14 ited medical or dental school;

15           “(B) the participant shall not be eligible to re-  
16 ceive such stipend before appointment, designation,  
17 or assignment as an officer for service in the Ready  
18 Reserve;

19           “(C) the participant shall be subject to such ac-  
20 tive duty requirements as may be specified in the  
21 agreement and to active duty in time of war or na-  
22 tional emergency as provided by law for members of  
23 the Ready Reserve; and

24           “(D) the participant shall agree to serve, upon  
25 successful completion of the program, one year in

1 the Selected Reserve for each six months, or part  
2 thereof, for which the stipend is provided. In the  
3 case of a participant who enters into a subsequent  
4 agreement under subsection (c) and successfully  
5 completes residency training in a specialty des-  
6 ignated by the Secretary of Defense as a specialty  
7 critically needed by the military department in war-  
8 time, the requirement to serve in the Selected Re-  
9 serve may be reduced to one year for each year, or  
10 part thereof, for which the stipend was provided  
11 while enrolled in medical or dental school.”.

12 (c) WARTIME CRITICAL SKILLS.—Subsection (c) of  
13 such section (as redesignated by subsection (b)(1)) is  
14 amended—

15 (1) by inserting “WARTIME” after “CRITICAL”  
16 in the heading; and

17 (2) by inserting “or has been appointed as a  
18 medical or dental officer in the Reserve of the armed  
19 force concerned” in paragraph (1)(B) before the  
20 semicolon at the end.

21 (d) SERVICE OBLIGATION REQUIREMENT.—Para-  
22 graph (2)(D) of subsection (c) of such section (as redesi-  
23 gnated by subsection (b)(1)) and paragraph (2)(D) of sub-  
24 section (d) of such section (as so redesignated) are amend-  
25 ed by striking “two years in the Ready Reserve for each

1 year,” and inserting “one year in the Ready Reserve for  
2 each six months,”.

3 (e) CROSS-REFERENCE.—Paragraph (2)(A) of sub-  
4 section (e) of such section (as redesignated by subsection  
5 (b)(1)) and paragraph (2)(A) of subsection (d) of such  
6 section (as so redesignated) are amended by striking “sub-  
7 section (e)” and inserting “subsection (f)”.

8 **SEC. 540. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR**  
9 **THE CORPS OF CADETS, UNITED STATES**  
10 **MILITARY ACADEMY.**

11 (a) AUTHORITY.—The second sentence of section  
12 4337 of title 10, United States Code, is amended to read  
13 as follows: “Notwithstanding any other provision of law,  
14 the chaplain is entitled to the same basic allowance for  
15 housing allowed to a lieutenant colonel, and to fuel and  
16 light for quarters in kind.”.

17 (b) EFFECTIVE DATE.—The amendment made by  
18 subsection (a) shall take effect on the first day of the first  
19 month beginning on or after the date of the enactment  
20 of this Act.

1     **Subtitle E—Decorations, Awards,**  
2                     **and Commendations**

3     **SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF**  
4                     **HONOR TO HUMBERT R. VERSACE FOR**  
5                     **VALOR DURING THE VIETNAM WAR.**

6             (a) WAIVER OF TIME LIMITATION.—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 Humbert R. Versace for the acts of valor referred to  
13 in subsection (b).

14             (b) ACTION DESCRIBED.—The acts of valor referred  
15 to in subsection (a) are the actions of Humbert R. Versace  
16 between October 29, 1963, and September 26, 1965, while  
17 interned as a prisoner-of-war by the Vietnamese Com-  
18 munist National Liberation Front (Viet Cong) in the Re-  
19 public of Vietnam.

20     **SEC. 542. REVIEW REGARDING AWARD OF MEDAL OF**  
21                     **HONOR TO CERTAIN JEWISH AMERICAN AND**  
22                     **HISPANIC AMERICAN WAR VETERANS.**

23             (a) REVIEW REQUIRED.—The Secretary of each mili-  
24 tary department shall review the service records of each  
25 Jewish American war veteran or Hispanic American war

1 veteran described in subsection (b) to determine whether  
2 that veteran should be awarded the Medal of Honor.

3 (b) COVERED JEWISH AMERICAN WAR VETERANS  
4 AND HISPANIC AMERICAN WAR VETERANS.—The Jewish  
5 American war veterans and Hispanic American war vet-  
6 erans whose service records are to be reviewed under sub-  
7 section (a) are the following:

8 (1) Any Jewish American war veteran or His-  
9 panic American war veteran who was awarded the  
10 Distinguished Service Cross, the Navy Cross, or the  
11 Air Force Cross before the date of the enactment of  
12 this Act.

13 (2) Any other Jewish American war veteran or  
14 Hispanic American war veteran whose name is sub-  
15 mitted to the Secretary concerned for such purpose  
16 before the end of the one-year period beginning on  
17 the date of the enactment of this Act.

18 (c) CONSULTATIONS.—In carrying out the review  
19 under subsection (a), the Secretary of each military de-  
20 partment shall consult with the Jewish War Veterans of  
21 the United States of America and with such other veterans  
22 service organizations as the Secretary considers appro-  
23 priate.

24 (d) RECOMMENDATION BASED ON REVIEW.—If the  
25 Secretary concerned determines, based upon the review

1 under subsection (a) of the service records of any Jewish  
2 American war veteran or Hispanic American war veteran,  
3 that the award of the Medal of Honor to that veteran is  
4 warranted, the Secretary shall submit to the President a  
5 recommendation that the President award the Medal of  
6 Honor to that veteran.

7 (e) AUTHORITY TO AWARD MEDAL OF HONOR.—A  
8 Medal of Honor may be awarded to a Jewish American  
9 war veteran or Hispanic American war veteran in accord-  
10 ance with a recommendation of the Secretary concerned  
11 under subsection (a).

12 (f) WAIVER OF TIME LIMITATIONS.—An award of  
13 the Medal of Honor may be made under subsection (e)  
14 without regard to—

15 (1) section 3744, 6248, or 8744 of title 10,  
16 United States Code, as applicable; and

17 (2) any regulation or other administrative re-  
18 striction on—

19 (A) the time for awarding the Medal of  
20 Honor; or

21 (B) the awarding of the Medal of Honor  
22 for service for which a Distinguished Service  
23 Cross, Navy Cross, or Air Force Cross has been  
24 awarded.

1 (g) DEFINITION.—For purposes of this section, the  
2 term “Jewish American war veteran” means any person  
3 who served in the Armed Forces during World War II or  
4 a later period of war and who identified himself or herself  
5 as Jewish on his or her military personnel records.

6 **SEC. 543. AUTHORITY TO ISSUE DUPLICATE MEDAL OF**  
7 **HONOR.**

8 (a) ARMY.—(1) Chapter 357 of title 10, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing new section:

11 **“§ 3754. Medal of honor: duplicate medal**

12 “A person awarded a medal of honor shall, upon writ-  
13 ten application of that person, be issued, without charge,  
14 one duplicate medal of honor with ribbons and appur-  
15 tenances. Such duplicate medal of honor shall be marked,  
16 in such manner as the Secretary of the Army may deter-  
17 mine, as a duplicate or for display purposes only.”.

18 (2) The table of sections at the beginning of such  
19 chapter is amended by adding at the end the following  
20 new item:

“3754. Medal of honor: duplicate medal.”.

21 (b) NAVY.—(1) Chapter 567 of title 10, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing new section:

1 **“§ 6256. Medal of honor: duplicate medal**

2 “A person awarded a medal of honor shall, upon writ-  
3 ten application of that person, be issued, without charge,  
4 one duplicate medal of honor with ribbons and appur-  
5 tenances. Such duplicate medal of honor shall be marked,  
6 in such manner as the Secretary of the Navy may deter-  
7 mine, as a duplicate or for display purposes only.”.

8 (2) The table of sections at the beginning of such  
9 chapter is amended by adding at the end the following  
10 new item:

“6256. Medal of honor: duplicate medal.”.

11 (c) AIR FORCE.—(1) Chapter 857 of title 10, United  
12 States Code, is amended by adding at the end the fol-  
13 lowing new section:

14 **“§ 8754. Medal of honor: duplicate medal**

15 “A person awarded a medal of honor shall, upon writ-  
16 ten application of that person, be issued, without charge,  
17 one duplicate medal of honor with ribbons and appur-  
18 tenances. Such duplicate medal of honor shall be marked,  
19 in such manner as the Secretary of the Air Force may  
20 determine, as a duplicate or for display purposes only.”.

21 (2) The table of sections at the beginning of such  
22 chapter is amended by adding at the end the following  
23 new item:

“8754. Medal of honor: duplicate medal.”.

1 (d) COAST GUARD.—(1) Chapter 13 of title 14,  
2 United States Code, is amended by inserting after section  
3 503 the following new section:

4 **“§ 504. Medal of honor: duplicate medal**

5 “A person awarded a medal of honor shall, upon writ-  
6 ten application of that person, be issued, without charge,  
7 one duplicate medal of honor with ribbons and appur-  
8 tenances. Such duplicate medal of honor shall be marked,  
9 in such manner as the Secretary may determine, as a du-  
10 plicate or for display purposes only.”.

11 (2) The table of sections at the beginning of such  
12 chapter is amended by inserting after the item relating  
13 to section 503 the following new item:

“504. Medal of honor: duplicate medal.”.

14 (e) DEFINITION OF MEDAL OF HONOR FOR PUR-  
15 POSES OF FEDERAL UNAUTHORIZED-USE CRIME.—Sec-  
16 tion 704(b)(2)(B) of title 18, United States Code, is  
17 amended to read as follows:

18 “(B) As used in this subsection, ‘Congressional  
19 Medal of Honor’ means—

20 “(i) a medal of honor awarded under sec-  
21 tion 3741, 6241, or 8741 of title 10 or section  
22 491 of title 14;

23 “(ii) a duplicate medal of honor issued  
24 under section 3754, 6256, or 8754 of title 10  
25 or section 504 of title 14; or

1           “(iii) a replacement of a medal of honor  
2           provided under section 3747, 6253, or 8747 of  
3           title 10 or section 501 of title 14.”.

4 **SEC. 544. AUTHORITY TO REPLACE STOLEN MILITARY**  
5           **DECORATIONS.**

6           (a) ARMY, NAVY, AND AIR FORCE.—Sections 3747,  
7 6253, and 8747 of title 10, United States Code, are each  
8 amended by striking “lost or destroyed” and inserting  
9 “stolen, lost, or destroyed”.

10          (b) COAST GUARD.—Section 501 of title 14, United  
11 States Code, is amended by inserting “stolen,” before  
12 “lost,”.

13 **SEC. 545. WAIVER OF TIME LIMITATIONS FOR AWARD OF**  
14           **NAVY DISTINGUISHED FLYING CROSS TO**  
15           **CERTAIN PERSONS.**

16          (a) WAIVER.—Any limitation established by law or  
17 policy for the time within which a recommendation for the  
18 award of a military decoration or award must be sub-  
19 mitted shall not apply to awards of decorations described  
20 in this section, the award of each such decoration having  
21 been determined by the Secretary concerned to be war-  
22 ranted in accordance with section 1130 of title 10, United  
23 States Code.

24          (b) DISTINGUISHED FLYING CROSS.—Subsection (a)  
25 applies to the award of the Distinguished Flying Cross

1 for service during World War II or Korea (including mul-  
2 tiple awards to the same individual) in the case of each  
3 individual concerning whom the Secretary of the Navy (or  
4 an officer of the Navy acting on behalf of the Secretary)  
5 submitted to the Committee on Armed Services of the  
6 House of Representatives and the Committee on Armed  
7 Services of the Senate, during the period beginning on Oc-  
8 tober 31, 2000, and ending on the day before the date  
9 of the enactment of this Act, a notice as provided in sec-  
10 tion 1130(b) of title 10, United States Code, that the  
11 award of the Distinguished Flying Cross to that individual  
12 is warranted and that a waiver of time restrictions pre-  
13 scribed by law for recommendation for such award is rec-  
14 ommended.

15 **SEC. 546. KOREA DEFENSE SERVICE MEDAL.**

16 (a) ARMY.—(1) Chapter 357 of title 10, United  
17 States Code, as amended by section 543(a)(1), is further  
18 amended by adding at the end the following new section:

19 **“§ 3755. Korea Defense Service Medal**

20 “(a) The Secretary of the Army shall issue a cam-  
21 paign medal, to be known as the Korea Defense Service  
22 Medal, to each person who while a member of the Army  
23 served in the Republic of Korea or the waters adjacent  
24 thereto during the KDSM eligibility period and met the

1 service requirements for the award of that medal pre-  
2 scribed under subsection (c).

3 “(b) In this section, the term ‘KDSM eligibility pe-  
4 riod’ means the period beginning on July 28, 1954, and  
5 ending on such date after the date of the enactment of  
6 this section as may be determined by the Secretary of De-  
7 fense to be appropriate for terminating eligibility for the  
8 Korea Defense Service Medal.

9 “(c) The Secretary of the Army shall prescribe service  
10 requirements for eligibility for the Korea Defense Service  
11 Medal. Those requirements shall not be more stringent  
12 than the service requirements for award of the Armed  
13 Forces Expeditionary Medal for instances in which the  
14 award of that medal is authorized.”.

15 (2) The table of sections at the beginning of such  
16 chapter, as amended by section 543(a)(2), is further  
17 amended by adding at the end the following new item:

“3755. Korea Defense Service Medal.”.

18 (b) NAVY AND MARINE CORPS.—(1) Chapter 567 of  
19 title 10, United States Code, as amended by section  
20 543(b)(1), is further amended by adding at the end the  
21 following new section:

22 **“§ 6257. Korea Defense Service Medal**

23 “(a) The Secretary of the Navy shall issue a cam-  
24 paign medal, to be known as the Korea Defense Service  
25 Medal, to each person who while a member of the Navy

1 or Marine Corps served in the Republic of Korea or the  
2 waters adjacent thereto during the KDSM eligibility pe-  
3 riod and met the service requirements for the award of  
4 that medal prescribed under subsection (c).

5 “(b) In this section, the term ‘KDSM eligibility pe-  
6 riod’ means the period beginning on July 28, 1954, and  
7 ending on such date after the date of the enactment of  
8 this section as may be determined by the Secretary of De-  
9 fense to be appropriate for terminating eligibility for the  
10 Korea Defense Service Medal.

11 “(c) The Secretary of the Navy shall prescribe service  
12 requirements for eligibility for the Korea Defense Service  
13 Medal. Those requirements shall not be more stringent  
14 than the service requirements for award of the Armed  
15 Forces Expeditionary Medal for instances in which the  
16 award of that medal is authorized.”.

17 (2) The table of sections at the beginning of such  
18 chapter, as amended by section 543(b)(2), is further  
19 amended by adding at the end the following new item:

“6257. Korea Defense Service Medal.”.

20 (c) AIR FORCE.—(1) Chapter 857 of title 10, United  
21 States Code, as amended by section 543(c)(1), is further  
22 amended by adding at the end the following new section:

23 **“§ 8755. Korea Defense Service Medal**

24 “(a) The Secretary of the Air Force shall issue a  
25 campaign medal, to be known as the Korea Defense Serv-

1 ice Medal, to each person who while a member of the Air  
2 Force served in the Republic of Korea or the waters adja-  
3 cent thereto during the KDSM eligibility period and met  
4 the service requirements for the award of that medal pre-  
5 scribed under subsection (c).

6 “(b) In this section, the term ‘KDSM eligibility pe-  
7 riod’ means the period beginning on July 28, 1954, and  
8 ending on such date after the date of the enactment of  
9 this section as may be determined by the Secretary of De-  
10 fense to be appropriate for terminating eligibility for the  
11 Korea Defense Service Medal.

12 “(c) The Secretary of the Air Force shall prescribe  
13 service requirements for eligibility for the Korea Defense  
14 Service Medal. Those requirements shall not be more  
15 stringent than the service requirements for award of the  
16 Armed Forces Expeditionary Medal for instances in which  
17 the award of that medal is authorized.”

18 (2) The table of sections at the beginning of such  
19 chapter, as amended by section 543(c)(2), is further  
20 amended by adding at the end the following new item:

“8755. Korea Defense Service Medal.”

21 (d) AWARD FOR SERVICE BEFORE DATE OF ENACT-  
22 MENT.—The Secretary of the military department con-  
23 cerned shall take appropriate steps to provide in a timely  
24 manner for the issuance of the Korea Defense Service  
25 Medal, upon application therefor, to persons whose eligi-

1 bility for that medal is by reason of service in the Republic  
2 of Korea or the waters adjacent thereto before the date  
3 of the enactment of this Act.

4 **SEC. 547. COLD WAR SERVICE MEDAL.**

5 (a) **AUTHORITY.**—Chapter 57 of title 10, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new section:

8 **“§ 1134. Cold War service medal**

9 “(a) **MEDAL AUTHORIZED.**—The Secretary con-  
10 cerned shall, upon application, issue the Cold War service  
11 medal to a person eligible to receive that medal. The Cold  
12 War service medal shall be of an appropriate design ap-  
13 proved by the Secretary of Defense, with ribbons, lapel  
14 pins, and other appurtenances.

15 “(b) **ELIGIBILITY.**—(1) A person is eligible to receive  
16 the Cold War service medal if the person—

17 “(A) served on active duty during the Cold  
18 War;

19 “(B) has not been released from active duty  
20 with a characterization of service less favorable than  
21 honorable and has not received a discharge less fa-  
22 vorable than an honorable discharge; and

23 “(C) except as provided under paragraph (3),  
24 meets the service requirements of paragraph (2).

1       “(2) The service requirements of this paragraph  
2 are—

3           “(A) in the case of a person who served on ac-  
4 tive duty during the Cold War as an enlisted mem-  
5 ber, that the person have completed that person’s  
6 initial term of enlistment and after the end of that  
7 initial term of enlistment have reenlisted for an ad-  
8 ditional term of enlistment or have been appointed  
9 as an officer; and

10          “(B) in the case of a person who served on ac-  
11 tive duty during the Cold War as an officer, that the  
12 person have completed that person’s initial service  
13 obligation as an officer and have served in the  
14 armed forces after completing that initial service ob-  
15 ligation.

16       “(3) The Secretary concerned, under regulations pre-  
17 scribed under this section, may waive the service require-  
18 ments of paragraph (2)—

19           “(A) in the case of any person discharged or re-  
20 leased from active duty for a disability incurred or  
21 aggravated in line of duty;

22           “(B) in the case of any person discharged for  
23 hardship under section 1173 of this title; and

1           “(C) under any other circumstance for which  
2           the Secretary determines that such a waiver is war-  
3           ranted.

4           “(c) ONE AWARD AUTHORIZED.—Not more than one  
5           Cold War service medal may be issued to any person.

6           “(d) ISSUANCE TO REPRESENTATIVE OF DE-  
7           CEASED.—If a person who is eligible for the Cold War  
8           service medal dies before being issued that medal, the  
9           medal may, upon application, be issued to the person’s  
10          representative, as designated by the Secretary concerned.

11          “(e) REPLACEMENT.—Under regulations prescribed  
12          by the Secretary concerned, a Cold War service medal that  
13          is lost, destroyed, or rendered unfit for use without fault  
14          or neglect on the part of the person to whom it was issued  
15          may be replaced without charge.

16          “(f) UNIFORM REGULATIONS.—The Secretary of De-  
17          fense shall ensure that regulations prescribed by the Sec-  
18          retaries of the military departments under this section are  
19          uniform so far as is practicable.

20          “(g) COLD WAR DEFINED.—In this section, the term  
21          ‘Cold War’ means the period beginning on September 2,  
22          1945, and ending at the end of December 26, 1991.”.

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

“1134. Cold War service medal.”.

1 **SEC. 548. OPTION TO CONVERT AWARD OF ARMED FORCES**  
2 **EXPEDITIONARY MEDAL AWARDED FOR OP-**  
3 **ERATION FREQUENT WIND TO VIETNAM**  
4 **SERVICE MEDAL.**

5 (a) IN GENERAL.—The Secretary of the military de-  
6 partment concerned shall, upon the application of an indi-  
7 vidual who is an eligible Vietnam evacuation veteran,  
8 award that individual the Vietnam Service Medal, notwith-  
9 standing any otherwise applicable requirements for the  
10 award of that medal. Any such award shall be made in  
11 lieu of the Armed Forces Expeditionary Medal awarded  
12 the individual for participation in Operation Frequent  
13 Wind.

14 (b) ELIGIBLE VIETNAM EVACUATION VETERAN.—  
15 For purposes of this section, the term “eligible Vietnam  
16 evacuation veteran” means a member or former member  
17 of the Armed Forces who was awarded the Armed Forces  
18 Expeditionary Medal for participation in military oper-  
19 ations designated as Operation Frequent Wind arising  
20 from the evacuation of Vietnam on April 29 and 30, 1975.

21 **SEC. 549. SENSE OF CONGRESS ON NEW MEDAL TO RECOG-**  
22 **NIZE CIVILIAN EMPLOYEES OF THE DEPART-**  
23 **MENT OF DEFENSE KILLED OR WOUNDED AS**  
24 **A RESULT OF HOSTILE ACTION.**

25 (a) FINDINGS.—Congress makes the following find-  
26 ings:

1           (1) The role and importance of civilian nation-  
2           als of the United States as Federal employees and  
3           contractors in support of operations of the Armed  
4           Forces worldwide has continued to expand.

5           (2) The expanded role performed by those civil-  
6           ians, both in the United States and overseas, has  
7           greatly increased the risk to those civilians of injury  
8           and death from hostile actions taken against United  
9           States Armed Forces, as demonstrated by the ter-  
10          rorist attack on the Pentagon on September 11,  
11          2001, in which scores of Department of Defense ci-  
12          vilian and contractor personnel were killed or  
13          wounded.

14          (3) No decoration exists for the recognition of  
15          civilian nationals of the United States who, while  
16          serving under competent authority in any capacity  
17          with the Armed Forces, are killed or wounded in the  
18          line of duty under circumstances which, if they were  
19          members of the Armed Forces, would qualify them  
20          for the award of the Purple Heart.

21          (4) Both the Congress and the Secretary of De-  
22          fense have previously agreed to the need for such a  
23          decoration.

24          (5) On September 20, 2001, the Deputy Sec-  
25          retary of Defense approved the creation of a new

1 award, a medal for the defense of freedom, to be  
2 awarded to civilians employed by the Department of  
3 Defense who are killed or wounded as a result of  
4 hostile action and at the same time directed that a  
5 comprehensive review be conducted to develop a  
6 more uniform approach to the award of decorations  
7 to military and civilian personnel of the Department  
8 of Defense.

9 (b) COMMENDATION OF CREATION OF NEW  
10 AWARD.—Congress commends the decision announced by  
11 the Deputy Secretary of Defense on September 20, 2001,  
12 to approve the creation of a new award, a medal for the  
13 defense of freedom, to be awarded to civilians employed  
14 by the Department of Defense who are killed or wounded  
15 as a result of hostile action.

16 (c) SENSE OF CONGRESS.—It is the sense of Con-  
17 gress that the Secretary of Defense—

18 (1) should move expeditiously to produce and  
19 award the new medal referred to in subsection (b);  
20 and

21 (2) should develop a more comprehensive, uni-  
22 form policy for the award of decorations to military  
23 and civilian personnel of the Department of Defense.



1           “(A) within units to which are assigned, in the  
2           aggregate, not less than 20 percent of the personnel  
3           assigned to duty at that installation;

4           “(B) within a representative survey of members  
5           of the armed forces assigned to that installation and  
6           their dependents; and

7           “(C) within unit voting assistance officers to  
8           measure program effectiveness.

9           “(b) REGULAR MILITARY DEPARTMENT ASSESS-  
10          MENTS.—The Secretary of each military department shall  
11          include in the set of issues and programs to be reviewed  
12          during any management effectiveness review or inspection  
13          an assessment of compliance with the Uniformed and  
14          Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff  
15          et seq.) and with Department of Defense regulations re-  
16          garding the Federal Voting Assistance Program.

17          “(c) VOTING ASSISTANCE OFFICERS.—Voting assist-  
18          ance officers appointed or assigned under Department of  
19          Defense regulations regarding the Federal Voting Assist-  
20          ance Program shall be appointed or assigned with the ex-  
21          pectation of serving in that capacity for a minimum of  
22          30 months. A member of the armed forces assigned to  
23          such a position may not be assigned other duties that  
24          would not be considered part of the member’s primary  
25          military duties, except when a unit commander determines

1 that insufficient personnel are available to fulfill all addi-  
2 tional duty requirements. Performance evaluation reports  
3 pertaining to a member who has been assigned to serve  
4 as a voting assistance officer shall comment on the per-  
5 formance of the member as a voting assistance officer.

6       “(d) DELIVERY OF MAIL FROM OVERSEAS PRE-  
7 CEDING FEDERAL ELECTIONS.—(1) During the four  
8 months preceding a general Federal election month, the  
9 Secretary of Defense shall periodically conduct surveys of  
10 all overseas locations and vessels at sea with military units  
11 responsible for collecting mail for return shipment to the  
12 United States and all port facilities in the United States  
13 and overseas where military-related mail is collected for  
14 shipment to overseas locations or to the United States.  
15 The purpose of each survey shall be to determine if voting  
16 materials are awaiting shipment at any such location and,  
17 if so, the length of time that such materials have been  
18 held at that location. During the fourth and third months  
19 before a general Federal election month, such surveys  
20 shall be conducted biweekly. During the second and first  
21 months before a general Federal election month, such sur-  
22 veys shall be conducted weekly.

23       “(2) The Secretary shall ensure that voting materials  
24 are transmitted expeditiously by military postal authorities  
25 at all times.

1       “(3) In this section, the term ‘general Federal elec-  
2 tion month’ means November in an even-numbered year.”.

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

“1566. Voting assistance: compliance assessments and assistance.”.

6 **SEC. 552. ELECTRONIC VOTING DEMONSTRATION**  
7 **PROJECT.**

8       (a) DEMONSTRATION PROJECT.—The Secretary of  
9 Defense shall carry out a demonstration project to exam-  
10 ine voting in Federal elections by absent uniformed serv-  
11 ices voters through a long-distance electronic voting sys-  
12 tem. The demonstration project shall be carried out for  
13 voting in the regularly scheduled general election for Fed-  
14 eral office in November 2002. Under the demonstration  
15 project, absent uniformed services voters participating in  
16 the project shall be provided a means, with the cooperation  
17 and assistance of State election officials of States that  
18 agree to participate in the project, to cast their ballots  
19 in that election through a long-distance electronic voting  
20 method.

21       (b) SCOPE OF PROJECT.—The Secretary shall deter-  
22 mine the scope of the demonstration project under this  
23 section, including the absent uniformed services voters au-  
24 thorized to participate in the project. The project shall be  
25 carried out with participation of sufficient numbers of ab-

1 sent uniformed services voters so that the results are sta-  
2 tistically relevant.

3 (c) COORDINATION WITH STATE ELECTION OFFI-  
4 CIALS.—The Secretary shall carry out the demonstration  
5 project under this section through cooperative agreements  
6 with State election officials of States that agree to partici-  
7 pate in the project.

8 (d) REPORT TO CONGRESS.—Not later than June 1,  
9 2003, the Secretary shall submit to Congress a report ana-  
10 lyzing the demonstration project conducted under this sec-  
11 tion. The Secretary shall include in the report any rec-  
12 ommendations the Secretary considers appropriate for  
13 continuing the project on an expanded basis during the  
14 next regularly scheduled general election for Federal of-  
15 fice.

16 (e) ABSENT UNIFORMED SERVICES VOTER DE-  
17 FINED.—In this section, the term “absent uniformed serv-  
18 ices voter” has the meaning given that term in section  
19 107(1) of the Uniformed and Overseas Citizens Absentee  
20 Voting Act (42 U.S.C. 1973ff–6(1)).

21 (f) STATE DEFINED.—In this section, the term  
22 “State” includes the District of Columbia, the Common-  
23 wealth of Puerto Rico, Guam, the Virgin Islands, and  
24 American Samoa.

1 **Subtitle G—Matters Relating to**  
2 **Military Spouses and Family**  
3 **Members**

4 **SEC. 561. IMPROVED FINANCIAL AND OTHER ASSISTANCE**  
5 **TO MILITARY SPOUSES FOR JOB TRAINING**  
6 **AND EDUCATION.**

7 (a) EXAMINATION OF EXISTING EMPLOYMENT AS-  
8 SISTANCE PROGRAMS.—(1) The Secretary of Defense  
9 shall examine existing Department of Defense and other  
10 Federal, State, and nongovernmental programs with the  
11 objective of improving retention of military personnel by  
12 increasing the employability of military spouses and assist-  
13 ing those spouses in gaining access to financial and other  
14 assistance for job training and education.

15 (2) In conducting the examination, the Secretary  
16 shall give priority to facilitating and increasing access of  
17 military spouses to existing Department of Defense, Fed-  
18 eral, State, and nongovernmental sources for the types of  
19 financial assistance set forth in paragraph (3), but shall  
20 also specifically assess whether the Department of Defense  
21 should begin a program for direct financial assistance to  
22 military spouses for some or all of those types of assist-  
23 ance and whether such a program of direct financial as-  
24 sistance would enhance retention.

1           (3) In conducting the examination pursuant to para-  
2 graph (1), the Secretary should focus on financial assist-  
3 ance for military spouses for one or more of the following  
4 purposes:

5           (A) Career-related education.

6           (B) Certification and license fees for employ-  
7 ment-related purposes.

8           (C) Apprenticeships and internships.

9           (D) Technical training.

10          (E) Training to improve job skills.

11          (F) Career counseling.

12          (G) Skills assessment.

13          (H) Job-search skills.

14          (I) Job-related transportation.

15          (J) Child care.

16          (K) Any additional employment-related purpose  
17 specified by the Secretary for the purposes of the ex-  
18 amination under paragraph (1).

19          (4) Not later than March 30, 2002, the Secretary of  
20 Defense shall submit to the Committee on Armed Services  
21 of the Senate and the Committee on Armed Services of  
22 the House of Representatives a report on the results of  
23 the examination under paragraph (1).

24          (b) REVIEW OF DEPARTMENT OF DEFENSE POLI-  
25 CIES.—(1) The Secretary of Defense shall review Depart-

1 ment of Defense policies that affect employment and edu-  
2 cation opportunities for military spouses in the Depart-  
3 ment of Defense in order to further expand those opportu-  
4 nities. The review shall include the consideration of pro-  
5 viding, to the extent authorized by law, separate spouse  
6 preferences for employment by appropriated and non-  
7 appropriated fund operations.

8       (2) Not later than March 30, 2002, the Secretary of  
9 Defense shall submit to the Committee on Armed Services  
10 of the Senate and the Committee on Armed Services of  
11 the House of Representatives a report on the results of  
12 the review under paragraph (1).

13       (c) SPOUSE EMPLOYMENT ASSISTANCE.—Section  
14 1784 of title 10, United States Code, is amended by add-  
15 ing at the end the following new subsections:

16       “(d) SPACE-AVAILABLE USE OF FACILITIES FOR  
17 SPOUSE TRAINING PURPOSES.—Under regulations pre-  
18 scribed by the Secretary of Defense, the Secretary of a  
19 military department may make available to a non-Depart-  
20 ment of Defense entity space in non-excess facilities con-  
21 trolled by that Secretary for the purpose of the non-De-  
22 partment of Defense entity providing employment-related  
23 training for military spouses.

24       “(e) EMPLOYMENT BY OTHER FEDERAL AGEN-  
25 CIES.—The Secretary of Defense shall work with the Di-

1 rector of the Office of Personnel Management and the  
2 heads of other Federal departments and agencies to ex-  
3 pand and facilitate the use of existing Federal programs  
4 and resources in support of military spouse employment.

5 “(f) PRIVATE-SECTOR EMPLOYMENT.—The Sec-  
6 retary of Defense—

7 “(1) shall seek to develop partnerships with  
8 firms in the private sector to enhance employment  
9 opportunities for spouses of members of the armed  
10 forces and to provide for improved job portability for  
11 such spouses, especially in the case of the spouse of  
12 a member of the armed forces accompanying the  
13 member to a new geographical area because of a  
14 change of permanent duty station of the member;  
15 and

16 “(2) shall work with the United States Cham-  
17 ber of Commerce and other appropriate private-sec-  
18 tor entities to facilitate the formation of such part-  
19 nerships.

20 “(g) EMPLOYMENT WITH DOD CONTRACTORS.—  
21 The Secretary of Defense shall examine and seek ways for  
22 incorporating hiring preferences for qualified spouses of  
23 members of the armed forces into contracts between the  
24 Department of Defense and private-sector entities.”.

1 **SEC. 562. AUTHORITY TO CONDUCT SURVEYS OF DEPEND-**  
2 **ENTS AND SURVIVORS OF MILITARY RETIR-**  
3 **EES.**

4 (a) EXTENSION OF SURVEY AUTHORITY.—Sub-  
5 section (a) of section 1782 of title 10, United States Code,  
6 is amended to read as follows:

7 “(a) AUTHORITY.—The Secretary of Defense, in  
8 order to determine the effectiveness of Federal programs  
9 relating to military families and the need for new pro-  
10 grams, may conduct surveys of—

11 “(1) members of the armed forces who are on  
12 active duty, in an active status, or retired;

13 “(2) family members of such members; and

14 “(3) survivors of retired members.”

15 (b) CONFORMING AMENDMENT.—Subsection (c) of  
16 such section is amended by striking “family members”  
17 and all that follows through “armed forces” the second  
18 place it appears and inserting “persons covered by sub-  
19 section (a)”.

20 **SEC. 563. CLARIFICATION OF TREATMENT OF CLASSIFIED**  
21 **INFORMATION CONCERNING PERSONS IN A**  
22 **MISSING STATUS.**

23 Section 1506(b)(2) of title 10, United States Code,  
24 is amended—

25 (1) by inserting “(A)” after “(2)”;

1           (2) by striking the period at the end and insert-  
 2           ing “of all missing persons from the conflict or pe-  
 3           riod of war to which the classified information per-  
 4           tains.”; and

5           (3) by adding at the end the following new sub-  
 6           paragraph:

7           “(B) For purposes of subparagraph (A), information  
 8           shall be considered to be made reasonably available if  
 9           placed in a separate and distinct file that is available for  
 10          review by persons specified in subparagraph (A) upon the  
 11          request of any such person either to review the separate  
 12          file or to review the personnel file of the missing person  
 13          concerned.”.

14 **SEC. 564. TRANSPORTATION TO ANNUAL MEETING OF**  
 15                                   **NEXT-OF-KIN OF PERSONS UNACCOUNTED**  
 16                                   **FOR FROM CONFLICTS AFTER WORLD WAR II.**

17          (a) IN GENERAL.—(1) Chapter 157 of title 10,  
 18          United States Code, is amended by adding at the end the  
 19          following new section:

20 **“§ 2647. Transportation to annual meeting of next-of-**  
 21                                   **kin of persons unaccounted for from con-**  
 22                                   **licts after World War II**

23          “The Secretary of Defense may provide transpor-  
 24          tation for the next-of-kin of persons who are unaccounted  
 25          for from the Korean conflict, the Cold War, Vietnam War

1 era, or the Persian Gulf War to and from an annual meet-  
2 ing in the United States. Such transportation shall be pro-  
3 vided under such regulations as the Secretary of Defense  
4 may prescribe.”.

5 (2) The table of sections at the beginning of such  
6 chapter is amended by adding at the end the following  
7 new item:

“2647. Transportation to annual meeting of next-of-kin of persons unaccounted  
for from conflicts after World War II.”.

8 (b) EFFECTIVE DATE.—Section 2647 of title 10,  
9 United States Code, as added by subsection (a), shall take  
10 effect on October 1, 2001, or the date of the enactment  
11 of this Act, whichever is later.

12 **SEC. 565. AMENDMENTS TO CHARTER OF DEFENSE TASK**  
13 **FORCE ON DOMESTIC VIOLENCE.**

14 (a) MEMBERS APPOINTED FROM PRIVATE SEC-  
15 TOR.—Subsection (h)(1) of section 591 of the National  
16 Defense Authorization Act for Fiscal Year 2000 (Public  
17 Law 106–65; 113 Stat. 639; 10 U.S.C. 1562 note) is  
18 amended—

19 (1) by inserting “who is a member of the  
20 Armed Forces or civilian officer or employee of the  
21 United States” after “Each member of the task  
22 force”;

23 (2) by striking “, but shall” and all that follows  
24 and inserting a period; and

1           (3) by adding at the end the following new sen-  
2           tence: “Other members of the task force shall be ap-  
3           pointed in accordance with, and subject to, section  
4           3161 of title 5, United States Code.”.

5           (b) EXTENSION OF TERMINATION DATE.—Sub-  
6           section (j) of such section is amended by striking “three  
7           years after the date of the enactment of this Act” and  
8           inserting “on April 24, 2003”.

9           **Subtitle H—Military Justice and**  
10           **Legal Matters**

11           **SEC. 571. REQUIREMENT THAT COURTS-MARTIAL CONSIST**  
12                           **OF NOT LESS THAN 12 MEMBERS IN CAPITAL**  
13                           **CASES.**

14           (a) CLASSIFICATION OF GENERAL COURT-MARTIAL  
15           IN CAPITAL CASES.—Section 816(1)(A) of title 10, United  
16           States Code (article 16(1)(A) of the Uniform Code of Mili-  
17           tary Justice) is amended by inserting after “five mem-  
18           bers” the following: “or, in a case in which the accused  
19           may be sentenced to a penalty of death, the number of  
20           members determined under section 825a of this title (arti-  
21           cle 25a)”.

22           (b) NUMBER OF MEMBERS REQUIRED.—(1) Chapter  
23           47 of title 10, United States Code (the Uniform Code of  
24           Military Justice), is amended by inserting after section  
25           825 (article 25) the following new section:

1 **“§ 825a. Art. 25a. Number of members in capital cases**

2        “In a case in which the accused may be sentenced  
3 to a penalty of death, the number of members shall be  
4 not less than 12, unless 12 members are not reasonably  
5 available because of physical conditions or military exigen-  
6 cies, in which case the convening authority shall specify  
7 a lesser number of members not less than five, and the  
8 court may be assembled and the trial held with not less  
9 than the number of members so specified. In such a case,  
10 the convening authority shall make a detailed written  
11 statement, to be appended to the record, stating why a  
12 greater number of members were not reasonably avail-  
13 able.”.

14        (2) The table of sections at the beginning of sub-  
15 chapter V of such chapter is amended by inserting after  
16 the item relating to section 825 (article 25) the following  
17 new item:

“825a. 25a. Number of members in capital cases.”.

18        (c) **ABSENT AND ADDITIONAL MEMBERS.**—Section  
19 829(b) of such title (article 29 of the Uniform Code of  
20 Military Justice) is amended—

21            (1) by inserting “(1)” after “(b)”;

22            (2) by striking “five members” both places it  
23 appears and inserting “the applicable minimum  
24 number of members”; and

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

3           “(2) In this section, the term ‘applicable minimum  
4 number of members’ means five members or, in a case  
5 in which the death penalty may be adjudged, the number  
6 of members determined under section 825a of this title  
7 (article 25a).”.

8           (d) APPLICABILITY.—The amendments made by this  
9 section shall apply with respect to offenses committed  
10 after the date of the enactment of this Act.

11 **SEC. 572. RIGHT OF CONVICTED ACCUSED TO REQUEST**  
12 **SENTENCING BY MILITARY JUDGE.**

13           (a) SENTENCING BY JUDGE.—(1) Chapter 47 of title  
14 10, United States Code (the Uniform Code of Military  
15 Justice), is amended by inserting after section 852 (article  
16 52) the following new section:

17 **“§ 852a. Art. 52a. Right of accused to request sen-**  
18 **tencing by military judge rather than by**  
19 **members**

20           “(a) In the case of an accused convicted of an offense  
21 by a court-martial composed of a military judge and mem-  
22 bers, the sentence shall be tried before and adjudged by  
23 the military judge rather than the members if, after the  
24 findings are announced and before evidence in the sen-  
25 tencing proceeding is introduced, the accused, knowing the

1 identity of the military judge and after consultation with  
 2 defense counsel, requests orally on the record or in writing  
 3 that the sentence be tried before and adjudged by the mili-  
 4 tary judge rather than the members.

5 “(b) This section shall not apply with respect to an  
 6 offense for which the death penalty may be adjudged un-  
 7 less the case has been previously referred to trial as a non-  
 8 capital case.”.

9 (2) The table of sections at the beginning of sub-  
 10 chapter VII of such chapter is amended by inserting after  
 11 the item relating to section 852 (article 52) the following  
 12 new item:

“852a. 52a. Right of accused to request sentencing by military judge rather  
 than by members.”.

13 (b) EFFECTIVE DATE.—Section 852a of title 10,  
 14 United States Code (article 52a of the Uniform Code of  
 15 Military Justice), as added by subsection (a), shall apply  
 16 with respect to offenses committed after the date of the  
 17 enactment of this Act.

18 **SEC. 573. CODIFICATION OF REQUIREMENT FOR REGULA-**  
 19 **TIONS FOR DELIVERY OF MILITARY PER-**  
 20 **SONNEL TO CIVIL AUTHORITIES WHEN**  
 21 **CHARGED WITH CERTAIN OFFENSES**

22 (a) CODIFICATION OF EXISTING PROVISIONS.—Sec-  
 23 tion 814 of title 10, United States Code (article 14 of the

1 Uniform Code of Military Justice), is amended by adding  
2 at the end the following new subsection:

3 “(c) The Secretary of Defense shall ensure that the  
4 Secretaries of the military departments prescribe regula-  
5 tions under subsection (a) and that those regulations are  
6 uniform throughout the armed forces under the jurisdic-  
7 tion of the Secretary of Defense. Those regulations shall—

8 “(1) specifically provide for the delivery to the  
9 appropriate civil authority for trial, in any appro-  
10 priate case, of a member accused by civil authority  
11 of parental kidnapping or a similar offense, includ-  
12 ing criminal contempt arising from any such offense  
13 or from child custody matters; and

14 “(2) specifically address the special needs for  
15 the exercise of the authority contained in this section  
16 (article) in a case in which a member of the armed  
17 forces assigned overseas is accused of an offense by  
18 civil authority.”.

19 (b) REPEAL OF CODIFIED PROVISIONS.—Section 721  
20 of the National Defense Authorization Act, Fiscal Year  
21 1989 (Public Law 100–456; 10 U.S.C. 814 note), is re-  
22 pealed.

1 **SEC. 574. AUTHORITY TO ACCEPT VOLUNTARY LEGAL**  
2 **SERVICES FOR MEMBERS OF THE ARMED**  
3 **FORCES.**

4 (a) **AUTHORITY.**—Subsection (a) of section 1588 of  
5 title 10, United States Code, is amended by adding at the  
6 end the following new paragraph:

7 “(5) Voluntary legal assistance services under  
8 section 1044 of this title.”.

9 (b) **APPLICABLE FEDERAL LAWS.**—Subsection (d)(1)  
10 of such section is amended by adding at the end the fol-  
11 lowing new subparagraph:

12 “(E) Section 1054 of this title (relating to de-  
13 fense of certain suits arising out of legal mal-  
14 practice), in the case of persons providing voluntary  
15 legal assistance services under subsection (a)(5).”.

16 **Subtitle I—Other Matters**

17 **SEC. 581. SHIPMENT OF PRIVATELY OWNED VEHICLES**  
18 **WHEN MAKING PERMANENT CHANGE OF STA-**  
19 **TION MOVES WITHIN UNITED STATES.**

20 Section 2634(h)(1) of title 10, United States Code,  
21 is amended by inserting “or when the Secretary concerned  
22 determines that the transport of a vehicle upon such a  
23 transfer is advantageous and cost-effective to the United  
24 States” before the period at the end.

1 **SEC. 582. PAYMENT OF VEHICLE STORAGE COSTS IN AD-**  
2 **VANCE.**

3 Section 2634(b) of title 10, United States Code, is  
4 amended by adding at the end the following new para-  
5 graph:

6 “(4) Storage costs payable under this subsection may  
7 be paid in advance.”.

8 **SEC. 583. PERMANENT AUTHORITY FOR USE OF MILITARY**  
9 **RECRUITING FUNDS FOR CERTAIN EXPENSES**  
10 **AT DEPARTMENT OF DEFENSE RECRUITING**  
11 **FUNCTIONS.**

12 (a) **REPEAL OF TERMINATION PROVISION.**—Section  
13 520c of title 10, United States Code, is amended by strik-  
14 ing subsection (c).

15 (b) **TECHNICAL AMENDMENTS.**—Subsection (a) of  
16 such section is amended—

17 (1) in paragraph (4), by striking “recruiting  
18 events” and inserting “recruiting functions”; and

19 (2) in paragraph (5), by striking “recruiting ef-  
20 forts” the first place it appears and inserting “re-  
21 cruiting functions”.

22 **SEC. 584. CLARIFICATION OF MILITARY RECRUITER AC-**  
23 **CESS TO SECONDARY SCHOOL DIRECTORY**  
24 **INFORMATION ABOUT STUDENTS.**

25 (a) **ACCESS TO DIRECTORY INFORMATION.**—Section  
26 503(e)(1) of title 10, United States Code, is amended by

1 striking “purposes,” and all that follows and inserting the  
2 following: “purposes—

3           “(A) the same access to secondary school stu-  
4           dents as is provided generally to post-secondary edu-  
5           cational institutions or to prospective employers of  
6           those students; and

7           “(B) the same access to directory information  
8           concerning those students as is provided to a post-  
9           secondary educational institution upon an indication  
10          by a secondary school student that the student seeks  
11          to enroll or intends to enroll at that institution.”.

12          (b) ENHANCED RECRUITER ACCESS.—Section  
13 503(c)(5) of such title is amended by striking “do not  
14 apply to—” and all that follows through “(B)” and insert-  
15 ing “do not apply to”.

16          (c) EFFECTIVE DATE.—The amendments made by  
17 subsections (a) and (b) shall take effect on July 1, 2002,  
18 immediately after the amendment to section 503(c) of title  
19 10, United States Code, made, effective that date, by sec-  
20 tion 563(a) of the Floyd D. Spence National Defense Au-  
21 thorization Act for Fiscal Year 2001 (as enacted into law  
22 by Public Law 106–398; 114 Stat. 1654A–131).

1 **SEC. 585. REPEAL OF REQUIREMENT FOR FINAL COMP-**  
2 **TROLLER GENERAL REPORT RELATING TO**  
3 **ARMY END STRENGTH ALLOCATIONS.**

4 Section 552 of the National Defense Authorization  
5 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
6 319; 10 U.S.C. 115 note) is repealed.

7 **SEC. 586. POSTHUMOUS ARMY COMMISSION IN THE GRADE**  
8 **OF CAPTAIN IN THE CHAPLAINS CORPS TO**  
9 **ELLA E. GIBSON FOR SERVICE AS CHAPLAIN**  
10 **OF THE FIRST WISCONSIN HEAVY ARTILLERY**  
11 **REGIMENT DURING THE CIVIL WAR.**

12 The President is authorized and requested to post-  
13 humously appoint Ella E. Gibson to the grade of captain  
14 in the Chaplains Corps of the Army, the commission to  
15 issue as of the date of her appointment as chaplain to the  
16 First Wisconsin Heavy Artillery regiment during the Civil  
17 War and to be considered to have been in effect during  
18 the time during which she faithfully performed the services  
19 of a chaplain to that regiment and for which Congress by  
20 law (Private Resolution 31 of the 40th Congress, approved  
21 March 3, 1869) previously provided for her to be paid the  
22 full pay and emoluments of a chaplain in the United  
23 States Army as if she had been regularly commissioned  
24 and mustered into service.

1 **SEC. 587. NATIONAL GUARD CHALLENGE PROGRAM.**

2 (a) **TERMINATION OF LIMITATION ON FEDERAL EX-**  
3 **PENDITURES.**—Subsection (b)(2)(A) of section 509 of title  
4 32, United States Code, is amended by striking “in a fis-  
5 cal year” and inserting “in fiscal year 2001 or 2002”.

6 (b) **MATCHING FUNDS REQUIREMENTS.**—Subsection  
7 (d) of such section is amended by striking paragraphs (1)  
8 through (4) and inserting the following new paragraphs:

9 “(1) for fiscal years 2001 and 2002, 60 percent  
10 of the costs of operating the State program during  
11 that fiscal year; and

12 “(2) for fiscal year 2003 and each subsequent  
13 fiscal year, 75 percent of the costs of operating the  
14 State program during that fiscal year.”.

15 (c) **REPEAL OF CONTINGENT FUNDING FOR**  
16 **JROTC.**—(1) Section 2033 of title 10, United States  
17 Code, is repealed.

18 (2) The table of sections at the beginning of chapter  
19 102 of such title is amended by striking the item relating  
20 to section 2033.

21 (3) The amendments made by this subsection shall  
22 take effect on October 1, 2002.

1 **SEC. 588. PAYMENT OF FEHBP PREMIUMS FOR CERTAIN**  
2 **RESERVISTS CALLED TO ACTIVE DUTY IN**  
3 **SUPPORT OF CONTINGENCY OPERATIONS.**

4 (a) IN GENERAL.—Subsection (e) of section 8906 of  
5 title 5, United States Code, is amended by adding at the  
6 end the following new paragraph:

7 “(3)(A) An employing agency may pay both the em-  
8 ployee and Government contributions, and any additional  
9 administrative expenses otherwise chargeable to the em-  
10 ployee, with respect to health care coverage for an em-  
11 ployee described in subparagraph (B) and the family of  
12 such employee.

13 “(B) An employee referred to in subparagraph (A)  
14 is an employee who—

15 “(i) is enrolled in a health benefits plan under  
16 this chapter;

17 “(ii) is a member of a reserve component of the  
18 armed forces;

19 “(iii) is called or ordered to active duty in sup-  
20 port of a contingency operation (as defined in sec-  
21 tion 101(a)(13) of title 10);

22 “(iv) is placed on leave without pay or sepa-  
23 rated from service to perform active duty; and

24 “(v) serves on active duty for a period of more  
25 than 30 consecutive days.

1 “(C) Notwithstanding the one-year limitation on cov-  
2 erage described in paragraph (1)(A), payment may be  
3 made under this paragraph for a period not to exceed 18  
4 months.”.

5 (b) CONFORMING AMENDMENT.—The matter pre-  
6 ceding paragraph (1) in subsection (f) of such section is  
7 amended to read as follows:

8 “(f) The Government contribution, and any addi-  
9 tional payments under subsection (e)(3)(A), for health  
10 benefits for an employee shall be paid—”.

11 (c) APPLICABILITY.—The amendments made by this  
12 section apply with respect to employees called to active  
13 duty on or after December 8, 1995, and an agency may  
14 make retroactive payments to such employees for pre-  
15 miums paid on or after such date.

16 **SEC. 589. 18-MONTH ENLISTMENT PILOT PROGRAM.**

17 (a) IN GENERAL.—(1) Chapter 333 of title 10,  
18 United States Code, is amended by adding at the end the  
19 following new section:

20 **“§ 3264. 18-month enlistment pilot program**

21 “(a) During the pilot program period, the Secretary  
22 of the Army shall carry out a pilot program with the objec-  
23 tive of increasing participation of prior service persons in  
24 the Selected Reserve and providing assistance in building  
25 the pool of participants in the Individual Ready Reserve.

1       “(b) Under the program, the Secretary may, notwith-  
2 standing section 505(c) of this title, accept persons for  
3 original enlistment in the Army for a term of enlistment  
4 consisting of 18 months service on active duty, to be fol-  
5 lowed by three years of service in the Selected Reserve  
6 and then service in the Individual Ready Reserve to com-  
7 plete the military service obligation.

8       “(c) No more than 10,000 persons may be accepted  
9 for enlistment in the Army through the program under  
10 this section.

11       “(d) A person enlisting in the Army through the pro-  
12 gram under this section is eligible for an enlistment bonus  
13 under section 309 of title 37, notwithstanding the enlist-  
14 ment time period specified in subsection (a) of that sec-  
15 tion.

16       “(e) For purposes of the program under this section,  
17 the pilot program period is the period beginning on Octo-  
18 ber 1, 2003, and ending on December 31, 2007.

19       “(f) Not later than December 31, 2007, and Decem-  
20 ber 31, 2012, the Secretary of the Army shall submit to  
21 the Committee on Armed Services of the Senate and the  
22 Committee on Armed Services of the House of Represent-  
23 atives a report on the program under this section. In each  
24 such report, the Secretary shall set forth the views of the  
25 Secretary on the success of the program in meeting the

1 objectives stated in subsection (a) and whether the pro-  
2 gram should be continued and, if so, whether it should  
3 be modified or expanded.”.

4 (2) The table of sections at the beginning of such  
5 chapter is amended by adding at the end the following  
6 new item:

“3264. 18-month enlistment pilot program.”.

7 (b) IMPLEMENTATION REPORT.—The Secretary of  
8 the Army shall submit to the Committee on Armed Serv-  
9 ices of the Senate and the Committee on Armed Services  
10 of the House of Representatives a report on the Sec-  
11 retary’s plan for implementation of section 3264 of title  
12 10, United States Code, as added by subsection (a). Such  
13 report shall be submitted not later than March 1, 2002.

14 **SEC. 590. PER DIEM ALLOWANCE FOR LENGTHY OR NU-**  
15 **MEROUS DEPLOYMENTS.**

16 (a) FUNDING SOURCE FOR ALLOWANCE.—Section  
17 436(a) of title 37, United States Code, is amended by add-  
18 ing at the end the following new sentence: “The Secretary  
19 shall pay the allowance from appropriations available for  
20 operation and maintenance for the armed force in which  
21 the member serves.”.

22 (b) EXPANDED REPORT REGARDING MANAGEMENT  
23 OF INDIVIDUAL MEMBER DEPLOYMENTS.—Section  
24 574(d) of the Floyd D. Spence National Defense Author-  
25 ization Act for Fiscal Year 2001 (as enacted by Public

1 Law 106–398; 114 Stat. 1654A–138) is amended in the  
2 second sentence by striking paragraphs (1) and (2) and  
3 inserting the following new paragraphs:

4           “(1) a discussion of the experience in tracking  
5           and recording the deployments of members of the  
6           Armed Forces and the payment of the per diem al-  
7           lowance for lengthy or numerous deployments in ac-  
8           cordance with section 436 of title 37, United States  
9           Code;

10           “(2) specific comments regarding the effect of  
11           section 991 of title 10, United States Code, and sec-  
12           tion 436 of title 37, United States Code, on the  
13           readiness of the Navy and Marine Corps given the  
14           deployment intensive mission of these services; and

15           “(3) any recommendations for revision of sec-  
16           tion 991 of title 10, United States Code, or section  
17           436 of title 37, United States Code, that the Sec-  
18           retary considers appropriate.”.

19 **SEC. 591. CONGRESSIONAL REVIEW PERIOD FOR CHANGE**  
20 **IN GROUND COMBAT EXCLUSION POLICY.**

21           Section 542(b) of the National Defense Authorization  
22 Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C.  
23 113 note) is amended—

24           (1) in paragraph (1)—

1 (A) by striking “not less than 90 days”;  
2 and

3 (B) by adding at the end the following new  
4 sentence: “Such a change may then be imple-  
5 mented only after the end of a period of 60  
6 days of continuous session of Congress (exclud-  
7 ing any day on which either House of Congress  
8 is not in session) following the date on which  
9 the report is received.”; and

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

12 “(5) For purposes of this subsection, the continuity  
13 of a session of Congress is broken only by an adjournment  
14 of the Congress sine die.”.

15 **SEC. 592. REPORT ON HEALTH AND DISABILITY BENEFITS**  
16 **FOR PRE-ACCESSION TRAINING AND EDU-**  
17 **CATION PROGRAMS.**

18 (a) STUDY.—The Secretary of Defense shall conduct  
19 a review of the health and disability benefit programs  
20 available to recruits and officer candidates engaged in  
21 training, education, or other types of programs while not  
22 yet on active duty and to cadets and midshipmen attend-  
23 ing the service academies. The review shall be conducted  
24 with the participation of the Secretaries of the military  
25 departments.

1 (b) REPORT.—Not later than March 1, 2002, the  
2 Secretary shall submit to the Committee on Armed Serv-  
3 ices of the Senate and the Committee on Armed Services  
4 of the House of Representatives a report on the findings  
5 of the review. The report shall include the following with  
6 respect to persons described in subsection (a):

7 (1) A statement of the process and detailed pro-  
8 cedures followed by each of the Armed Forces under  
9 the jurisdiction of the Secretary of a military depart-  
10 ment to provide health care and disability benefits to  
11 all such persons injured in training, education, or  
12 other types of programs conducted by the Secretary  
13 of a military department.

14 (2) Information on the number of total cases of  
15 such persons requiring health care and disability  
16 benefits and the total number of cases and average  
17 value of health care and disability benefits provided  
18 under the authority for each source of benefits avail-  
19 able to those persons.

20 (3) A discussion of the issues regarding health  
21 and disability benefits for such persons that are en-  
22 countered by the Secretary during the review, to in-  
23 clude discussions with individuals who have received  
24 those benefits.

1           (4) A discussion of the necessity for legislative  
2           changes and specific legislative proposals needed to  
3           improve the benefits provided those persons.

4 **SEC. 593. REQUIREMENT TO PROVIDE APPROPRIATE ARTI-**  
5 **CLES OF CLOTHING AS A CIVILIAN UNIFORM**  
6 **FOR CIVILIANS PARTICIPATING IN FUNERAL**  
7 **HONOR DETAILS FOR VETERANS UPON**  
8 **SHOWING OF FINANCIAL NEED.**

9           Section 1491(d) of title 10, United States Code, is  
10 amended—

11           (1) by inserting “(1)” before “To provide”;

12           (2) by redesignating paragraphs (1) and (2) as  
13           subparagraphs (A) and (B), respectively; and

14           (3) by adding at the end the following:

15           “(2)(A) Upon a showing of financial need and subject  
16 to subparagraph (B), the Secretary of a military depart-  
17 ment shall provide articles of clothing described in sub-  
18 paragraph (C) to an organization referred to in subsection  
19 (b)(2) or to members of such an organization who partici-  
20 pate in funeral honors details. Any such showing of finan-  
21 cial need shall be made in such manner as the Secretary  
22 may require.

23           “(B) The Secretary concerned may provide articles  
24 of clothing to an organization (or members of an organiza-  
25 tion) under this paragraph only if the Secretary deter-

1 mines that participation of that organization or its mem-  
 2 bers in the funeral honors mission is advantageous to the  
 3 performance of that mission and meets the performance  
 4 standards set by the Secretary for that mission.

5 “(C) Articles of clothing covered by subparagraph (A)  
 6 are articles of clothing determined by the Secretary con-  
 7 cerned to be appropriate as a civilian uniform for persons  
 8 participating in a funeral honors detail who are not au-  
 9 thorized to wear the uniform of any of the armed forces.”.

10 **TITLE VI—COMPENSATION AND**  
 11 **OTHER PERSONNEL BENEFITS**  
 12 **Subtitle A—Pay and Allowances**

13 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.**

14 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—The  
 15 adjustment to become effective during fiscal year 2002 re-  
 16 quired by section 1009 of title 37, United States Code,  
 17 in the rates of monthly basic pay authorized members of  
 18 the uniformed services shall not be made.

19 (b) **INCREASE IN BASIC PAY.**—Effective on January  
 20 1, 2002, the rates of monthly basic pay for members of  
 21 the uniformed services within each pay grade are as fol-  
 22 lows:

COMMISSIONED OFFICERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00

COMMISSIONED OFFICERS<sup>1</sup>—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-8 ...	7,180.20	7,415.40	7,571.10	7,614.90	7,809.30
O-7 ...	5,966.40	6,371.70	6,371.70	6,418.20	6,657.90
O-6 ...	4,422.00	4,857.90	5,176.80	5,176.80	5,196.60
O-5 ...	3,537.00	4,152.60	4,440.30	4,494.30	4,673.10
O-4 ...	3,023.70	3,681.90	3,927.60	3,982.50	4,210.50
O-3 <sup>3</sup>	2,796.60	3,170.40	3,421.80	3,698.70	3,875.70
O-2 <sup>3</sup>	2,416.20	2,751.90	3,169.50	3,276.30	3,344.10
O-1 <sup>3</sup>	2,097.60	2,183.10	2,638.50	2,638.50	2,638.50
	Over 8	Over 10	Over 12	Over 14	Over 16
O-10 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
O-9 ...	0.00	0.00	0.00	0.00	0.00
O-8 ...	8,135.10	8,210.70	8,519.70	8,608.50	8,874.30
O-7 ...	6,840.30	7,051.20	7,261.80	7,472.70	8,135.10
O-6 ...	5,418.90	5,448.60	5,448.60	5,628.60	6,305.70
O-5 ...	4,673.10	4,813.50	5,073.30	5,413.50	5,755.80
O-4 ...	4,395.90	4,696.20	4,930.20	5,092.50	5,255.70
O-3 <sup>3</sup>	4,070.10	4,232.40	4,441.20	4,549.50	4,549.50
O-2 <sup>3</sup>	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 <sup>3</sup>	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50
	Over 18	Over 20	Over 22	Over 24	Over 26
O-10 <sup>2</sup>	\$0.00	11,601.90	11,659.20	11,901.30	12,324.00
O-9 ...	0.00	10,147.50	10,293.60	10,504.80	10,873.80
O-8 ...	9,259.50	9,614.70	9,852.00	9,852.00	9,852.00
O-7 ...	8,694.90	8,694.90	8,694.90	8,694.90	8,738.70
O-6 ...	6,627.00	6,948.30	7,131.00	7,316.10	7,675.20
O-5 ...	5,919.00	6,079.80	6,262.80	6,262.80	6,262.80
O-4 ...	5,310.60	5,310.60	5,310.60	5,310.60	5,310.60
O-3 <sup>3</sup>	4,549.50	4,549.50	4,549.50	4,549.50	4,549.50
O-2 <sup>3</sup>	3,344.10	3,344.10	3,344.10	3,344.10	3,344.10
O-1 <sup>3</sup>	2,638.50	2,638.50	2,638.50	2,638.50	2,638.50

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for commissioned officers in pay grades O-7 through O-10 may not exceed the rate of pay for level III of the Executive Schedule and the actual rate of basic pay for all other officers may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, the rate of basic pay for this grade is \$13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>This table does not apply to commissioned officers in pay grade O-1, O-2, or O-3 who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
O-3E	\$0.00	\$0.00	\$0.00	3,698.70	3,875.70
O-2E	0.00	0.00	0.00	3,276.30	3,344.10
O-1E	0.00	0.00	0.00	2,638.50	2,818.20
	Over 8	Over 10	Over 12	Over 14	Over 16
O-3E	4,070.10	4,232.40	4,441.20	4,617.00	4,717.50
O-2E	3,450.30	3,630.00	3,768.90	3,872.40	3,872.40
O-1E	2,922.30	3,028.50	3,133.20	3,276.30	3,276.30

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE  
AS AN ENLISTED MEMBER OR WARRANT OFFICER

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
	Over 18	Over 20	Over 22	Over 24	Over 26
O-3E	4,855.20	4,855.20	4,855.20	4,855.20	4,855.20
O-2E	3,872.40	3,872.40	3,872.40	3,872.40	3,872.40
O-1E	3,276.30	3,276.30	3,276.30	3,276.30	3,276.30

WARRANT OFFICERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	2,889.60	3,108.60	3,198.00	3,285.90	3,437.10
W-3 ..	2,638.80	2,862.00	2,862.00	2,898.90	3,017.40
W-2 ..	2,321.40	2,454.00	2,569.80	2,654.10	2,726.40
W-1 ..	2,049.90	2,217.60	2,330.10	2,402.70	2,511.90
	Over 8	Over 10	Over 12	Over 14	Over 16
W-5 ..	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
W-4 ..	3,586.50	3,737.70	3,885.30	4,038.00	4,184.40
W-3 ..	3,152.40	3,330.90	3,439.50	3,558.30	3,693.90
W-2 ..	2,875.20	2,984.40	3,093.90	3,200.40	3,318.00
W-1 ..	2,624.70	2,737.80	2,850.00	2,963.70	3,077.10
	Over 18	Over 20	Over 22	Over 24	Over 26
W-5 ..	\$0.00	4,965.60	5,136.00	5,307.00	5,478.60
W-4 ..	4,334.40	4,480.80	4,632.60	4,782.00	4,935.30
W-3 ..	3,828.60	3,963.60	4,098.30	4,233.30	4,368.90
W-2 ..	3,438.90	3,559.80	3,680.10	3,801.30	3,801.30
W-1 ..	3,189.90	3,275.10	3,275.10	3,275.10	3,275.10

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for warrant officers may not exceed the rate of pay for level V of the Executive Schedule.

ENLISTED MEMBERS <sup>1</sup>

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-9 <sup>2</sup>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
E-8 ...	0.00	0.00	0.00	0.00	0.00
E-7 ...	1,986.90	2,169.00	2,251.50	2,332.50	2,417.40
E-6 ...	1,701.00	1,870.80	1,953.60	2,033.70	2,117.40
E-5 ...	1,561.50	1,665.30	1,745.70	1,828.50	1,912.80
E-4 ...	1,443.60	1,517.70	1,599.60	1,680.30	1,752.30
E-3 ...	1,303.50	1,385.40	1,468.50	1,468.50	1,468.50
E-2 ...	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ...	<sup>3</sup> 1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 8	Over 10	Over 12	Over 14	Over 16
E-9 <sup>2</sup>	\$0.00	\$3,423.90	3,501.30	3,599.40	3,714.60
E-8 ...	2,858.10	2,940.60	3,017.70	3,110.10	3,210.30
E-7 ...	2,562.90	2,645.10	2,726.40	2,808.00	2,892.60
E-6 ...	2,254.50	2,337.30	2,417.40	2,499.30	2,558.10
E-5 ...	2,030.10	2,110.20	2,193.30	2,193.30	2,193.30

ENLISTED MEMBERS<sup>1</sup>—Continued

Years of service computed under section 205 of title 37, United States Code

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6
E-4 ...	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 ...	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 ...	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ...	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50
	Over 18	Over 20	Over 22	Over 24	Over 26
E-9 <sup>2</sup>	\$3,830.40	3,944.10	4,098.30	4,251.30	4,467.00
E-8 ...	3,314.70	3,420.30	3,573.00	3,724.80	3,937.80
E-7 ...	2,975.10	3,057.30	3,200.40	3,292.80	3,526.80
E-6 ...	2,602.80	2,602.80	2,602.80	2,602.80	2,602.80
E-5 ...	2,193.30	2,193.30	2,193.30	2,193.30	2,193.30
E-4 ...	1,752.30	1,752.30	1,752.30	1,752.30	1,752.30
E-3 ...	1,468.50	1,468.50	1,468.50	1,468.50	1,468.50
E-2 ...	1,239.30	1,239.30	1,239.30	1,239.30	1,239.30
E-1 ...	1,105.50	1,105.50	1,105.50	1,105.50	1,105.50

<sup>1</sup>Notwithstanding the basic pay rates specified in this table, the actual rate of basic pay for enlisted members may not exceed the rate of pay for level V of the Executive Schedule.

<sup>2</sup>Subject to the preceding footnote, while serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Master Chief Petty Officer of the Coast Guard, basic pay for this grade is \$5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

<sup>3</sup>In the case of members in pay grade E-1 who have served less than 4 months on active duty, the rate of basic pay is \$1,022.70.

**1 SEC. 602. BASIC PAY RATE FOR CERTAIN RESERVE COM-**  
**2 MISSIONED OFFICERS WITH PRIOR SERVICE**  
**3 AS AN ENLISTED MEMBER OR WARRANT OF-**  
**4 FICER.**

**5** Section 203(d) of title 37, United States Code, is  
**6** amended—

**7** (1) by inserting “(1)” after “(d)”;

**8** (2) by striking “who is credited” and all that  
**9** follows through “and enlisted member” and insert-  
**10** ing “is described in paragraph (2)”; and

**11** (3) by adding at the end the following new  
**12** paragraph:

**13** “(2) Paragraph (1) applies with respect to a commis-  
**14** sioned officer in pay grade O-1, O-2, or O-3 who—

1           “(A) is credited with a total of over four years’  
2           active service as warrant officer or as a warrant offi-  
3           cer and enlisted member; or

4           “(B) earned a total of more than 1,460 points  
5           credited under section 12732(a)(2) of title 10 while  
6           serving as a warrant officer or enlisted member.”.

7   **SEC. 603. SUBSISTENCE ALLOWANCES.**

8           (a) **BASIC ALLOWANCE FOR SUBSISTENCE.**—Section  
9   402 of title 37, United States Code, is amended—

10           (1) in subsection (b), by adding at the end the  
11           following new paragraph:

12           “(4) For purposes of implementing paragraph (2),  
13           the monthly rate of basic allowance for subsistence that  
14           was in effect for an enlisted member for calendar year  
15           2001 shall be deemed to be \$233.”; and

16           (2) by striking subsection (d) and inserting the  
17           following new subsection:

18           “(d) **SPECIAL RULE FOR ENLISTED MEMBERS WHO**  
19   **MESS SEPARATELY.**—The Secretary of Defense may pre-  
20   scribe a basic allowance for subsistence for enlisted mem-  
21   bers at a rate higher than the rate provided for in sub-  
22   section (b) when messing facilities of the United States  
23   are not available for the members.”.

24           (b) **TERMINATION OF BAS TRANSITIONAL AUTHOR-**  
25   **ITY.**—Effective as of October 1, 2001, section 603(c) of

1 the Floyd D. Spence National Defense Authorization Act  
2 for Fiscal Year 2001 (as enacted by Public Law 106–398;  
3 114 Stat. 1654A–145) is amended by striking “October  
4 1, 2001” and inserting “January 1, 2002”.

5 (c) FAMILY SUBSISTENCE SUPPLEMENTAL ALLOW-  
6 ANCE FOR LOW-INCOME MEMBERS OF THE ARMED  
7 FORCES.—Section 402a(b)(1) of title 37, United States  
8 Code, is amended by inserting “with dependents” after “a  
9 member of the armed forces”.

10 **SEC. 604. ELIGIBILITY FOR BASIC ALLOWANCE FOR HOUS-**  
11 **ING WHILE BETWEEN PERMANENT DUTY STA-**  
12 **TIONS.**

13 (a) REPEAL OF PAY GRADE LIMITATION.—Section  
14 403(i) of title 37, United States Code, is amended by  
15 striking “who is in a pay grade E–4 (4 or more years  
16 of service) or above”.

17 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
18 ment made by this section shall take effect on January  
19 1, 2003, and apply to members of the uniformed services  
20 in a travel or leave status between permanent duty sta-  
21 tions on or after that date.

22 **SEC. 605. UNIFORM ALLOWANCE FOR OFFICERS.**

23 (a) RELATION TO INITIAL UNIFORM ALLOWANCE.—  
24 Section 416(b)(1) of title 37, United States Code, is  
25 amended by striking “\$200” and inserting “\$400”.

1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall take effect as of October 1, 2000.

3 **SEC. 606. FAMILY SEPARATION ALLOWANCE FOR CERTAIN**  
4 **MEMBERS ELECTING TO SERVE UNACCOM-**  
5 **PANIED TOUR OF DUTY.**

6 (a) AVAILABILITY OF ALLOWANCE.—Section 427(c)  
7 of title 37, United States Code, is amended—

8 (1) by striking “A member” in the first sen-  
9 tence and inserting “(1) Except as provided in para-  
10 graph (2) or (3), a member”;

11 (2) by redesignating the second sentence as  
12 paragraph (3); and

13 (3) by inserting after the first sentence the fol-  
14 lowing new paragraph:

15 “(2) A member who elects to serve an unaccompanied  
16 tour of duty because the movement of a dependent of the  
17 member to the permanent station is denied for certified  
18 medical reasons is entitled to an allowance under sub-  
19 section (a)(1)(A).”.

20 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
21 ments made by this section shall take effect on January  
22 1, 2002. Paragraph (2) of section 427(c) of title 37,  
23 United States Code, as added by subsection (a), shall  
24 apply with respect to pay periods beginning on or after  
25 that date for a member of the uniformed services covered

1 by such paragraph regardless of the date on which the  
2 member first made the election to serve an unaccompanied  
3 tour of duty.

## 4 **Subtitle B—Bonuses and Special** 5 **and Incentive Pays**

### 6 **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND** 7 **SPECIAL PAY AUTHORITIES FOR RESERVE** 8 **FORCES.**

9 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN  
10 CRITICALLY SHORT WARTIME SPECIALTIES.—Section  
11 302g(f) of title 37, United States Code, is amended by  
12 striking “December 31, 2001” and inserting “December  
13 31, 2002”.

14 (b) SELECTED RESERVE REENLISTMENT BONUS.—  
15 Section 308b(f) of such title is amended by striking “De-  
16 cember 31, 2001” and inserting “December 31, 2002”.

17 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-  
18 tion 308c(e) of such title is amended by striking “Decem-  
19 ber 31, 2001” and inserting “December 31, 2002”.

20 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-  
21 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section  
22 308d(c) of such title is amended by striking “December  
23 31, 2001” and inserting “December 31, 2002”.

1 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-  
2 tion 308e(e) of such title is amended by striking “Decem-  
3 ber 31, 2001” and inserting “December 31, 2002”.

4 (f) READY RESERVE ENLISTMENT AND REENLIST-  
5 MENT BONUS.—Section 308h(g) of such title is amended  
6 by striking “December 31, 2001” and inserting “Decem-  
7 ber 31, 2002”.

8 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section  
9 308i(f) of such title is amended by striking “December  
10 31, 2001” and inserting “December 31, 2002”.

11 (h) REPAYMENT OF EDUCATION LOANS FOR CER-  
12 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-  
13 LECTED RESERVE.—Section 16302(d) of title 10, United  
14 States Code, is amended by striking “January 1, 2002”  
15 and inserting “January 1, 2003”.

16 **SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND**  
17 **SPECIAL PAY AUTHORITIES FOR NURSE OFFI-**  
18 **CER CANDIDATES, REGISTERED NURSES,**  
19 **AND NURSE ANESTHETISTS.**

20 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
21 GRAM.—Section 2130a(a)(1) of title 10, United States  
22 Code, is amended by striking “December 31, 2001” and  
23 inserting “December 31, 2002”.

24 (b) ACCESSION BONUS FOR REGISTERED NURSES.—  
25 Section 302d(a)(1) of title 37, United States Code, is

1 amended by striking “December 31, 2001” and inserting  
2 “December 31, 2002”.

3 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-  
4 THETISTS.—Section 302e(a)(1) of title 37, United States  
5 Code, is amended by striking “December 31, 2001” and  
6 inserting “December 31, 2002”.

7 **SEC. 613. ONE-YEAR EXTENSION OF OTHER BONUS AND**  
8 **SPECIAL PAY AUTHORITIES.**

9 (a) AVIATION OFFICER RETENTION BONUS.—Sec-  
10 tion 301b(a) of title 37, United States Code, is amended  
11 by striking “December 31, 2001” and inserting “Decem-  
12 ber 31, 2002”.

13 (b) REENLISTMENT BONUS FOR ACTIVE MEM-  
14 BERS.—Section 308(g) of such title is amended by strik-  
15 ing “December 31, 2001” and inserting “December 31,  
16 2002”.

17 (c) ENLISTMENT BONUS FOR ACTIVE MEMBERS.—  
18 Section 309(e) of such title is amended by striking “De-  
19 cember 31, 2001” and inserting “December 31, 2002”.

20 (d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-  
21 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
22 312(e) of such title is amended by striking “December 31,  
23 2001” and inserting “December 31, 2002”.

1 (e) NUCLEAR CAREER ACCESSION BONUS.—Section  
2 312b(c) of such title is amended by striking “December  
3 31, 2001” and inserting “December 31, 2002”.

4 (f) NUCLEAR CAREER ANNUAL INCENTIVE  
5 BONUS.—Section 312c(d) of such title is amended by  
6 striking “December 31, 2001” and inserting “December  
7 31, 2002”.

8 (g) RETENTION BONUS FOR MEMBERS WITH CRIT-  
9 ICAL MILITARY SKILLS.—Section 323(i) of such title is  
10 amended by striking “December 31, 2001” and inserting  
11 “December 31, 2002”.

12 **SEC. 614. CONFORMING ACCESSION BONUS FOR DENTAL**  
13 **OFFICERS AUTHORITY WITH AUTHORITIES**  
14 **FOR OTHER SPECIAL PAY AND BONUSES.**

15 Section 302h(a)(1) of title 37, United States Code,  
16 is amended by striking “the date of the enactment of this  
17 section, and ending on September 30, 2002” and inserting  
18 “September 23, 1996, and ending on December 31,  
19 2002”.

20 **SEC. 615. ADDITIONAL TYPE OF DUTY RESULTING IN ELIGI-**  
21 **BILITY FOR HAZARDOUS DUTY INCENTIVE**  
22 **PAY.**

23 (a) PERFORMANCE OF MARITIME BOARD AND  
24 SEARCH OPERATIONS.—Section 301(a) of title 37, United  
25 States Code, is amended—

1           (1) in paragraph (10), by striking “or” at the  
2           end;

3           (2) by redesignating paragraph (11) as para-  
4           graph (12); and

5           (3) by inserting after paragraph (10) the fol-  
6           lowing new paragraph:

7           “(11) involving regular participation as a mem-  
8           ber of a team conducting visit, board, search, and  
9           seizure operations aboard vessels in support of mari-  
10          time interdiction operations; or”.

11          (b) MONTHLY AMOUNT.—Subsection (c) of such sec-  
12          tion is amended—

13           (1) in paragraph (1), by striking “(10)” and in-  
14           serting “(11)”; and

15           (2) in paragraph (2)(A), by striking “(11)” and  
16           inserting “(12)”.

17          (c) EFFECTIVE DATE; APPLICATION.—The amend-  
18          ments made by this section shall take effect on January  
19          1, 2002, and apply to duty described in the amendment  
20          made by subsection (a)(2) on or after that date.

1 **SEC. 616. EQUAL TREATMENT OF RESERVISTS PER-**  
2 **FORMING INACTIVE-DUTY TRAINING FOR RE-**  
3 **CEIPT OF AVIATION CAREER INCENTIVE PAY.**

4 (a) INCENTIVE PAY EQUITY FOR RESERVISTS.—Sub-  
5 section (d) of section 301a of title 37, United States Code,  
6 is amended to read as follows:

7 “(d) MEMBERS PERFORMING INACTIVE-DUTY  
8 TRAINING.—Under regulations prescribed by the Presi-  
9 dent and to the extent provided for by appropriations, in  
10 the case of a member of a reserve component of a uni-  
11 formed service, or of the National Guard, who is entitled  
12 to compensation under section 206 of this title, and who  
13 performs, under orders, duty described in subsection (a),  
14 the member is also entitled to monthly incentive pay under  
15 subsection (b) for the performance of that duty in the  
16 same manner as a member with corresponding years of  
17 aviation service who is entitled to basic pay. Such member  
18 is entitled to the incentive pay for as long as the member  
19 remains qualified for it, as provided in subsection (a). This  
20 subsection does not apply to a member who is entitled to  
21 basic pay under section 204 of this title.”.

22 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
23 ment made by this section shall take effect on January  
24 1, 2002, and apply to duty described in the amendment  
25 made by subsection (a)(2) on or after that date.

1 **SEC. 617. SECRETARIAL DISCRETION IN PRESCRIBING SUB-**  
2 **MARINE DUTY INCENTIVE PAY RATES.**

3 (a) **AUTHORITY OF SECRETARY OF THE NAVY; MAX-**  
4 **IMUM RATE.**—Section 301c of title 37, United States  
5 Code, is amended by striking subsection (b) and inserting  
6 the following new subsection:

7 “(b) **MONTHLY RATES.**—(1) Subject to paragraph  
8 (2), a member who meets the requirements prescribed in  
9 subsection (a) is entitled to monthly submarine duty in-  
10 centive pay in an amount prescribed by the Secretary of  
11 the Navy.

12 “(2) The monthly amount of submarine duty incen-  
13 tive pay may not exceed \$1,000.”.

14 (b) **CONFORMING AMENDMENTS.**—Such section is  
15 further amended—

16 (1) in subsection (a), by striking “set forth in”  
17 each place it appears and inserting “prescribed pur-  
18 suant to”; and

19 (2) in subsection (d), by striking “authorized  
20 by” and inserting “prescribed pursuant to”.

21 (c) **EFFECTIVE DATE; TRANSITION.**—The amend-  
22 ments made by this section shall take effect on January  
23 1, 2002. The tables set forth in subsection (b) of section  
24 301c of title 37, United States Code, as in effect on De-  
25 cember 31, 2001, shall continue to apply until the Sec-  
26 retary of the Navy prescribes new submarine duty incen-

1 tive pay rates as authorized by the amendment made by  
2 subsection (a).

3 **SEC. 618. IMPOSITION OF CRITICAL WARTIME SKILL RE-**  
4 **QUIREMENT FOR ELIGIBILITY FOR INDI-**  
5 **VIDUAL READY RESERVE BONUS.**

6 Section 308h(a)(1) of title 37, United States Code,  
7 is amended—

8 (1) by striking “and who” and inserting “, who  
9 is qualified in a skill or speciality designated by the  
10 Secretary concerned as critically short to meet war-  
11 time requirements, and who”; and

12 (2) by striking “a combat or combat support  
13 skill of”.

14 **SEC. 619. INSTALLMENT PAYMENT AUTHORITY FOR 15-**  
15 **YEAR CAREER STATUS BONUS.**

16 (a) MEMBER ELECTION.—Section 322(d) of title 37,  
17 United States Code, is amended—

18 (1) in paragraph (1), by striking “paid in a sin-  
19 gle lump sum of” and inserting “equal to”;

20 (2) by redesignating paragraph (2) as para-  
21 graph (4), and in such paragraph, by striking “The  
22 bonus” and inserting “The lump sum payment of  
23 the bonus, and the first installment payment in the  
24 case of members who elect to receive the bonus in  
25 installments,”; and

1           (3) by inserting after paragraph (1) the fol-  
2           lowing new paragraphs:

3           “(2) A member electing to receive the bonus under  
4 this section shall elect one of the following payment op-  
5 tions:

6           “(A) A single lump sum of \$30,000.

7           “(B) Two installments of \$15,000 each.

8           “(C) Three installments of \$10,000 each.

9           “(D) Four installments of \$7,500 each.

10          “(E) Five installments of \$6,000 each.

11          “(3) If a member elects installment payments under  
12 paragraph (2), the second installment (and subsequent in-  
13 stallments, as applicable) shall be paid on the earlier of  
14 the following dates:

15          “(A) The annual anniversary date of the pay-  
16 ment of the first installment.

17          “(B) January 15 of each succeeding calendar  
18 year.”.

19          (c) EFFECTIVE DATE; APPLICATION.—The amend-  
20 ments made by this section shall take effect on the date  
21 of the enactment of this Act. The Secretary concerned (as  
22 defined in section 101(5) of title 37, United States Code)  
23 shall extend to each member of the uniformed services who  
24 has executed the written agreement required by subsection  
25 (a)(2) of section 322 of such title before that date, but

1 who has not received the lump sum payment by that date,  
2 an opportunity to make the election authorized by sub-  
3 section (d) of such section, as amended by subsection (a)  
4 of this section.

5 **SEC. 620. ACCESSION BONUS FOR NEW OFFICERS.**

6 (a) BONUS AUTHORIZED.—Chapter 5 of title 37,  
7 United States Code, is amended by adding at the end the  
8 following new section:

9 **“§ 324. Special pay: accession bonus for new officers**

10 “(a) ACCESSION BONUS AUTHORIZED.—Under regu-  
11 lations prescribed by the Secretary concerned, a person  
12 who executes a written agreement to accept a commission  
13 as an officer of the armed forces and serve on active duty  
14 for the period specified in the agreement may, upon ac-  
15 ceptance of the agreement by the Secretary concerned, be  
16 paid an accession bonus in an amount determined by the  
17 Secretary concerned.

18 “(b) LIMITATION ON AMOUNT OF BONUS.—The  
19 amount of an accession bonus under subsection (a) may  
20 not exceed \$100,000.

21 “(c) PAYMENT METHOD.—Upon acceptance of a  
22 written agreement under subsection (a) by the Secretary  
23 concerned, the total amount of the accession bonus pay-  
24 able under the agreement becomes fixed. The agreement

1 shall specify whether the accession bonus will be paid by  
2 the Secretary in a lump sum or installments.

3 “(d) RELATION TO OTHER ACCESSION BONUS AU-  
4 THORITY.—An individual may not receive a accession  
5 bonus under this section and section 302d, 302h, 302j,  
6 or 312b of this title for the same period of service.

7 “(e) REPAYMENT.—(1) If an individual who has en-  
8 tered into an agreement under subsection (a) and has re-  
9 ceived all or part of the accession bonus under the agree-  
10 ment fails to accept a commission as an officer or to com-  
11 mence or complete the total period of active duty service  
12 specified in the agreement, the Secretary concerned may  
13 require the individual to repay the United States, on a  
14 pro rata basis and to the extent that the Secretary deter-  
15 mines conditions and circumstances warrant, any or all  
16 of the amount paid to the individual under the agreement.

17 “(2) An obligation to repay the United States im-  
18 posed under paragraph (1) is for all purposes a debt owed  
19 to the United States.

20 “(3) A discharge in bankruptcy under title 11 that  
21 is entered less than five years after the termination of a  
22 written agreement entered into under subsection (a) does  
23 not discharge the individual signing the agreement from  
24 a debt arising under such agreement or under paragraph  
25 (1).”.

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

“324. Special pay: accession bonus for new officers.”.

4 **Subtitle C—Travel and**  
5 **Transportation Allowances**

6 **SEC. 631. MINIMUM PER DIEM RATE FOR TRAVEL AND**  
7 **TRANSPORTATION ALLOWANCE FOR TRAVEL**  
8 **PERFORMED UPON A CHANGE OF PERMA-**  
9 **NENT STATION AND CERTAIN OTHER TRAV-**  
10 **EL.**

11 (a) ESTABLISHMENT OF RATE.—Section 404(d) of  
12 title 37, United States Code, is amended by adding at the  
13 end the following new paragraph:

14 “(5) The per diem rates established under paragraph  
15 (2)(A) for travel performed in connection with a change  
16 of permanent station or for travel described in paragraph  
17 (2) or (3) of subsection (a) shall be equal to the standard  
18 per diem rates established in the Federal travel regulation  
19 for travel within the continental United States of civilian  
20 employees and their dependents, unless the Secretaries  
21 concerned determines that a higher rate for members is  
22 more appropriate.”.

23 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
24 ment made by this section shall take effect on January  
25 1, 2003, and apply to travel covered by such amendment

1 that is performed on or after that date by members of  
2 the uniformed services and their dependents.

3 **SEC. 632. PAYMENT OR REIMBURSEMENT OF TEMPORARY**  
4 **SUBSISTENCE EXPENSES.**

5 (a) INCLUSION OF OFFICERS.—Subsection (a)(2)(C)  
6 of section 404a of title 37, United States Code, is amend-  
7 ed by striking “an enlisted member” and inserting “a  
8 member”.

9 (b) INCREASE IN MAXIMUM DAILY AUTHORIZED  
10 RATE.—Subsection (e) of such section is amended by  
11 striking “\$110” and inserting “\$180”.

12 (c) EFFECTIVE DATE; APPLICATION.—The amend-  
13 ments made by this section shall take effect on January  
14 1, 2002, and apply with respect to an order in connection  
15 with a change of permanent station issued on or after that  
16 date.

17 **SEC. 633. INCREASED WEIGHT ALLOWANCE FOR TRANS-**  
18 **PORTATION OF BAGGAGE AND HOUSEHOLD**  
19 **EFFECTS FOR JUNIOR ENLISTED MEMBERS.**

20 (a) INCREASED WEIGHT ALLOWANCES.—The table  
21 in section 406(b)(1)(C) of title 37, United States Code,  
22 is amended—

23 (1) by striking the two footnotes; and

1           (2) by striking the items relating to pay grade  
 2           E-1 through E-4 and inserting the following new  
 3           items:

"E-4 .....	7,000	8,000
"E-3 .....	5,000	8,000
"E-2 .....	5,000	8,000
"E-1 .....	5,000	8,000".

4           (b) **EFFECTIVE DATE; APPLICATION.**—The amend-  
 5           ments made by this section shall take effect on January  
 6           1, 2003, and apply with respect to an order in connection  
 7           with a change of temporary or permanent station issued  
 8           on or after that date.

9           **SEC. 634. REIMBURSEMENT OF MEMBERS FOR MANDATORY**  
 10                           **PET QUARANTINE FEES FOR HOUSEHOLD**  
 11                           **PETS.**

12           Section 406(a)(1) of title 37, United States Code, is  
 13           amended in the last sentence by striking "\$275" and in-  
 14           serting "\$675".

15           **SEC. 635. AVAILABILITY OF DISLOCATION ALLOWANCE FOR**  
 16                           **MARRIED MEMBER, WHOSE SPOUSE IS A**  
 17                           **MEMBER, ASSIGNED TO MILITARY FAMILY**  
 18                           **HOUSING.**

19           (a) **ALLOWANCE AVAILABLE.**—Section 407(a)(2) of  
 20           title 37, United States Code, is amended by adding at the  
 21           end the following new subparagraph:

22                           “(F) A member married to another member,  
 23           both of whom are without other dependents, who ac-

1 tually moves to a new permanent duty station where  
2 the member is assigned to family housing provided  
3 by the United States, except that only one disloca-  
4 tion allowance may be paid to the married couple  
5 with respect to the move.”.

6 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
7 ments made by this section shall take effect on January  
8 1, 2003, and apply with respect to an order to move for  
9 a member of a uniformed service issued on or after that  
10 date.

11 **SEC. 636. ELIMINATION OF PROHIBITION ON RECEIPT OF**  
12 **DISLOCATION ALLOWANCE BY MEMBERS OR-**  
13 **DERED TO FIRST DUTY STATION.**

14 (a) ALLOWANCE AVAILABLE.—Section 407(e) of title  
15 37, United States Code, is amended—

16 (1) by striking “FIRST OR LAST DUTY” and in-  
17 sserting “EFFECT OF ORDER FROM LAST DUTY  
18 STATION”; and

19 (2) by striking “from the member’s home to the  
20 member’s first duty station or”.

21 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
22 ments made by this section shall take effect on January  
23 1, 2003, and apply with respect to an order to move for  
24 a member of a uniformed service issued on or after that  
25 date.

1 **SEC. 637. PARTIAL DISLOCATION ALLOWANCE AUTHOR-**  
2 **IZED FOR HOUSING MOVES ORDERED FOR**  
3 **GOVERNMENT CONVENIENCE.**

4 (a) AUTHORIZATION OF PARTIAL DISLOCATION AL-  
5 LOWANCE.—Section 407 of title 37, United States Code  
6 is amended—

7 (1) by redesignating subsections (f) and (g) as  
8 subsections (g) and (h), respectively; and

9 (2) by inserting after subsection (e) the fol-  
10 lowing new subsection:

11 “(f) PARTIAL DISLOCATION ALLOWANCE.—(1)  
12 Under regulations prescribed by the Secretary concerned,  
13 a member ordered to occupy or vacate family housing pro-  
14 vided by the United States to permit the privatization or  
15 renovation of housing or for any other reason (other than  
16 pursuant to a permanent change of station) may be paid  
17 a partial dislocation allowance of \$500.

18 “(2) Effective on the same date that the monthly  
19 rates of basic pay for all members are increased under  
20 section 1009 of this title or another provision of law, the  
21 Secretary of Defense shall adjust the rate of the partial  
22 dislocation allowance authorized by this subsection by the  
23 percentage equal to the average percentage increase in the  
24 rates of basic pay.

25 “(3) Subsections (e) and (d) do not apply to the par-  
26 tial dislocation allowance authorized by this subsection.”.

1 (b) EFFECTIVE DATE; APPLICATION.—The amend-  
2 ments made by this section shall take effect on January  
3 1, 2002, and apply with respect to an order to move for  
4 a member of a uniformed service issued on or after that  
5 date.

6 **SEC. 638. ALLOWANCES FOR TRAVEL PERFORMED IN CON-**  
7 **NECTION WITH MEMBERS TAKING AUTHOR-**  
8 **IZED LEAVE BETWEEN CONSECUTIVE OVER-**  
9 **SEAS TOURS.**

10 Section 411b(a)(1) of title 37, United States Code,  
11 is amended by striking “, or his designee, or to a place  
12 no farther distant than his home of record”.

13 **SEC. 639. FUNDED STUDENT TRAVEL AS PART OF SCHOOL-**  
14 **SPONSORED EXCHANGE PROGRAMS.**

15 (a) RECOGNITION OF TEMPORARY EXCHANGE PRO-  
16 GRAMS.—Section 430 of title 37, United States Code, is  
17 amended—

18 (1) in subsection (a)(3), by inserting before the  
19 comma at the end the following: “or is attending a  
20 school outside the continental United States, if the  
21 dependent is attending the school outside the conti-  
22 nental United States for less than one year under a  
23 program approved by the school in the continental  
24 United States at which the dependent is enrolled”;  
25 and

1           (2) in subsection (b)(1), by striking “in the  
2           continental United States for the purpose of obtain-  
3           ing a formal education” in the first sentence and in-  
4           serting “described in subsection (a)(3)”.

5           (b) LIMITATION ON AMOUNT OF ALLOWANCE.—Sub-  
6           section (b) of such section is amended by adding at the  
7           end the following new paragraph:

8           “(3) The transportation allowance under paragraph  
9           (1) for a dependent child who is attending a school outside  
10          the continental United States for less than one year under  
11          a program approved by the school in the continental  
12          United States at which the dependent is enrolled shall not  
13          exceed the allowance the member would be paid for a trip  
14          between the school in the continental United States and  
15          the member’s duty station outside the continental United  
16          States and return.”.

17          (c) EFFECTIVE DATE.—The amendments made by  
18          this section shall take effect on January 1, 2002.

1                   **Subtitle D—Retirement and**  
2                   **Survivor Benefit Matters**

3   **SEC. 641. CONTINGENT AUTHORITY FOR CONCURRENT RE-**  
4                   **CEIPT OF MILITARY RETIRED PAY AND VET-**  
5                   **ERANS' DISABILITY COMPENSATION.**

6           (a) RESTORATION OF RETIRED PAY BENEFITS.—  
7 Chapter 71 of title 10, United States Code, is amended  
8 by adding at the end the following new section:

9   **“§ 1414. Members eligible for retired pay who have**  
10                   **service-connected disabilities: payment of**  
11                   **retired pay and veterans' disability com-**  
12                   **ensation; contingent authority**

13           “(a) PAYMENT OF BOTH RETIRED PAY AND COM-  
14 PENSATION.—Subject to subsection (b), a member or  
15 former member of the uniformed services who is entitled  
16 to retired pay (other than as specified in subsection (c))  
17 and who is also entitled to veterans' disability compensa-  
18 tion is entitled to be paid both without regard to sections  
19 5304 and 5305 of title 38, subject to the enactment of  
20 qualifying offsetting legislation as specified in subsection  
21 (f).

22           “(b) SPECIAL RULE FOR CHAPTER 61 CAREER RE-  
23 TIREES.—The retired pay of a member retired under  
24 chapter 61 of this title with 20 years or more of service  
25 otherwise creditable under section 1405 of this title at the

1 time of the member's retirement is subject to reduction  
2 under sections 5304 and 5305 of title 38, but only to the  
3 extent that the amount of the member's retired pay under  
4 chapter 61 of this title exceeds the amount of retired pay  
5 to which the member would have been entitled under any  
6 other provision of law based upon the member's service  
7 in the uniformed services if the member had not been re-  
8 tired under chapter 61 of this title.

9       “(c) EXCEPTION.—Subsection (a) does not apply to  
10 a member retired under chapter 61 of this title with less  
11 than 20 years of service otherwise creditable under section  
12 1405 of this title at the time of the member's retirement.

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

14           “(1) The term ‘retired pay’ includes retainer  
15 pay, emergency officers’ retirement pay, and naval  
16 pension.

17           “(2) The term ‘veterans’ disability compensa-  
18 tion’ has the meaning given the term ‘compensation’  
19 in section 101(12) of title 38.

20       “(e) EFFECTIVE DATE.—If qualifying offsetting leg-  
21 islation (as defined in subsection (f)) is enacted, the provi-  
22 sions of subsection (a) shall take effect on—

23           “(1) the first day of the first month beginning  
24 after the date of the enactment of such qualifying  
25 offsetting legislation; or

1           “(2) the first day of the fiscal year that begins  
2           in the calendar year in which such legislation is en-  
3           acted, if that date is later than the date specified in  
4           paragraph (1).

5           “(f) EFFECTIVENESS CONTINGENT ON ENACTMENT  
6 OF OFFSETTING LEGISLATION.—(1) The provisions of  
7 subsection (a) shall be effective only if—

8           “(A) the President, in the budget for any fiscal  
9           year, proposes the enactment of legislation that, if  
10          enacted, would be qualifying offsetting legislation;  
11          and

12          “(B) after that budget is submitted to Con-  
13          gress, there is enacted qualifying offsetting legisla-  
14          tion.

15          “(2) For purposes of this subsection:

16          “(A) The term ‘qualifying offsetting legislation’  
17          means legislation (other than an appropriations Act)  
18          that includes provisions that—

19                  “(i) offset fully the increased outlays to be  
20                  made by reason of the provisions of subsection  
21                  (a) for each of the first 10 fiscal years begin-  
22                  ning after the date of the enactment of such  
23                  legislation;

1           “(ii) expressly state that they are enacted  
2           for the purpose of the offset described in clause  
3           (i); and

4           “(iii) are included in full on the PayGo  
5           scorecard.

6           “(B) The term ‘PayGo scorecard’ means the es-  
7           timates that are made by the Director of the Con-  
8           gressional Budget Office and the Director of the Of-  
9           fice of Management and Budget under section  
10          252(d) of the Balanced Budget and Emergency Def-  
11          icit Control Act of 1985 (2 U.S.C. 902(d)) with re-  
12          spect to the ten fiscal years following the date of the  
13          enactment of the legislation that is qualifying offset-  
14          ting legislation for purposes of this section.”.

15          (b) CONFORMING TERMINATION OF SPECIAL COM-  
16          PENSATION PROGRAM.—Section 1413(a) of such title is  
17          amended by adding at the end the following new sentence:  
18          “If the provisions of subsection (a) of section 1414 of this  
19          title become effective in accordance with subsection (f) of  
20          that section, payments under this section shall be termi-  
21          nated effective as of the month beginning on the effective  
22          date specified in subsection (e) of that section.”.

23          (c) CLERICAL AMENDMENT.—The table of sections  
24          at the beginning of such chapter is amended by adding  
25          at the end the following new item:

“1414. Members eligible for retired pay who have service-connected disabilities: payment of retired pay and veterans’ disability compensation; contingent authority.”.

1 (d) PROHIBITION OF RETROACTIVE BENEFITS.—If  
2 the provisions of subsection (a) of section 1414 of title  
3 10, United States Code, becomes effective in accordance  
4 with subsection (f) of that section, no benefit may be paid  
5 to any person by reason of those provisions for any period  
6 before the effective date specified in subsection (e) of that  
7 section.

## 8 **Subtitle E—Other Matters**

### 9 **SEC. 651. FUNERAL HONORS DUTY ALLOWANCE FOR RE-** 10 **TIRED MEMBERS.**

11 (a) ALLOWANCE AUTHORIZED.—Subsection (a) of  
12 section 435 of title 37, United States Code, is amended—

13 (1) by inserting “(1)” before “The Secretary”;

14 and

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

17 “(2) The Secretary concerned may also authorize  
18 payment of an allowance under this section to a retired  
19 member of the armed forces who performs at least two  
20 hours of duty preparing for or performing honors at the  
21 funeral of a veteran.”.

22 (b) RELATION TO OTHER COMPENSATION.—Such  
23 section is further amended by adding at the end the fol-  
24 lowing new subsection:

1       “(c) CONCURRENT PAYMENT.—Notwithstanding any  
2 other provision of law, the allowance paid to a retired  
3 member of the armed forces under this section shall be  
4 in addition to any other compensation to which the retired  
5 member may be entitled under this title or titles 10 or  
6 38.”.

7                   **TITLE VII—HEALTH CARE**  
8                   **PROVISIONS**

9                   **Subtitle A—TRICARE Program**

10 **SEC. 701. IMPLEMENTING COST-EFFECTIVE PAYMENT**  
11                   **RATES UNDER THE TRICARE PROGRAM.**

12       Not later than January 1, 2002, the Secretary of De-  
13 fense shall, with respect to categories of health care pro-  
14 viders or services for which the Secretary has not already  
15 done so and to the extent that the Secretary determines  
16 is practicable—

17               (1) implement the payment rates used under  
18 medicare, or similar rates based on medicare pay-  
19 ment methods, to pay for health care services pro-  
20 vided by institutional and noninstitutional providers  
21 under the TRICARE program; and

22               (2) as a condition of participation in the  
23 TRICARE program, prohibit balance billing of cov-  
24 ered beneficiaries by institutional providers and limit  
25 balance billing by noninstitutional providers (subject

1 to any exceptions the Secretary determines appro-  
2 priate) consistent with the limiting charge percent-  
3 age under medicare.

4 **SEC. 702. WAIVER OF NONAVAILABILITY STATEMENT OR**  
5 **PREAUTHORIZATION REQUIREMENT.**

6 (a) IN GENERAL.—Section 721 of the Floyd D.  
7 Spence National Defense Authorization Act for Fiscal  
8 Year 2001 (as enacted in Public Law 106–398; 114 Stat.  
9 1654A–184) is amended—

10 (1) in the matter preceding paragraph (1) in  
11 subsection (a), by striking “new”;

12 (2) by striking subsection (c) and inserting the  
13 following:

14 “(c) EXCEPTIONS.—(1) Subject to paragraph (2), the  
15 Secretary may provide that subsection (a) shall not apply  
16 for a period of up to one year if—

17 “(A) the Secretary—

18 “(i) demonstrates significant costs would  
19 be avoided by performing specific procedures at  
20 the affected military medical treatment facility  
21 or facilities;

22 “(ii) determines that a specific procedure  
23 must be provided at the affected military med-  
24 ical treatment facility or facilities to ensure the

1 proficiency levels of the practitioners at the fa-  
2 cility or facilities; or

3 “(iii) determines that the lack of nonavail-  
4 ability statement data would significantly inter-  
5 fere with TRICARE contract administration;

6 “(B) the Secretary provides notification of the  
7 Secretary’s intent to make an exception under this  
8 subsection to covered beneficiaries who receive care  
9 at the military medical treatment facility or facilities  
10 that will be affected by the decision to make an ex-  
11 ception under this subsection;

12 “(C) the Secretary provides notification to the  
13 Committees on Armed Services of the House of Rep-  
14 resentatives and the Senate of the Secretary’s intent  
15 to make an exception under this subsection, the rea-  
16 son for making an exception, and the date that a  
17 nonavailability statement will be required; and

18 “(D) 60 days have elapsed since the date of the  
19 notification described in subparagraph (C).

20 “(2)(A) Except as provided in subparagraph (B), the  
21 Secretary may make an exception under this subsection  
22 with respect to—

23 “(i) one or more services performed at a mili-  
24 tary medical treatment facility or facilities; or

1           “(ii) one or more services performed in a  
2       TRICARE region.

3           “(B) With respect to maternity care, the Secretary  
4 may make an exception under this subsection with respect  
5 to a military medical treatment facility.

6           “(3) In the case of health care provided in conjunc-  
7 tion with a graduate medical education program, the pe-  
8 riod of nonapplicability described in paragraph (1) shall  
9 be, instead of one year, the period for which a residency  
10 review committee has approved the program.”; and

11           (3) in subsection (d), by striking “October 1,  
12 2001” and inserting “two years after the date of the  
13 enactment of the National Defense Authorization  
14 Act for Fiscal Year 2002”.

15       (b) REPORT.—Not later than March 1, 2002, the  
16 Secretary of Defense shall submit to the Committees on  
17 Armed Services of the House of Representatives and the  
18 Senate a report on the Secretary’s plans for implementing  
19 such section.

20 **SEC. 703. IMPROVEMENTS IN ADMINISTRATION OF THE**  
21 **TRICARE PROGRAM.**

22       (a) EXPANSION OF TRICARE PROGRAM.—Section  
23 1072(7) of title 10, United States Code, is amended by  
24 striking “the competitive selection of contractors to finan-  
25 cially underwrite”.

1 (b) REDUCTION OF CONTRACT START-UP TIME.—

2 Section 1095c(b) of such title is amended—

3 (1) in paragraph (1)—

4 (A) by striking “The” and inserting “Ex-  
5 cept as provided in paragraph (3), the”; and

6 (B) by striking “contract.” and all that  
7 follows through “as soon as practicable after  
8 the award of the”; and

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

11 “(3) The Secretary may reduce the nine-month start-  
12 up period required under paragraph (1) if—

13 “(A) the Secretary—

14 “(i) determines that a shorter period is  
15 sufficient to ensure effective implementation of  
16 all contract requirements; and

17 “(ii) submits notification to the Commit-  
18 tees on Armed Services of the House of Rep-  
19 resentatives and the Senate of the Secretary’s  
20 intent to reduce the nine-month start-up period;  
21 and

22 “(B) 60 days have elapsed since the date of  
23 such notification.”.

1 **SEC. 704. SUB-ACUTE AND LONG-TERM CARE PROGRAM RE-**  
2 **FORM.**

3 (a) IN GENERAL.—(1) Chapter 55 of title 10, United  
4 States Code, is amended by inserting after section 1074i  
5 the following new section:

6 **“§ 1074j. Sub-acute care program**

7 “(a) ESTABLISHMENT.—The Secretary of Defense  
8 shall establish an effective, efficient, and integrated sub-  
9 acute care benefits program under this chapter (herein-  
10 after referred to in this section as the ‘program’). Except  
11 as otherwise provided in this section, the types of health  
12 care authorized under the program shall be the same as  
13 those provided under section 1079 of this title. The Sec-  
14 retary, after consultation with the other administering  
15 Secretaries, shall promulgate regulations to carry out this  
16 section.

17 “(b) BENEFITS.—(1) The program shall include a  
18 uniform skilled nursing facility benefit that shall be pro-  
19 vided in the manner and under the conditions described  
20 in section 1861(h) and (i) of the Social Security Act (42  
21 U.S.C. 1395x(h) and (i)), except that the limitation on  
22 the number of days of coverage under section 1812(a) and  
23 (b) of such Act (42 U.S.C. 1395d(a) and (b)) shall not  
24 be applicable under the program. Skilled nursing facility  
25 care for each spell of illness shall continue to be provided  
26 for as long as medically necessary and appropriate.

1 “(2) In this subsection:

2 “(A) The term ‘skilled nursing facility’ has the  
3 meaning given such term in section 1819(a) of the  
4 Social Security Act (42 U.S.C. 1395i–3(a)).

5 “(B) The term ‘spell of illness’ has the meaning  
6 given such term in section 1861(a) of such Act (42  
7 U.S.C. 1395x(a)).

8 “(3) The program shall include a comprehensive,  
9 intermittent home health care benefit that shall be pro-  
10 vided in the manner and under the conditions described  
11 in section 1861(m) of the Social Security Act (42 U.S.C.  
12 1395x(m)).”.

13 (2) The table of sections at the beginning of such  
14 chapter is amended by inserting after the item relating  
15 to section 1074i the following new item:

“1074j. Sub-acute care program.”.

16 (b) EXTENDED BENEFITS FOR CERTAIN DEPEND-  
17 ENTS.—Section 1079 of such title is amended by striking  
18 subsections (d), (e), and (f) and inserting the following  
19 new subsections:

20 “(d)(1) The Secretary of Defense shall establish a  
21 program to provide extended benefits for eligible depend-  
22 ents, which may include the provision of comprehensive  
23 health care services, including case management services,  
24 to assist in the reduction of the disabling effects of a quali-

1 fying condition of an eligible dependent. Registration shall  
2 be required to receive the extended benefits.

3 “(2) The Secretary of Defense, after consultation  
4 with the other administering Secretaries, shall promulgate  
5 regulations to carry out this subsection.

6 “(3) In this subsection:

7 “(A) The term ‘eligible dependent’ means a de-  
8 pendent of a member of the uniformed services on  
9 active duty for a period of more than 30 days, as  
10 described in subparagraph (A), (D), or (I) of section  
11 1072(2) of this title, who has a qualifying condition.

12 “(B) The term ‘qualifying condition’ means the  
13 condition of a dependent who is moderately or se-  
14 verely mentally retarded, has a serious physical dis-  
15 ability, or has an extraordinary physical or psycho-  
16 logical condition.

17 “(e) Extended benefits for eligible dependents under  
18 subsection (d) may include comprehensive health care  
19 services with respect to the qualifying condition of such  
20 a dependent, and include, to the extent such benefits are  
21 not provided under provisions of this chapter other than  
22 under this section, the following:

23 “(1) Diagnosis.

24 “(2) Inpatient, outpatient, and comprehensive  
25 home health care supplies and services.

1           “(3) Training, rehabilitation, and special edu-  
2           cation.

3           “(4) Institutional care in private nonprofit,  
4           public, and State institutions and facilities and, if  
5           appropriate, transportation to and from such institu-  
6           tions and facilities.

7           “(5) Custodial care, notwithstanding the prohi-  
8           bition in section 1077(b)(1) of this title.

9           “(6) Respite care for the primary caregiver of  
10          the eligible dependent.

11          “(7) Such other services and supplies as deter-  
12          mined appropriate by the Secretary, notwithstanding  
13          the limitations in subsection (a)(13).

14          “(f) Members shall be required to share in the cost  
15          of any benefits provided to their dependents under sub-  
16          section (d) as follows:

17                 “(1) Members in the lowest enlisted pay grade  
18                 shall be required to pay the first \$25 incurred each  
19                 month, and members in the highest commissioned  
20                 pay grade shall be required to pay the first \$250 in-  
21                 curred each month. The amounts to be paid by  
22                 members in all other pay grades shall be determined  
23                 under regulations to be prescribed by the Secretary  
24                 of Defense in consultation with the administering  
25                 Secretaries.

1           “(2) A member who has more than one depend-  
2           ent incurring expenses in a given month under a  
3           plan covered by subsection (d) shall not be required  
4           to pay an amount greater than would be required if  
5           the member had only one such dependent.”.

6           (c) DEFINITIONS OF CUSTODIAL CARE AND DOMI-  
7           CILIARY CARE.—Section 1072 of title 10, United States  
8           Code, is amended by adding at the end the following new  
9           paragraphs:

10           “(8) The term ‘custodial care’ means treatment  
11           or services, regardless of who recommends such  
12           treatment or services or where such treatment or  
13           services are provided, that—

14                   “(A) can be rendered safely and reasonably  
15                   by a person who is not medically skilled; or

16                   “(B) is or are designed mainly to help the  
17                   patient with the activities of daily living.

18           “(9) The term ‘domiciliary care’ means care  
19           provided to a patient in an institution or homelike  
20           environment because—

21                   “(A) providing support for the activities of  
22                   daily living in the home is not available or is  
23                   unsuitable; or

24                   “(B) members of the patient’s family are  
25                   unwilling to provide the care.”.

1 (d) CONFORMING AMENDMENT.—Section 1079 of  
2 title 10, United States Code, is amended in subsection (a)  
3 by striking paragraph (17).

4 (e) CONTINUATION OF INDIVIDUAL CASE MANAGE-  
5 MENT SERVICES FOR CERTAIN ELIGIBLE BENE-  
6 FICIARIES.—(1) Notwithstanding the termination of the  
7 Individual Case Management Program by subsection (d),  
8 the Secretary of Defense shall, in any case in which the  
9 Secretary makes the determination described in paragraph  
10 (2), continue to provide payment as if such program were  
11 in effect for home health care or custodial care services  
12 provided to an eligible beneficiary that would otherwise be  
13 excluded from coverage under regulations implementing  
14 chapter 55 of title 10, United States Code.

15 (2) The determination referred to in paragraph (1)  
16 is a determination that discontinuation of payment for  
17 services not otherwise provided under such chapter would  
18 result in the provision of services inadequate to meet the  
19 needs of the eligible beneficiary and would be unjust to  
20 such beneficiary.

21 (3) For purposes of this subsection, “eligible bene-  
22 ficiary” means a covered beneficiary (as that term is de-  
23 fined in section 1072 of title 10, United States Code) who,  
24 before the effective date of this section, was provided cus-

1 todial care services under the Individual Case Manage-  
2 ment Program for which the Secretary provided payment.

3 (f) REPORT ON INITIATIVES REGARDING LONG-  
4 TERM CARE.—The Secretary of Defense shall, not later  
5 than April 1, 2002, submit to Congress a report on the  
6 feasibility and desirability of establishing new initiatives,  
7 taking into account chapter 90 of title 5, United States  
8 Code, to improve the availability of long-term care for  
9 members and retired members of the uniformed services  
10 and their families.

11 (g) REFERENCE IN TITLE 10 TO LONG-TERM CARE  
12 PROGRAM IN TITLE 5.—(1) Chapter 55 of title 10, United  
13 States Code, is amended by inserting after section 1074j  
14 (as added by subsection (a)) the following new section:

15 **“§ 1074k. Long-term care insurance**

16 “Provisions regarding long-term care insurance for  
17 members and certain former members of the uniformed  
18 services and their families are set forth in chapter 90 of  
19 title 5.”.

20 (2) The table of sections at the beginning of such  
21 chapter is amended by inserting after the item relating  
22 to section 1074j (as added by subsection (a)) the following  
23 new item:

“1074k. Long-term care insurance.”.

1 (h) EFFECTIVE DATE.—This section, and the amend-  
2 ments made by this section, shall take effect on October  
3 1, 2001.

4 **SEC. 705. REIMBURSEMENT OF TRAVEL EXPENSES OF A**  
5 **PARENT, GUARDIAN, OR RESPONSIBLE FAM-**  
6 **ILY MEMBER OF A MINOR COVERED BENE-**  
7 **FICIARY.**

8 Section 1074i of title 10, United States Code, is  
9 amended by adding at the end the following new sentence:  
10 “In any case in which reimbursement of travel expenses  
11 of a covered beneficiary who is a minor and dependent  
12 is required under this section, the Secretary also shall pro-  
13 vide reimbursement for reasonable travel expenses of the  
14 parent or guardian of, or the family member responsible  
15 for, such covered beneficiary.”.

16 **Subtitle B—Other Matters**

17 **SEC. 711. PROHIBITION AGAINST REQUIRING MILITARY RE-**  
18 **TIREES TO RECEIVE HEALTH CARE SOLELY**  
19 **THROUGH THE DEPARTMENT OF DEFENSE.**

20 No provision of law (whether enacted before or after  
21 this Act) may be construed as authorizing the Secretary  
22 of Defense to take any action that would require, or have  
23 the effect of requiring, a member or former member of  
24 the Armed Forces who is entitled to retired or retainer  
25 pay to enroll to receive health care from the Federal Gov-

1 ernment only through the Department of Defense. This  
2 section may not be superseded by a subsequent Act unless  
3 that Act—

4 (1) specifically refers to this section; and

5 (2) specifically states that such provision of law  
6 supersedes the provisions of this section.

7 **SEC. 712. TRAUMA AND MEDICAL CARE PILOT PROGRAM.**

8 (a) **REQUIREMENT TO CONDUCT PILOT PROGRAM.—**

9 The Secretary of Defense shall conduct a pilot program  
10 under which the Brooke Army Medical Center and the  
11 Wilford Hall Air Force Medical Center in San Antonio,  
12 Texas, may charge civilians who are not covered bene-  
13 ficiaries under chapter 55 of title 10, United States Code,  
14 fees representing the actual costs of trauma and other  
15 medical care provided to such civilians using private sector  
16 itemized rates.

17 (b) **USE OF FEES COLLECTED.—**(1) The Brooke  
18 Army Medical Center and the Wilford Hall Air Force  
19 Medical Center may use the amounts collected under the  
20 pilot program for—

21 (A) trauma consortium activities;

22 (B) administrative, operating, and equipment  
23 costs; and

24 (C) readiness training.

1           (2) The operating budgets of those medical centers  
2 shall not be reduced as a result of fees collected under  
3 the pilot program.

4           (c) EFFICIENT PRACTICES.—Under the pilot pro-  
5 gram, the commander of the Brooke Army Medical Center  
6 or Wilford Hall Air Force Medical Center may authorize  
7 the use of funds appropriated to the Department of De-  
8 fense for medical care for trauma and other medical care  
9 provided at such center to civilians described in subsection  
10 (a).

11          (d) LENGTH OF PILOT PROGRAM.—The pilot pro-  
12 gram under this section shall commence on October 1,  
13 2001, and be conducted for a period of three years.

14          (e) REPORTS.—The Secretary of Defense shall sub-  
15 mit to Congress not later than October 1st of each of 2002  
16 through 2004 a report describing the progress and effec-  
17 tiveness of the pilot program carried out under this sec-  
18 tion.

19 **SEC. 713. ENHANCEMENT OF MEDICAL PRODUCT DEVELOP-**  
20 **MENT.**

21          Section 980 of title 10, United States Code, is  
22 amended—

23               (1) by inserting “(a)” before “Funds”; and

24               (2) by adding at the end the following new sub-  
25          section:

1       “(b) The Secretary of Defense may waive the prohibi-  
2 tion in this section with respect to a specific research  
3 project to advance the development of a medical product  
4 necessary to the armed forces if the research project is  
5 carried out in accordance with all other applicable laws.”.

6 **SEC. 714. REPEAL OF OBSOLETE REPORT REQUIREMENT.**

7       Section 701 of the National Defense Authorization  
8 Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C.  
9 1074g note) is amended by striking subsection (d).

10 **SEC. 715. CLARIFICATIONS AND IMPROVEMENTS REGARD-**  
11 **ING THE DEPARTMENT OF DEFENSE MEDI-**  
12 **CARE-ELIGIBLE RETIREE HEALTH CARE**  
13 **FUND.**

14       (a) CLARIFICATION REGARDING COVERAGE.—Sub-  
15 section (b) of section 1111 of title 10, United States Code,  
16 is amended to read as follows:

17       “(b) In this chapter:

18               “(1) The term ‘Department of Defense retiree  
19 health care programs’ means the provisions of this  
20 title or any other provision of law creating an enti-  
21 tlement to or eligibility for health care under a De-  
22 partment of Defense or uniformed service program  
23 for a member or former member of a participating  
24 uniformed service who is entitled to retired or re-

1 tainer pay, and an eligible dependent under such  
2 program.

3 “(2) The term ‘eligible dependent’ means a de-  
4 pendent (as such term is defined in section 1072(2)  
5 of this title) described in section 1076(a)(2) (other  
6 than a dependent of a member on active duty),  
7 1076(b), 1086(c)(2), or 1086(c)(3).

8 “(3) The term ‘medicare-eligible’, with respect  
9 to any person, means entitled to benefits under part  
10 A of title XVIII of the Social Security Act (42  
11 U.S.C. 1395c et seq.).

12 “(4) The term ‘participating uniformed service’  
13 means the Army, Navy, Air Force, and Marine  
14 Corps, and any other uniformed service that is cov-  
15 ered by an agreement entered into under subsection  
16 (c).”.

17 (b) PARTICIPATION OF OTHER UNIFORMED SERV-  
18 ICES.—(1) Section 1111 of such title is further amended  
19 by adding at the end the following new subsection:

20 “(c) The Secretary of Defense may enter into an  
21 agreement with any other administering Secretary (as de-  
22 fined in section 1072(3)) for participation in the Fund by  
23 a uniformed service under the jurisdiction of that Sec-  
24 retary. Any such agreement shall require that Secretary  
25 to make contributions to the Fund on behalf of the mem-

1 bers of the uniformed service under the jurisdiction of that  
2 Secretary comparable to the contributions to the Fund  
3 made by the Secretary of Defense under section 1116, and  
4 such administering Secretary may make such contribu-  
5 tions.”.

6 (2) Section 1112 of such title is amended by adding  
7 at the end the following new paragraph:

8 “(4) Amounts paid into the Fund pursuant to section  
9 1111(c).”.

10 (3) Section 1115 of such title is amended—

11 (A) in subsection (a), by inserting “partici-  
12 pating” before “uniformed services”;

13 (B) in subparagraphs (A)(ii) and (B)(ii) of sub-  
14 section (b)(1), by inserting “under the jurisdiction of  
15 the Secretary of Defense” after “uniformed serv-  
16 ices”;

17 (C) in subsection (b)(2), by inserting “(or to  
18 the other executive department having jurisdiction  
19 over the participating uniformed service)” after “De-  
20 partment of Defense”; and

21 (D) in subparagraphs (A) and (B) of subsection  
22 (c)(1), by inserting “participating” before “uni-  
23 formed services”.

24 (4) Section 1116(a) of such title is amended in para-  
25 graphs (1)(B) and (2)(B) by inserting “under the jurisdic-

1 tion of the Secretary of Defense” after “uniformed serv-  
2 ices”.

3 (c) CLARIFICATION OF PAYMENTS FROM THE  
4 FUND.—(1) Subsection (a) of section 1113 of such title  
5 is amended to read as follows:

6 “(a) There shall be paid from the Fund amounts pay-  
7 able for the costs of all Department of Defense retiree  
8 health care programs for the benefit of members or former  
9 members of a participating uniformed service who are en-  
10 titled to retired or retainer pay and are medicare eligible,  
11 and eligible dependents described in section 1111(b)(3)  
12 who are medicare eligible.”.

13 (2) Such section is further amended by adding at the  
14 end the following new subsections:

15 “(c)(1) In carrying out subsection (a), the Secretary  
16 of Defense may transfer periodically from the Fund to ap-  
17 plicable appropriations of the Department of Defense, or  
18 to applicable appropriations of other departments or agen-  
19 cies, such amounts as the Secretary determines necessary  
20 to cover the costs chargeable to those appropriations for  
21 Department of Defense retiree health care programs for  
22 beneficiaries under those programs who are medicare-eli-  
23 ble. Such transfers may include amounts necessary for the  
24 administration of such programs. Amounts so transferred  
25 shall be merged with and be available for the same pur-

1 poses and for the same time period as the appropriation  
2 to which transferred. Upon a determination that all or  
3 part of the funds transferred from the Fund are not nec-  
4 essary for the purposes for which transferred, such  
5 amounts may be transferred back to the Fund. This trans-  
6 fer authority is in addition to any other transfer authority  
7 that may be available to the Secretary.

8       “(2) A transfer from the Fund under paragraph (1)  
9 may not be made to an appropriation after the end of the  
10 second fiscal year after the fiscal year that the appropria-  
11 tion is available for obligation. A transfer back to the  
12 Fund under paragraph (1) may not be made after the end  
13 of the second fiscal year after the fiscal year that the ap-  
14 propriation to which the funds were originally transferred  
15 is available for obligation.

16       “(d) The Secretary of Defense shall by regulation es-  
17 tablish the method or methods for calculating amounts to  
18 be transferred under subsection (c). Such method or meth-  
19 ods may be based (in whole or in part) on a proportionate  
20 share of the volume (measured as the Secretary deter-  
21 mines appropriate) of health care services provided or paid  
22 for under Department of Defense retiree health care pro-  
23 grams for beneficiaries under those programs who are  
24 medicare-eligible in relation to the total volume of health

1 care services provided or paid for under Department of  
2 Defense health care programs.

3 “(e) The regulations issued by the Secretary under  
4 subsection (d) shall be provided to the Comptroller Gen-  
5 eral not less than 60 days before such regulations become  
6 effective. The Comptroller General shall, not later than 30  
7 days after receiving such regulations, report to the Sec-  
8 retary of Defense and Congress on the adequacy and ap-  
9 propriateness of the regulations.

10 “(f) If the Secretary of Defense enters into an agree-  
11 ment with another administering Secretary pursuant to  
12 section 1111(c), the Secretary of Defense may take ac-  
13 tions comparable to those described in subsections (c), (d),  
14 and (e) to effect comparable activities in relation to the  
15 beneficiaries and programs of the other participating uni-  
16 formed service.”.

17 (d) SOURCE OF FUNDS FOR MONTHLY ACCRUAL  
18 PAYMENTS INTO THE FUND.—Section 1116 of such title  
19 is further amended—

20 (1) in subsection (a)(2)(B) (as amended by sub-  
21 section (b)(7)), by striking the sentence beginning  
22 “Amounts paid into”; and

23 (2) by adding at the end the following new sub-  
24 section:

1 “(c) Amounts paid into the Fund under subsection  
2 (a) shall be paid from funds available for the health care  
3 programs of the participating uniformed services under  
4 the jurisdiction of the respective administering Secre-  
5 taries.”.

6 (e) LIMITATION ON TOTAL AMOUNT CONTRIBUTED  
7 DURING A FISCAL YEAR.—Section 1116 of such title is  
8 further amended by adding at the end the following new  
9 subsection:

10 “(d) In no case may the total amount of monthly con-  
11 tributions to the Fund during a fiscal year under sub-  
12 section (a) exceed the amount paid from the Fund during  
13 such fiscal year under section 1113.”.

14 (f) TECHNICAL AMENDMENTS.—(1) The heading for  
15 section 1111 of such title is amended to read as follows:

16 “§ 1111. Establishment and purpose of Fund; defini-  
17 tions; authority to enter into agree-  
18 ments”.

19 (2) The item relating to section 1111 in the table of  
20 sections at the beginning of chapter 56 of such title is  
21 amended to read as follows:

“1111. Establishment and purpose of Fund; definitions; authority to enter into  
agreements.”.

22 (3) Section 1115(c)(1)(B) of such title is amended  
23 by inserting an open parenthesis before “other than for  
24 training)”.

1 (g) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect as if included in the enact-  
3 ment of chapter 56 of title 10, United States Code, by  
4 section 713(a)(1) of the Floyd D. Spence National De-  
5 fense Authorization Act for Fiscal Year 2001 (Public Law  
6 106–398; 114 Stat. 1654A–179).

7 (h) FIRST YEAR CONTRIBUTIONS.—With respect to  
8 contributions under section 1116(a) of title 10, United  
9 States Code, for the first year that the Department of De-  
10 fense Medicare-Eligible Retiree Health Care Fund is es-  
11 tablished under chapter 56 of such title, if the Board of  
12 Actuaries is unable to execute its responsibilities with re-  
13 spect to such section, the Secretary of Defense may make  
14 contributions under such section using methods and as-  
15 sumptions developed by the Secretary.

16 **TITLE VIII—ACQUISITION POL-**  
17 **ICY, ACQUISITION MANAGE-**  
18 **MENT, AND RELATED MAT-**  
19 **TERS**

20 **Subtitle A—Acquisition Policy and**  
21 **Management**

22 **SEC. 801. ACQUISITION MILESTONES.**

23 (a) TITLE 10, U.S.C.—Title 10, United States Code,  
24 is amended—

1           (1) in section 2366(c), subsections (b)(3)(A),  
2           (c)(3)(A), and (h)(1) of section 2432, and section  
3           2434(a), by striking “engineering and manufac-  
4           turing development” each place such words appear  
5           and inserting “system development and demonstra-  
6           tion”;

7           (2) in section 2400—

8                 (A) in subsection (a)(2), by striking “engi-  
9                 neering and manufacturing development” and  
10                inserting “system development and demonstra-  
11                tion”; and

12               (B) in subsections (a)(1)(A), (a)(2), (a)(4)  
13                and (a)(5), by striking “milestone II” each  
14                place such term appears and inserting “mile-  
15                stone B”; and

16           (3) in section 2435—

17               (A) in subsection (b), by striking “engi-  
18                neering and manufacturing development” and  
19                inserting “system development and demonstra-  
20                tion”;

21               (B) in subsection (c)(1), by striking “dem-  
22                onstration and validation” and inserting “sys-  
23                tem development and demonstration”;

1 (C) in subsection (c)(2), by striking “engi-  
2 neering and manufacturing development” and  
3 inserting “production and deployment”; and

4 (D) in subsection (c)(3), by striking “pro-  
5 duction and deployment” and inserting “full  
6 rate production”.

7 (b) OTHER LAWS.—(1) Section 811(c) of the Floyd  
8 D. Spence National Defense Authorization Act for Fiscal  
9 Year 2001 (as enacted in Public Law 106–398; 114 Stat.  
10 1654A–211) is amended—

11 (A) by striking “Milestone I” and inserting  
12 “Milestone B”;

13 (B) by striking “Milestone II” and inserting  
14 “Milestone C”; and

15 (C) by striking “Milestone III” and inserting  
16 “full rate production”.

17 (2) Section 8102(b) of the Department of Defense  
18 Appropriations Act, 2001 (Public Law 106–259; 114 Stat.  
19 696) is amended—

20 (A) by striking “Milestone I” and inserting  
21 “Milestone B”;

22 (B) by striking “Milestone II” and inserting  
23 “Milestone C”; and

24 (C) by striking “Milestone III” and inserting  
25 “full rate production”.

1 **SEC. 802. ACQUISITION WORKFORCE QUALIFICATIONS.**

2 (a) QUALIFICATIONS.—Section 1724 of title 10,  
3 United States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking the matter preceding para-  
6 graph (1) and inserting the following:

7 “(a) CONTRACTING OFFICERS.—The Secretary of  
8 Defense shall require that, in order to qualify to serve in  
9 an acquisition position as a contracting officer with au-  
10 thority to award or administer contracts for amounts  
11 above the simplified acquisition threshold referred to in  
12 section 2304(g) of this title, an employee of the Depart-  
13 ment of Defense or member of the armed forces (other  
14 than the Coast Guard) must, except as provided in sub-  
15 sections (c) and (d)—”;

16 (B) in paragraph (1)—

17 (i) by striking “mandatory”; and

18 (ii) by striking “at the grade level”  
19 and all that follows and inserting “(A) in  
20 the case of an employee, serving in the po-  
21 sition within the grade of the General  
22 Schedule in which the employee is serving,  
23 and (B) in the case of a member of the  
24 armed forces, in the member’s grade;”;  
25 and

1 (C) in paragraph (3)(A), by inserting a  
2 comma after “business”;

3 (2) by striking subsection (b) and inserting the  
4 following new subsection:

5 “(b) GS–1102 SERIES POSITIONS AND SIMILAR  
6 MILITARY POSITIONS.—(1) The Secretary of Defense  
7 shall require that in order to qualify to serve in a position  
8 in the Department of Defense that is in the GS–1102 oc-  
9 cupational series an employee or potential employee of the  
10 Department of Defense meet the requirements set forth  
11 in paragraph (3) of subsection (a). The Secretary may not  
12 require that in order to serve in such a position an em-  
13 ployee or potential employee meet any of the requirements  
14 of paragraphs (1) and (2) of that subsection.

15 “(2) The Secretary of Defense shall require that in  
16 order for a member of the armed forces to be selected for  
17 an occupational specialty within the armed forces that (as  
18 determined by the Secretary) is similar to the GS–1102  
19 occupational series a member of the armed forces meet  
20 the requirements set forth in paragraph (3) of subsection  
21 (a). The Secretary may not require that in order to be  
22 selected for such an occupational specialty a member meet  
23 any of the requirements of paragraphs (1) and (2) of that  
24 subsection.”; and

1           (3) by striking subsections (c) and (d) inserting  
2           the following new subsections:

3           “(c) EXCEPTIONS.—The qualification requirements  
4 imposed by the Secretary of Defense pursuant to sub-  
5 sections (a) and (b) shall not apply to an employee of the  
6 Department of Defense or member of the armed forces  
7 who—

8           “(1) served as a contracting officer with author-  
9           ity to award or administer contracts in excess of the  
10          simplified acquisition threshold on or before Sep-  
11          tember 30, 2000;

12          “(2) served, on or before September 30, 2000,  
13          in a position either as an employee in the GS–1102  
14          series or as a member of the armed forces in similar  
15          occupational specialty;

16          “(3) is in the contingency contracting force; or

17          “(4) is described in subsection (e)(1)(B).

18          “(d) WAIVER.—The acquisition career program  
19 board concerned may waive any or all of the requirements  
20 of subsections (a) and (b) with respect to an employee of  
21 the Department of Defense or member of the armed forces  
22 if the board certifies that the individual possesses signifi-  
23 cant potential for advancement to levels of greater respon-  
24 sibility and authority, based on demonstrated job perform-  
25 ance and qualifying experience. With respect to each waiv-

1 er granted under this subsection, the board shall set forth  
2 in a written document the rationale for its decision to  
3 waive such requirements. Such document shall be sub-  
4 mitted to and retained by the Director of Acquisition Edu-  
5 cation, Training, and Career Development.

6 “(e) DEVELOPMENTAL OPPORTUNITIES.—(1) The  
7 Secretary of Defense may—

8 “(A) establish or continue one or more pro-  
9 grams for the purpose of recruiting, selecting, ap-  
10 pointing, educating, qualifying, and developing the  
11 careers of individuals to meet the requirements in  
12 subparagraphs (A) and (B) of subsection (a)(3);

13 “(B) appoint individuals to developmental posi-  
14 tions in those programs; and

15 “(C) separate from the civil service after a  
16 three-year probationary period any individual ap-  
17 pointed under this subsection who, as determined by  
18 the Secretary, fails to complete satisfactorily any  
19 program described in subparagraph (A).

20 “(2) To qualify for any developmental program de-  
21 scribed in paragraph (1)(A), an individual shall have—

22 “(A) been awarded a baccalaureate degree from  
23 an accredited institution of higher education author-  
24 ized to grant baccalaureate degrees; or

1           “(B) completed at least 24 semester credit  
2           hours or the equivalent of study from an accredited  
3           institution of higher education in any of the dis-  
4           ciplines of accounting, business, finance, law, con-  
5           tracts, purchasing, economics, industrial manage-  
6           ment, marketing, quantitative methods, or organiza-  
7           tion and management.

8           “(f) CONTINGENCY CONTRACTING FORCE.—The Sec-  
9           retary shall establish qualification requirements for the  
10          contingency contracting force consisting of members of the  
11          armed forces whose mission is to deploy in support of con-  
12          tingency operations and other operations of the Depart-  
13          ment of Defense, including—

14                 “(1) completion of at least 24 semester credit  
15                 hours or the equivalent of study from an accredited  
16                 institution of higher education or similar educational  
17                 institution in any of the disciplines of accounting,  
18                 business, finance, law, contracts, purchasing, eco-  
19                 nomics, industrial management, marketing, quan-  
20                 titative methods, or organization and management;  
21                 or

22                 “(2) passage of an examination that dem-  
23                 onstrates skills, knowledge, or abilities comparable  
24                 to that of an individual who has completed at least  
25                 24 semester credit hours or the equivalent of study

1 in any of the disciplines described in paragraph  
2 (1).”.

3 (b) CLERICAL AMENDMENT.—Section 1732(c)(2) of  
4 such title is amended by inserting a comma after “busi-  
5 ness”.

6 **SEC. 803. TWO-YEAR EXTENSION OF PROGRAM APPLYING**  
7 **SIMPLIFIED PROCEDURES TO CERTAIN COM-**  
8 **MERCIAL ITEMS.**

9 Section 4202(e) of the Clinger-Cohen Act of 1996  
10 (divisions D and E of Public Law 104–106; 110 Stat. 654;  
11 10 U.S.C. 2304 note) is amended by striking “January  
12 1, 2002” and inserting “January 1, 2004”.

13 **SEC. 804. CONTRACTS FOR SERVICES TO BE PERFORMED**  
14 **OUTSIDE THE UNITED STATES.**

15 (a) IN GENERAL.—Chapter 141 of title 10, United  
16 States Code, is amended by inserting after section 2381  
17 the following new section:

18 **“§ 2382. Contracts for services to be performed out-**  
19 **side the United States**

20 “The Secretary of Defense may enter into contracts  
21 to employ individuals or organizations to perform services  
22 in countries other than the United States without regard  
23 to laws regarding the negotiation, making, and perform-  
24 ance of contracts and performance of work in the United  
25 States. Individuals employed by contract to perform such

1 services shall not by virtue of such employment be consid-  
2 ered to be employees of the United States Government for  
3 purposes of any law administered by the Office of Per-  
4 sonnel Management, but the Secretary may determine the  
5 applicability to such individuals of any other law adminis-  
6 tered by the Secretary concerning the employment of such  
7 individuals in countries other than the United States.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by inserting  
10 after the item relating to section 2381 the following new  
11 item:

“2382. Contracts for services to be performed outside the United States.”.

12 **SEC. 805. CODIFICATION AND MODIFICATION OF “BERRY**  
13 **AMENDMENT” REQUIREMENTS.**

14 (a) BERRY AMENDMENT REQUIREMENTS.—(1)  
15 Chapter 148 of title 10, United States Code, is amended  
16 by inserting after section 2533 the following new section:  
17 **“§ 2533a. Requirement to buy certain articles from**  
18 **American sources; exceptions**

19 “(a) REQUIREMENT.—Except as provided in sub-  
20 sections (c) through (g), funds appropriated or otherwise  
21 available to the Department of Defense may not be used  
22 for the procurement of an item described in subsection (b)  
23 if the item is not grown, reprocessed, reused, or produced  
24 in the United States.

1       “(b) COVERED ITEMS.—An item referred to in sub-  
2 section (a) is any of the following:

3           “(1) An article or item of—

4               “(A) food;

5               “(B) clothing;

6               “(C) tents, tarpaulins, parachutes, or cov-  
7 ers;

8               “(D) cotton and other natural fiber prod-  
9 ucts, woven silk or woven silk blends, spun silk  
10 yarn for cartridge cloth, synthetic fabric or  
11 coated synthetic fabric (including all textile fi-  
12 bers and yarns that are for use in such fabrics),  
13 canvas products, or wool (whether in the form  
14 of fiber or yarn or contained in fabrics, mate-  
15 rials, or manufactured articles); or

16               “(E) any item of individual equipment  
17 manufactured from or containing such fibers,  
18 yarns, fabrics, or materials.

19           “(2) Specialty metals, including stainless steel  
20 flatware.

21           “(3) Hand or measuring tools.

22       “(c) EXCEPTION.—The Secretary of Defense or the  
23 Secretary of the military department concerned may waive  
24 the requirement in subsection (a) if—

1           “(1) such Secretary determines that satisfac-  
2           tory quality and sufficient quantity of any such arti-  
3           cle or item described in subsection (b)(1) or spe-  
4           cialty metals (including stainless steel flatware)  
5           grown, reprocessed, reused, or produced in the  
6           United States cannot be procured as and when need-  
7           ed at United States market prices;

8           “(2) such Secretary has provided notice to the  
9           public regarding the waiver;

10           “(3) such Secretary has notified the Commit-  
11           tees on Appropriations, Armed Services, and Small  
12           Business of the House of Representatives and the  
13           Senate regarding the waiver and provided a jus-  
14           tification to such committees for the waiver; and

15           “(4) 30 days have elapsed since the date of the  
16           notification of such committees.

17           “(d) EXCEPTION FOR CERTAIN PROCUREMENTS  
18           OUTSIDE THE UNITED STATES.—Subsection (a) does not  
19           apply to the following:

20           “(1) Procurements outside the United States in  
21           support of combat operations.

22           “(2) Procurements by vessels in foreign waters.

23           “(3) Emergency procurements or procurements  
24           of perishable foods by an establishment located out-

1 side the United States for the personnel attached to  
2 such establishment.

3 “(e) EXCEPTION FOR SPECIALTY METALS AND  
4 CHEMICAL WARFARE PROTECTIVE CLOTHING.—Sub-  
5 section (a) does not preclude the procurement of specialty  
6 metals or chemical warfare protective clothing produced  
7 outside the United States if—

8 “(1) such procurement is necessary—

9 “(A) to comply with agreements with for-  
10 eign governments requiring the United States  
11 to purchase supplies from foreign sources for  
12 the purposes of offsetting sales made by the  
13 United States Government or United States  
14 firms under approved programs serving defense  
15 requirements; or

16 “(B) in furtherance of agreements with  
17 foreign governments in which both such govern-  
18 ments agree to remove barriers to purchases of  
19 supplies produced in the other country or serv-  
20 ices performed by sources of the other country;  
21 and

22 “(2) any such agreement with a foreign govern-  
23 ment complies, where applicable, with the require-  
24 ments of section 36 of the Arms Export Control Act  
25 (22 U.S.C. 2776) and with section 2457 of this title.

1           “(f) EXCEPTION FOR CERTAIN FOODS.—Subsection  
2 (a) does not preclude the procurement of foods manufac-  
3 tured or processed in the United States.

4           “(g) EXCEPTION FOR SMALL PURCHASES.—Sub-  
5 section (a) does not apply to purchases for amounts not  
6 greater than the simplified acquisition threshold referred  
7 to in section 2304(g) of this title.

8           “(h) APPLICABILITY TO CONTRACTS AND SUB-  
9 CONTRACTS FOR PROCUREMENT OF COMMERCIAL  
10 ITEMS.—This section is applicable to contracts and sub-  
11 contracts for the procurement of commercial items not-  
12 withstanding section 34 of the Office of Federal Procure-  
13 ment Policy Act (41 U.S.C. 430).

14           “(i) GEOGRAPHIC COVERAGE.—In this section, the  
15 term ‘United States’ includes the commonwealths, terri-  
16 tories, and possessions of the United States.

17           “(j) EXCEPTION FOR COMMISSARIES, EXCHANGES,  
18 AND OTHER NONAPPROPRIATED FUND INSTRUMENTAL-  
19 ITIES.—Subsection (a) does not apply to items purchased  
20 for resale purposes in commissaries, military exchanges,  
21 or nonappropriated fund instrumentalities operated by the  
22 military departments or the Department of Defense.”.

23           (2) The table of sections at the beginning of such  
24 chapter is amended by inserting after the item relating  
25 to section 2533 the following new item:

“2533a. Requirement to buy certain articles from American sources; exceptions.”.

1 (b) REPEAL OF SOURCE PROVISIONS.—The following  
2 provisions of law are repealed:

3 (1) Section 9005 of the Department of Defense  
4 Appropriations Act, 1993 (Public Law 102–396; 10  
5 U.S.C. 2241 note).

6 (2) Section 8109 of the Department of Defense  
7 Appropriations Act, 1997 (as contained in section  
8 101(b) of Public Law 104–208; 110 Stat. 3009–  
9 111; 10 U.S.C. 2241 note).

10 **SEC. 806. INCREASE OF ASSISTANCE LIMITATION REGARD-**  
11 **ING PROCUREMENT TECHNICAL ASSISTANCE**  
12 **PROGRAMS.**

13 Section 2414(a)(1) of title 10, United States Code,  
14 is amended by striking “\$300,000” and inserting  
15 “\$600,000”.

16 **SEC. 807. STUDY OF CONTRACT CONSOLIDATIONS.**

17 The Secretary of Defense, in consultation with the  
18 Comptroller General of the United States, shall develop  
19 a database to track contract consolidations which consoli-  
20 date 2 or more contracts previously awarded by the De-  
21 partment of Defense to small business concerns. The data-  
22 base shall contain, at a minimum, the names and address-  
23 es of the businesses to which the contracts that were con-  
24 solidated were previously awarded, the rationale for con-

1 solidating the contracts, and the monetary benefit pro-  
2 jected to be realized by the contract consolidation. Not  
3 later than December 1st of each year, the Secretary of  
4 Defense shall submit a report regarding the information  
5 contained in such database to the Committees on Armed  
6 Services of the House of Representatives and the Senate,  
7 the Committee on Small Business of the House of Rep-  
8 resentatives, and the Committee on Small Business and  
9 Entrepreneurship of the Senate.

## 10 **Subtitle B—Erroneous Payments** 11 **Recovery**

### 12 **SEC. 811. SHORT TITLE.**

13 This subtitle may be cited as the “Erroneous Pay-  
14 ments Recovery Act of 2001”.

### 15 **SEC. 812. IDENTIFICATION OF ERRORS MADE BY EXECU-** 16 **TIVE AGENCIES IN PAYMENTS TO CONTRAC-** 17 **TORS AND RECOVERY OF AMOUNTS ERRO-** 18 **NEOUSLY PAID.**

19 (a) PROGRAM REQUIRED.—The head of each execu-  
20 tive agency that enters into contracts with a total value  
21 in excess of \$500,000,000 in a fiscal year shall carry out  
22 a cost-effective program for identifying any errors made  
23 in paying the contractors and for recovering any amounts  
24 erroneously paid to the contractors.

1           (b) RECOVERY AUDITS AND ACTIVITIES.—A program  
2 of an executive agency under subsection (a) shall include  
3 recovery audits and recovery activities. The head of the  
4 executive agency shall determine, in accordance with guid-  
5 ance provided under subsection (c), the classes of con-  
6 tracts to which recovery audits and recovery activities are  
7 appropriately applied.

8           (c) OMB GUIDANCE.—The Director of the Office of  
9 Management and Budget shall issue guidance for the con-  
10 duct of programs under subsection (a). The guidance shall  
11 include the following:

12           (1) Definitions of the terms “recovery audit”  
13 and “recovery activity” for the purposes of the pro-  
14 grams.

15           (2) The classes of contracts to which recovery  
16 audits and recovery activities are appropriately ap-  
17 plied under the programs.

18           (3) Protections for the confidentiality of—

19           (A) sensitive financial information that has  
20 not been released for use by the general public;  
21 and

22           (B) information that could be used to iden-  
23 tify a person.

1           (4) Policies and procedures for ensuring that  
2           the implementation of the programs does not result  
3           in duplicative audits of contractor records.

4           (5) Policies regarding the types of contracts ex-  
5           ecutive agencies may use for the procurement of re-  
6           covery services, including guidance for use, in appro-  
7           priate circumstances, of a contingency contract pur-  
8           suant to which the head of an executive agency may  
9           pay a contractor an amount equal to a percentage  
10          of the total amount collected for the United States  
11          pursuant to that contract.

12          (6) Protections for a contractor's records and  
13          facilities through restrictions on the authority of a  
14          contractor under a contract for the procurement of  
15          recovery services for an executive agency—

16                 (A) to require the production of any record  
17                 or information by any person other than an of-  
18                 ficer, employee, or agent of the executive agen-  
19                 cy;

20                 (B) to establish, or otherwise have, a phys-  
21                 ical presence on the property or premises of any  
22                 private sector entity for the purposes of per-  
23                 forming the contract; or

1           (C) to act as agents for the Government in  
2           the recovery of funds erroneously paid to con-  
3           tractors.

4           (7) Policies for the appropriate types of man-  
5           agement improvement programs authorized by sec-  
6           tion 815 that executive agencies may carry out to  
7           address overpayment problems and the recovery of  
8           overpayments.

9   **SEC. 813. DISPOSITION OF RECOVERED FUNDS.**

10       (a) AVAILABILITY OF FUNDS FOR RECOVERY AUDITS  
11   AND ACTIVITIES PROGRAM.—Funds collected under a pro-  
12   gram carried out by an executive agency under section 812  
13   shall be available to the executive agency, in such amounts  
14   as are provided in advance in appropriations Acts, for the  
15   following purposes:

16       (1) To reimburse the actual expenses incurred  
17       by the executive agency in the administration of the  
18       program.

19       (2) To pay contractors for services under the  
20       program in accordance with the guidance issued  
21       under section 812(c)(5).

22       (b) FUNDS NOT USED FOR PROGRAM.—Any  
23       amounts erroneously paid by an executive agency that are  
24       recovered under such a program of an executive agency

1 and are not used to reimburse expenses or pay contractors  
2 under subsection (a)—

3 (1) shall be credited to the appropriations from  
4 which the erroneous payments were made that re-  
5 main available for obligation as of the time such  
6 amounts were collected, shall be merged with other  
7 amounts in those appropriations, and shall be avail-  
8 able for the purposes and period for which such ap-  
9 propriations are available; or

10 (2) if no such appropriation remains available  
11 for obligation at that time, shall be disposed of as  
12 provided in subsection (c).

13 (c) OTHER DISPOSITIONS.—Of the total amount col-  
14 lected under such a program of an executive agency that  
15 is to be disposed of under this subsection—

16 (1) up to 25 percent of such amount may be ex-  
17 pended by the head of the executive agency for car-  
18 rying out any management improvement program of  
19 the executive agency under section 815; and

20 (2) the remainder of that total amount, includ-  
21 ing any amount not expended under paragraph (1),  
22 shall be deposited in the Treasury as miscellaneous  
23 receipts.

24 (d) PRIORITY OF OTHER AUTHORIZED DISPOSI-  
25 TIONS.—Notwithstanding subsections (b) and (c), the au-

1 thority under such subsections may not be exercised to  
2 use, credit, or deposit funds collected under such a pro-  
3 gram as provided in those subsections to the extent that  
4 any other provision of law requires or authorizes the cred-  
5 iting of such funds to a nonappropriated fund instrumen-  
6 tality, revolving fund, working-capital fund, trust fund, or  
7 other fund or account.

8 **SEC. 814. SOURCES OF RECOVERY SERVICES.**

9 (a) **CONSIDERATION OF AVAILABLE RECOVERY RE-**  
10 **SOURCES.**—(1) In carrying out a program under section  
11 812, the head of an executive agency shall consider all re-  
12 sources available to that official to carry out the program.

13 (2) The resources considered by the head of an execu-  
14 tive agency for carrying out the program shall include the  
15 resources available to the executive agency for such pur-  
16 pose from the following sources:

17 (A) The executive agency.

18 (B) Other departments and agencies of the  
19 United States.

20 (C) Private sector sources.

21 (b) **COMPLIANCE WITH APPLICABLE LAW AND REG-**  
22 **ULATIONS.**—Before entering into a contract with a private  
23 sector source for the performance of services under a pro-  
24 gram of the executive agency carried out under section  
25 812, the head of an executive agency shall comply with—

1           (1) any otherwise applicable provisions of Office  
2 of Management and Budget Circular A-76; and

3           (2) any other applicable provision of law or reg-  
4 ulation with respect to the selection between employ-  
5 ees of the United States and private sector sources  
6 for the performance of services.

7 **SEC. 815. MANAGEMENT IMPROVEMENT PROGRAMS.**

8           In accordance with guidance provided by the Director  
9 of the Office of Management and Budget under section  
10 812, the head of an executive agency required to carry  
11 out a program under section 812 may carry out a program  
12 for improving management processes within the executive  
13 agency—

14           (1) to address problems that contribute directly  
15 to the occurrence of errors in the paying of contrac-  
16 tors of the executive agency; or

17           (2) to improve the recovery of overpayments  
18 due to the agency.

19 **SEC. 816. REPORTS.**

20           (a) **REQUIREMENT FOR REPORTS.**—Not later than  
21 30 months after the date of the enactment of this Act,  
22 and annually for each of the first two years following the  
23 year of the first report, the Director of the Office of Man-  
24 agement and Budget shall submit to the Committee on  
25 Government Reform of the House of Representatives and

1 the Committee on Governmental Affairs of the Senate, a  
2 report on the implementation of this subtitle.

3 (b) CONTENT.—Each report shall include—

4 (1) a general description and evaluation of the  
5 steps taken by the heads of executive agencies to  
6 carry out the programs under this subtitle, including  
7 any management improvement programs carried out  
8 under section 815;

9 (2) the costs incurred by executive agencies to  
10 carry out the programs under this subtitle; and

11 (3) the amounts recovered under the programs  
12 under this subtitle.

13 **SEC. 817. RELATIONSHIP TO AUTHORITY OF INSPECTORS**

14 **GENERAL.**

15 Nothing in this subtitle shall be construed as impair-  
16 ing the authority of an Inspector General under the In-  
17 spector General Act of 1978 or any other provision of law.

18 **SEC. 818. PRIVACY PROTECTIONS.**

19 (a) PROHIBITION.—Any nongovernmental entity  
20 that, in the course of recovery auditing or recovery activity  
21 under this subtitle, obtains information that identifies an  
22 individual or with respect to which there is a reasonable  
23 basis to believe that the information can be used to iden-  
24 tify an individual, may not disclose the information for  
25 any purpose other than such recovery auditing or recovery

1 activity and governmental oversight of such activity, un-  
2 less disclosure for that other purpose is authorized by the  
3 individual to the executive agency that contracted for the  
4 performance of the recovery auditing or recovery activity.

5 (b) LIABILITY.—Any person that violates subsection  
6 (a) shall be liable for any damages (including nonpecu-  
7 niary damages), costs, and attorneys fees incurred by the  
8 individual as a result of the violation.

9 **SEC. 819. DEFINITION.**

10 In this subtitle, the term “executive agency” has the  
11 meaning given that term in section 4(1) of the Office of  
12 Federal Procurement Policy Act (41 U.S.C. 403(1)).

13 **TITLE IX—DEPARTMENT OF DE-**  
14 **FENSE ORGANIZATION AND**  
15 **MANAGEMENT**

16 **SEC. 901. FURTHER REDUCTIONS IN DEFENSE ACQUI-**  
17 **TION AND SUPPORT WORKFORCE**

18 (a) REDUCTION OF DEFENSE ACQUISITION AND  
19 SUPPORT WORKFORCE.—The Secretary of Defense shall  
20 accomplish reductions in defense acquisition and support  
21 personnel positions during fiscal year 2002 so that the  
22 total number of such personnel as of October 1, 2002, is  
23 less than the total number of such personnel as of October  
24 1, 2001, by at least 13,000.

1 (b) DEFENSE ACQUISITION WORKFORCE DE-  
2 FINED.—For purposes of this section, the term “defense  
3 acquisition and support personnel” has the meaning given  
4 that term in section 931(d) of the Strom Thurmond Na-  
5 tional Defense Authorization Act for Fiscal Year 1999  
6 (Public Law 105–261; 112 Stat. 2106).

7 **SEC. 902. SENSE OF CONGRESS ON ESTABLISHMENT OF AN**  
8 **OFFICE OF TRANSFORMATION IN THE DE-**  
9 **PARTMENT OF DEFENSE.**

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

11 (1) The Armed Forces should give careful con-  
12 sideration to implementing transformation to meet  
13 operational challenges and exploit opportunities re-  
14 sulting from changes in the threat environment and  
15 the emergence of new technologies.

16 (2) A 1999 Defense Science Board report on  
17 transformation concluded that there was no overall  
18 Department of Defense vision for transformation, no  
19 road map, no metrics to measure progress, and little  
20 sense of urgency.

21 (3) Historic case studies have shown that with-  
22 in the military, as well as commercial enterprises,  
23 successful transformation must be directed from the  
24 highest levels of an organization.

1 (b) SENSE OF CONGRESS ON ESTABLISHMENT OF  
2 OFFICE OF TRANSFORMATION.—It is the sense of Con-  
3 gress that the Secretary of Defense should consider the  
4 establishment of an Office of Transformation within the  
5 Office of the Secretary of Defense to advise the Secretary  
6 on—

7 (1) development of force transformation strate-  
8 gies to ensure that the military of the future is pre-  
9 pared to dissuade potential military competitors and,  
10 if that fails, to fight and win decisively across the  
11 spectrum of future conflict;

12 (2) ensuring a continuous and broadly focused  
13 transformation process;

14 (3) service and joint acquisition and experimen-  
15 tation efforts, funding for experimentation efforts,  
16 promising operational concepts and technologies, and  
17 other transformation activities, as appropriate; and

18 (4) development of service and joint operational  
19 concepts, transformation implementation strategies,  
20 and risk management strategies.

21 (c) SENSE OF CONGRESS ON FUNDING.—It is the  
22 sense of Congress that the Secretary of Defense should  
23 consider providing funding adequate for sponsoring selec-  
24 tive prototyping efforts, wargames, and studies and anal-  
25 yses and for appropriate staffing, as recommended by the

1 director of an Office of Transformation as described in  
2 subsection (b).

3 **SEC. 903. REVISED JOINT REPORT ON ESTABLISHMENT OF**  
4 **NATIONAL COLLABORATIVE INFORMATION**  
5 **ANALYSIS CAPABILITY.**

6 (a) REVISED REPORT.—At the same time as the sub-  
7 mission of the budget for fiscal year 2003 under section  
8 1105 of title 31, United States Code, the Secretary of De-  
9 fense and the Director of Central Intelligence shall submit  
10 to the congressional defense committees and the congress-  
11 sional intelligence committees a revised report assessing  
12 alternatives for the establishment of a national collabo-  
13 rative information analysis capability.

14 (b) MATTERS INCLUDED.—The revised report shall  
15 cover the same matters required to be included in the  
16 DOD/CIA report, except that the alternative architectures  
17 assessed in the revised report shall be limited to architec-  
18 tures that include the participation of all Federal agencies  
19 involved in the collection of intelligence. The revised report  
20 shall also include a draft of legislation sufficient to carry  
21 out the preferred architecture identified in the revised re-  
22 port.

23 (c) OFFICIALS TO BE CONSULTED.—The revised re-  
24 port shall be prepared after consultation with all appro-  
25 priate Federal officials, including the following:

1 (1) The Secretary of the Treasury.

2 (2) The Secretary of Commerce.

3 (3) The Secretary of State.

4 (4) The Attorney General.

5 (5) The Director of the Federal Bureau of In-  
6 vestigation.

7 (6) The Administrator of the Drug Enforce-  
8 ment Administration.

9 (7) The Director of the Defense Threat Reduc-  
10 tion Agency.

11 (8) The Director of the Defense Information  
12 Systems Agency.

13 (d) DOD/CIA REPORT DEFINED.—In this section,  
14 the term “DOD/CIA report” means the joint report re-  
15 quired by section 933 of the Floyd D. Spence National  
16 Defense Authorization Act for Fiscal Year 2001 (as en-  
17 acted into law by Public Law 106–398; 114 Stat. 1654A–  
18 237).

19 **SEC. 904. ELIMINATION OF TRIENNIAL REPORT BY CHAIR-**  
20 **MAN OF THE JOINT CHIEFS OF STAFF ON**  
21 **ROLES AND MISSIONS OF THE ARMED**  
22 **FORCES.**

23 (a) REPEAL OF REQUIREMENT FOR SEPARATE RE-  
24 PORT BY CHAIRMAN OF THE JOINT CHIEFS OF STAFF.—

1 Section 153 of title 10, United States Code, is amended  
2 by striking subsection (b).

3 (b) ROLES AND MISSIONS CONSIDERED AS PART OF  
4 DEFENSE QUADRENNIAL REVIEW.—Subsection 118(e) of  
5 such title is amended—

6 (1) by inserting “(1)” before “Upon the com-  
7 pletion”;

8 (2) by designating the second and third sen-  
9 tences as paragraph (3); and

10 (3) by inserting after paragraph (1), as des-  
11 ignated by paragraph (1) of this subsection, the fol-  
12 lowing new paragraph:

13 “(2) As part of his assessment under paragraph (1),  
14 the Chairman shall provide his assessment of the assign-  
15 ment of functions (or roles and missions) to the armed  
16 forces and such recommendations for changes thereto as  
17 the Chairman considers necessary to achieve maximum ef-  
18 ficiency of the armed forces. In preparing such assess-  
19 ment, the Chairman shall consider (among other matters)  
20 the following:

21 “(A) Unnecessary duplication of effort among  
22 the armed forces.

23 “(B) Changes in technology that can be applied  
24 effectively to warfare.”.

1 **SEC. 905. REPEAL OF REQUIREMENT FOR SEMIANNUAL RE-**  
2 **PORTS THROUGH MARCH 2003 ON ACTIVITIES**  
3 **OF JOINT REQUIREMENTS OVERSIGHT COUN-**  
4 **CIL.**

5 Section 916 of the Floyd D. Spence National Defense  
6 Authorization Act for Fiscal Year 2001 (as enacted into  
7 law by Public Law 106–398; 114 Stat. 1654A–231) is re-  
8 pealed.

9 **SEC. 906. CORRECTION OF REFERENCES TO AIR MOBILITY**  
10 **COMMAND.**

11 (a) REFERENCES IN TITLE 10, UNITED STATES  
12 CODE.—Sections 2554(d) and 2555(a) of title 10, United  
13 States Code, are each amended by striking “Military Air-  
14 lift Command” and inserting “Air Mobility Command”.

15 (b) REPEAL OF OBSOLETE PROVISION.—Section  
16 8074 of such title is amended by striking subsection (c).

17 (c) REFERENCES IN TITLE 37, UNITED STATES  
18 CODE.—Sections 430(c) and 432(b) of title 37, United  
19 States Code, are each amended by striking “Military Air-  
20 lift Command” and inserting “Air Mobility Command”.

21 **SEC. 907. ORGANIZATIONAL ALIGNMENT CHANGE FOR DI-**  
22 **RECTOR FOR EXPEDITIONARY WARFARE.**

23 Section 5038(a) of title 10, United States Code, is  
24 amended by striking “Office of the Deputy Chief of Naval  
25 Operations for Resources, Warfare Requirements, and As-  
26 sessments” and inserting “office of the Deputy Chief of

1 Naval Operations with responsibility for warfare require-  
2 ments and programs”.

### 3 **TITLE X—GENERAL PROVISIONS**

#### 4 **Subtitle A—Financial Matters**

##### 5 **SEC. 1001. TRANSFER AUTHORITY.**

6 (a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.—**

7 (1) Upon determination by the Secretary of Defense that  
8 such action is necessary in the national interest, the Sec-  
9 retary may transfer amounts of authorizations made avail-  
10 able to the Department of Defense in this division for fis-  
11 cal year 2002 between any such authorizations for that  
12 fiscal year (or any subdivisions thereof). Amounts of au-  
13 thorizations so transferred shall be merged with and be  
14 available for the same purposes as the authorization to  
15 which transferred.

16 (2) The total amount of authorizations that the Sec-  
17 retary may transfer under the authority of this section  
18 may not exceed \$2,000,000,000.

19 (b) **LIMITATIONS.—**The authority provided by this  
20 section to transfer authorizations—

21 (1) may only be used to provide authority for  
22 items that have a higher priority than the items  
23 from which authority is transferred; and

1           (2) may not be used to provide authority for an  
2           item that has been denied authorization by Con-  
3           gress.

4           (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
5           transfer made from one account to another under the au-  
6           thority of this section shall be deemed to increase the  
7           amount authorized for the account to which the amount  
8           is transferred by an amount equal to the amount trans-  
9           ferred.

10          (d) NOTICE TO CONGRESS.—The Secretary shall  
11          promptly notify Congress of each transfer made under  
12          subsection (a).

13          **SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.**

14          (a) STATUS OF CLASSIFIED ANNEX.—The Classified  
15          Annex prepared by the Committee on Armed Services of  
16          the House of Representatives to accompany its report on  
17          the bill H.R. 2586 of the One Hundred Seventh Congress  
18          and transmitted to the President is hereby incorporated  
19          into this Act.

20          (b) CONSTRUCTION WITH OTHER PROVISIONS OF  
21          ACT.—The amounts specified in the Classified Annex are  
22          not in addition to amounts authorized to be appropriated  
23          by other provisions of this Act.

24          (c) LIMITATION ON USE OF FUNDS.—Funds appro-  
25          priated pursuant to an authorization contained in this Act

1 that are made available for a program, project, or activity  
2 referred to in the Classified Annex may only be expended  
3 for such program, project, or activity in accordance with  
4 such terms, conditions, limitations, restrictions, and re-  
5 quirements as are set out for that program, project, or  
6 activity in the Classified Annex.

7 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The  
8 President shall provide for appropriate distribution of the  
9 Classified Annex, or of appropriate portions of the annex,  
10 within the executive branch of the Government.

11 **SEC. 1003. LIMITATION ON FUNDS FOR BOSNIA AND**  
12 **KOSOVO PEACEKEEPING OPERATIONS FOR**  
13 **FISCAL YEAR 2002.**

14 (a) LIMITATION.—Of the amounts authorized to be  
15 appropriated by section 301(24) for the Overseas Contin-  
16 gency Operations Transfer Fund—

17 (1) no more than \$1,315,600,000 may be obli-  
18 gated for incremental costs of the Armed Forces for  
19 Bosnia peacekeeping operations; and

20 (2) no more than \$1,528,600,000 may be obli-  
21 gated for incremental costs of the Armed Forces for  
22 Kosovo peacekeeping operations.

23 (b) PRESIDENTIAL WAIVER.—The President may  
24 waive the limitation in subsection (a)(1), or the limitation

1 in subsection (a)(2), after submitting to Congress the fol-  
2 lowing:

3 (1) The President's written certification that  
4 the waiver is necessary in the national security inter-  
5 ests of the United States.

6 (2) The President's written certification that  
7 exercising the waiver will not adversely affect the  
8 readiness of United States military forces.

9 (3) A report setting forth the following:

10 (A) The reasons that the waiver is nec-  
11 essary in the national security interests of the  
12 United States.

13 (B) The specific reasons that additional  
14 funding is required for the continued presence  
15 of United States military forces participating  
16 in, or supporting, Bosnia peacekeeping oper-  
17 ations, or Kosovo peacekeeping operations, as  
18 the case may be, for fiscal year 2002.

19 (C) A discussion of the impact on the mili-  
20 tary readiness of United States Armed Forces  
21 of the continuing deployment of United States  
22 military forces participating in, or supporting,  
23 Bosnia peacekeeping operations, or Kosovo  
24 peacekeeping operations, as the case may be.

1           (4) A supplemental appropriations request for  
2           the Department of Defense for such amounts as are  
3           necessary for the additional fiscal year 2002 costs  
4           associated with United States military forces partici-  
5           pating in, or supporting, Bosnia or Kosovo peace-  
6           keeping operations.

7           (c) PEACEKEEPING OPERATIONS DEFINED.—For the  
8           purposes of this section:

9           (1) The term “Bosnia peacekeeping operations”  
10          has the meaning given such term in section 1004(e)  
11          of the Strom Thurmond National Defense Author-  
12          ization Act for Fiscal Year 1999 (Public Law 105–  
13          261; 112 Stat. 2112).

14          (2) The term “Kosovo peacekeeping  
15          operations”—

16                 (A) means the operation designated as Op-  
17                 eration Joint Guardian and any other operation  
18                 involving the participation of any of the Armed  
19                 Forces in peacekeeping or peace enforcement  
20                 activities in and around Kosovo; and

21                 (B) includes, with respect to Operation  
22                 Joint Guardian or any such other operation,  
23                 each activity that is directly related to the sup-  
24                 port of the operation.

1 **SEC. 1004. INCREASE IN LIMITATIONS ON ADMINISTRATIVE**  
2 **AUTHORITY OF THE NAVY TO SETTLE ADMI-**  
3 **RALTY CLAIMS.**

4 (a) ADMIRALTY CLAIMS AGAINST THE UNITED  
5 STATES.—Section 7622 of title 10, United States Code,  
6 is amended—

7 (1) in subsections (a) and (b), by striking  
8 “\$1,000,000” and inserting “\$15,000,000”; and

9 (2) in subsection (c), by striking “\$100,000”  
10 and inserting “\$1,000,000”.

11 (b) ADMIRALTY CLAIMS BY THE UNITED STATES.—  
12 Section 7623 of such title is amended—

13 (1) in subsection (a)(2), by striking  
14 “\$1,000,000” and inserting “\$15,000,000”; and

15 (2) in subsection (c), by striking “\$100,000”  
16 and inserting “\$1,000,000”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to any claim accruing  
19 on or after February 1, 2001.

20 **Subtitle B—Naval Vessels**

21 **SEC. 1011. REVISION IN TYPES OF EXCESS NAVAL VESSELS**  
22 **FOR WHICH APPROVAL BY LAW IS REQUIRED**  
23 **FOR DISPOSAL TO FOREIGN NATIONS.**

24 (a) REVISION IN VESSEL THRESHOLD.—Section  
25 7307 of title 10, United States Code, is amended—

1           (1) in subsection (a), by striking “A naval ves-  
2           sel” and inserting “Except as provided in subsection  
3           (b), a combatant naval vessel”;

4           (2) by redesignating subsection (b) as sub-  
5           section (c);

6           (3) by inserting after subsection (a) the fol-  
7           lowing new subsection (b):

8           “(b) TREATMENT OF VESSELS HELD BY FOREIGN  
9           NATIONS BY LOAN OR LEASE.—Subsection (a) shall not  
10          apply to the disposal to another nation of a vessel de-  
11          scribed in that subsection that, at the time of the disposal,  
12          is held by the nation to which the disposal is to be made  
13          pursuant to a loan or lease arrangement made under sec-  
14          tion 61 of the Arms Export Control Act (22 U.S.C. 2796)  
15          or any other provision of law.”; and

16          (4) by adding after subsection (c), as redesign-  
17          ated by paragraph (2), the following new sub-  
18          section:

19          “(d) INAPPLICABILITY OF VESSEL DISPOSALS TO  
20          AGGREGATE ANNUAL VALUE LIMITATIONS.—The value of  
21          a vessel transferred to another country under an applica-  
22          ble provision of law as described in subsection (c) shall  
23          not be counted for the purposes of any aggregate limit  
24          on the value of articles transferred to other countries

1 under that provision of law during any year (or other ap-  
2 plicable period of time).”.

3 (b) TECHNICAL AMENDMENTS.—Subsection (a) of  
4 such section is further amended—

5 (1) by striking “LARGER OR NEWER” in the  
6 subsection heading and inserting “CERTAIN COM-  
7 BATANT; and

8 (2) by striking “approved by law enacted after  
9 August 5, 1974” and inserting “specifically ap-  
10 proved by law”.

11 **Subtitle C—Counter-Drug**  
12 **Activities**

13 **SEC. 1021. EXTENSION OF REPORTING REQUIREMENT RE-**  
14 **GARDING DEPARTMENT OF DEFENSE EX-**  
15 **PENDITURES TO SUPPORT FOREIGN**  
16 **COUNTER-DRUG ACTIVITIES.**

17 Section 1022 of the Floyd D. Spence National De-  
18 fense Authorization Act for Fiscal Year 2001 (as enacted  
19 by Public Law 106–398; 114 Stat. 1654A–255) is  
20 amended—

21 (1) by inserting “and April 15, 2002,” after  
22 “January 1, 2001,”; and

23 (2) by striking “fiscal year 2000” and inserting  
24 “the preceding fiscal year”.

1 **SEC. 1022. AUTHORITY TO TRANSFER TRACKER AIRCRAFT**  
2 **CURRENTLY USED BY ARMED FORCES FOR**  
3 **COUNTER-DRUG PURPOSES.**

4 (a) **TRANSFER AUTHORITY.**—The Secretary of De-  
5 fense may transfer to the administrative jurisdiction and  
6 operational control of another Federal agency all Tracker  
7 aircraft in the inventory of the Department of Defense.

8 (b) **EFFECT OF FAILURE TO TRANSFER.**—If the  
9 transfer authority provided by subsection (a) is not exer-  
10 cised by the Secretary of Defense by September 30, 2002,  
11 any Tracker aircraft remaining in the inventory of the De-  
12 partment of Defense may not be used by the Armed  
13 Forces for counter-drug purposes after that date.

14 **SEC. 1023. AUTHORITY TO TRANSFER TETHERED AERO-**  
15 **STAT RADAR SYSTEM CURRENTLY USED BY**  
16 **ARMED FORCES FOR COUNTER-DRUG PUR-**  
17 **POSES.**

18 (a) **TRANSFER AUTHORITY.**—The Secretary of De-  
19 fense may transfer to the administrative jurisdiction and  
20 operational control of another Federal agency the Teth-  
21 ered Aerostat Radar System currently used by the Armed  
22 Forces in maritime, air, and land counter-drug detection  
23 and monitoring.

24 (b) **EFFECT OF FAILURE TO TRANSFER.**—If the  
25 transfer authority provided by subsection (a) is not exer-  
26 cised by the Secretary of Defense by September 30, 2002,

1 the Tethered Aerostat Radar System may not be used by  
2 the Armed Forces for counter-drug purposes after that  
3 date.

4 **SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRA-**  
5 **TION AND NATURALIZATION SERVICE AND**  
6 **CUSTOMS SERVICE.**

7 (a) ASSIGNMENT AUTHORITY OF SECRETARY OF DE-  
8 FENSE.—Chapter 18 of title 10, United States Code, is  
9 amended by inserting after section 374 the following new  
10 section:

11 **“§ 374a. Assignment of members to assist border pa-**  
12 **trol and control**

13 “(a) ASSIGNMENT AUTHORIZED.—Upon submission  
14 of a request consistent with subsection (b), the Secretary  
15 of Defense may assign members of the Army, Navy, Air  
16 Force, and Marine Corps to assist—

17 “(1) the Immigration and Naturalization Serv-  
18 ice in preventing the entry of terrorists and drug  
19 traffickers into the United States; and

20 “(2) the United States Customs Service in the  
21 inspection of cargo, vehicles, and aircraft at points  
22 of entry into the United States to prevent the entry  
23 of weapons of mass destruction, components of  
24 weapons of mass destruction, prohibited narcotics or  
25 drugs, or other terrorist or drug trafficking items.

1       “(b) REQUEST FOR ASSIGNMENT.—The assignment  
2 of members under subsection (a) may occur only if—

3           “(1) the assignment is at the request of the At-  
4 torney General, in the case of an assignment to the  
5 Immigration and Naturalization Service, or the Sec-  
6 retary of the Treasury, in the case of an assignment  
7 to the United States Customs Service; and

8           “(2) the request of the Attorney General or the  
9 Secretary of the Treasury (as the case may be) is  
10 accompanied by a certification by the President that  
11 the assignment of members pursuant to the request  
12 is necessary to respond to a threat to national secu-  
13 rity posed by the entry into the United States of ter-  
14 rorists or drug traffickers.

15       “(c) TRAINING PROGRAM REQUIRED.—The Attorney  
16 General or the Secretary of the Treasury (as the case may  
17 be), together with the Secretary of Defense, shall establish  
18 a training program to ensure that members receive general  
19 instruction regarding issues affecting law enforcement in  
20 the border areas in which the members may perform du-  
21 ties under an assignment under subsection (a). A member  
22 may not be deployed at a border location pursuant to an  
23 assignment under subsection (a) until the member has  
24 successfully completed the training program.

1       “(d) CONDITIONS OF USE.—(1) Whenever a member  
2 who is assigned under subsection (a) to assist the Immi-  
3 gration and Naturalization Service or the United States  
4 Customs Service is performing duties at a border location  
5 pursuant to the assignment, a civilian law enforcement of-  
6 ficer from the agency concerned shall accompany the  
7 member.

8       “(2) Nothing in this section shall be construed to—

9           “(A) authorize a member assigned under sub-  
10 section (a) to conduct a search, seizure, or other  
11 similar law enforcement activity or to make an ar-  
12 rest; and

13           “(B) supersede section 1385 of title 18 (popu-  
14 larly known as the ‘Posse Comitatus Act’).

15       “(e) ESTABLISHMENT OF ONGOING JOINT TASK  
16 FORCES.—(1) The Attorney General or the Secretary of  
17 the Treasury may establish ongoing joint task forces when  
18 accompanied by a certification by the President that the  
19 assignment of members pursuant to the request to estab-  
20 lish a joint task force is necessary to respond to a threat  
21 to national security posed by the entry into the United  
22 States of terrorists or drug traffickers.

23       “(2) When established, any joint task force shall fully  
24 comply with the standards as set forth in this section.

1       “(f) NOTIFICATION REQUIREMENTS.—The Attorney  
2 General or the Secretary of the Treasury (as the case may  
3 be) shall notify the Governor of the State in which mem-  
4 bers are to be deployed pursuant to an assignment under  
5 subsection (a), and local governments in the deployment  
6 area, of the deployment of the members to assist the Im-  
7 migration and Naturalization Service or the United States  
8 Customs Service (as the case may be) and the types of  
9 tasks to be performed by the members.

10       “(g) REIMBURSEMENT REQUIREMENT.—Section 377  
11 of this title shall apply in the case of members assigned  
12 under subsection (a).

13       “(h) TERMINATION OF AUTHORITY.—No assignment  
14 may be made or continued under subsection (a) after Sep-  
15 tember 30, 2004.”.

16       (b) COMMENCEMENT OF TRAINING PROGRAM.—The  
17 training program required by subsection (b) of section  
18 374a of title 10, United States Code, shall be established  
19 as soon as practicable after the date of the enactment of  
20 this Act.

21       (c) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by inserting  
23 after the item relating to section 374 the following new  
24 item:

“374a. Assignment of members to assist border patrol and control.”.

## Subtitle D—Reports

1                                   **Subtitle D—Reports**  
2   **SEC. 1031. REQUIREMENT THAT DEPARTMENT OF DEFENSE**  
3                                   **REPORTS TO CONGRESS BE ACCOMPANIED**  
4                                   **BY ELECTRONIC VERSION.**

5           (a) IN GENERAL.—Chapter 23 of title 10, United  
6 States Code, is amended by inserting after the table of  
7 sections the following new section:

8   **“§ 480. Department of Defense reports: submission in**  
9                                   **electronic form**

10           “(a) REQUIREMENT.—Whenever the Secretary of De-  
11 fense or any other official of the Department of Defense  
12 is required by law to submit a report to Congress (or any  
13 committee of either House of Congress), the Secretary or  
14 other official shall provide to Congress (or each such com-  
15 mittee) a copy of the report in an electronic medium.

16           “(b) EXCEPTION.—Subsection (a) does not apply to  
17 a report submitted in classified form.

18           “(c) DEFINITION.—In this section, the term ‘report’  
19 includes any certification, notification, or other commu-  
20 nication in writing.”.

21           (b) CLERICAL AMENDMENT.—The table of sections  
22 at the beginning of such chapter is amended by inserting  
23 before the item relating to section 481 the following new  
24 item:

“480. Department of Defense reports: submission in electronic form.”.

1 **SEC. 1032. REPORT ON DEPARTMENT OF DEFENSE ROLE IN**  
2 **HOMELAND SECURITY MATTERS.**

3 The Secretary of Defense shall conduct a study on  
4 the appropriate role for the Department of Defense in  
5 homeland security matters. The Secretary shall submit to  
6 the Congress a report on the results of that study at the  
7 same time that the budget of the President for fiscal year  
8 2003 is submitted to Congress.

9 **SEC. 1033. REVISION OF ANNUAL REPORT TO CONGRESS**  
10 **ON NATIONAL GUARD AND RESERVE COMPO-**  
11 **NENT EQUIPMENT.**

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

14 “(a) **REQUIREMENT.**—The Secretary of Defense shall  
15 submit to Congress each year, not later than March 1,  
16 a written report concerning the equipment of the National  
17 Guard and the reserve components of the armed forces.  
18 Each such report shall cover the current fiscal year and  
19 the three succeeding years.

20 “(b) **MATTERS TO BE INCLUDED IN REPORT.**—Each  
21 report under this section shall include the following  
22 (shown in the aggregate and separately for each reserve  
23 component):

24 “(1) A list of major items of equipment re-  
25 quired and on-hand in the inventories of the reserve  
26 components.

1           “(2) A list of major items of equipment that  
2           are expected to be procured from commercial sources  
3           or transferred from the active component to the re-  
4           serve components.

5           “(3) A statement of major items of equipment  
6           in the inventories of the reserve components that are  
7           substitutes for a required major item of equipment.

8           “(4) A narrative explanation of the plan of the  
9           Secretary concerned to equip each reserve compo-  
10          nent, including an explanation of the plan to equip  
11          units of the reserve components that are short major  
12          items of equipment at the outset of war or a contin-  
13          gency operation.

14          “(5) A narrative discussing the current status  
15          of the compatibility and interoperability of equip-  
16          ment between the reserve components and the active  
17          forces and the effect of that level of compatibility or  
18          interoperability on combat effectiveness, together  
19          with a plan to achieve full equipment compatibility  
20          and interoperability.

21          “(6) A narrative discussing modernization  
22          shortfalls and maintenance backlogs within the re-  
23          serve components and the effect of those shortfalls  
24          on combat effectiveness.

1           “(7) A narrative discussing the overall age and  
2           condition of equipment currently in the inventory of  
3           the reserve components.

4           “(c) MAJOR ITEMS OF EQUIPMENT.—In this section,  
5           the term ‘major items of equipment’ includes ships, air-  
6           craft, combat vehicles, and key combat support equipment.

7           “(d) FORMAT AND LEVEL OF DETAIL.—Each report  
8           under this section shall be expressed in the same format  
9           and with the same level of detail as the information pre-  
10          sented in the Future-Years Defense Program Procure-  
11          ment Annex prepared by the Department of Defense.”.

## 12           **Subtitle E—Other Matters**

### 13          **SEC. 1041. DEPARTMENT OF DEFENSE GIFT AUTHORITIES.**

14          (a) ADDITIONAL ITEMS AUTHORIZED TO BE DO-  
15          NATED BY SECRETARY OF THE NAVY.—Section 7545 of  
16          title 10, United States Code, is amended—

17                 (1) in subsection (a)—

18                         (A) by striking “Subject to” and all that  
19                         follows through “by him,” and inserting “AU-  
20                         THORITY TO MAKE LOANS AND GIFTS.—The  
21                         Secretary of the Navy”;

22                         (B) by striking “captured, condemned,”  
23                         and all that follows through “to—” and insert-  
24                         ing “items described in subsection (b) that are

1 not needed by the Department of the Navy to  
2 any of the following:”

3 (C) by capitalizing the first letter after the  
4 paragraph designation in each of paragraphs  
5 (1) through (12);

6 (D) by striking the semicolon at the end of  
7 paragraphs (1) through (10) and inserting a  
8 period;

9 (E) by striking “; or” at the end of para-  
10 graph (11) and inserting a period;

11 (F) in paragraph (5), by striking “World  
12 War I or World War II” and inserting “a for-  
13 eign war”;

14 (G) in paragraph (6), by striking “soldiers’  
15 monument” and inserting “servicemen’s monu-  
16 ment”; and

17 (H) in paragraph (8), by inserting “or me-  
18 morial” after “a museum”;

19 (2) by redesignating subsections (b) and (c) as  
20 subsections (d) and (e), respectively;

21 (3) by inserting after subsection (a) the fol-  
22 lowing new subsections:

23 “(b) ITEMS ELIGIBLE FOR DISPOSAL.—This section  
24 applies to the following types of property held by the De-  
25 partment of the Navy:

1           “(1) Captured, condemned, or obsolete ord-  
2 nance material.

3           “(2) Captured, condemned, or obsolete combat  
4 or shipboard material.

5           “(c) REGULATIONS.—A loan or gift made under this  
6 section shall be subject to regulations prescribed by the  
7 Secretary of the Navy and to regulations under section  
8 205 of the Federal Property and Administrative Services  
9 Act of 1949 (40 U.S.C. 486).”;

10           (4) in subsection (d) (as redesignated by para-  
11 graph (2)), by inserting “MAINTENANCE OF THE  
12 RECORDS OF THE GOVERNMENT.—” after the sub-  
13 section designation;

14           (5) in subsection (e) (as redesignated by para-  
15 graph (2)), by inserting “ALTERNATIVE AUTHORI-  
16 TIES TO MAKE GIFTS OR LOANS.—” after the sub-  
17 section designation; and

18           (6) by adding at the end the following new sub-  
19 section:

20           “(f) AUTHORITY TO TRANSFER A PORTION OF A  
21 VESSEL.—The Secretary may lend, give, or otherwise  
22 transfer any portion of the hull or superstructure of a ves-  
23 sel stricken from the Naval Vessel Register and designated  
24 for scrapping to a qualified organization specified in sub-  
25 section (a). The terms and conditions of an agreement for

1 the transfer of a portion of a vessel under this section shall  
2 include a requirement that the transferee will maintain the  
3 material conveyed in a condition that will not diminish the  
4 historical value of the material or bring discredit upon the  
5 Navy.”.

6 (b) CONFORMING AMENDMENTS.—Section 2572(a)  
7 of such title is amended—

8 (1) in paragraph (2), by striking “soldiers’  
9 monument” and inserting “servicemen’s monu-  
10 ment”; and

11 (2) in paragraph (4), by inserting “or memo-  
12 rial” after “An incorporated museum”.

13 **SEC. 1042. TERMINATION OF REFERENDUM REQUIREMENT**  
14 **REGARDING CONTINUATION OF MILITARY**  
15 **TRAINING ON ISLAND OF VIEQUES, PUERTO**  
16 **RICO, AND IMPOSITION OF ADDITIONAL CON-**  
17 **DITIONS ON CLOSURE OF LIVE-FIRE TRAIN-**  
18 **ING RANGE.**

19 (a) IN GENERAL.—Title XV of the Floyd D. Spence  
20 National Defense Authorization Act for Fiscal Year 2001  
21 (as enacted by Public Law 106–398; 114 Stat. 1654A–  
22 348) is amended by striking sections 1503, 1504, and  
23 1505 and inserting the following new sections:

1 **“SEC. 1503. CONDITIONS ON CLOSURE OF VIEQUES NAVAL**  
2 **TRAINING RANGE.**

3 “(a) **REQUIRED CERTIFICATION.**—The Secretary of  
4 the Navy may close the Vieques Naval Training Range  
5 on the island of Vieques, Puerto Rico, and discontinue  
6 live-fire training at that range only if—

7 “(1) the Chief of Naval Operations and the  
8 Commandant of the Marine Corps jointly certify  
9 that there is an alternative training facility that pro-  
10 vides an equivalent or superior level of training for  
11 units of the Navy and the Marine Corps stationed  
12 or deployed in the eastern United States; and

13 “(2) the new facility is available and fully capa-  
14 ble of supporting such training immediately upon  
15 cessation of live-fire training on Vieques.

16 “(b) **EQUIVALENT OR SUPERIOR LEVEL OF TRAIN-**  
17 **ING DEFINED.**—In this section, the term ‘equal or supe-  
18 rior level of training’ refers to an ability by the Armed  
19 Forces to conduct at a single location coordinated live-fire  
20 training, including simultaneous large-scale tactical air  
21 strikes, naval surface fire support and artillery, and am-  
22 phibious landing operations, as was conducted at Vieques  
23 Naval Training Range before April 19, 1999.

1 **“SEC. 1504. NAVY RETENTION OF CLOSED VIEQUES NAVAL**  
2 **TRAINING RANGE.**

3 “(a) RETENTION.—If the conditions specified in sec-  
4 tion 1503(a) are satisfied and the Secretary of the Navy  
5 terminates all Navy and Marine Corps training operations  
6 on the island of Vieques, the Secretary of the Navy shall  
7 retain administrative jurisdiction over the Live Impact  
8 Area and all other Department of Defense real properties  
9 on the eastern side of the island for possible reactivation  
10 for training use, including live-fire training, in the event  
11 a national emergency.

12 “(b) ADMINISTRATION.—The Secretary of the Navy  
13 may enter into a cooperative agreement with the Secretary  
14 of the Interior to provide for management of the property  
15 described in subsection (a), pending reactivation for train-  
16 ing use, by appropriate agencies of the Department of the  
17 Interior as follows:

18 “(1) Management of the Live Impact Area as  
19 a wilderness area under the Wilderness Act (16  
20 U.S.C. 1131 et seq.), including a prohibition on pub-  
21 lic access to the area.

22 “(2) Management of the remaining property as  
23 wildlife refuges under the National Wildlife Refuge  
24 System Administration Act of 1966 (16 U.S.C.  
25 668dd et seq.).

1       “(c) LIVE IMPACT AREA DEFINED.—In this section,  
2 the term ‘Live Impact Area’ means the parcel of real prop-  
3 erty, consisting of approximately 900 acres (more or less),  
4 on the island of Vieques that is designated by the Sec-  
5 retary of the Navy for targeting by live ordnance in the  
6 training of forces of the Navy and Marine Corps.”.

7       (b) CONFORMING AMENDMENT.—Section 1507(c) of  
8 such Act is amended by striking “the issuance of a procla-  
9 mation described in section 1504(a) or”.

10 **SEC. 1043. REPEAL OF LIMITATION ON REDUCTIONS IN**  
11 **PEACEKEEPER ICBM MISSILES.**

12       Subsection (a)(1) of section 1302 of the National De-  
13 fense Authorization Act for Fiscal Year 1998 (Public Law  
14 105–85) is amended by striking subparagraph (D).

15 **SEC. 1044. TRANSFER OF VIETNAM ERA F-4 AIRCRAFT TO**  
16 **NONPROFIT MUSEUM.**

17       (a) AUTHORITY TO CONVEY.—The Secretary of the  
18 Air Force may convey, without consideration, to the non-  
19 profit National Aviation Museum and Foundation of Okla-  
20 homa (in this section referred to as the “museum”), all  
21 right, title, and interest of the United States in and to  
22 one surplus F-4 aircraft that is flyable or that can be  
23 readily restored to flyable condition. The conveyance shall  
24 be made by means of a conditional deed of gift.

1 (b) CONDITION OF AIRCRAFT.—(1) The Secretary  
2 may not convey ownership of an aircraft under subsection  
3 (a) until the Secretary determines that the museum has  
4 altered the aircraft in such manner as the Secretary deter-  
5 mines necessary to ensure that the aircraft does not have  
6 any capability for use as a platform for launching or re-  
7 leasing munitions or any other combat capability that it  
8 was designed to have.

9 (2) The Secretary is not required to repair or alter  
10 the condition of the aircraft before conveying ownership  
11 of the aircraft.

12 (c) REVERTER UPON BREACH OF CONDITIONS.—  
13 The Secretary shall include in the instrument of convey-  
14 ance of the aircraft—

15 (1) a condition that the museum not convey any  
16 ownership interest in, or transfer possession of, the  
17 aircraft to any other party without the prior ap-  
18 proval of the Secretary;

19 (2) a condition that the museum operate and  
20 maintain the aircraft in compliance with all applica-  
21 ble limitations and maintenance requirements im-  
22 posed by the Administrator of the Federal Aviation  
23 Administration; and

24 (3) a condition that if the Secretary determines  
25 at any time that the museum has conveyed an own-

1       ership interest in, or transferred possession of, the  
2       aircraft to any other party without the prior ap-  
3       proval of the Secretary, or has failed to comply with  
4       the condition set forth in paragraph (2), all right,  
5       title, and interest in and to the aircraft, including  
6       any repair or alteration of the aircraft, shall revert  
7       to the United States, and the United States shall  
8       have the right of immediate possession of the air-  
9       craft.

10       (d) CONVEYANCE AT NO COST TO THE UNITED  
11 STATES.—The conveyance of the aircraft under subsection  
12 (a) shall be made at no cost to the United States. Any  
13 costs associated with the conveyance, costs of determining  
14 compliance with subsection (b), and costs of operation and  
15 maintenance of the aircraft conveyed shall be borne by the  
16 museum.

17       (e) ADDITIONAL TERMS AND CONDITIONS.—The  
18 Secretary may require such additional terms and condi-  
19 tions in connection with a conveyance under this section  
20 as the Secretary considers appropriate to protect the inter-  
21 ests of the United States.

22 **SEC. 1045. BOMBER FORCE STRUCTURE.**

23       (a) LIMITATION.—None of the funds available to the  
24 Department of Defense for fiscal year 2002 may be obli-  
25 gated or expended for retiring or dismantling any of the

1 93 B-1B Lancer bombers in service as of June 1, 2001,  
2 or for transferring or reassigning any of those aircraft  
3 from the unit or the facility to which assigned as of that  
4 date, until each of the following has occurred:

5 (1) The President transmits to Congress a na-  
6 tional security strategy report under section 108 of  
7 the National Security Act of 1947 (50 U.S.C. 4040)  
8 as required by subsection (a)(3) of that section.

9 (2) The Secretary of Defense submits to the  
10 Committee on Armed Services of the Senate and the  
11 Committee on Armed Services of the House of Rep-  
12 resentatives the Quadrennial Defense Review (QDR)  
13 under section 118 of title 10, United States Code,  
14 that under that section is required to be submitted  
15 not later than September 30, 2001.

16 (3) The Secretary of Defense submits to the  
17 Committee on Armed Services of the Senate and the  
18 Committee on Armed Services of the House of Rep-  
19 resentatives a report that provides—

20 (A) the changes in national security con-  
21 siderations from those applicable to the air  
22 force bomber studies conducted during 1992  
23 and 1995 that warrant changes in the current  
24 configuration of the bomber fleet; and

1           (B) the plans of the Department of De-  
2           fense for assigning new missions to the Na-  
3           tional Guard units that currently fly B-1 air-  
4           craft and for the transition of those units and  
5           their facilities from the current B-1 mission to  
6           their future missions.

7           (4) The Secretary of Defense submits to Con-  
8           gress the annual report of the Secretary for 2001 re-  
9           quired by section 113(c) of title 10, United States  
10          Code.

11          (5) The Secretary of Defense submits to Con-  
12          gress a report on the results of the Revised Nuclear  
13          Posture Review conducted under section 1042 of the  
14          Floyd D. Spence National Defense Authorization  
15          Act for Fiscal Year 2001 (as enacted into law by  
16          Public Law 106-398; 114 Stat. 1654A-262), as re-  
17          quired by subsection (c) of that section.

18          (6) The Secretary of Defense conducts, and  
19          submits to the Committee on Armed Services of the  
20          Senate and Committee on Armed Services of the  
21          House of Representatives a report on the results of,  
22          a comprehensive study to determine—

23                 (A) the role of manned bomber aircraft ap-  
24                 propriate to meet the requirements derived

1 from the National Security Strategy report re-  
2 ferred to in paragraph (1);

3 (B) the amount and type of bomber force  
4 structure in the United States Air Force appro-  
5 priate to meet the requirements derived from  
6 the National Security Strategy report referred  
7 to in paragraph (1); and

8 (C) the most cost effective allocation of  
9 bomber force structure, factoring in use of the  
10 reserve components of the Air Force consistent  
11 with the requirements of the National Security  
12 Strategy report referred to in paragraph (1).

13 (b) GAO STUDY AND REPORT.—The Comptroller  
14 General of the United States shall conduct a study on the  
15 same matters as specified in subparagraphs (A), (B), and  
16 (C) of subsection (a)(6). The Comptroller General shall  
17 submit to Congress a report containing the results of that  
18 study not later than 180 days after the date of the submis-  
19 sion of the report referred to in subsection (a)(6)

20 (c) DEFINITIONS.—For purposes of this section:

21 (1) AMOUNT AND TYPE OF BOMBER FORCE  
22 STRUCTURE.—The term “amount and type of bomb-  
23 er force structure” means the required numbers of  
24 B–2 aircraft, B–52 aircraft, and B–1 aircraft con-

1       sistent with the requirements of the National Secu-  
2       rity Strategy referred to in subsection (a)(1).

3               (2) COST EFFECTIVE ALLOCATION OF BOMBER  
4       FORCE STRUCTURE.—The term “cost effective allo-  
5       cation of bomber force structure” means the lowest  
6       cost for stationing, maintaining, and operating the  
7       bomber fleet fully consistent with the requirements  
8       of the National Security Strategy referred to in sub-  
9       section (a)(1).

10 **SEC. 1046. TECHNICAL AND CLERICAL AMENDMENTS.**

11       (a) TITLE 10, UNITED STATES CODE.—Title 10,  
12 United States Code, is amended as follows:

13               (1) The tables of chapters at the beginning of  
14       subtitle A, and at the beginning of part II of subtitle  
15       A, are each amended by striking the period after  
16       “1111” in the item relating to chapter 56.

17               (2) Section 119(g)(2) is amended by striking  
18       “National Security Subcommittee” and inserting  
19       “Subcommittee on Defense”.

20               (3) Section 130c(b)(3)(C) is amended by strik-  
21       ing “subsection (f)” and inserting “subsection (g)”.

22               (4) Section 176(a)(3) is amended by striking  
23       “Chief Medical Director” and inserting “Under Sec-  
24       retary for Health”.

1           (5)(A) Section 503(c) is amended in paragraph  
2           (6)(A)(i) by striking “14101(18)” and “8801(18)”  
3           and inserting “14101” and “8801”, respectively.

4           (B) The amendment made by subparagraph (A)  
5           shall take effect on July 1, 2002, immediately after  
6           the amendment to such section effective that date by  
7           section 563(a) of the Floyd D. Spence National De-  
8           fense Authorization Act for Fiscal Year 2001 (as en-  
9           acted by Public Law 106–398; 114 Stat. 131).

10          (6) Section 663(e) is amended—

11           (A) by striking “Armed Forces Staff Col-  
12           lege” in paragraph (1) and inserting “Joint  
13           Forces Staff College”; and

14           (B) by striking “ARMED FORCES STAFF  
15           COLLEGE” and inserting “JOINT FORCES  
16           STAFF COLLEGE”.

17          (7) Section 667(17) is amended by striking  
18          “Armed Forces Staff College” both places it appears  
19          and inserting “Joint Forces Staff College”.

20          (8) Section 874(a) is amended by inserting  
21          after “a sentence of confinement for life without eli-  
22          gibility for parole” the following: “that is adjudged  
23          for an offense committed after October 29, 2000”.

24          (9) Section 1056(c)(2) is amended by striking  
25          “, not later than September 30, 1991,”.

1           (10) The table of sections at the beginning of  
2 chapter 55 is amended by transferring the item re-  
3 lating to section 1074i, as inserted by section 758(b)  
4 of the Floyd D. Spence National Defense Authoriza-  
5 tion Act for Fiscal Year 2001 (as enacted by Public  
6 Law 106–398; 114 Stat. 1654A–200), so as to ap-  
7 pear after the item relating to section 1074h.

8           (11) Section 1097a(e) is amended by striking  
9 “section 1072” and inserting “section 1072(2)”.

10          (12) Sections 1111(a) and 1114(a)(1) are each  
11 amended by striking “hereafter” and inserting  
12 “hereinafter”.

13          (13) Section 1116 is amended—

14           (A) in subsection (a)(2)(B), by inserting  
15 an open parenthesis before “other than for  
16 training”; and

17           (B) in subsection (b)(2)(D), by striking  
18 “section 111(c)(4)” and inserting “section  
19 1115(c)(4)”.

20          (14) The heading for subchapter II of chapter  
21 75 is transferred within that chapter so as to appear  
22 before the table of sections at the beginning of that  
23 subchapter (as if the amendment made by section  
24 721(c)(1) of the National Defense Authorization Act  
25 for Fiscal Year 2000 (Public Law 106–65; 113 Stat.

1 694) had inserted that heading following section  
2 1471 instead of before section 1475).

3 (15) Section 1611(d) is amended by striking  
4 “with”.

5 (16) Section 2166(e)(9) is amended by striking  
6 “App. 2” and inserting “App.”.

7 (17) Section 2323(a)(1)(C) is amended—

8 (A) by striking “section 1046(3)” and in-  
9 serting “section 365(3)”;

10 (B) by striking “20 U.S.C. 1135d–5(3)”  
11 and inserting “20 U.S.C. 1067k”; and

12 (C) by striking “, which, for the purposes  
13 of this section” and all that follows through the  
14 period at the end and inserting a period.

15 (18) Section 2375(b) is amended by inserting  
16 “(41 U.S.C. 430)” after “section 34 of the Office of  
17 Federal Procurement Policy Act”.

18 (19) Section 2376(1) is amended by inserting  
19 “(41 U.S.C. 403)” after “section 4 of the Office of  
20 Federal Procurement Policy Act”.

21 (20) Section 2410f(a) is amended by inserting  
22 after “inscription” the following: “, or another in-  
23 scription with the same meaning,”.

24 (21) Section 2461a(a)(2) is amended by strik-  
25 ing “effeciency” and inserting “efficiency”.

- 1           (22) Section 2467 is amended—
- 2                 (A) in subsection (a)(2)—
- 3                     (i) by striking “, United States Code”
- 4                     in subparagraph (A); and
- 5                     (ii) by striking “such” in subpara-
- 6                     graphs (B) and (C); and
- 7                 (B) in subsection (b)(2)(A), by striking
- 8                 “United States Code,”.
- 9           (23) Section 2535 is amended—
- 10                (A) in subsection (a)—
- 11                    (i) by striking “intent of Congress”
- 12                    and inserting “intent of Congress—”;
- 13                    (ii) by realigning clauses (1), (2), (3),
- 14                    and (4) so that each such clause appears
- 15                    as a separate paragraph indented two ems
- 16                    from the left margin; and
- 17                    (iii) in paragraph (1), as so realigned,
- 18                    by striking “Armed Forces” and inserting
- 19                    “armed forces”;
- 20                (B) in subsection (b)(1)—
- 21                    (i) by striking “in this section, the
- 22                    Secretary is authorized and directed to—”
- 23                    and inserting “in subsection (a), the Sec-
- 24                    retary of Defense shall—”; and

1 (ii) by striking “defense industrial re-  
2 serve” in subparagraph (A) and inserting  
3 “Defense Industrial Reserve”; and  
4 (C) in subsection (c)—

5 (i) by striking paragraph (1);

6 (ii) by redesignating paragraph (2) as  
7 paragraph (1) and in that paragraph—

8 (I) by striking “means” and in-  
9 serting “means—”;

10 (II) by realigning clauses (A),  
11 (B), and (C) so that each such clause  
12 appears as a separate subparagraph  
13 indented four ems from the left mar-  
14 gin; and

15 (III) by inserting “and” at the  
16 end of subparagraph (B), as so re-  
17 aligned; and

18 (iii) by redesignating paragraph (3) as  
19 paragraph (2).

20 (24) Section 2541c is amended by striking  
21 “subtitle” both places it appears in the matter pre-  
22 ceding paragraph (1) and inserting “subchapter”.

23 (25) The second section 2555, added by section  
24 1203(a) of the Floyd D. Spence National Defense  
25 Authorization Act for Fiscal Year 2001 (as enacted

1 by Public Law 106–398; 114 Stat. 1654A–324), is  
2 redesignated as section 2565, and the item relating  
3 to that section in the table of sections at the begin-  
4 ning of chapter 152 is revised to conform to such re-  
5 designation.

6 (26) The second section 2582, added by section  
7 1(a) of Public Law 106–446 (114 Stat. 1932), is re-  
8 designated as section 2583, and the item relating to  
9 that section in the table of sections at the beginning  
10 of chapter 153 is revised to conform to such redesign-  
11 nation.

12 (27)(A) Section 2693(a) is amended—

13 (i) in the matter preceding paragraph (1),  
14 by inserting “of Defense” after “Secretary”;  
15 and

16 (ii) in paragraph (3)—

17 (I) by inserting “to the Secretary of  
18 Defense” after “certifies”;

19 (II) by inserting “(42 U.S.C. 3762a)”  
20 after “of 1968”; and

21 (III) by striking “to the public agen-  
22 cies referred to in section 515(a)(1) or  
23 515(a)(3) of title I of such Act” and in-  
24 serting “to a public agency referred to in

1 paragraph (1) or (3) of subsection (a) of  
2 such section”.

3 (B)(i) The heading of such section is amended  
4 to read as follows:

5 **“§ 2693. Conveyance of certain property: Department**  
6 **of Justice correctional options program”.**

7 (ii) The item relating to such section in the  
8 table of sections at the beginning of chapter 159 is  
9 amended to read as follows:

“2693. Conveyance of certain property: Department of Justice correctional options program.”.

10 (28) Section 3014(f)(3) is amended by striking  
11 “the number equal to” and all that follows and in-  
12 serting “67.”.

13 (29) Section 5014(f)(3) is amended by striking  
14 “the number equal to” and all that follows and in-  
15 serting “74.”.

16 (30) Section 8014(f)(3) is amended by striking  
17 “the number equal to” and all that follows and in-  
18 serting “60.”.

19 (31) Section 9783(e)(1) is amended by striking  
20 “40101(a)(2)” and inserting “40102(a)(2)”.

21 (32) Section 12741(a)(2) is amended by strik-  
22 ing “received” and inserting “receive”.

23 (b) AMENDMENTS RELATING TO CHANGE IN TITLE  
24 OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION,

1 TECHNOLOGY, AND LOGISTICS.—Title 10, United States  
2 Code, is further amended as follows:

3 (1) Section 133a(b) is amended by striking  
4 “shall assist the Under Secretary of Defense for Ac-  
5 quisition and Technology” and inserting “shall assist  
6 the Under Secretary of Defense for Acquisition,  
7 Technology, and Logistics”.

8 (2) The following provisions are each amended  
9 by striking “Under Secretary of Defense for Acquisi-  
10 tion and Technology” and inserting “Under Sec-  
11 retary of Defense for Acquisition, Technology, and  
12 Logistics”: sections 139(c), 139(f), 171(a)(3),  
13 179(a)(1), 1702, 1703, 1707(a), 1722(a),  
14 1722(b)(2)(B), 1735(c)(1), 1737(c)(1),  
15 1737(c)(2)(B), 1741(b), 1746(a), 1761(b)(4), 1763,  
16 2302c(a)(2), 2304(f)(1)(B)(iii), 2304(f)(6)(B),  
17 2311(c)(1), 2311(c)(2)(B), 2350a(b)(2),  
18 2350a(e)(1)(A), 2350a(e)(2)(B), 2350a(f)(1),  
19 2399(b)(3), 2435(b), 2435(d)(2), 2521(a), and  
20 2534(i)(3).

21 (3)(A) The heading for section 1702 is amend-  
22 ed to read as follows:

1 **“§ 1702. Under Secretary of Defense for Acquisition,**  
2 **Technology, and Logistics: authorities**  
3 **and responsibilities”.**

4 (B) The item relating to section 1702 in the  
5 table of sections at the beginning of subchapter I of  
6 chapter 87 is amended to read as follows:

“1702. Under Secretary of Defense for Acquisition, Technology, and Logistics:  
authorities and responsibilities.”.

7 (4) Section 2503(b) is amended by striking  
8 “Under Secretary of Defense for Acquisition” and  
9 inserting “Under Secretary of Defense for Acquisi-  
10 tion, Technology, and Logistics”.

11 (c) AMENDMENTS TO SUBSTITUTE CALENDAR  
12 DATES FOR DATE-OF-ENACTMENT REFERENCES.—Title  
13 10, United States Code, is further amended as follows:

14 (1) Section 130c(d)(1) is amended by striking  
15 “the date of the enactment of the Floyd D. Spence  
16 National Defense Authorization Act for Fiscal Year  
17 2001” and inserting “October 30, 2000,”.

18 (2) Section 184(a) is amended by striking “the  
19 date of the enactment of this section,” and inserting  
20 “October 30, 2000,”.

21 (3) Section 986(a) is amended by striking “the  
22 date of the enactment of this section,” and inserting  
23 “October 30, 2000,”.

1           (4) Section 1074g(a)(8) is amended by striking  
2           “the date of the enactment of this section” and in-  
3           serting “October 5, 1999,”.

4           (5) Section 1079(h)(2) is amended by striking  
5           “the date of the enactment of this paragraph” and  
6           inserting “February 10, 1996,”.

7           (6) Section 1206(5) is amended by striking  
8           “the date of the enactment of the National Defense  
9           Authorization Act for Fiscal Year 2000,” and insert-  
10          ing “October 5, 1999,”.

11          (7) Section 1405(c)(1) is amended by striking  
12          “the date of the enactment of the National Defense  
13          Authorization Act for Fiscal Year 1995,” and insert-  
14          ing “October 5, 1994,”.

15          (8) Section 1407(f)(2) is amended by striking  
16          “the date of the enactment of this subsection—”  
17          and inserting “October 30, 2000—”.

18          (9) Section 1408(d)(6) is amended by striking  
19          “the date of the enactment of this paragraph” and  
20          inserting “August 22, 1996,”.

21          (10) Section 1511(b) is amended by striking  
22          “the date of the enactment of this chapter.” and in-  
23          serting “February 10, 1996.”.

1           (11) Section 2461a(b)(1) is amended by strik-  
2           ing “the date of the enactment of this section,” and  
3           inserting “October 30, 2000,”.

4           (12) Section 4021(c)(1) is amended by striking  
5           “the date of the enactment of this section.” and in-  
6           serting “November 29, 1989.”.

7           (13) Section 6328(a) is amended by striking  
8           “the date of the enactment of this section” and in-  
9           serting “February 10, 1996,”.

10          (14) Section 7439 is amended—

11                 (A) in subsection (a)(2), by striking “one  
12                 year after the date of the enactment of this sec-  
13                 tion,” and inserting “November 18, 1998,”;

14                 (B) in subsection (b)(1), by striking “the  
15                 date of the enactment of this section,” and in-  
16                 serting “November 18, 1997,”;

17                 (C) in subsection (b)(2), by striking “the  
18                 end of the one-year period beginning on the  
19                 date of the enactment of this section.” and in-  
20                 serting “November 18, 1998.”; and

21                 (D) in subsection (f)(2), by striking “the  
22                 date of the enactment of this section” and in-  
23                 serting “November 18, 1997,”.

24          (15) Section 12533 is amended—

1 (A) in each of subsections (b) and (c)(1),  
2 by striking “the date of the enactment of this  
3 section.” and inserting “November 18, 1997.”;  
4 and

5 (B) in each of subsections (c)(2) and (d),  
6 by striking “the date of the enactment of this  
7 section” and inserting “November 18, 1997.”.

8 (16) Section 12733(3) is amended—

9 (A) in subparagraph (B), by striking “the  
10 date of the enactment of the Floyd D. Spence  
11 National Defense Authorization Act for Fiscal  
12 Year 2001;” and inserting “October 30,  
13 2000;”; and

14 (B) in subparagraph (C), by striking “the  
15 date of the enactment of the Floyd D. Spence  
16 National Defense Authorization Act for Fiscal  
17 Year 2001” and inserting “October 30, 2000.”.

18 (d) AMENDMENTS RELATING TO CHANGE IN TITLE  
19 OF MCKINNEY-VENTO HOMELESS ASSISTANCE ACT.—

20 The following provisions are each amended by striking  
21 “Stewart B. McKinney Homeless Assistance Act” and in-  
22 serting “McKinney-Vento Homeless Assistance Act”:

23 (1) Sections 2814(j)(2), 2854a(d)(2), and  
24 2878(d)(4) of title 10, United States Code.

1           (2) Sections 2905(b)(6)(A) and 2910(11) of the  
2           Defense Base Closure and Realignment Act of 1990  
3           (part A of title XXIX of Public Law 101–510; 10  
4           U.S.C. 2687 note).

5           (3) Section 204(b)(6)(A) of the Defense Au-  
6           thorization Amendments and Base Closure and Re-  
7           alignment Act (Public Law 100–526; 10 U.S.C.  
8           2687 note).

9           (4) Section 2915(c)(10) of the National De-  
10          fense Authorization Act for Fiscal Year 1994 (10  
11          U.S.C. 2687 note).

12          (5) Section 2(e)(4)(A) of the Base Closure  
13          Community Redevelopment and Homeless Assistance  
14          Act of 1994 (Public Law 103–421; 10 U.S.C. 2687  
15          note).

16          (6) Section 1053(a) of the National Defense  
17          Authorization Act for Fiscal Year 1997 (110 Stat.  
18          2650).

19          (e) AMENDMENTS TO REPEAL OBSOLETE PROVI-  
20          SIONS.—Title 10, United States Code, is further amended  
21          as follows:

22                 (1) Section 1144 is amended—

23                         (A) in subsection (a)(3), by striking the  
24                         second sentence; and

25                         (B) by striking subsection (e).

1 (2) Section 1581(b) is amended—

2 (A) by striking “(1)” and all that follows  
3 through “The Secretary of Defense shall de-  
4 posit” and inserting “The Secretary of Defense  
5 shall deposit”; and

6 (B) by striking “on or after December 5,  
7 1991,”.

8 (3) Subsection (e) of section 1722 is repealed.

9 (4) Subsection 1732(a) is amended by striking  
10 the second sentence.

11 (5) Section 1734 is amended—

12 (A) in subsection (b)(1)(B), by striking  
13 “on and after October 1, 1991,”; and

14 (B) in subsection (e)(2), by striking the  
15 last sentence.

16 (6)(A) Section 1736 is repealed.

17 (B) The table of sections at the beginning of  
18 subchapter III of chapter 87 is amended by striking  
19 the item relating to section 1736.

20 (7)(A) Sections 1762 and 1764 are repealed.

21 (B) The table of sections at the beginning of  
22 subchapter V of chapter 87 is amended by striking  
23 the items relating to sections 1762 and 1764.

1           (8) Section 2112(a) is amended by striking “,  
2           with the first class graduating not later than Sep-  
3           tember 21, 1982”.

4           (9) Section 2218(d)(1) is amended by striking  
5           “for fiscal years after fiscal year 1993”.

6           (10)(A) Section 2468 is repealed.

7           (B) The table of sections at the beginning of  
8           chapter 146 is amended by striking the item relating  
9           to section 2468.

10          (11) Section 2832 is amended—

11                 (A) by striking “(a)” before “The Sec-  
12                 retary of Defense”; and

13                 (B) by striking subsection (b).

14          (12) Section 7430(b)(2) is amended—

15                 (A) by striking “at a price less than” and  
16                 all that follows through “the current sales  
17                 price” and inserting “at a price less than the  
18                 current sales price”;

19                 (B) by striking “; or” and inserting a pe-  
20                 riod; and

21                 (C) by striking subparagraph (B).

22          (f) PUBLIC LAW 106–398.—Effective as of October  
23          30, 2000, and as if included therein as enacted, the Floyd  
24          D. Spence National Defense Authorization Act for Fiscal

1 Year 2001 (as enacted into law by Public Law 106–398)  
2 is amended as follows:

3 (1) Section 525(b)(1) (114 Stat. 1654A–109) is  
4 amended by striking “subsection (c)” and inserting  
5 “subsections (a) and (b)”.

6 (2) Section 1152(c)(2) (114 Stat. 1654A–323)  
7 is amended by inserting “inserting” after “and”.

8 (g) PUBLIC LAW 106–65.—Effective as of October  
9 5, 1999, and as if included therein as enacted, the Na-  
10 tional Defense Authorization Act for Fiscal Year 2000  
11 (Public Law 106–65) is amended as follows:

12 (1) Section 531(b)(2)(A) (113 Stat. 602) is  
13 amended by inserting “in subsection (a),” after  
14 “(A)”.

15 (2) Section 549(a)(2) (113 Stat. 611) is  
16 amended by striking “such chapter” and inserting  
17 “chapter 49 of title 10, United States Code,”.

18 (3) Section 576(a)(3) (10 U.S.C. 1501 note;  
19 113 Stat. 625) is amended by adding a period at the  
20 end.

21 (4) Section 577(a)(2) (113 Stat. 625) is  
22 amended by striking “bad conduct” in the first  
23 quoted matter and inserting “bad-conduct”.

1           (5) Section 811(d)(3)(B)(v) (10 U.S.C. 2302  
2 note; 113 Stat. 709) is amended by striking “Men-  
3 tor-Protegee” and inserting “Mentor-Protegee”.

4           (6) Section 1052(b)(1) (113 Stat. 764) is  
5 amended by striking “The Department” and insert-  
6 ing “the ‘Department’”.

7           (7) Section 1053(a)(5) (10 U.S.C. 113 note;  
8 113 Stat. 764) is amended by inserting “and” be-  
9 fore “Marines”.

10          (8) Section 1402(f)(2)(A) (22 U.S.C. 2778  
11 note; 113 Stat. 799) is amended by striking “3201  
12 note” and inserting “6305(4)”.

13          (9) Section 2902(d) (10 U.S.C. 111 note; 113  
14 Stat. 882) is amended by striking “section 2871(b)”  
15 and inserting “section 2881(b)”.

16          (h) PUBLIC LAW 102–484.—The National Defense  
17 Authorization Act for Fiscal Year 1993 (Public Law 102–  
18 484) is amended as follows:

19           (1) Section 3161(c)(6)(C) (42 U.S.C.  
20 7274h(c)(6)(C)) is amended by striking “title IX of  
21 the Public Works and Economic Development Act of  
22 1965 (42 U.S.C. 3241 et seq.)” and inserting “title  
23 II of the Public Works and Economic Development  
24 Act of 1965 (42 U.S.C. 3141 et seq.)”.

1           (2) Section 4416(b)(1) (10 U.S.C. 12681 note)  
2 is amended by striking “force reduction period” and  
3 inserting “force reduction transition period”.

4           (3) Section 4461(5) (10 U.S.C. 1143 note) is  
5 amended by adding a period at the end.

6 (i) OTHER LAWS.—

7           (1) Section 1083(c) of the National Defense  
8 Authorization Act for Fiscal Year 1998 (Public Law  
9 105–85; 10 U.S.C. 113 note) is amended by striking  
10 “NAMES” and inserting “NAME”.

11           (2) Section 845(d)(1)(B)(ii) of the National De-  
12 fense Authorization Act for Fiscal Year 1994 (Pub-  
13 lic Law 103–160; 10 U.S.C. 2371 note) is amended  
14 by inserting a closed parenthesis after “41 U.S.C.  
15 414(3))”.

16           (3) Section 1123(b) of the National Defense  
17 Authorization Act for Fiscal Years 1990 and 1991  
18 (Public Law 101–189; 103 Stat. 1556) is amended  
19 by striking “Armed Forces Staff College” each place  
20 it appears and inserting “Joint Forces Staff Col-  
21 lege”.

22           (4) Section 1412(g)(2)(C)(vii) of the Depart-  
23 ment of Defense Authorization Act, 1986 (50 U.S.C.  
24 1521(g)(2)(C)(vii)) is amended by striking “(c)(3)”  
25 and inserting “(c)(4)”.

1           (5) Section 8336 of title 5, United States Code,  
2 is amended—

3           (A) in subsection (d)(2), by striking “sub-  
4 section (o)” and inserting “subsection (p)”; and

5           (B) by redesignating the second subsection  
6 (o), added by section 1152(a)(2) of the Floyd  
7 D. Spence National Defense Authorization Act  
8 for Fiscal Year 2001 (as enacted by Public Law  
9 106–398; 114 Stat. 1654A–320), as subsection  
10 (p).

11          (6) Section 9001(3) of title 5, United States  
12 Code, is amended by striking “and” at the end of  
13 subparagraph (A) and inserting “or”.

14          (7) Section 318(h)(3) of title 37, United States  
15 Code, is amended by striking “subsection (a)” and  
16 inserting “subsection (b)”.

17          (8) Section 3695(a)(5) of title 38, United  
18 States Code, is amended by striking “1610” and in-  
19 serting “1611”.

20          (9) Section 13(b) of the Peace Corps Act (22  
21 U.S.C. 2512(b)) is amended by striking “, subject to  
22 section 5532 of title 5, United States Code”.

23          (10) Section 127(g)(6) of the Trade Deficit Re-  
24 view Commission Act (19 U.S.C. 2213 note), as  
25 amended by section 311(b) of the Legislative Branch

1 Appropriations Act, 2000 (Public Law 106–57; 113  
2 Stat. 428), is amended—

3 (A) by striking “AUTHORITIES.—” and all  
4 that follows through “An individual” and in-  
5 serting “AUTHORITIES.—An individual”; and

6 (B) by striking subparagraph (B).

7 (11) Section 28 of the Atomic Energy Act of  
8 1954 (42 U.S.C. 2038) is amended in the last sen-  
9 tence by striking “, subject to” and all that follows  
10 through the period at the end and inserting a period.

11 (12) Section 3212 of the National Nuclear Se-  
12 curity Administration Act (50 U.S.C. 2402) is  
13 amended by redesignating the second subsection (e),  
14 added by section 3159(a) of the Floyd D. Spence  
15 National Defense Authorization Act for Fiscal Year  
16 2001 (as enacted by Public Law 106–398; 114 Stat.  
17 1654A–469), as subsection (f).

18 **SEC. 1047. LEASING OF NAVY SHIPS FOR UNIVERSITY NA-**  
19 **TIONAL OCEANOGRAPHIC LABORATORY SYS-**  
20 **TEM.**

21 Subsection (g) of section 2667 of title 10, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing new paragraph:

24 “(3) Paragraph (1) does not apply to a renewal or  
25 extension of a lease by the Secretary of the Navy with

1 a selected institution for operation of a ship within the  
2 University National Oceanographic Laboratory System if,  
3 under the lease, each of the following applies:

4           “(A) Use of the ship is restricted to federally  
5 supported research programs and to non-Federal  
6 uses under specific conditions with approval by the  
7 Secretary of the Navy.

8           “(B) Because of the anticipated value to the  
9 Navy of the oceanographic research and training  
10 that will result from the ship’s operation, no mone-  
11 tary lease payments are required from the lessee  
12 under the initial lease or under any renewal or ex-  
13 tension.

14           “(C) The lessee is required to maintain the ship  
15 in a good state of repair, readiness, and efficient op-  
16 erating condition, conform to all applicable regu-  
17 latory requirements, and assume full responsibility  
18 for the safety of the ship, its crew, and scientific  
19 personnel aboard.”.

20 **SEC. 1048. SENSE OF CONGRESS REGARDING CONTINUED**  
21 **UNITED STATES COMMITMENT TO RESTOR-**  
22 **ING LAFAYETTE ESCADRILLE MEMORIAL,**  
23 **MARNES LA-COGUETTE, FRANCE.**

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

1           (1) The Lafayette Escadrille, an aviation  
2 squadron within the French Lafayette Flying Corps,  
3 was formed April 16, 1916.

4           (2) The Lafayette Escadrille consisted of avi-  
5 ators from the United States who volunteered to  
6 fight for the people of France during World War I.

7           (3) 265 volunteers from the United States  
8 served in the Lafayette Flying Corps, completing  
9 3,000 combat sorties and amassing nearly 200 vic-  
10 tories.

11           (4) The Lafayette Escadrille won 4 Legions of  
12 Honor, 7 Medailles Militaires, and 31 citations, each  
13 with a Croix de Guerre.

14           (5) In 1918, command of the Lafayette Esca-  
15 drille was transferred to the United States, where  
16 the Lafayette Escadrille became the combat air force  
17 of the United States.

18           (6) In 1921, a Franco-American committee was  
19 organized to locate a final resting place for the 68  
20 United States aviators who lost their lives flying for  
21 France during World War I.

22           (7) The Lafayette Escadrille Memorial was  
23 dedicated on July 4, 1928, in honor of all United  
24 States aviators who flew for France during World  
25 War I.

1           (8) The Lafayette Escadrille Memorial Founda-  
2           tion, located in the United States and in France,  
3           was founded by Nelson Cromwell in 1930 and en-  
4           dowed with a \$1,500,000 trust for the maintenance  
5           and upkeep of the Lafayette Escadrille Memorial.

6           (9) Environmental conditions have contributed  
7           to structural damage to, and the overall degradation  
8           of, the Lafayette Escadrille Memorial, preventing  
9           the holding of memorial services inside the crypt.

10          (10) The French Government has pledged  
11          funds to support a restoration of the Lafayette Es-  
12          cadrille Memorial.

13          (11) The Lafayette Escadrille Memorial should  
14          be restored to its original beauty to honor all the  
15          United States aviators who flew for France during  
16          World War I and to demonstrate the respect of the  
17          United States for the sacrifices made by all Ameri-  
18          cans who have served our Nation and our allies.

19          (b) SENSE OF CONGRESS.—It is the sense of Con-  
20          gress that the United States should continue to honor its  
21          commitment to the United States aviators who lost their  
22          lives flying for France during World War I by appro-  
23          priating sufficient funds to restore the Lafayette Esca-  
24          drille Memorial in Marnes La-Coguette, France.

1 **SEC. 1049. DESIGNATION OF FIREFIGHTER ASSISTANCE**  
2 **PROGRAM IN HONOR OF FLOYD D. SPENCE, A**  
3 **FORMER MEMBER OF THE HOUSE OF REP-**  
4 **RESENTATIVES, AND SENSE OF CONGRESS**  
5 **ON NEED TO CONTINUE THE PROGRAM.**

6 (a) DESIGNATION.—Section 33(b)(2)(A) of the Fed-  
7 eral Fire Prevention and Control Act of 1974 (15 U.S.C.  
8 2229(b)(2)(A)) is amended—

9 (1) by inserting “AND DESIGNATION” after  
10 “ESTABLISHMENT”; and

11 (2) by adding at the end the following new sen-  
12 tence: “The program of firefighter assistance admin-  
13 istered by the Office shall be known as the ‘Floyd  
14 D. Spence Memorial Domestic Defenders Initia-  
15 tive’.”.

16 (b) SENSE OF CONGRESS.—The firefighters assist-  
17 ance grant program authorized by section 33 of the Fed-  
18 eral Fire Prevention and Control Act of 1974 (15 U.S.C.  
19 2229) is recognized as having served as an effective device  
20 in Congress’ ongoing effort to address the needs of Amer-  
21 ica’s fire service, and it is the sense of Congress that the  
22 program should be reauthorized for fiscal year 2003 and  
23 subsequent fiscal years at a higher level of funding.

1 **SEC. 1050. SENSE OF CONGRESS ON IMPLEMENTATION OF**  
2 **FUEL EFFICIENCY REFORMS IN DEPART-**  
3 **MENT OF DEFENSE.**

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

5 (1) The Federal Government is the largest sin-  
6 gle energy user in the United States, and the De-  
7 partment of Defense is the largest energy user  
8 among all Federal agencies.

9 (2) The Department of Defense consumed  
10 595,000,000,000,000 BTUs of petroleum in fiscal  
11 year 1999, while all other Federal agencies combined  
12 consumed 56,000,000,000,000 BTUs of petroleum.

13 (3) The total cost of petroleum to the Depart-  
14 ment of Defense amounted to \$3,600,000,000 in fis-  
15 cal year 2000.

16 (4) Increased fuel efficiency would reduce the  
17 cost of delivering fuel to military units during oper-  
18 ations and training and allow a corresponding per-  
19 centage of defense dollars to be reallocated to logis-  
20 tic shortages and other readiness needs.

21 (5) Increased fuel efficiency would decrease the  
22 time needed to assemble military units, would in-  
23 crease unit flexibility, and would allow units to re-  
24 main in the field for a longer period of time.

25 (b) SENSE OF CONGRESS.—It is the sense of Con-  
26 gress that the Secretary of Defense should work to imple-

1 ment fuel efficiency reforms, as recommended by the De-  
2 fense Science Board report, which allow for investment de-  
3 cisions based on the true cost of delivered fuel, strengthen  
4 the linkage between warfighting capability and fuel logis-  
5 ties requirements, provide high-level leadership encour-  
6 aging fuel efficiency, target fuel efficiency improvements  
7 through science and technology investment, and include  
8 fuel efficiency in requirements and acquisition processes.

9 **SEC. 1051. PLAN FOR SECURING RUSSIA'S NUCLEAR WEAP-**  
10 **ONS, MATERIAL, AND EXPERTISE.**

11 (a) PLAN FOR NONPROLIFERATION PROGRAMS WITH  
12 RUSSIA.—Not later than June 15, 2002, the President  
13 shall submit to Congress a plan—

14 (1) for cooperation with Russia on disposition  
15 as soon as practicable of nuclear weapons and weap-  
16 ons-usable nuclear material in Russia that Russia  
17 does not retain in its nuclear arsenal; and

18 (2) to prevent the outflow from Russia of sci-  
19 entific expertise that could be used for developing  
20 nuclear weapons or other weapons of mass destruc-  
21 tion, including delivery systems.

22 (b) CONTENT OF PLAN.—The plan required by sub-  
23 section (a) shall include the following:

24 (1) Specific goals and measurable objectives for  
25 the programs that are designed to carry out the ob-

1       jectives specified in paragraphs (1) and (2) of sub-  
2       section (a).

3           (2) Criteria for success for those programs and  
4       a strategy for eventual termination of United States  
5       contributions to those programs and assumption of  
6       the ongoing support of those programs by Russia.

7           (3) A description of any administrative and or-  
8       ganizational changes necessary to improve the co-  
9       ordination and effectiveness of the programs to be  
10      implemented under the plan.

11          (4) An estimate of the cost of carrying out  
12      those programs.

13      (c) CONSULTATION WITH RUSSIA.—In developing  
14      the plan required by subsection (a), the President shall  
15      consult with Russia regarding the practicality of various  
16      options.

17      (d) CONSULTATION WITH CONGRESS.—In developing  
18      the plan required by subsection (a), the President shall  
19      consult with the majority and minority leadership of the  
20      appropriate committees of Congress.

1 **SEC. 1052. TWO-YEAR EXTENSION OF ADVISORY PANEL TO**  
2 **ASSESS DOMESTIC RESPONSE CAPABILITIES**  
3 **FOR TERRORISM INVOLVING WEAPONS OF**  
4 **MASS DESTRUCTION.**

5 Section 1405 of the Strom Thurmond National De-  
6 fense Authorization Act for Fiscal Year 1999 (50 U.S.C.  
7 2301 note) is amended—

8 (1) in subsection (h)(2), by striking “2001”  
9 and inserting “2003”; and

10 (2) in subsection (l), by striking “three years”  
11 and inserting “five years”.

12 **SEC. 1053. ACTION TO PROMOTE NATIONAL DEFENSE FEA-**  
13 **TURES PROGRAM.**

14 (a) FINDINGS.—The Congress finds the following:

15 (1) The National Defense Features program,  
16 which is funded from the National Defense Sealift  
17 Fund established by section 2218 of title 10, United  
18 States Code, is a constituent element of the defense  
19 policy of the United States intended to provide es-  
20 sential sealift capacity in emergencies, strengthen  
21 the national shipbuilding base, and maintain a re-  
22 source of highly trained merchant seamen.

23 (2) Implementation of the National Defense  
24 Features program would provide significant benefits  
25 both for the United States and for allied nations  
26 during military contingencies.

1           (3) For the United States and nations allied  
2           with the United States to realize these benefits, it is  
3           essential that vessels built under that program enjoy  
4           commercial opportunities in peacetime on trade  
5           routes between the United States and allied nations  
6           and that those vessels not be excluded from such op-  
7           portunities through restrictive trade practices.

8           (4) The failure of vessels built, or to be built,  
9           under the National Defense Features program to ob-  
10          tain employment as common carriers or contract  
11          carriers in the particular sector of any trade route  
12          in the foreign commerce of the United States for  
13          which they are designed to operate, together with  
14          long-term domination of that sector of the trade  
15          route by citizens of an allied nation, evidences the  
16          existence of restrictive trade practices.

17          (b) ACTION TO PROMOTE PROGRAM.—In any case in  
18          which the Secretary of Defense finds the existence of the  
19          conditions determined by subsection (a)(4) to prove the  
20          existence of restrictive trade practices, the Secretary shall  
21          certify the case to the Federal Maritime Commission,  
22          which thereupon, in consultation with the Secretary, shall  
23          take action to counteract such practices, utilizing all rem-  
24          edies available under section 10002(e)(1) of the Foreign  
25          Shipping Practices Act of 1988 (46 U.S.C. App. 1710a).

1 **SEC. 1054. AMENDMENTS RELATING TO COMMISSION ON**  
2 **THE FUTURE OF THE UNITED STATES AERO-**  
3 **SPACE INDUSTRY.**

4 (a) DEADLINE FOR REPORT.—Subsection (d)(1) of  
5 section 1092 of the Floyd D. Spence National Defense Au-  
6 thorization Act for Fiscal Year 2001 (as enacted into law  
7 by Public Law 106–398; 114 Stat. 1654A–302) is amend-  
8 ed by striking “March 1, 2002” and inserting “one year  
9 after the date of the first official meeting of the Commis-  
10 sion”.

11 (b) TERMINATION OF COMMISSION.—Subsection (g)  
12 of such section is amended by striking “30 days” and in-  
13 serting “60 days”.

14 **SEC. 1055. AUTHORITY TO ACCEPT MONETARY CONTRIBU-**  
15 **TIONS FOR REPAIR AND RECONSTRUCTION**  
16 **OF PENTAGON RESERVATION.**

17 Section 2674(e) of title 10, United States Code, is  
18 amended—

19 (1) by redesignating paragraph (2) as para-  
20 graph (3);

21 (2) by inserting after paragraph (1) the fol-  
22 lowing new paragraph:

23 “(2) The Secretary of Defense may accept monetary  
24 contributions made for the purpose of assisting to finance  
25 the repair and reconstruction of the Pentagon Reservation  
26 following the terrorist attack that occurred on September

1 11, 2001. The Secretary shall deposit such contributions  
2 in the Fund.”; and

3 (3) in paragraph (3), as redesignated, by insert-  
4 ing at the end the following new sentence: “How-  
5 ever, contributions accepted under paragraph (2)  
6 shall be available for expenditure only for the pur-  
7 pose specified in such paragraph.”.

## 8 **TITLE XI—CIVILIAN PERSONNEL**

### 9 **SEC. 1101. UNDERGRADUATE TRAINING PROGRAM FOR EM-** 10 **PLOYEES OF THE NATIONAL IMAGERY AND** 11 **MAPPING AGENCY.**

12 (a) **AUTHORITY TO CARRY OUT TRAINING PRO-**  
13 **GRAM.**—Subchapter III of chapter 22 of title 10, United  
14 States Code, is amended by adding at the end the fol-  
15 lowing new section:

#### 16 **“§ 462. Undergraduate training program**

17 “(a) **AUTHORITY TO CARRY OUT PROGRAM.**—The  
18 Secretary of Defense may authorize the Director of the  
19 National Imagery and Mapping Agency to establish an un-  
20 dergraduate training program under which civilian em-  
21 ployees of the National Imagery and Mapping Agency may  
22 be assigned as students at accredited professional, tech-  
23 nical, and other institutions of higher learning for training  
24 at the undergraduate level in skills critical to effective per-  
25 formance of the mission of the National Imagery and

1 Mapping Agency. Such training may lead to the award  
2 of a baccalaureate degree.

3 “(b) PURPOSE.—The purpose of the program author-  
4 ized by subsection (a) is to facilitate the recruitment of  
5 individuals, particularly minority high school students,  
6 with a demonstrated capability to develop skills critical to  
7 the mission of the National Imagery and Mapping Agency,  
8 including skills in mathematics, computer science, engi-  
9 neering, and foreign languages.

10 “(c) REQUIREMENTS.—(1) To be eligible for assign-  
11 ment under subsection (a), an employee of the National  
12 Imagery and Mapping Agency must agree in writing—

13 “(A) to continue in the service of the National  
14 Imagery and Mapping Agency for the period of the  
15 assignment and to complete the educational course  
16 of training for which the employee is assigned;

17 “(B) to continue in the service of the National  
18 Imagery and Mapping Agency following completion  
19 of the assignment for a period of one-and-a-half  
20 years for each year of the assignment or part there-  
21 of;

22 “(C) to reimburse the United States for the  
23 total cost of education (excluding the employee’s pay  
24 and allowances) provided under this section to the  
25 employee if, before the employee’s completing the

1 educational course of training for which the em-  
2 ployee is assigned, the assignment or the employee's  
3 employment with the National Imagery and Mapping  
4 Agency is terminated either by the National Imagery  
5 and Mapping Agency due to misconduct by the em-  
6 ployee or by the employee voluntarily; and

7       “(D) to reimburse the United States if, after  
8 completing the educational course of training for  
9 which the employee is assigned, the employee's em-  
10 ployment with the National Imagery and Mapping  
11 Agency is terminated either by the National Imagery  
12 and Mapping Agency due to misconduct by the em-  
13 ployee or by the employee voluntarily, before the em-  
14 ployee's completion of the service obligation period  
15 described in subparagraph (B), in an amount that  
16 bears the same ratio to the total cost of the edu-  
17 cation (excluding the employee's pay and allowances)  
18 provided to the employee as the unserved portion of  
19 the service obligation period described in subpara-  
20 graph (B) bears to the total period of the service ob-  
21 ligation described in subparagraph (B).

22       “(2) Subject to paragraph (3), the obligation to reim-  
23 burse the United States under an agreement described in  
24 paragraph (1), including interest due on such obligation,  
25 is for all purposes a debt owing the United States.

1       “(3)(A) A discharge in bankruptcy under title 11,  
2 United States Code, shall not release a person from an  
3 obligation to reimburse the United States required under  
4 an agreement described in paragraph (1) if the final de-  
5 cree of the discharge in bankruptcy is issued within five  
6 years after the last day of the combined period of service  
7 obligation described in subparagraphs (A) and (B) of  
8 paragraph (1).

9       “(B) The Secretary of Defense may release a person,  
10 in whole or in part, from the obligation to reimburse the  
11 United States under an agreement described in paragraph  
12 (1) when, in his discretion, the Secretary determines that  
13 equity or the interests of the United States so require.

14       “(C) The Secretary of Defense shall permit an em-  
15 ployee assigned under this section who, before com-  
16 mencing a second academic year of such assignment, vol-  
17 untarily terminates the assignment or the employee’s em-  
18 ployment with the National Imagery and Mapping Agency,  
19 to satisfy his obligation under an agreement described in  
20 paragraph (1) by reimbursing the United States according  
21 to a schedule of monthly payments which results in com-  
22 pletion of reimbursement by a date five years after the  
23 date of termination of the assignment or employment or  
24 earlier at the option of the employee.

1       “(d) DISCLOSURE REQUIRED.—(1) When an em-  
2 ployee is assigned under this section to an institution, the  
3 Secretary shall disclose to the institution to which the em-  
4 ployee is assigned that the National Imagery and Mapping  
5 Agency employs the employee and that the National Im-  
6 agery and Mapping Agency funds the employee’s edu-  
7 cation.

8       “(2) Efforts by the Secretary to recruit individuals  
9 at educational institutions for participation in the under-  
10 graduate training program established by this section shall  
11 be made openly and according to the common practices  
12 of universities and employers recruiting at such institu-  
13 tions.

14       “(e) APPROPRIATION OF FUNDS REQUIRED.—The  
15 Secretary may pay, directly or by reimbursement to em-  
16 ployees, expenses incident to assignments under sub-  
17 section (a), in any fiscal year only to the extent that ap-  
18 propriated funds are available for such purpose.

19       “(f) INAPPLICABILITY OF CERTAIN LAWS.—Chapter  
20 41 of title 5 and subsections (a) and (b) of section 3324  
21 of title 31 shall not apply with respect to this section.

22       “(g) REGULATIONS.—The Secretary of Defense may  
23 prescribe such regulations as may be necessary to imple-  
24 ment this section.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of such subchapter is amended by adding  
3 at the end the following new item:

“462. Undergraduate training program.”.

4 **SEC. 1102. PILOT PROGRAM FOR PAYMENT OF RETRAINING**  
5 **EXPENSES.**

6 (a) AUTHORITY TO CARRY OUT PILOT PROGRAM.—

7 (1) The Secretary of Defense may establish a pilot pro-  
8 gram to facilitate the reemployment of eligible employees  
9 of the Department of Defense who are involuntarily sepa-  
10 rated due to a reduction in force, relocation as a result  
11 of a transfer of function, realignment, or change of duty  
12 station. Under the pilot program, the Secretary may pay  
13 retraining incentives to encourage non-Federal employers  
14 to hire and retain such eligible employees.

15 (2) Under the pilot program, the Secretary may enter  
16 into an agreement with a non-Federal employer under  
17 which the employer agrees—

18 (A) to employ an eligible employee for at least  
19 12 months at a salary that is mutually agreeable to  
20 the employer and the eligible employee; and

21 (B) to certify to the Secretary the amount of  
22 costs incurred by the employer for any necessary  
23 training (as defined by the Secretary) provided to  
24 such eligible employee in connection with the em-  
25 ployment.

1           (3) The Secretary may pay a retraining incentive to  
2 the non-Federal employer upon the employee's completion  
3 of 12 months of continuous employment with that em-  
4 ployer. The Secretary shall determine the amount of the  
5 incentive, except that in no event may such amount exceed  
6 the amount certified with respect to such eligible employee  
7 under paragraph (2)(A), or \$10,000, whichever is greater.

8           (4) In a case in which an eligible employee does not  
9 remain employed by the non-Federal employer for at least  
10 12 months, the Secretary may pay to the employer a pro-  
11 rated amount of what would have been the full retraining  
12 incentive if the eligible employee had remained employed  
13 for such 12-month period.

14           (b) ELIGIBLE EMPLOYEES.—For purposes of this  
15 section, an eligible employee is an employee of the Depart-  
16 ment of Defense, serving under an appointment without  
17 time limitation, who has been employed by the Depart-  
18 ment for a continuous period of at least 12 months and  
19 who has been given notice of separation pursuant to a re-  
20 duction in force, relocation as a result of a transfer of  
21 function, realignment, or change of duty station, except  
22 that such term does not include—

23                   (1) a reemployed annuitant under the retire-  
24 ment systems described in subchapter III of chapter  
25 83 of title 5, United States Code, or chapter 84 of

1 such title, or another retirement system for employ-  
2 ees of the Federal Government;

3 (2) an employee who, upon separation from  
4 Federal service, is eligible for an immediate annuity  
5 under subchapter III of chapter 83 of such title, or  
6 subchapter II of chapter 84 of such title; or

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

10 (c) DURATION.—No incentive may be paid under the  
11 pilot program for training commenced after September 30,  
12 2005.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “non-Federal employer” means  
15 an employer that is not an Executive agency, as de-  
16 fined in section 105 of title 5, United States Code,  
17 or an entity in the legislative or judicial branch of  
18 the Federal Government.

19 (2) The term “reduction in force” has the  
20 meaning of that term as used in chapter 35 of such  
21 title 5.

22 (3) The term “realignment” has the meaning  
23 given that term in section 2910 of the Defense Base  
24 Closure and Realignment Act of 1990 (title XXIX of  
25 Public Law 101–510; 10 U.S.C. 2687 note).

1 **SEC. 1103. PAYMENT OF EXPENSES TO OBTAIN PROFES-**  
2 **SIONAL CREDENTIALS.**

3 (a) IN GENERAL.—Chapter 57 of title 5, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing new section:

6 **“§ 5757. Payment of expenses to obtain professional**  
7 **credentials**

8 “(a) An agency may use appropriated funds or funds  
9 otherwise available to the agency to pay for—

10 “(1) expenses for employees to obtain profes-  
11 sional credentials, including expenses for profes-  
12 sional accreditation, State-imposed and professional  
13 licenses, and professional certification; and

14 “(2) examinations to obtain such credentials.

15 “(b) The authority under subsection (a) may not be  
16 exercised on behalf of any employee occupying or seeking  
17 to qualify for appointment to any position that is excepted  
18 from the competitive service because of the confidential,  
19 policy-determining, policy-making, or policy-advocating  
20 character of the position.”.

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

“5757. Payment of expenses to obtain professional credentials.”.

1 **SEC. 1104. RETIREMENT PORTABILITY ELECTIONS FOR**  
2 **CERTAIN DEPARTMENT OF DEFENSE AND**  
3 **COAST GUARD EMPLOYEES.**

4 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section  
5 8347(q) of title 5, United States Code, is amended—

6 (1) in paragraph (1)(B), by striking “has 5 or  
7 more years of civilian service creditable under” and  
8 inserting “is employed subject to”; and

9 (2) in paragraph (2)(B)—

10 (A) by striking “vested”; and

11 (B) by striking “, as the term ‘vested par-  
12 ticipant’ is defined by such system”.

13 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—  
14 Section 8461(n) of such title is amended—

15 (1) in paragraph (1)(B), by striking “has 5 or  
16 more years of civilian service creditable under” and  
17 inserting “is employed subject to”; and

18 (2) in paragraph (2)(B)—

19 (A) by striking “vested”; and

20 (B) by striking “, as the term ‘vested par-  
21 ticipant’ is defined by such system”.

1 **SEC. 1105. REMOVAL OF REQUIREMENT THAT GRANTING**  
2 **CIVIL SERVICE COMPENSATORY TIME BE**  
3 **BASED ON AMOUNT OF IRREGULAR OR OCCA-**  
4 **SIONAL OVERTIME WORK.**

5 Section 5543 of title 5, United States Code, is  
6 amended by striking “irregular or occasional” in each  
7 place such words appear.

8 **SEC. 1106. APPLICABILITY OF CERTAIN LAWS TO CERTAIN**  
9 **INDIVIDUALS ASSIGNED TO WORK IN THE**  
10 **FEDERAL GOVERNMENT.**

11 Section 3374(c)(2) of title 5, United States Code, is  
12 amended by inserting “the Ethics in Government Act of  
13 1978, section 1043 of the Internal Revenue Code of 1986,  
14 section 27 of the Office of Federal Procurement Policy  
15 Act,” after “chapter 73 of this title,”.

16 **SEC. 1107. LIMITATION ON PREMIUM PAY.**

17 Section 5547 of title 5, United States Code, is  
18 amended—

19 (1) by striking subsections (a) and (b) and in-  
20 serting the following new subsections:

21 “(a) An employee may be paid premium pay under  
22 sections 5542, 5545 (a), (b), and (c), 5545a, and 5546  
23 (a) and (b) of this title only to the extent that the aggre-  
24 gate of such employee’s basic pay and premium pay under  
25 those provisions would, in any calendar year, exceed the

1 maximum rate payable for GS-15 in effect at the end of  
2 such calendar year.

3 “(b) Subsection (a) shall not apply to any employee  
4 of the Federal Aviation Administration or the Department  
5 of Defense who is paid premium pay under section 5546a  
6 of this title.”; and

7 (2) in subsection (c)—

8 (A) in paragraph (1), by striking “Sub-  
9 sections (a) and (b)” and inserting “Subsection  
10 (a)”; and

11 (B) in paragraph (2), by striking “pay pe-  
12 riod” and inserting “calendar year”.

13 **SEC. 1108. USE OF COMMON OCCUPATIONAL AND HEALTH**  
14 **STANDARDS AS A BASIS FOR DIFFERENTIAL**  
15 **PAYMENTS MADE AS A CONSEQUENCE OF EX-**  
16 **POSURE TO ASBESTOS.**

17 (a) **PREVAILING RATE SYSTEMS.**—Section  
18 5343(c)(4) of title 5, United States Code, is amended by  
19 inserting before the semicolon the following: “(and for any  
20 hardship or hazard related to asbestos, such differentials  
21 shall be determined by applying occupational safety and  
22 health standards consistent with the permissible exposure  
23 limit promulgated by the Secretary of Labor under the  
24 Occupational Safety and Health Act of 1970)”.

1 (b) GENERAL SCHEDULE PAY RATES.—The first  
2 sentence of section 5545(d) of such title is amended by  
3 inserting before the period the following: “(and for any  
4 hardship or hazard related to asbestos, such differentials  
5 shall be determined by applying occupational safety and  
6 health standards consistent with the permissible exposure  
7 limit promulgated by the Secretary of Labor under the  
8 Occupational Safety and Health Act of 1970)”.

9 (c) APPLICABILITY.—Any administrative or judicial  
10 determination made after the date of the enactment of this  
11 Act concerning differential back payments related to as-  
12 bestos under section 5343(c)(4) or 5545(d) of such title  
13 shall be based on the occupational safety and health stand-  
14 ards described in such section, respectively.

15 **SEC. 1109. AUTHORITY FOR DESIGNATED CIVILIAN EM-**  
16 **PLOYEES ABROAD TO ACT AS A NOTARY.**

17 (a) IN GENERAL.—Paragraph (4) of section  
18 1044a(b) of title 10, United States Code, is amended—

19 (1) by inserting “and, when outside the United  
20 States, all civilian employees of the Department of  
21 Defense,” after “duty status,”; and

22 (2) by inserting “or the Department of De-  
23 fense” before “or by statute”.

24 (b) CLARIFICATION OF STATUS OF CIVILIAN ATTOR-  
25 NEYS ACTING AS A NOTARY.—Paragraph (2) of such sec-

1 tion is amended by striking “legal assistance officers” and  
 2 inserting “legal assistance attorneys”.

3 **SEC. 1110. “MONRONEY AMENDMENT” RESTORED TO ITS**  
 4 **PRIOR FORM.**

5 Paragraph (2) of section 5343(d) of title 5, United  
 6 States Code, is amended to read as such paragraph last  
 7 read before the enactment of section 1242 of the Depart-  
 8 ment of Defense Authorization Act, 1986 (Public Law 99–  
 9 145; 99 Stat. 735).

10 **TITLE XII—MATTERS RELATING**  
 11 **TO FOREIGN NATIONS**

12 **SEC. 1201. CLARIFICATION OF AUTHORITY TO FURNISH NU-**  
 13 **CLEAR TEST MONITORING EQUIPMENT TO**  
 14 **FOREIGN GOVERNMENTS.**

15 Section 2565 of title 10, United States Code, as re-  
 16 designated by section 1047(a)(25), is amended—

17 (1) in subsection (a)—

18 (A) by striking “CONVEY OR” in the sub-  
 19 section heading and inserting “TRANSFER  
 20 TITLE TO OR OTHERWISE”;

21 (B) in paragraph (1)—

22 (i) by striking “convey” and inserting  
 23 “transfer title”; and

24 (ii) by striking “and” after “equip-  
 25 ment;”;

1 (C) by striking the period at the end of  
2 paragraph (2) and inserting “; and”; and

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

5 “(3) inspect, test, maintain, repair, or replace  
6 any such equipment.”; and

7 (2) in subsection (b)—

8 (A) by striking “conveyed or otherwise pro-  
9 vided” and inserting “provided to a foreign gov-  
10 ernment”;

11 (B) by inserting “and” at the end of para-  
12 graph (1);

13 (C) by striking “; and” at the end of para-  
14 graph (2) and inserting a period; and

15 (D) by striking paragraph (3).

16 **SEC. 1202. ACQUISITION OF LOGISTICAL SUPPORT FOR SE-**  
17 **CURITY FORCES.**

18 Section 5 of the Multinational Force and Observers  
19 Participation Resolution (22 U.S.C. 3424) is amended by  
20 adding at the end the following new subsection:

21 “(d)(1) The United States may use contractors to  
22 provide logistical support to the Multinational Force and  
23 Observers under this section in lieu of providing such sup-  
24 port through a logistical support unit comprised of mem-  
25 bers of the United States Armed Forces.

1       “(2) Notwithstanding subsections (a) and (b) and  
2 section 7(b), support by a contractor under this subsection  
3 may be provided without reimbursement, whenever the  
4 President determines that such action enhances or sup-  
5 ports the national security interests of the United  
6 States.”.

7 **SEC. 1203. REPORT ON THE SALE AND TRANSFER OF MILI-**  
8 **TARY HARDWARE, EXPERTISE, AND TECH-**  
9 **NOLOGY FROM STATES OF THE FORMER SO-**  
10 **VIET UNION TO THE PEOPLE’S REPUBLIC OF**  
11 **CHINA.**

12       Section 1202 of the National Defense Authorization  
13 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
14 781; 10 U.S.C. 113 note) is amended by adding at the  
15 end the following new subsection:

16       “(d) REPORT ON SALES AND TRANSFERS FROM  
17 STATES OF THE FORMER SOVIET UNION TO CHINA.—(1)  
18 The report to be submitted under this section not later  
19 than March 1, 2002, shall include in a separate section  
20 a report describing the sales and transfer of military hard-  
21 ware, expertise, and technology from states of the former  
22 Soviet Union to the People’s Republic of China. The re-  
23 port shall set forth the history of such sales and transfers  
24 since 1990, forecast possible future sales and transfers,  
25 and address the implications of those sales and transfers

1 for the security of the United States and its friends and  
2 allies in Asia.

3 “(2) The report shall include analysis and forecasts  
4 of the following matters related to military cooperation be-  
5 tween states of the former Soviet Union and the People’s  
6 Republic of China:

7 “(A) The policy of each of those states with re-  
8 spect to arms sales to, and military cooperation  
9 with, the People’s Republic of China.

10 “(B) Any laws or regulations of those states  
11 that could prohibit or limit such sales or coopera-  
12 tion.

13 “(C) The extent in each of those states of gov-  
14 ernment knowledge, cooperation, or condoning of  
15 sales or transfers of military hardware, expertise, or  
16 technology to the People’s Republic of China.

17 “(D) An itemization of sales or transfers of  
18 military hardware, expertise, or technology from any  
19 of those states to the People’s Republic of China  
20 that have taken place since 1990, with a particular  
21 focus on command, control, communications, and in-  
22 telligence systems.

23 “(E) A description of any sale or transfer of  
24 military hardware, expertise, or technology from any  
25 of those states to the People’s Republic of China

1 that is currently under negotiation or contemplation  
2 through the end of 2005.

3 “(F) Identification of Chinese defense indus-  
4 tries in which technicians from states of the former  
5 Soviet Union are working and of defense industries  
6 of those states in which Chinese technicians are  
7 working and a description in each case of the extent  
8 and the nature of the work performed by such tech-  
9 nicians.

10 “(G) The extent of assistance by any of those  
11 states to key research and development programs of  
12 China, including programs for development of weap-  
13 ons of mass destruction and delivery vehicles for  
14 such weapons, programs for development of ad-  
15 vanced conventional weapons, and programs for de-  
16 velopment of unconventional weapons.

17 “(H) The extent of assistance by any of those  
18 states to information warfare or electronic warfare  
19 programs of China.

20 “(I) The extent of assistance by any of those  
21 states to manned and unmanned space operations of  
22 China.

23 “(J) The extent to which arms sales by any of  
24 those states to the People’s Republic of China are a

1 source of funds for military research and develop-  
2 ment or procurement programs in the selling state.

3 “(3) The report under paragraph (1) shall include,  
4 with respect to each area of analysis and forecasts speci-  
5 fied in paragraph (2)—

6 “(A) an assessment of the military effects of  
7 such sales or transfers to entities in the People’s Re-  
8 public of China;

9 “(B) an assessment of the ability of the Peo-  
10 ple’s Liberation Army to assimilate such sales or  
11 transfers, mass produce new equipment, or develop  
12 doctrine for use; and

13 “(C) the potential threat of developments re-  
14 lated to such effects on the security interests of the  
15 United States and its friends and allies in Asia.”.

16 **SEC. 1204. LIMITATION ON FUNDING FOR JOINT DATA EX-**  
17 **CHANGE CENTER.**

18 (a) **LIMITATION.**—Funds made available to the De-  
19 partment of Defense for fiscal year 2002 may not be obli-  
20 gated or expended for any activity associated with the  
21 Joint Data Exchange Center in Moscow, Russia, until—

22 (1) the United States and the Russian Federa-  
23 tion enter into a cost-sharing agreement as described  
24 in subsection (d) of section 1231 of the Floyd D.  
25 Spence National Defense Authorization Act for Fis-

1 cal Year 2001, as enacted into law by Public Law  
2 106-398 (114 Stat. 1654A–329);

3 (2) the United States and the Russian Federa-  
4 tion enter into an agreement or agreements exempt-  
5 ing the United States and any United States person  
6 from Russian taxes, and from liability under Rus-  
7 sian laws, with respect to activities associated with  
8 the Joint Data Exchange Center;

9 (3) the Secretary of Defense submits to the  
10 Committee on Armed Services of the Senate and the  
11 Committee on Armed Services of the House of Rep-  
12 resentatives a copy of each agreement referred to in  
13 paragraphs (1) and (2); and

14 (4) a period of 30 days has expired after the  
15 date of the final submission under paragraph (3).

16 (b) JOINT DATA EXCHANGE CENTER.—For purposes  
17 of this section, the term “Joint Data Exchange Center”  
18 means the United States-Russian Federation joint center  
19 for the exchange of data to provide early warning of  
20 launches of ballistic missiles and for notification of such  
21 launches that is provided for in a joint United States-Rus-  
22 sian Federation memorandum of agreement signed in  
23 Moscow in June 2000.

1 **SEC. 1205. EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**  
2 **ANCE UNDER WEAPONS OF MASS DESTRUC-**  
3 **TION ACT FOR SUPPORT OF UNITED NA-**  
4 **TIONS-SPONSORED EFFORTS TO INSPECT**  
5 **AND MONITOR IRAQI WEAPONS ACTIVITIES.**

6 (a) **LIMITATION ON AMOUNT OF ASSISTANCE IN FIS-**  
7 **CAL YEAR 2002.**—The total amount of the assistance for  
8 fiscal year 2002 that is provided by the Secretary of De-  
9 fense under section 1505 of the Weapons of Mass Destruc-  
10 tion Control Act of 1992 (22 U.S.C. 5859a) as activities  
11 of the Department of Defense in support of activities  
12 under that Act may not exceed \$15,000,000. Such assist-  
13 ance may be provided for fiscal year 2002 only to support  
14 activities of an organization established for the purpose  
15 of (or otherwise given the mission of providing) a com-  
16 prehensive accounting for all items, facilities, and capabili-  
17 ties in Iraq related to weapons of mass destruction.

18 (b) **EXTENSION OF AUTHORITY TO PROVIDE ASSIST-**  
19 **ANCE.**—Subsection (f) of section 1505 of the Weapons of  
20 Mass Destruction Control Act of 1992 (22 U.S.C. 5859a)  
21 is amended by striking “2001” and inserting “2002”.

22 (c) **CHANGE OF QUARTERLY REPORT REQUIREMENT**  
23 **TO ANNUAL REPORT.**—(1) Subsection (e)(1) of such sec-  
24 tion is amended—

25 (A) by striking “quarter of a” in the first sen-  
26 tence; and

1 (B) by striking “(for the preceding quarter and  
2 cumulatively)” and inserting “for the preceding fis-  
3 cal year”.

4 (2) The amendments made by subsection (a) shall  
5 take effect on November 1, 2001, or the date of the enact-  
6 ment of this Act, whichever is later.

7 **SEC. 1206. REPEAL OF REQUIREMENT FOR REPORTING TO**  
8 **CONGRESS ON MILITARY DEPLOYMENTS TO**  
9 **HAITI.**

10 Section 1232(b) of the National Defense Authoriza-  
11 tion Act for Fiscal Year 2000 (Public Law 106–65; 113  
12 Stat. 788) is repealed.

13 **SEC. 1207. REPORT BY COMPTROLLER GENERAL ON PROVI-**  
14 **SION OF DEFENSE ARTICLES, SERVICES, AND**  
15 **MILITARY EDUCATION AND TRAINING TO**  
16 **FOREIGN COUNTRIES AND INTERNATIONAL**  
17 **ORGANIZATIONS.**

18 (a) STUDY.—The Comptroller General shall conduct  
19 a study of the following:

20 (1) The benefits derived by each foreign coun-  
21 try or international organization from the receipt of  
22 defense articles, defense services, or military edu-  
23 cation and training provided after December 31,  
24 1989, pursuant to the drawdown of such articles,  
25 services, or education and training from the stocks

1 of the Department of Defense under section 506,  
2 516, or 552 of the Foreign Assistance Act of 1961  
3 (22 U.S.C. 2318, 2321j, or 2348a) or any other pro-  
4 vision of law.

5 (2) Any benefits derived by the United States  
6 from the provision of defense articles, defense serv-  
7 ices, and military education and training described  
8 in paragraph (1).

9 (3) The affect on the readiness of the Armed  
10 Forces as a result of the provision by the United  
11 States of defense articles, defense services, and mili-  
12 tary education and training described in paragraph  
13 (1).

14 (4) The cost to the Department of Defense with  
15 respect to the provision of defense articles, defense  
16 services, and military education and training de-  
17 scribed in paragraph (1).

18 (b) REPORTS.—(1) Not later than April 15, 2002,  
19 the Comptroller General shall submit to Congress an in-  
20 terim report containing the results to that date of the  
21 study conducted under subsection (a).

22 (2) Not later than August 1, 2002, the Comptroller  
23 General shall submit to Congress a final report containing  
24 the results of the study conducted under subsection (a).

1 **SEC. 1208. LIMITATION ON NUMBER OF MILITARY PER-**  
2 **SONNEL IN COLOMBIA.**

3 (a) **LIMITATION.**—None of the funds available to the  
4 Department of Defense may be used to support or main-  
5 tain more than 500 members of the Armed Forces on duty  
6 in the Republic of Colombia at any time.

7 (b) **EXCEPTIONS.**—There shall be excluded from  
8 counting for the purposes of the limitation in subsection  
9 (a) the following:

10 (1) A member of the Armed Forces in the Re-  
11 public of Colombia for the purpose of rescuing or re-  
12 trieving United States military or civilian Govern-  
13 ment personnel, except that the period for which  
14 such a member may be so excluded may not exceed  
15 30 days unless expressly authorized by law.

16 (2) A member of the Armed Forces assigned to  
17 the United States Embassy in Colombia as an  
18 attaché, as a member of the security assistance of-  
19 fice, or as a member of the Marine Corps security  
20 contingent.

21 (3) A member of the Armed Forces in Colombia  
22 to participate in relief efforts in responding to a nat-  
23 ural disaster.

24 (4) Nonoperational transient military personnel.

1 **SEC. 1209. AUTHORITY FOR EMPLOYEES OF FEDERAL GOV-**  
2 **ERNMENT CONTRACTORS TO ACCOMPANY**  
3 **CHEMICAL WEAPONS INSPECTION TEAMS AT**  
4 **GOVERNMENT-OWNED FACILITIES.**

5 (a) **AUTHORITY TO CONDUCT INSPECTIONS.**—Sec-  
6 tion 303 of the Chemical Weapons Convention Implemen-  
7 tation Act of 1998 (as contained in Public Law 105–277;  
8 112 Stat. 2681–873; 22 U.S.C. 6723) is amended in sub-  
9 section (b)(2) by inserting “(and in the case of inspection  
10 of Federal Government-owned facilities, such designation  
11 may include employees of a contractor with the Federal  
12 Government)” after “Federal Government”.

13 (b) **PROCEDURES FOR INSPECTIONS.**—Section 304  
14 of such Act (22 U.S.C. 6724) is amended in subsection  
15 (c) by inserting “or contractor with the Federal Govern-  
16 ment” after “Federal Government”.

17 **TITLE XIII—COOPERATIVE**  
18 **THREAT REDUCTION WITH**  
19 **STATES OF THE FORMER SO-**  
20 **VIET UNION**

21 **SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT RE-**  
22 **DUCTION PROGRAMS AND FUNDS.**

23 (a) **SPECIFICATION OF CTR PROGRAMS.**—For pur-  
24 poses of section 301 and other provisions of this Act, Co-  
25 operative Threat Reduction programs are the programs  
26 specified in section 1501(b) of the National Defense Au-

1 thORIZATION Act for Fiscal Year 1997 (Public Law 104–  
2 201; 110 Stat. 2731; 50 U.S.C. 2362 note).

3 (b) FISCAL YEAR 2002 COOPERATIVE THREAT RE-  
4 Duction FUNDS DEFINED.—As used in this title, the  
5 term “fiscal year 2002 Cooperative Threat Reduction  
6 funds” means the funds appropriated pursuant to the au-  
7 thorization of appropriations in section 301 for Coopera-  
8 tive Threat Reduction programs.

9 (c) AVAILABILITY OF FUNDS.—Funds appropriated  
10 pursuant to the authorization of appropriations in section  
11 301 for Cooperative Threat Reduction programs shall be  
12 available for obligation for three fiscal years.

13 **SEC. 1302. FUNDING ALLOCATIONS.**

14 (a) FUNDING FOR SPECIFIC PURPOSES.—Of the  
15 \$403,000,000 authorized to be appropriated to the De-  
16 partment of Defense for fiscal year 2002 in section  
17 301(23) for Cooperative Threat Reduction programs, not  
18 more than the following amounts may be obligated for the  
19 purposes specified:

20 (1) For strategic offensive arms elimination in  
21 Russia, \$133,400,000.

22 (2) For strategic nuclear arms elimination in  
23 Ukraine, \$51,500,000.

24 (3) For nuclear weapons transportation security  
25 in Russia, \$9,500,000.

1           (4) For nuclear weapons storage security in  
2           Russia, \$56,000,000.

3           (5) For biological weapons proliferation preven-  
4           tion activities in the former Soviet Union,  
5           \$17,000,000.

6           (6) For activities designated as Other Assess-  
7           ments/Administrative Support, \$13,200,000.

8           (7) For defense and military contacts,  
9           \$18,700,000.

10          (8) For activities related to the construction of  
11          a chemical weapons destruction facility in Russia,  
12          \$35,000,000.

13          (9) For elimination of chemical weapons pro-  
14          duction facilities in Russia, \$15,000,000.

15          (10) For weapons of mass destruction infra-  
16          structure elimination activities in Kazakhstan,  
17          \$6,000,000.

18          (11) For weapons of mass destruction infra-  
19          structure elimination activities in Ukraine,  
20          \$6,000,000.

21          (12) For activities to assist Russia in the elimi-  
22          nation of plutonium production reactors,  
23          \$41,700,000.

24          (b) REPORT ON OBLIGATION OR EXPENDITURE OF  
25          FUNDS FOR OTHER PURPOSES.—No fiscal year 2002 Co-

1 operative Threat Reduction funds may be obligated or ex-  
2 pended for a purpose other than a purpose listed in para-  
3 graphs (1) through (12) of subsection (a) until 30 days  
4 after the date that the Secretary of Defense submits to  
5 Congress a report on the purpose for which the funds will  
6 be obligated or expended and the amount of funds to be  
7 obligated or expended. Nothing in the preceding sentence  
8 shall be construed as authorizing the obligation or expend-  
9 iture of fiscal year 2002 Cooperative Threat Reduction  
10 funds for a purpose for which the obligation or expendi-  
11 ture of such funds is specifically prohibited under this title  
12 or any other provision of law.

13 (c) LIMITED AUTHORITY TO VARY INDIVIDUAL  
14 AMOUNTS.—(1) Subject to paragraphs (2) and (3), in any  
15 case in which the Secretary of Defense determines that  
16 it is necessary to do so in the national interest, the Sec-  
17 retary may obligate amounts appropriated for fiscal year  
18 2002 for a purpose listed in any of the paragraphs in sub-  
19 section (a) in excess of the amount specifically authorized  
20 for such purpose.

21 (2) An obligation of funds for a purpose stated in  
22 any of the paragraphs in subsection (a) in excess of the  
23 specific amount authorized for such purpose may be made  
24 using the authority provided in paragraph (1) only after—

1           (A) the Secretary submits to Congress notifica-  
2           tion of the intent to do so together with a complete  
3           discussion of the justification for doing so; and

4           (B) 15 days have elapsed following the date of  
5           the notification.

6           (3) The Secretary may not, under the authority pro-  
7           vided in paragraph (1), obligate amounts for the purposes  
8           stated in subsection (a)(3) or any of paragraphs (5)  
9           through (12) of subsection (a) in excess of 115 percent  
10          of the amount specifically authorized for such purposes.

11 **SEC. 1303. PROHIBITION AGAINST USE OF FUNDS UNTIL**  
12 **SUBMISSION OF REPORTS.**

13          No fiscal year 2002 Cooperative Threat Reduction  
14          funds may be obligated or expended until 30 days after  
15          the date of the submission of—

16               (1) the report required to be submitted in fiscal  
17               year 2001 under section 1308(a) of the Floyd D.  
18               Spence National Defense Authorization Act for Fis-  
19               cal Year 2001 (as enacted in Public Law 106–398;  
20               114 Stat. 1654A–341); and

21               (2) the multiyear plan required to be submitted  
22               for fiscal year 2001 under section 1308(h) of such  
23               Act.

1 **SEC. 1304. REPORT ON USE OF REVENUE GENERATED BY**  
2 **ACTIVITIES CARRIED OUT UNDER COOPERA-**  
3 **TIVE THREAT REDUCTION PROGRAMS.**

4 Not later than 60 days after the date of the enact-  
5 ment of this Act, the Secretary of Defense shall submit  
6 to Congress a report describing how the Secretary plans  
7 to monitor the use of revenue generated by activities car-  
8 ried out under Cooperative Threat Reduction programs in  
9 Russia and Ukraine.

10 **SEC. 1305. PROHIBITION AGAINST USE OF FUNDS FOR SEC-**  
11 **OND WING OF FISSILE MATERIAL STORAGE**  
12 **FACILITY.**

13 (a) PROHIBITION.—No funds authorized to be appro-  
14 priated for Cooperative Threat Reduction programs for  
15 any fiscal year may be used for the design, planning, or  
16 construction of a second wing for a storage facility for  
17 Russian fissile material.

18 (b) CONFORMING AMENDMENT.—Section 1304 of the  
19 Floyd D. Spence National Defense Authorization Act for  
20 Fiscal Year 2001 (as enacted in Public Law 106–398; 114  
21 Stat. 1654A–341) is amended to read as follows:

22 **“SEC. 1304. LIMITATION ON USE OF FUNDS FOR FISSILE**  
23 **MATERIAL STORAGE FACILITY.**

24 Out of funds authorized to be appropriated for Coop-  
25 erative Threat Reduction programs for fiscal year 2001  
26 or any other fiscal year, not more than \$412,600,000 may

1 be used for planning, design, or construction of the first  
2 wing for the storage facility for Russian fissile material  
3 referred to in section 1302(a)(5).”.

4 **SEC. 1306. PROHIBITION AGAINST USE OF FUNDS FOR CON-**  
5 **STRUCTION OR REFURBISHMENT OF CER-**  
6 **TAIN FOSSIL FUEL ENERGY PLANTS.**

7 Section 1307 of the Floyd D. Spence National De-  
8 fense Authorization Act for Fiscal Year 2001 (as enacted  
9 in Public Law 106–398; 114 Stat. 1654A–341) is  
10 amended—

11 (1) by striking the heading and inserting the  
12 following new heading:

13 **“SEC. 1307. PROHIBITION AGAINST USE OF FUNDS FOR**  
14 **CONSTRUCTION OR REFURBISHMENT OF**  
15 **FOSSIL FUEL ENERGY PLANTS; REPORT.”;**

16 and

17 (2) by striking subsection (a) and inserting the  
18 following new subsection:

19 “(a) PROHIBITION.—No funds appropriated for Co-  
20 operative Threat Reduction programs for any fiscal year  
21 may be used for the construction or refurbishment of a  
22 fossil fuel energy plant intended to provide power to local  
23 communities that receive power from nuclear energy  
24 plants that produce plutonium.”.

1 **SEC. 1307. REPORTS ON ACTIVITIES AND ASSISTANCE**  
2 **UNDER COOPERATIVE THREAT REDUCTION**  
3 **PROGRAMS.**

4 Section 1308(c)(4) of the Floyd D. Spence National  
5 Defense Authorization Act for Fiscal Year 2001 (as en-  
6 acted in Public Law 106–398; 114 Stat. 1654A–342) is  
7 amended—

8 (1) in the matter preceding subparagraph (A)—

9 (A) by striking “audits” and all that fol-  
10 lows through “conducted” and inserting  
11 “means (including program management, au-  
12 dits, examinations, and other means) used”;  
13 and

14 (B) by striking “and that such assistance  
15 is being used for its intended purpose” and in-  
16 serting “, that such assistance is being used for  
17 its intended purpose, and that such assistance  
18 is being used efficiently and effectively”;

19 (2) in subparagraph (C), by inserting “and an  
20 assessment of whether the assistance being provided  
21 is being used effectively and efficiently” before the  
22 semicolon; and

23 (3) in subparagraph (D), by striking “audits,  
24 examinations, and other”.

1 **SEC. 1308. REPORT ON RESPONSIBILITY FOR CARRYING**  
2 **OUT COOPERATIVE THREAT REDUCTION**  
3 **PROGRAMS.**

4 Not later than March 15, 2002, the Secretary of De-  
5 fense shall submit to Congress a report describing—

6 (1) the rationale for executing Cooperative  
7 Threat Reduction programs under the auspices of  
8 the Department of Defense and the justification for  
9 maintaining responsibility for any particular project  
10 carried out through Cooperative Threat Reduction  
11 programs with the Department of Defense;

12 (2) options for transferring responsibility for  
13 carrying out Cooperative Threat Reduction pro-  
14 grams to an executive agency (or agencies) other  
15 than the Department of Defense, if appropriate; and

16 (3) how such a transfer might be carried out.

17 **SEC. 1309. CHEMICAL WEAPONS DESTRUCTION.**

18 Section 1305 of the National Defense Authorization  
19 Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.  
20 794) is amended by inserting before the period at the end  
21 the following: “until the Secretary of Defense submits to  
22 Congress a certification that there has been—

23 “(1) full and accurate disclosure by Russia of  
24 the size of its existing chemical weapons stockpile;

1           “(2) a demonstrated annual commitment by  
2       Russia to allocate at least \$25,000,000 to chemical  
3       weapons elimination;

4           “(3) development by Russia of a practical plan  
5       for destroying its stockpile of nerve agents;

6           “(4) enactment of a law by Russia that pro-  
7       vides for the elimination of all nerve agents at a sin-  
8       gle site; and

9           “(5) an agreement by Russia to destroy its  
10       chemical weapons production facilities at Volgograd  
11       and Novocheboksark”.

## 12       **TITLE XIV—DEFENSE SPACE** 13       **REORGANIZATION**

### 14       **SEC. 1401. SHORT TITLE.**

15       This title may be cited as the “Defense Space Reor-  
16       ganization Act of 2001”.

### 17       **SEC. 1402. AUTHORITY TO ESTABLISH POSITION OF UNDER**

18                       **SECRETARY OF DEFENSE FOR SPACE, INTEL-**

19                       **LIGENCE, AND INFORMATION.**

20       (a) **AUTHORITY TO ESTABLISH POSITION.**—The  
21       President may establish in the Department of Defense the  
22       position of Under Secretary of Defense for Space, Intel-  
23       ligence, and Information. If that position is so established,  
24       the Under Secretary of Defense for Space, Intelligence,  
25       and Information shall perform duties and exercise powers

1 as set forth in section 137 of title 10, United States Code,  
2 as added by subsection (e).

3 (b) DEADLINE FOR EXERCISE OF AUTHORITY.—The  
4 authority provided in subsection (a) may not be exercised  
5 after December 31, 2003.

6 (c) NOTICE OF EXERCISE OF AUTHORITY.—(1) If  
7 the authority provided in subsection (a) is exercised, the  
8 President shall immediately submit to Congress notifica-  
9 tion in writing of the establishment of the position of  
10 Under Secretary of Defense for Space, Intelligence, and  
11 Information, together with the date as of which the posi-  
12 tion is established. If the President declines to exercise  
13 the authority provided in subsection (a), the President  
14 shall, before the date specified in subsection (b), submit  
15 to Congress a report on how the President has imple-  
16 mented the recommendations of the report of the Space  
17 Commission with respect to the Department of Defense.

18 (2) For purposes of paragraph (1), the term “report  
19 of the Space Commission” means the report of the Com-  
20 mission To Assess United States National Security Space  
21 Management and Organization, dated January 11, 2001,  
22 and submitted to Congress under section 1623 of the Na-  
23 tional Defense Authorization Act for Fiscal Year 2000  
24 (Public Law 106–65; 113 Stat. 815).

1 (d) CONTINGENT ENACTMENT OF U.S. CODE  
2 AMENDMENTS.—If the position of Under Secretary of De-  
3 fense for Space, Intelligence, and Information is estab-  
4 lished under the authority provided in subsection (a), then  
5 the amendments set forth in subsections (e) and (f) shall  
6 be executed, effective as of the date specified in the notice  
7 submitted under the first sentence of subsection (c)(1).  
8 Otherwise, those amendments shall not be executed.

9 (e) APPOINTMENT, DUTIES, ETC., OF UNDER SEC-  
10 RETARY.—(1) Subject to subsection (d), chapter 4 of title  
11 10, United States Code, is amended—

12 (A) by redesignating section 137 as section  
13 139a and transferring such section (as so redesign-  
14 ated) within such chapter so as to appear after sec-  
15 tion 139; and

16 (B) by inserting after section 136 the following  
17 new section 137:

18 **“§ 137. Under Secretary of Defense for Space, Intel-**  
19 **ligence, and Information**

20 “(a) There is an Under Secretary of Defense for  
21 Space, Intelligence, and Information, appointed from civil-  
22 ian life by the President, by and with the advice and con-  
23 sent of the Senate.

24 “(b) Subject to the authority, direction, and control  
25 of the Secretary of Defense, the Under Secretary of De-

1 fense for Space, Intelligence, and Information shall per-  
2 form such duties and exercise such powers relating to the  
3 space, intelligence, and information programs and activi-  
4 ties of the Department of Defense as the Secretary of De-  
5 fense may prescribe.

6 “(c) The Secretary of Defense shall designate the  
7 Under Secretary of Defense for Space, Intelligence, and  
8 Information as the Chief Information Officer of the De-  
9 partment of Defense under section 3506(a)(2)(B) of title  
10 44.

11 “(d) The Under Secretary of Defense for Space, In-  
12 telligence, and Information takes precedence in the De-  
13 partment of Defense after the Under Secretary of Defense  
14 for Personnel and Readiness.”.

15 (2) Subject to subsection (d), section 131(b) of that  
16 title is amended—

17 (A) by redesignating paragraphs (6) through  
18 (11) as paragraphs (7) through (12), respectively;  
19 and

20 (B) by inserting after paragraph (5) the fol-  
21 lowing new paragraph (6):

22 “(6) The Under Secretary of Defense for  
23 Space, Intelligence, and Information.”.

24 (3) Subject to subsection (d), the table of sections  
25 at the beginning of chapter 4 of such title is amended—

1           (A) by striking the item relating to section 137  
2           and inserting the following new item:

“137. Under Secretary of Defense for Space, Intelligence, and Information.”;

3           and

4           (B) by inserting after the item relating to sec-  
5           tion 139 the following new item:

“139a. Director of Defense Research and Engineering.”.

6           (f) ASSISTANT SECRETARIES OF DEFENSE.—Subject  
7           to subsection (d), section 138 of such title is amended—

8           (1) in subsection (a), by striking “nine” and in-  
9           serting “eleven”; and

10          (2) in subsection (b), by inserting after para-  
11          graph (2) the following new paragraph:

12          “(3) Not more than three of the Assistant Secretaries  
13          may be assigned duties under the authority of the Under  
14          Secretary of Defense for Space, Intelligence, and Informa-  
15          tion and shall report to that Under Secretary.”.

16          (g) REPORT.—Not later than 30 days before exer-  
17          cising the authority provided in subsection (a), the Presi-  
18          dent shall submit to Congress a report on the proposed  
19          organization of the office of the Under Secretary of De-  
20          fense for Space, Intelligence, and Information. If such a  
21          report has not been submitted as of April 15, 2002, the  
22          President shall submit to Congress a report, not later than  
23          that date, setting forth the President’s view as of that date  
24          of the desirability of establishing the position of Under

1 Secretary of Defense for Space, Intelligence, and Informa-  
2 tion in the Department of Defense.

3 **SEC. 1403. AUTHORITY TO DESIGNATE UNDER SECRETARY**  
4 **OF THE AIR FORCE AS ACQUISITION EXECU-**  
5 **TIVE FOR SPACE OF THE DEPARTMENT OF**  
6 **DEFENSE.**

7 (a) EXECUTIVE AGENT.—Part IV of subtitle A of  
8 title 10, United States Code, is amended by inserting after  
9 chapter 134 the following new chapter:

10 **“CHAPTER 135—SPACE PROGRAMS**

“Sec.  
“2271. Executive agent.

11 **“§ 2271. Executive agent**

12 “(a) SECRETARY OF THE AIR FORCE.—The Sec-  
13 retary of the Air Force may be designated as the executive  
14 agent of the Department of Defense—

15 “(1) for the planning of the acquisition pro-  
16 grams, projects, and activities of the Department  
17 that relate to space; and

18 “(2) for the execution of those programs,  
19 projects, and activities.

20 “(b) ACQUISITION EXECUTIVE.—The Secretary may  
21 designate the Under Secretary of the Air Force as the ac-  
22 quisition executive of the Air Force for the programs,  
23 projects, and activities referred to in subsection (a).”.

1 (b) CLERICAL AMENDMENT.—The tables of chapters  
 2 at the beginning of such subtitle and the beginning of part  
 3 IV of such subtitle are amended by inserting after the item  
 4 relating to chapter 134 the following new item:

“135. **Space Programs** ..... **2271**”.

5 **SEC. 1404. MAJOR FORCE PROGRAM CATEGORY FOR SPACE**  
 6 **PROGRAMS.**

7 (a) REQUIREMENT.—The Secretary of Defense may  
 8 create a major force program category for space programs  
 9 for purposes of the future-years defense program under  
 10 section 221 of title 10, United States Code.

11 (b) COMMENCEMENT.—If the category under sub-  
 12 section (a) is created, such category shall be included in  
 13 each future-years defense program submitted to Congress  
 14 under section 221 of title 10, United States Code, in fiscal  
 15 years after fiscal year 2002.

16 **SEC. 1405. COMPTROLLER GENERAL ASSESSMENT OF IM-**  
 17 **PLEMENTATION OF RECOMMENDATIONS OF**  
 18 **SPACE COMMISSION.**

19 (a) ASSESSMENT.—(1) The Comptroller General  
 20 shall carry out an assessment through February 15, 2003,  
 21 of the actions taken by the Secretary of Defense in imple-  
 22 menting the recommendations in the report of the Space  
 23 Commission that are applicable to the Department of De-  
 24 fense.

1           (2) For purposes of paragraph (1), the term “report  
2 of the Space Commission” means the report of the Com-  
3 mission To Assess United States National Security Space  
4 Management and Organization, dated January 11, 2001,  
5 and submitted to Congress under section 1623 of the Na-  
6 tional Defense Authorization Act for Fiscal Year 2000  
7 (Public Law 106–65; 113 Stat. 815).

8           (b) REPORTS.—Not later than February 15 of each  
9 of 2002 and 2003, the Comptroller General shall submit  
10 to the Committee on Armed Services of the Senate and  
11 the Committee on Armed Services of the House of Rep-  
12 resentatives a report on the assessment carried out under  
13 subsection (a). Each report shall set forth the results of  
14 the assessment as of the date of such report.

15 **SEC. 1406. COMMANDER OF AIR FORCE SPACE COMMAND.**

16           (a) IN GENERAL.—Chapter 845 of title 10, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing new section:

19 **“§ 8584. Commander of Air Force Space Command**

20           “The Secretary of Defense may require that the offi-  
21 cer serving as commander of the Air Force Space Com-  
22 mand not serve simultaneously as commander of the  
23 United States Space Command (or any successor combat-  
24 ant command with responsibility for space) or as com-

1 mander of the United States element of the North Amer-  
2 ican Air Defense Command.”.

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

“8584. Commander of Air Force Space Command.”.

6 **SEC. 1407. AUTHORITY TO ESTABLISH SEPARATE CAREER**  
7 **FIELD IN THE AIR FORCE FOR SPACE.**

8 The Secretary of the Air Force, acting through the  
9 Under Secretary of the Air Force, may establish and im-  
10 plement policies and procedures to develop a cadre of tech-  
11 nically competent officers with the capability to develop  
12 space doctrine, concepts of space operations, and manage-  
13 ment of space systems for the Air Force.

14 **SEC. 1408. RELATIONSHIP TO AUTHORITIES AND RESPON-**  
15 **SIBILITIES OF DIRECTOR OF CENTRAL IN-**  
16 **TELLIGENCE.**

17 Nothing in this title or the amendments made by this  
18 title shall modify, alter, or supersede the authorities and  
19 responsibilities of the Director of Central Intelligence.

1           **TITLE XV—ACTIVITIES TO**  
2           **COMBAT TERRORISM**  
3       **Subtitle A—Increased Funding to**  
4           **Combat Terrorism**

5       **SEC. 1501. INCREASED FUNDING.**

6           (a) **IN GENERAL.**—The amount provided in section  
7 301(5) for Operation and Maintenance, Defense-wide Ac-  
8 tivities, is hereby increased by \$400,000,000, to be avail-  
9 able as follows:

10           (1) **INTELLIGENCE PROGRAMS.**—For increased  
11 situational awareness and upgrades to intelligence  
12 programs to enhance United States security posture,  
13 \$100,000,000.

14           (2) **ANTI-TERRORISM INITIATIVES.**—For en-  
15 hanced anti-terrorism and force protection initiatives  
16 to reduce vulnerabilities at United States military  
17 installations and facilities in the United States and  
18 worldwide, \$150,000,000.

19           (3) **COUNTER-TERRORISM INITIATIVES.**—For  
20 offensive counter-terrorism initiatives, \$100,000,000.

21           (4) **CONSEQUENCE MANAGEMENT ACTIVI-**  
22 **TIES.**—For consequence management activities,  
23 \$50,000,000.

24           (b) **TRANSFER AUTHORITY.**—The amounts specified  
25 in subsection (a) are available for transfer to other current

1 accounts of the Department of Defense, as determined by  
2 the Secretary of Defense.

3 (c) OFFSETTING REDUCTIONS.—

4 (1) The amount provided in section 201(4) for  
5 Research, Development, Test, and Evaluation, De-  
6 fense-Wide is hereby reduced by \$265,000,000, to be  
7 derived from amounts for the Ballistic Missile De-  
8 fense Organization, of which—

9 (A) \$145,000,000 shall be derived from  
10 the Mid-Course Defense Segment program ele-  
11 ment (PE603882C); and

12 (B) \$120,000,000 shall be derived from  
13 the Boost Phase Defense Segment program ele-  
14 ment (PE603883C) for space-based activities.

15 (2) The amount provided in section 301(5) for  
16 Operation and Maintenance, Defense-wide Activities,  
17 is hereby reduced by \$135,000,000, to be derived  
18 from amounts for consulting services.

19 **SEC. 1502. TREATMENT OF TRANSFERRED AMOUNTS.**

20 Funds transferred under authority of section 1501(a)  
21 shall be merged with, and shall be available for the same  
22 time period as, the appropriations to which transferred.  
23 The transfer authority under that section is in addition  
24 to the transfer authority provided by section 1001.

1 **Subtitle B—Policy Matters Relating**  
2 **to Combating Terrorism**

3 **SEC. 1511. ASSESSMENT OF DEPARTMENT OF DEFENSE**  
4 **ABILITY TO RESPOND TO TERRORIST AT-**  
5 **TACKS.**

6 (a) **ASSESSMENT.**—The Secretary of Defense shall  
7 conduct an assessment of the ability of the Department  
8 of Defense to provide support for the consequence man-  
9 agement activities of other Federal, State, and local agen-  
10 cies, directly taking into account the terrorist attacks on  
11 the United States on September 11, 2001, and the  
12 changed situation regarding terrorism.

13 (b) **RECOMMENDATIONS.**—The Secretary of Defense  
14 shall submit to the President and Congress a report pro-  
15 viding recommendations for ways to enhance the ability  
16 of the Department of Defense to provide support described  
17 in subsection (a). The report shall address the rec-  
18 ommendations made by the Vice President in his report  
19 to the President on the development of a coordinated na-  
20 tional effort to improve national preparedness, including  
21 efforts to combat terrorism, as directed by the President  
22 in May 2001. The report shall be submitted not later than  
23 60 days after the date on which the Vice President sub-  
24 mits to the President the report under the preceding sen-  
25 tence.

1 **SEC. 1512. REPORT ON DEPARTMENT OF DEFENSE ABILITY**  
2 **TO PROTECT THE UNITED STATES FROM AIR-**  
3 **BORNE THREATS.**

4 Not later than 120 days after the date of the enact-  
5 ment of this Act, the Secretary of Defense shall submit  
6 to Congress a report on the ability of the Department of  
7 Defense to protect the United States from airborne  
8 threats, including threats originating from within the bor-  
9 ders of the United States. The report shall identify im-  
10 provements that can be made to enhance the security of  
11 the American people against these threats and shall rec-  
12 ommend actions, including legislative proposals, designed  
13 to address and overcome existing vulnerabilities.

14 **SEC. 1513. ESTABLISHMENT OF COMBATING TERRORISM AS**  
15 **A NATIONAL SECURITY MISSION.**

16 Section 108(b)(2) of the National Security Act of  
17 1947 (50 U.S.C. 404a(b)(2)) is amended by inserting “,  
18 including acts of terrorism,” after “aggression”.

19 **SEC. 1514. DEPARTMENT OF DEFENSE COORDINATION**  
20 **WITH FEMA AND FBI.**

21 The Secretary of Defense shall seek an agreement  
22 with the Director of the Federal Bureau of Investigation  
23 and the Director of Federal Emergency Management  
24 Agency that clarifies the roles of Department of Defense  
25 Weapons of Mass Destruction Civil Support Teams in re-  
26 lation to both agencies with respect to coordination of the

1 roles and missions of those teams in support of crisis man-  
2 agement and consequence management efforts.

3 **DIVISION B—MILITARY CON-**  
4 **STRUCTION AUTHORIZA-**  
5 **TIONS**

6 **SEC. 2001. SHORT TITLE; DEFINITION.**

7 (a) **SHORT TITLE.**—This division may be cited as the  
8 “Military Construction Authorization Act for Fiscal Year  
9 2002”.

10 (b) **DEFINITION OF FISCAL YEAR 2001 DEFENSE**  
11 **AUTHORIZATION ACT.**—In this division, the term “Spence  
12 Act” means the Floyd D. Spence National Defense Au-  
13 thorization Act for Fiscal Year 2001, as enacted into law  
14 by Public Law 106–398 (114 Stat. 1654).

15 **TITLE XXI—ARMY**

16 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
17 **ACQUISITION PROJECTS.**

18 (a) **INSIDE THE UNITED STATES.**—Using amounts  
19 appropriated pursuant to the authorization of appropria-  
20 tions in section 2104(a)(1), the Secretary of the Army  
21 may acquire real property and carry out military construc-  
22 tion projects for the installations and locations inside the  
23 United States, and in the amounts, set forth in the fol-  
24 lowing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alabama .....	Anniston Army Depot .....	\$5,150,000
	Fort Rucker .....	\$11,400,000
	Redstone Arsenal .....	\$7,200,000
Alaska .....	Fort Richardson .....	\$97,000,000
	Fort Wainwright .....	\$27,200,000
Arizona .....	Fort Huachuca .....	\$6,100,000
	Yuma Proving Ground .....	\$3,100,000
California .....	Defense Language Institute .....	\$5,900,000
	Fort Irwin .....	\$23,000,000
Colorado .....	Fort Carson .....	\$66,000,000
District of Columbia .....	Fort McNair .....	\$11,600,000
Georgia .....	Fort Benning .....	\$23,900,000
	Fort Gillem .....	\$43,600,000
	Fort Gordon .....	\$34,000,000
	Fort Stewart/Hunter Army Air Field .....	\$39,800,000
Hawaii .....	Navy Public Works Center, Pearl Harbor .....	\$11,800,000
	Pohakuloa Training Facility .....	\$5,100,000
	Wheeler Army Air Field .....	\$50,000,000
Kansas .....	Fort Riley .....	\$10,900,000
Kentucky .....	Fort Campbell .....	\$88,900,000
Louisiana .....	Fort Polk .....	\$21,200,000
Maryland .....	Aberdeen Proving Ground .....	\$58,300,000
	Fort Meade .....	\$5,800,000
	Fort Leonard Wood .....	\$12,250,000
New Jersey .....	Fort Monmouth .....	\$20,000,000
	Picatinny Arsenal .....	\$10,200,000
New Mexico .....	White Sands Missile Range .....	\$7,600,000
New York .....	Fort Drum .....	\$59,350,000
North Carolina .....	Fort Bragg .....	\$21,300,000
	Sunny Point Military Ocean Terminal .....	\$11,400,000
Oklahoma .....	Fort Sill .....	\$5,100,000
South Carolina .....	Fort Jackson .....	\$3,650,000
Texas .....	Corpus Christi Army Depot .....	\$10,400,000
	Fort Sam Houston .....	\$9,650,000
	Fort Bliss .....	\$5,000,000
	Fort Hood .....	\$104,200,000
Virginia .....	Fort Belvoir .....	\$35,950,000
	Fort Eustis .....	\$24,750,000
	Fort Lee .....	\$23,900,000
Washington .....	Fort Lewis .....	\$238,200,000
	Total: .....	\$1,300,710,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the locations outside the United States,  
6 and in the amounts, set forth in the following table:

**Army: Outside the United States**

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

1 (c) UNSPECIFIED WORLDWIDE.—Using amounts ap-  
 2 propriated pursuant to the authorization of appropriations  
 3 in section 2104(a)(3), the Secretary of the Army may ac-  
 4 quire real property and carry out military construction  
 5 projects for the installation and location, and in the  
 6 amount set forth in the following table:

**Army: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Location .....	\$4,000,000

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
 9 amounts appropriated pursuant to the authorization of ap-  
 10 propriations in section 2104(a)(6)(A), the Secretary of the  
 11 Army may construct or acquire family housing units (in-  
 12 cluding land acquisition) at the installations, for the pur-  
 13 poses, and in the amounts, set forth in the following table:

**Army: Family Housing**

State or Country	Installation or location	Purpose	Amount
Alaska .....	Fort Wainwright .....	32 Units .....	\$12,000,000



1           (1) For military construction projects inside the  
2 United States authorized by section 2101(a),  
3 \$1,089,416,000.

4           (2) For military construction projects outside  
5 the United States authorized by section 2101(b),  
6 \$243,743,000.

7           (3) For a military construction project at an  
8 unspecified worldwide location authorized by section  
9 2101(c), \$4,000,000.

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

13           (5) For architectural and engineering services  
14 and construction design under section 2807 of title  
15 10, United States Code, \$163,676,000.

16           (6) For military family housing functions:

17                (A) For construction and acquisition, plan-  
18 ning and design, and improvement of military  
19 family housing and facilities, \$294,576,000.

20                (B) For support of military family housing  
21 (including the functions described in section  
22 2833 of title 10, United States Code),  
23 \$1,102,732,000.

24           (7) For the construction of a cadet development  
25 center at the United States Military Academy, West

1 Point, New York, authorized by section 2101(a) of  
2 the Military Construction Authorization Act for Fis-  
3 cal Year 1999 (division B of Public Law 105–261,  
4 112 Stat. 2182), \$37,900,000.

5 (8) For the construction of phase 2C of a bar-  
6 racks complex, Tagaytay Street, at Fort Bragg,  
7 North Carolina, authorized by section 2101(a) of the  
8 Military Construction Authorization Act for Fiscal  
9 Year 2000 (division B of Public Law 106–65; 113  
10 Stat. 825), \$17,500,000.

11 (9) For the construction of phase 1C of a bar-  
12 racks complex, Wilson Street, at Schofield Barracks,  
13 Hawaii, authorized by section 2101(a) of the Mili-  
14 tary Construction Authorization Act for Fiscal Year  
15 2000 (division B of Public Law 106–65, 113 Stat.  
16 825), \$23,000,000.

17 (10) For construction of phase 2 of a basic  
18 combat training complex at Fort Leonard Wood,  
19 Missouri, authorized by section 2101(a) of the Mili-  
20 tary Construction Authorization Act for Fiscal Year  
21 2001 (division B of the Spence Act; 114 Stat.  
22 1654A–389), as amended by section 2105 of this  
23 Act, \$27,000,000.

24 (11) For the construction of phase 2 of a battle  
25 simulation center at Fort Drum, New York, author-

1        ized by section 2101(a) of the Military Construction  
2        Authorization Act for Fiscal Year 2001 (division B  
3        of the Spence Act; 114 Stat. 1654A–389), as  
4        amended by section 2105 of this Act, \$9,000,000.

5            (12) For the construction of phase 1 of a bar-  
6        racks complex, Butner Road, at Fort Bragg, North  
7        Carolina, authorized by section 2101(a) of the Mili-  
8        tary Construction Authorization Act for Fiscal Year  
9        2001 (division B of the Spence Act; 114 Stat.  
10       1654A–389), \$49,000,000.

11           (13) For the construction of phase 1 of a bar-  
12       racks complex, Longstreet Road, at Fort Bragg,  
13       North Carolina, authorized by section 2101(a) of the  
14       Military Construction Authorization Act for Fiscal  
15       Year 2001 (division B of the Spence Act; 114 Stat.  
16       1654A–389), \$27,000,000.

17           (14) For the construction of a multipurpose  
18       digital training range at Fort Hood, Texas, author-  
19       ized by section 2101(a) of the Military Construction  
20       Authorization Act for Fiscal Year 2001 (division B  
21       of the Spence Act; 114 Stat. 1654A–389), as  
22       amended by section 2105 of this Act, \$13,000,000.

23           (15) For the homeowners assistance program,  
24       as authorized by section 2832(a) of title 10, United

1 States Code, \$10,119,000, to remain available until  
2 expended.

3 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
4 PROJECTS.—Notwithstanding the cost variations author-  
5 ized by section 2853 of title 10, United States Code, and  
6 any other cost variation authorized by law, the total cost  
7 of all projects carried out under section 2101 of this Act  
8 may not exceed—

9 (1) The total amount authorized to be appro-  
10 priated under paragraphs (1), (2), (3) of subsection  
11 (a);

12 (2) \$52,000,000 (the balance of the amount au-  
13 thorized under section 2201 (a) for construction of  
14 a barracks complex, D Street, at Fort Richardson,  
15 Alaska);

16 (3) \$41,000,000 (the balance of the amount au-  
17 thorized under section 2201 (a) for construction of  
18 phase 1 of a barracks complex, Nelson Blvd, at Fort  
19 Carson, Colorado);

20 (4) \$36,000,000 (the balance of the amount au-  
21 thorized under section 2201 (a) for construction of  
22 phase 1 of a basic combat training complex at Fort  
23 Jackson, South Carolina); and

24 (5) \$102,000,000 (the balance of the amount  
25 authorized under section 2201 (a) for construction

1 of a barracks complex, 17th & B Streets, at Fort  
2 Lewis, Washington).

3 (c) ADJUSTMENT.—The total amount authorized to  
4 be appropriated pursuant to paragraphs (1) through (15)  
5 of subsection (a) is the sum of the amounts authorized  
6 to be appropriated in such paragraphs, reduced by—

7 (1) \$36,168,000, which represents the combina-  
8 tion of savings resulting from adjustments to foreign  
9 currency exchange rates for military construction  
10 outside the United States; and

11 (2) \$75,417,000, which represents the combina-  
12 tion of savings resulting from adjustments to foreign  
13 currency exchange rates for military family housing  
14 construction and military family housing support  
15 outside the United States.

16 **SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT**  
17 **CERTAIN FISCAL YEAR 2001 PROJECTS.**

18 (a) MODIFICATION.—The table in section 2101(a) of  
19 the Military Construction Authorization Act for Fiscal  
20 Year 2001 (division B of the Spence Act; 114 Stat.  
21 1654A–389) is amended—

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

1           (2) in the item relating to Fort Drum, New  
2           York, by striking “\$18,000,000” in the amount col-  
3           umn and inserting “\$21,000,000”;

4           (3) in the item relating to Fort Hood, Texas,  
5           by striking “\$36,492,000” in the amount column  
6           and inserting “\$39,492,000”; and

7           (4) by striking the amount identified as the  
8           total in the amount column and inserting  
9           “\$623,074,000”.

10          (b) CONFORMING AMENDMENTS.—Section 2104 of  
11          that Act (114 Stat. 1654A–391) is amended—

12           (1) in subsection (a), in the matter preceding  
13           paragraph (1), by striking “\$1,925,344,000” and in-  
14           serting “\$1,935,744,000”;

15           (2) in subsection (b)(2), by striking  
16           “\$22,600,000” and inserting “\$27,000,000”;

17           (3) in subsection (b)(3), by striking  
18           “\$10,000,000” and inserting “\$13,000,000”; and

19           (4) in subsection (b)(6), by striking  
20           “\$6,000,000” and inserting “\$9,000,000”.

## 21                           **TITLE XXII—NAVY**

### 22          **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 23                           **ACQUISITION PROJECTS.**

24           (a) INSIDE THE UNITED STATES.—Using amounts  
25          appropriated pursuant to the authorization of appropria-

1 tions in section 2204(a)(1), the Secretary of the Navy may  
 2 acquire real property and carry out military construction  
 3 projects for the installations and locations inside the  
 4 United States, and in the amounts, set forth in the fol-  
 5 lowing table:

**Navy: Inside the United States**

State	Installation or location	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	\$22,570,000
California .....	Marine Air-Ground Task Force Training Center, Twentynine Palms .....	\$75,125,000
	Marine Corps Air Station, Camp Pen- dleton .....	\$4,470,000
	Marine Corps Air Station, Miramar .....	\$3,680,000
	Marine Corps Base, Camp Pendleton ....	\$96,490,000
	Naval Air Facility, El Centro .....	\$23,520,000
	Naval Air Station, Lemoore .....	\$10,010,000
	Naval Air Warfare Center, China Lake	\$30,200,000
	Naval Air Warfare Center, Point Mugu, San Nicholas Island .....	\$13,730,000
	Naval Amphibious Base, Coronado .....	\$8,610,000
	Naval Construction Battalion Center, Port Hueneme .....	\$12,400,000
	Naval Construction Training Center, Port Hueneme .....	\$3,780,000
	Naval Station, San Diego .....	\$47,240,000
District of Columbia .....	Naval Air Facility, Washington .....	\$9,810,000
Florida .....	Naval Air Station, Key West .....	\$11,400,000
	Naval Air Station, Whiting Field, Milton	\$2,140,000
	Naval Station, Mayport .....	\$16,420,000
	Naval Station, Pensacola .....	\$3,700,000
Hawaii .....	Marine Corps Base, Kaneohe .....	\$24,920,000
	Naval Magazine Lualualei .....	\$6,000,000
	Naval Shipyard, Pearl Harbor .....	\$20,000,000
	Naval Station, Pearl Harbor .....	\$40,600,000
	Navy Public Works Center, Pearl Har- bor .....	\$16,900,000
Illinois .....	Naval Training Center, Great Lakes .....	\$82,260,000
Indiana .....	Naval Surface Warfare Center, Crane ...	\$14,930,000
Maine .....	Naval Air Station, Brunswick .....	\$67,395,000
Maryland .....	Naval Air Warfare Center, Patuxent River .....	\$2,260,000
	Naval Air Warfare Center, St. Inigoes ..	\$5,100,000
	Naval Explosive Ordnance Disposal Technology Center, Indian Head .....	\$1,250,000
Mississippi .....	Naval Construction Battalion Center, Gulfport .....	\$21,660,000
	Naval Air Station, Meridian .....	\$3,400,000
Missouri .....	Marine Corps Support Activity, Kansas City .....	\$9,010,000
North Carolina .....	Marine Corps Air Station, New River ....	\$4,050,000
	Marine Corps Base, Camp Lejeune .....	\$67,070,000
Pennsylvania .....	Naval Foundry and Propeller Center, Philadelphia .....	\$14,800,000
Rhode Island .....	Naval Station, Newport .....	\$15,290,000
South Carolina .....	Marine Corps Air Station, Beaufort .....	\$8,020,000
	Marine Corps Recruit Depot, Parris Is- land .....	\$5,430,000

**Navy: Inside the United States**—Continued

State	Installation or location	Amount
Tennessee .....	Naval Hospital, Beaufort .....	\$7,600,000
	Naval Support Activity, Millington .....	\$3,900,000
Texas .....	Naval Air Station, Joint Reserve Base, Ft. Worth .....	\$9,060,000
Virginia .....	Marine Corps Air Facility, Quantico .....	\$3,790,000
	Marine Corps Combat Dev Com .....	\$9,390,000
	Naval Amphibious Base, Little Creek ....	\$9,090,000
Washington .....	Naval Station, Norfolk .....	\$139,270,000
	Naval Air Station, Whidbey Island .....	\$3,470,000
	Naval Shipyard, Bremerton .....	\$14,000,000
	Naval Station, Everett .....	\$6,820,000
	Strategic Weapons Facility, Bangor .....	\$3,900,000
Total: .....		\$1,038,920,000

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

**Navy: Outside the United States**

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

7 **SEC. 2202. FAMILY HOUSING.**

8 (a) CONSTRUCTION AND ACQUISITION.—Using  
9 amounts appropriated pursuant to the authorization of ap-  
10 propriations in section 2204(a)(5)(A), the Secretary of the  
11 Navy may construct or acquire family housing units (in-

cluding land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Navy: Family Housing**

State	Installation or location	Purpose	Amount
Arizona .....	Marine Corps Air Station, Yuma .....	51 Units .....	\$9,017,000
California .....	Marine Air-Ground Task Force Training Center, Twentynine Palms .....	74 Units .....	\$16,250,000
Hawaii .....	Marine Corps Base, Kaneohe .....	172 Units ...	\$46,996,000
	Naval Station, Pearl Har- bor .....	70 Units .....	\$16,827,000
Mississippi .....	Naval Construction Bat- talion Center, Gulfport ..	160 Units ...	\$23,354,000
Virginia .....	Marine Corps Combat De- velopment Command, Quantico .....	81 Units .....	\$10,000,000
Italy .....	Naval Air Station, Sigonella .....	10 Units .....	\$2,403,000
		Total: ...	\$124,847,000

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

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed \$201,834,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) IN GENERAL.—Funds are hereby authorized to  
3 be appropriated for fiscal years beginning after September  
4 30, 2001, for military construction, land acquisition, and  
5 military family housing functions of the Department of the  
6 Navy in the total amount of \$2,389,605,000, as follows:

7 (1) For military construction projects inside the  
8 United States authorized by section 2201(a),  
9 \$980,018,000.

10 (2) For military construction projects outside  
11 the United States authorized by section 2201(b),  
12 \$47,670,000.

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

16 (4) For architectural and engineering services  
17 and construction design under section 2807 of title  
18 10, United States Code, \$35,392,000.

19 (5) For military family housing functions:

20 (A) For construction and acquisition, plan-  
21 ning and design, and improvement of military  
22 family housing and facilities, \$332,352,000.

23 (B) For support of military housing (in-  
24 cluding functions described in section 2833 of  
25 title 10, United States Code), \$913,823,000.

1           (6) For construction of phase 6 of a large  
2           anaeroic chamber facility at the Patuxent River  
3           Naval Air Warfare Center, Maryland, authorized by  
4           section 2201(a) of the Military Construction Author-  
5           ization Act for Fiscal Year 1993 (division B of Pub-  
6           lic Law 102–484; 106 Stat. 2590), \$10,770,000.

7           (7) For construction of the Commander-in-  
8           Chief Headquarters, Pacific Command, Camp H.M.  
9           Smith, Hawaii, authorized by section 2201(a) of the  
10          Military Construction Authorization Act for Fiscal  
11          Year 2000 (division B of Public Law 106–65; 113  
12          Stat. 828), as amended by section 2205,  
13          \$37,580,000.

14          (8) For repair of a pier at Naval Station, San  
15          Diego, California, authorized by section 2201(a) of  
16          the Military Construction Authorization Act for Fis-  
17          cal Year 2001 (division B of the Spence Act; 114  
18          Stat. 1654A–396), \$17,500,000.

19          (9) For replacement of a pier at Naval Ship-  
20          yard, Bremerton, Washington, authorized by section  
21          2201(a) of the Military Construction Authorization  
22          Act for Fiscal Year 2001 (division B of the Spence  
23          Act; 114 Stat. 1654A–396), \$24,460,000.

24          (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
25          PROJECTS.—Notwithstanding the cost variations author-

1 ized by section 2853 of title 10, United States Code, and  
2 any other cost variation authorized by law, the total cost  
3 of all projects carried out under section 2201 of this Act  
4 may not exceed—

5 (1) the total amount authorized to be appro-  
6 priated under paragraphs (1) and (2) of subsection  
7 (a);

8 (2) \$33,240,000 (the balance of the amount au-  
9 thorized under section 2201(a) for replacement of a  
10 pier, increment I, at Naval Station, Norfolk, Vir-  
11 ginia; and

12 (3) \$20,100,000 (the balance of the amount au-  
13 thorized under section 2201(a) for a combined pro-  
14 pulsion and explosives lab at Naval Air Warfare  
15 Center, China Lake, California).

16 (c) ADJUSTMENT.—The total amount authorized to  
17 be appropriated pursuant to paragraphs (1) through (9)  
18 of subsection (a) is the sum of the amounts authorized  
19 to be appropriated in such paragraphs, reduced by—

20 (1) \$6,854,000, which represents the combina-  
21 tion of savings resulting from adjustments to foreign  
22 currency exchange rates for military construction  
23 outside the United States; and

24 (2) \$13,652,000, which represents the combina-  
25 tion of savings resulting from adjustments to foreign

1 currency exchange rates for military family housing  
2 construction and military family housing support  
3 outside the United States.

4 **SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT**  
5 **CERTAIN FISCAL YEAR 2000 PROJECT.**

6 (a) MODIFICATION.—The table in section 2201(a) of  
7 the Military Construction Authorization Act for Fiscal  
8 Year 2000 (division B of Public Law 106–65; 113 Stat.  
9 828) is amended—

10 (1) in the item relating to Camp H.M. Smith,  
11 Hawaii, by striking “\$86,050,000” in the amount  
12 column and inserting “\$89,050,000”; and

13 (2) by striking the amount identified as the  
14 total in the amount column and inserting  
15 “\$820,230,000”.

16 (b) CONFORMING AMENDMENTS.—Section 2204 of  
17 that Act (113 Stat. 830) is amended—

18 (1) in subsection (a), in the matter preceding  
19 paragraph (1), by striking “\$2,108,087,000” and in-  
20 serting “\$2,111,087,000”; and

21 (2) in subsection (b)(3), by striking  
22 “\$70,180,000” and inserting “\$73,180,000”.

# TITLE XXIII—AIR FORCE

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

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

**Air Force: Inside the United States**

State	Installation or location	Amount
Alabama .....	Maxwell Air Force Base .....	\$34,400,000
Alaska .....	Eareckson Air Force Base .....	\$4,600,000
	Elmendorf Air Force Base .....	\$32,200,000
Arizona .....	Davis-Monthan Air Force Base .....	\$23,500,000
	Luke Air Force Base .....	\$4,500,000
Arkansas .....	Little Rock Air Force Base .....	\$10,600,000
California .....	Beale Air Force Base .....	\$7,900,000
	Edwards Air Force Base .....	\$21,300,000
	Los Angeles Air Force Base .....	\$23,000,000
	Travis Air Force Base .....	\$10,100,000
	Vandenberg Air Force Base .....	\$11,800,000
Colorado .....	Buckley Air Force Base .....	\$23,200,000
	Schriever Air Force Base .....	\$30,400,000
	United States Air Force Academy ...	\$25,500,000
District of Columbia .....	Bolling Air Force Base .....	\$2,900,000
Florida .....	Cape Canaveral Air Force Station ...	\$7,800,000
	Eglin Air Force Base .....	\$11,400,000
	Hurlburt Field .....	\$10,400,000
	MacDill Air Force Base .....	\$10,000,000
	Tyndall Air Force Base .....	\$20,350,000
Georgia .....	Moody Air Force Base .....	\$4,900,000
	Robins Air Force Base .....	\$14,650,000
Hawaii .....	Hickman Air Force Base .....	\$6,300,000
Idaho .....	Mountain Home Air Force Base .....	\$14,600,000
Kansas .....	McConnell Air Force Base .....	\$5,100,000
Maryland .....	Andrews Air Force Base .....	\$19,420,000
Massachusetts .....	Hanscom Air Force Base .....	\$9,400,000
Mississippi .....	Keesler Air Force Base .....	\$28,600,000
Nevada .....	Nellis Air Force Base .....	\$12,600,000
New Jersey .....	McGuire Air Force Base .....	\$36,550,000
New Mexico .....	Cannon Air Force Base .....	\$9,400,000
	Kirtland Air Force Base .....	\$19,800,000
North Carolina .....	Pope Air Force Base .....	\$17,800,000
North Dakota .....	Grand Forks Air Force Base .....	\$7,800,000
Ohio .....	Wright-Patterson Air Force Base ...	\$5,800,000
Oklahoma .....	Altus Air Force Base .....	\$20,200,000
	Tinker Air Force Base .....	\$17,700,000

**Air Force: Inside the United States**—Continued

State	Installation or location	Amount
South Carolina .....	Shaw Air Force Base .....	\$24,400,000
Tennessee .....	Arnold Air Force Base .....	\$24,400,000
Texas .....	Lackland Air Force Base .....	\$12,800,000
	Laughlin Air Force Base .....	\$15,600,000
	Sheppard Air Force Base .....	\$45,200,000
Utah .....	Hill Air Force Base .....	\$44,000,000
Virginia .....	Langley Air Force Base .....	\$47,300,000
Washington .....	Fairchild Air Force Base .....	\$2,800,000
	McChord Air Force Base .....	\$20,700,000
Wyoming .....	F E Warren Air Force Base .....	\$10,200,000
	Total: .....	\$822,320,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the fol-  
7 lowing table:

**Air Force: Outside the United States**

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

8 (c) UNSPECIFIED WORLDWIDE.—Using the amounts  
9 appropriated pursuant to the authorization of appropria-  
10 tions in section 2304(a)(3), the Secretary of the Air Force  
11 may acquire real property and carry out military construc-

1 tion projects for the installation and location and in the  
 2 amounts, set forth in the following table:

**Air Force: Unspecified Worldwide**

Location	Installation	Amount
Unspecified Worldwide .....	Classified Location .....	\$4,458,000

3 **SEC. 2302. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using  
 5 amounts appropriated pursuant to the authorization of ap-  
 6 propriations in section 2304(a)(7)(A), the Secretary of the  
 7 Air Force may construct or acquire family housing units  
 8 (including land acquisition) at the installations, for the  
 9 purposes, and in the amounts, set forth in the following  
 10 table:

**Air Force: Family Housing**

State	Installation or location	Purpose	Amount
Arizona .....	uke Air Force Base .....	120 Units ....	\$15,712,000
California .....	Travis Air Force Base .....	118 Units ....	\$18,150,000
Colorado .....	Buckley Air Force Base ...	55 Units .....	\$11,400,000
Delaware .....	Dover Air Force Base .....	120 Units ....	\$18,145,000
District of Columbia ....	Bolling Air Force Base .....	136 Units ....	\$16,926,000
Hawaii .....	Hickam Air Force Base ...	102 Units ....	\$25,037,000
Louisiana .....	Barksdale Air Force Base	56 Units .....	\$7,300,000
South Dakota .....	Ellsworth Air Force Base	78 Units .....	\$13,700,000
Virginia .....	Langley Air Force Base ...	4 Units .....	\$1,200,000
Portugal .....	Lajes Field, Azores .....	64 Units .....	\$13,230,000
		Total: ...	\$140,800,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-  
 12 priated pursuant to the authorization of appropriations in  
 13 section 2304(a)(7)(A), the Secretary of the Air Force may  
 14 carry out architectural and engineering services and con-  
 15 struction design activities with respect to the construction

1 or improvement of military family housing units in an  
2 amount not to exceed \$24,558,000.

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2304(a)(7)(A),  
8 the Secretary of the Air Force may improve existing mili-  
9 tary family housing units in an amount not to exceed  
10 \$370,879,000.

11 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
12 **FORCE.**

13 (a) IN GENERAL.—Funds are hereby authorized to  
14 be appropriated for fiscal years beginning after September  
15 30, 2001, for military construction, land acquisition, and  
16 military family housing functions of the Department of the  
17 Air Force in the total amount of \$2,526,034,000 as fol-  
18 lows:

19 (1) For military construction projects inside the  
20 United States authorized by section 2301(a),  
21 \$806,020,000.

22 (2) For military construction projects outside  
23 the United States authorized by section 2301(b),  
24 \$268,392,000.

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

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

7           (5) For architectural and engineering services  
8           and construction design under section 2807 of title  
9           10, United States Code, \$84,630,000.

10          (6) For military housing functions:

11                (A) For construction and acquisition, plan-  
12                ning and design, and improvement of military  
13                family housing and facilities, \$536,237,000.

14                (B) For support of military family housing  
15                (including functions described in section 2833  
16                of title 10, United States Code), \$866,171,000.

17          (7) \$12,600,000 for construction of an air  
18          freight terminal and base supply complex at  
19          McGuire Air Force Base, New Jersey, authorized by  
20          section 2301(a) of the Military Construction Author-  
21          ization Act for Fiscal Year 2001 (division B of the  
22          Spence Act; 114 Stat. 1654A–399), as amended by  
23          section 2305.

24          (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
25          PROJECTS.—Notwithstanding the cost variations author-

1 ized by section 2853 of title 10, United States Code, and  
2 any other cost variation authorized by law, the total cost  
3 of all projects carried out under section 2301 of this Act  
4 may not exceed—

5           (1) the total amount authorized to be appro-  
6 priated under paragraphs (1), (2), and (3) of sub-  
7 section (a); and

8           (2) \$12,000,000 (the balance of the amount au-  
9 thorized under section 2301(a) for a maintenance  
10 depot hanger at Hill Air Force Base, Utah).

11       (c) ADJUSTMENT.—The total amount authorized to  
12 be appropriated pursuant to paragraphs (1) through (7)  
13 of subsection (a) is the sum of the amounts authorized  
14 to be appropriated in such paragraphs, reduced by—

15           (1) \$15,846,000, which represents the combina-  
16 tion of savings resulting from adjustments to foreign  
17 currency exchange rates for military construction  
18 outside the United States; and

19           (2) \$47,878,000, which represents the combina-  
20 tion of savings resulting from adjustments to foreign  
21 currency exchange rates for military family housing  
22 construction and military family housing support  
23 outside the United States.

1 **SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 2001 PROJECT.**

3 (a) MODIFICATION.—The table in section 2301(a) of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 2001 (division B of the Spence Act; 114 Stat.  
6 1654A–399) is amended—

7 (1) in the item relating to McGuire Air Force  
8 Base, New Jersey, by striking “\$29,772,000” in the  
9 amount column and inserting “\$32,972,000”; and

10 (2) by striking the amount identified as the  
11 total in the amount column and inserting  
12 “\$748,955,000”.

13 (b) CONFORMING AMENDMENTS.—Section  
14 2304(b)(2) of that Act (114 Stat. 1654A–402) is amended  
15 by striking “\$9,400,000” and inserting “\$12,600,000”.

16 **TITLE XXIV—DEFENSE**  
17 **AGENCIES**

18 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-**  
19 **TION AND LAND ACQUISITION PROJECTS.**

20 (a) INSIDE THE UNITED STATES.—Using amounts  
21 appropriated pursuant to the authorization of appropria-  
22 tions in section 2403(a)(1), the Secretary of Defense may  
23 acquire real property and carry out military construction  
24 projects for the installations and locations inside the  
25 United States, and in the amounts, set forth in the fol-  
26 lowing table:

**Defense Agencies: Inside the United States**

<b>Agency</b>	<b>Installation or location</b>	<b>Amount</b>
Chemical Demilitarization .....	Blue Grass Army Depot, Kentucky ..	\$47,220,000
Defense Education Activity ..	Laurel Bay, South Carolina .....	\$12,850,000
	Marine Corps Base, Camp LeJeune, North Carolina .....	\$8,857,000
Defense Logistics Agency .....	Defense Distribution Depot Tracy, California .....	\$30,000,000
	Defense Distribution New Cum- berland, Pennsylvania .....	\$19,900,000
	Eielson Air Force Base, Alaska .....	\$8,800,000
	Fort Belvoir, Virginia .....	\$900,000
	Grand Forks Air Force Base, North Dakota .....	\$9,110,000
	Hickam Air Force Base, Hawaii .....	\$29,200,000
	McGuire Air Force Base, New Jer- sey .....	\$4,400,000
	Minot Air Force Base, North Da- kota .....	\$14,000,000
	Philadelphia, Pennsylvania .....	\$2,429,000
	Pope Air Force Base, North Caro- lina .....	\$3,400,000
Special Operations Command	Aberdeen Proving Ground, Maryland	\$3,200,000
	Fort Benning, Georgia .....	\$5,100,000
	Fort Bragg, North Carolina .....	\$35,962,000
	Fort Lewis, Washington .....	\$6,900,000
	Hurlburt Field, Florida .....	\$13,400,000
	MacDill Air Force Base, Florida .....	\$12,000,000
	Naval Station, San Diego, California	\$13,650,000
TRICARE Management Ac- tivity .....	Andrews Air Force Base, Maryland	\$10,250,000
	Dyess Air Force Base, Texas .....	\$3,300,000
	F. E. Warren Air Force Base, Wyo- ming .....	\$2,700,000
	Fort Hood, Texas .....	\$12,200,000
	Fort Stewart/Hunter Army Air Field, Georgia .....	\$11,000,000
	Holloman Air Force Base, New Mexico .....	\$5,700,000
	Hurlburt Field, Florida .....	\$8,800,000
	Marine Corps Base, Camp Pen- dleton, California .....	\$1,150,000
	Marine Corps Logistics Base, Al- bany, Georgia .....	\$5,800,000
	Naval Air Station, Whidbey Island, Washington .....	\$1,900,000
	Naval Hospital, Twentynine Palms, California .....	\$1,600,000
	Naval Station, Mayport, Florida .....	\$24,000,000
	Naval Station, Norfolk, Virginia .....	\$21,000,000
	Schriever Air Force Base, Colorado	\$4,000,000
Washington Headquarters Services .....	Pentagon Reservation, Virginia .....	\$25,000,000
	Total: .....	\$325,228,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2403(a)(2), the Secretary of Defense may

1 acquire real property and carry out military construction  
 2 projects for the installations and locations outside the  
 3 United States, and in the amounts, set forth in the fol-  
 4 lowing table:

**Defense Agencies: Outside the United States**

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

5 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

6 Using amounts appropriated pursuant to the author-  
 7 ization of appropriations in section 2403(a)(6), the Sec-  
 8 retary of Defense may carry out energy conservation  
 9 projects under section 2865 of title 10, United States  
 10 Code, in the amount of \$35,600,000.

11 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
 12 **FENSE AGENCIES.**

13 (a) IN GENERAL.—Funds are hereby authorized to  
 14 be appropriated for fiscal years beginning after September  
 15 30, 2001, for military construction, land acquisition, and

1 military family housing functions of the Department of  
2 Defense (other than the military departments), in the total  
3 amount of \$1,421,319,000 as follows:

4 (1) For military construction projects inside the  
5 United States authorized by section 2401(a),  
6 \$370,164,000.

7 (2) For military construction projects outside  
8 the United States authorized by section 2401(b),  
9 \$140,162,000.

10 (3) For unspecified minor construction projects  
11 under section 2805 of title 10, United States Code,  
12 \$24,492,000.

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

16 (5) For architectural and engineering services  
17 and construction design under section 2807 of title  
18 10, United States Code, \$74,496,000.

19 (6) For energy conservation projects authorized  
20 by section 2402 of this Act, \$35,600,000.

21 (7) For base closure and realignment activities  
22 as authorized by the Defense Base Closure and Re-  
23 alignment Act of 1990 (part A of title XXIX of  
24 Public Law 101–510; 10 U.S.C. 2687 note),  
25 \$532,200,000.

1 (8) For military family housing functions:

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

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

10 (C) For credit to the Department of De-  
11 fense Family Housing Improvement Fund es-  
12 tablished by section 2883(a)(1) of title 10,  
13 United States Code, \$2,000,000.

14 (9) For the construction of phase 6 of an am-  
15 munition demilitarization facility at Pine Bluff Arse-  
16 nal, Arkansas, authorized by section 2401(a) of the  
17 Military Construction Authorization Act for Fiscal  
18 Year 1995 (division B of Public Law 103–337; 108  
19 Stat. 3040), as amended by section 2407 of the Mili-  
20 tary Construction Authorization Act for Fiscal Year  
21 1996 (division B of Public Law 104–106; 110 Stat.  
22 539), section 2408 of the Military Construction Au-  
23 thorization Act for Fiscal Year 1998 (division B of  
24 Public Law 105–85; 111 Stat. 1982), section 2406  
25 of the Military Construction Authorization Act for

1 Fiscal Year 1999 (division B of Public Law 105–  
2 261; 112 Stat. 2197), and section 2407 of this Act,  
3 \$26,000,000.

4 (10) For the construction of phase 3 of an am-  
5 munition demilitarization facility at Pueblo Army  
6 Depot, Colorado, authorized by section 2401(a) of  
7 the Military Construction Authorization Act for Fis-  
8 cal Year 1997 (division B of Public Law 104–201;  
9 110 Stat. 2775), as amended by section 2406 of the  
10 Military Construction Authorization Act for Fiscal  
11 Year 2000 (division B of Public Law 106–65; 113  
12 Stat. 839), \$11,000,000.

13 (11) For construction of phase 4 of an ammu-  
14 nition demilitarization facility at Newport Army  
15 Depot, Indiana, authorized by section 2401(a) of the  
16 Military Construction Authorization Act for Fiscal  
17 Year 1999 (division B of Public Law 105–261; 112  
18 Stat. 2193), \$66,000,000.

19 (12) For construction of phase 4 of an ammu-  
20 nition demilitarization facility at Aberdeen Proving  
21 Ground, Maryland, authorized by section 2401(a) of  
22 the Military Construction Authorization Act for Fis-  
23 cal Year 1999 (division B of Public Law 105–261;  
24 112 Stat. 2193), as amended by section 2406 of this  
25 Act, \$66,500,000.

1           (13) For construction of a hospital at Fort  
2           Wainwright, Alaska, authorized by section 2201(a)  
3           of the Military Construction Authorization Act for  
4           Fiscal Year 2000 (division B of Public Law 106–65;  
5           113 Stat. 836), \$18,500,000.

6           (14) For construction of an aircrew water sur-  
7           vival training facility at Naval Air Station, Whidbey  
8           Island, Washington, authorized by section 2401(a)  
9           of the Military Construction Authorization Act for  
10          Fiscal Year 2000 (division B of Public Law 106–65;  
11          113 Stat. 836), as amended by section 2405 of this  
12          Act, \$6,600,000.

13          (15) For the construction of phase 2 of an am-  
14          munition demilitarization facility at Blue Grass  
15          Army Depot, Kentucky, authorized by section  
16          2401(a) of the Military Construction Authorization  
17          Act for Fiscal Year 2000 (division B of Public Law  
18          106–65, 113 Stat. 836), as amended by section  
19          2405, \$3,000,000.

20          (16) For construction of FHOTC Support Fa-  
21          cilities at Camp Pendleton, California, authorized by  
22          section 2401(a) of the Military Construction Author-  
23          ization Act for Fiscal Year 2001 (division B of the  
24          Spence Act; 114 Stat.1654A–402), as amended by  
25          section 2404 of this Act, \$3,150,000.

1           (17) For replacement of a Medical/Dental Clin-  
2           ic, Las Flores, at Camp Pendleton, California, au-  
3           thorized by section 2401(a) of the Military Construc-  
4           tion Authorization Act for Fiscal Year 2001 (divi-  
5           sion B of the Spence Act; 114 Stat.1654A–402), as  
6           amended by section 2404 of this Act, \$3,800,000.

7           (18) For replacement of a Medical/Dental Clin-  
8           ic, Las Pulgas, at Camp Pendleton, California, au-  
9           thorized by section 2401(a) of the Military Construc-  
10          tion Authorization Act for Fiscal Year 2001 (divi-  
11          sion B of the Spence Act; 114 Stat.1654A–402), as  
12          amended by section 2404 of this Act, \$4,050,000.

13          (19) For replacement of a Medical/Dental Clin-  
14          ic, Horno, at Camp Pendleton, California, author-  
15          ized by section 2401(a) of the Military Construction  
16          Authorization Act for Fiscal Year 2001 (division B  
17          of the Spence Act; 114 Stat.1654A–402), as amend-  
18          ed by section 2404 of this Act, \$4,300,000.

19          (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
20          PROJECTS.—Notwithstanding the cost variations author-  
21          ized by section 2853 of title 10, United States Code, and  
22          any other cost variation authorized by law, the total cost  
23          of all projects carried out under section 2401 of this Act  
24          may not exceed the total amount authorized to be appro-  
25          priated under paragraphs (1) and (2) of subsection (a).

1 (c) ADJUSTMENTS.—The total amount authorized to  
2 be appropriated pursuant to paragraphs (1) through (19)  
3 of subsection (a) is the sum of the amounts authorized  
4 to be appropriated in such paragraphs, reduced by—

5 (1) \$17,857,000, which represents the combina-  
6 tion of savings resulting from adjustments to foreign  
7 currency exchange rates for military construction  
8 outside the United States; and

9 (2) \$10,250,000, which represents the combina-  
10 tion of project savings in military construction re-  
11 sulting from favorable bids, reduced overhead  
12 charges, and cancellations due to force structure  
13 changes.

14 **SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT**  
15 **CERTAIN FISCAL YEAR 2001 PROJECT.**

16 The table in section 2401(a) of the Military Construc-  
17 tion Authorization Act for Fiscal Year 2001 (division B  
18 of the Spence Act; 114 Stat. 1654A–402) is amended—

19 (1) under the agency heading relating to  
20 TRICARE Management Activity, in the item relat-  
21 ing to Marine Corps Base, Camp Pendleton, Cali-  
22 fornia, by striking “\$14,150,000” and inserting  
23 “\$15,300,000”; and

1           (2) by striking the amount identified as the  
2           total in the amount column and inserting  
3           “\$258,056,000”.

4 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**  
5 **CERTAIN FISCAL YEAR 2000 PROJECTS.**

6           (a) MODIFICATION.—The table in section 2401(a) of  
7 the Military Construction Authorization Act for Fiscal  
8 Year 2000 (division B of Public Law 106–65; 113 Stat.  
9 836) is amended—

10           (1) under the agency heading relating to  
11 TRICARE Management Activity, in the item relat-  
12 ing to Naval Air Station, Whidbey Island, Wash-  
13 ington, by striking “\$4,700,000” inserting  
14 “\$6,600,000”;

15           (2) under the agency heading relating to Chem-  
16 ical Demilitarization, in the item relating to Blue  
17 Grass Army Depot, Kentucky, by striking  
18 “\$206,800,000” in the amount column and inserting  
19 “\$254,030,000”; and

20           (3) by striking the amount identified as the  
21 total in the amount column and inserting  
22 “\$636,550,000”.

23           (b) CONFORMING AMENDMENT.—Section 2405(b)(3)  
24 of that Act (113 Stat. 839) is amended by striking  
25 “\$184,000,000” and inserting “\$231,230,000”.

1 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**  
2 **CERTAIN FISCAL YEAR 1999 PROJECT.**

3 The table in section 2401(a) of the Military Construc-  
4 tion Authorization Act for Fiscal Year 1999 (division B  
5 of Public Law 105–261; 112 Stat. 2193) is amended—

6 (1) under the agency heading relating to Chem-  
7 ical Demilitarization, in the item relating to Aber-  
8 deen Proving Ground, Maryland, by striking  
9 “\$186,350,000” in the amount column and inserting  
10 “\$223,950,000”; and

11 (2) by striking the amount identified as the  
12 total in the amount column and inserting  
13 “\$727,616,000”.

14 (b) **CONFORMING AMENDMENTS.**—Section  
15 2404(b)(3) of that Act (112 Stat. 2196) is amended by  
16 striking “\$158,000,000” and inserting “\$195,600,000”.

17 **SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT**  
18 **CERTAIN FISCAL YEAR 1995 PROJECT.**

19 The table in section 2401 of the Military Construc-  
20 tion Authorization Act for Fiscal Year 1995 (division B  
21 of Public Law 103–337; 108 Stat. 3040), as amended by  
22 section 2407 of the Military Construction Authorization  
23 Act for Fiscal Year 1996 (division B of Public Law 104–  
24 106; 110 Stat. 539), section 2408 of the Military Con-  
25 struction Authorization Act for Fiscal Year 1998 (division  
26 B of Public Law 105–85; 111 Stat. 1982), and section

1 2406 of the Military Construction Authorization Act for  
2 Fiscal Year 1999 (division B of Public Law 105–261; 112  
3 Stat. 2197), is amended under the agency heading relating  
4 to Chemical Agents and Munitions Destruction, in the  
5 item relating to Pine Bluff Arsenal, Arkansas, by striking  
6 “\$154,400,000” in the amount column and inserting  
7 “\$177,400,000”.

8 **SEC. 2408. PROHIBITION ON EXPENDITURES TO DEVELOP**  
9 **FORWARD OPERATING LOCATION ON ARUBA**  
10 **FOR UNITED STATES SOUTHERN COMMAND**  
11 **COUNTER-DRUG DETECTION AND MONI-**  
12 **TORING FLIGHTS.**

13 None of the funds appropriated under the heading  
14 “MILITARY CONSTRUCTION, DEFENSE-WIDE” in chapter 3  
15 of title III of the Emergency Supplemental Act, 2000  
16 (Public Law 106–246; 114 Stat. 579), may be used by  
17 the Secretary of Defense to develop any forward operating  
18 location on the island of Aruba to serve as a location from  
19 which the United States Southern Command could con-  
20 duct counter-drug detection and monitoring flights.

1 **TITLE XXV—NORTH ATLANTIC**  
2 **TREATY ORGANIZATION SE-**  
3 **CURITY INVESTMENT PRO-**  
4 **GRAM**

5 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
6 **ACQUISITION PROJECTS.**

7 The Secretary of Defense may make contributions for  
8 the North Atlantic Treaty Organization Security Invest-  
9 ment Program as provided in section 2806 of title 10,  
10 United States Code, in an amount not to exceed the sum  
11 of the amount authorized to be appropriated for this pur-  
12 pose in section 2502 and the amount collected from the  
13 North Atlantic Treaty Organization as a result of con-  
14 struction previously financed by the United States.

15 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

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

1                   **TITLE XXVI—GUARD AND**  
2                   **RESERVE FACILITIES**

3   **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
4                   **TION AND LAND ACQUISITION PROJECTS.**

5           (a) IN GENERAL.—There are authorized to be appro-  
6   priated for fiscal years beginning after September 30,  
7   2001, for the costs of acquisition, architectural and engi-  
8   neering services, and construction of facilities for the  
9   Guard and Reserve Forces, and for contributions therefor,  
10  under chapter 1803 of title 10, United States Code (in-  
11  cluding the cost of acquisition of land for those facilities),  
12  the following amounts:

13           (1) For the Department of the Army—

14                   (A) for the Army National Guard of the  
15           United States, \$304,915,000; and

16                   (B) for the Army Reserve, \$173,017,000.

17           (2) For the Department of the Navy, for the  
18   Naval and Marine Corps Reserve, \$53,291,000.

19           (3) For the Department of the Air Force—

20                   (A) for the Air National Guard of the  
21           United States, \$197,472,000; and

22                   (B) for the Air Force Reserve,  
23           \$79,132,000.

1 **TITLE XXVII—EXPIRATION AND**  
2 **EXTENSION OF AUTHORIZA-**  
3 **TIONS**

4 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
5 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
6 **LAW.**

7 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
8 YEARS.—Except as provided in subsection (b), all author-  
9 izations contained in titles XXI through XXVI for military  
10 construction projects, land acquisition, family housing  
11 projects and facilities, and contributions to the North At-  
12 lantic Treaty Organization Security Investment program  
13 (and authorizations of appropriations therefor) shall ex-  
14 pire on the later of—

15 (1) October 1, 2004; or

16 (2) the date of the enactment of an Act author-  
17 izing funds for military construction for fiscal year  
18 2005.

19 (b) EXCEPTION.—Subsection (a) shall not apply to  
20 authorizations for military construction projects, land ac-  
21 quisition, family housing projects and facilities, and con-  
22 tributions to the North Atlantic Treaty Organization Se-  
23 curity Investment program (and authorizations of appro-  
24 priations therefor) for which appropriated funds have been  
25 obligated before the later of—

- 1 (1) October 1, 2004; or
- 2 (2) the date of the enactment of an Act author-
- 3 izing funds for fiscal year 2005 for military con-
- 4 struction projects, land acquisition, family housing
- 5 projects and facilities, or contributions to the North
- 6 Atlantic Treaty Organization Security Investment
- 7 program.

8 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
 9 **FISCAL YEAR 1999 PROJECTS.**

10 (a) EXCEPTION.—Notwithstanding section 2701 of  
 11 the Military Construction Authorization Act for Fiscal  
 12 Year 1999 (division B of Public Law 105–261; 112 Stat.  
 13 2199), authorizations set forth in the tables in subsection  
 14 (b), as provided in section 2302 or 2601 of that Act, shall  
 15 remain in effect until October 1, 2002, or the date of the  
 16 enactment of an Act authorizing funds for military con-  
 17 struction for fiscal year 2003, whichever is later.

18 (b) TABLES.—The tables referred to in subsection (a)  
 19 are as follows:

**Air Force: Extension of 1999 Project Authorizations**

State	Installation or loca- tion	Project	Amount
Delaware .....	Dover Air Force Base	Family Housing Replacement (55 Units) ...	\$8,998,000
Florida .....	Patrick Air Force Base	Family Housing Replacement (46 Units) ...	\$9,692,000
New Mexico .....	Kirtland Air Force Base .....	Family Housing Replacement (37 Units) ...	\$6,400,000

**Air Force: Extension of 1999 Project Authorizations**—Continued

State	Installation or location	Project	Amount
Ohio .....	Wright-Patterson Air Force Base .....	Family Housing Replacement (40 Units) ...	\$5,600,000

**Army National Guard: Extension of 1999 Project Authorizations**

State	Installation or location	Project	Amount
Massachusetts .....	Westfield .....	Army Aviation Support Facility .....	\$9,274,000
South Carolina .....	Spartanburg .....	Readiness Center.	\$5,260,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1998 PROJECTS.**

3 (a) EXTENSION.—Notwithstanding section 2701 of  
4 the Military Construction Authorization Act for Fiscal  
5 Year 1998 (division B of Public Law 105–85; 111 Stat.  
6 1984), authorizations set forth in the tables in subsection  
7 (b), as provided in section 2102, 2202, or 2302 of that  
8 Act and extended by section 2702 of the Military Con-  
9 struction Authorization Act for Fiscal Year 2001 (division  
10 B of the Spence Act; 114 Stat. 1654A–408), shall remain  
11 in effect until October 1, 2002, or the date of the enact-  
12 ment of an Act authorizing funds for military construction  
13 for fiscal year 2003, whichever is later.

14 (b) TABLES.—The tables referred to in subsection (a)  
15 are as follows:

**Army: Extension of 1998 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
Maryland .....	Fort Meade .....	Family Housing Construction (56 units) ....	\$7,900,000

**Navy: Extension of 1998 Project Authorizations**

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

**Air Force: Extension of 1998 Project Authorization**

<b>State</b>	<b>Installation or location</b>	<b>Project</b>	<b>Amount</b>
New Mexico .....	Kirtland Air Force Base .....	Family Housing Replacement (180 units) ..	\$20,900,000

**1 SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI

3 shall take effect on the later of—

4 (1) October 1, 2001; or

5 (2) the date of the enactment of this Act.

1                   **TITLE XXVIII—GENERAL**  
2                   **PROVISIONS**  
3       **Subtitle A—Military Construction**  
4       **Program and Military Family**  
5       **Housing Changes**

6       **SEC. 2801. INCREASE IN CERTAIN UNSPECIFIED MINOR**  
7                   **MILITARY CONSTRUCTION PROJECT**  
8                   **THRESHOLDS.**

9           Section 2805 of title 10, United States Code, is  
10 amended—

11               (1) in subsection (b)(1), by striking “\$500,000”  
12               and inserting “\$750,000”;

13               (2) in subsection (c)(1)(A), by striking  
14               “\$1,000,000” and inserting “\$1,500,000”; and

15               (3) in subsection (c)(1)(B), by striking  
16               “\$500,000” and inserting “\$750,000”.

17       **SEC. 2802. EXCLUSION OF UNFORESEEN ENVIRONMENTAL**  
18                   **HAZARD REMEDIATION FROM LIMITATION**  
19                   **ON AUTHORIZED COST VARIATIONS.**

20           Subsection (d) of section 2853 of title 10, United  
21 States Code, is amended to read as follows:

22               “(d) The limitation on cost increases in subsection  
23 (a) does not apply—

24               “(1) to the settlement of a contractor claim  
25               under a contract; or

1           “(2) to the costs associated with the required  
2           remediation of an environmental hazard in connec-  
3           tion with a military construction project or military  
4           family housing project, such as asbestos removal,  
5           radon abatement, lead-based paint removal or abate-  
6           ment, or any other legally required environmental  
7           hazard remediation, if the required remediation  
8           could not have reasonably been anticipated at the  
9           time the project was approved originally by Con-  
10          gress.”.

11 **SEC. 2803. REPEAL OF ANNUAL REPORTING REQUIREMENT**  
12                               **ON MILITARY CONSTRUCTION AND MILITARY**  
13                               **FAMILY HOUSING ACTIVITIES.**

14           (a) REPEAL.—Section 2861 of title 10, United States  
15 Code, is repealed.

16           (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of subchapter III of chapter 169 of such  
18 title is amended by striking the item relating to section  
19 2861.

20 **SEC. 2804. PERMANENT AUTHORIZATION FOR ALTER-**  
21                               **NATIVE AUTHORITY FOR ACQUISITION AND**  
22                               **IMPROVEMENT OF MILITARY HOUSING.**

23           (a) REPEAL OF TERMINATION PROVISION.—Section  
24 2885 of title 10, United States Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of subchapter IV of chapter 169 of such  
3 title is amended by striking the item relating to section  
4 2885.

5 **Subtitle B—Real Property and**  
6 **Facilities Administration**

7 **SEC. 2811. USE OF MILITARY INSTALLATIONS FOR CERTAIN**  
8 **RECREATIONAL ACTIVITIES.**

9 Section 2671 of title 10, United States Code, is  
10 amended—

11 (1) by transferring subsection (b) to the end of  
12 the section and redesignating such subsection, as so  
13 transferred, as subsection (e); and

14 (2) by inserting after subsection (a) the fol-  
15 lowing new subsection (b):

16 “(b) Subsection (a) shall not apply with respect to  
17 all or certain specified hunting, fishing, or trapping at a  
18 military installation or facility if the Secretary of Defense  
19 determines that the application of the State or Territory  
20 fish and game laws to such hunting, fishing, or trapping  
21 without modification could result in undesirable con-  
22 sequences for public safety or adverse effects on morale,  
23 welfare, or recreation activities at the installation or facil-  
24 ity. The Secretary may not waive or modify the require-  
25 ments under subsection (a)(2) regarding a license for such

1 hunting, fishing, or trapping or any fee imposed by a State  
2 or Territory to obtain such a license.”.

3 **SEC. 2812. BASE EFFICIENCY PROJECT AT BROOKS AIR**  
4 **FORCE BASE, TEXAS.**

5 (a) INDEMNIFICATION OF TRANSFEREES.—Section  
6 136 of the Military Construction Appropriations Act, 2001  
7 (division A of Public Law 106–246; 114 Stat. 520), is  
8 amended—

9 (1) by striking subsection (n);

10 (2) by redesignating subsection (m) as sub-  
11 section (n); and

12 (3) by inserting after subsection (l) the fol-  
13 lowing new subsection:

14 “(m) INDEMNIFICATION OF TRANSFEREES.—(1)  
15 With respect to the disposal of real property under sub-  
16 section (e) at the Base as part of the Project, the Sec-  
17 retary shall hold harmless, defend, and indemnify in full  
18 the Community and other persons and entities described  
19 in paragraph (2) from and against any suit, claim, de-  
20 mand or action, liability, judgment, cost or other fee aris-  
21 ing out of any claim for personal injury or property dam-  
22 age (including death, illness, or loss of or damage to prop-  
23 erty or economic loss) that results from, or is in any man-  
24 ner predicated upon, the release or threatened release of  
25 any hazardous substance, pollutant or contaminant, or pe-

1 troleum or petroleum derivative as a result of Department  
2 of Defense activities at the Base.

3 “(2) The persons and entities referred to in para-  
4 graph (1) are the following:

5 “(A) The Community (including any officer,  
6 agent, or employee of the Community) that acquires  
7 ownership or control of any real property at the  
8 Base as described in paragraph (1).

9 “(B) The State of Texas or any political sub-  
10 division of the State (including any officer, agent, or  
11 employee of the State or political subdivision) that  
12 acquires such ownership or control.

13 “(C) Any other person or entity that acquires  
14 such ownership or control.

15 “(D) Any successor, assignee, transferee, lend-  
16 er, or lessee of a person or entity described in sub-  
17 paragraphs (A) through (C).

18 “(3) To the extent the persons and entities described  
19 in paragraph (2) contributed to any such release or threat-  
20 ened release, paragraph (1) shall not apply.

21 “(4) No indemnification may be afforded under this  
22 subsection unless the person or entity making a claim for  
23 indemnification—

24 “(A) notifies the Department of Defense in  
25 writing within two years after such claim accrues or

1 begins action within six months after the date of  
2 mailing, by certified or registered mail, of notice of  
3 final denial of the claim by the Department of De-  
4 fense;

5 “(B) furnishes to the Department of Defense  
6 copies of pertinent papers the entity receives;

7 “(C) furnishes evidence or proof of any claim,  
8 loss, or damage covered by this subsection; and

9 “(D) provides, upon request by the Department  
10 of Defense, access to the records and personnel of  
11 the entity for purposes of defending or settling the  
12 claim or action.

13 “(5) In any case in which the Secretary determines  
14 that the Department of Defense may be required to make  
15 indemnification payments to a person under this sub-  
16 section for any suit, claim, demand or action, liability,  
17 judgment, cost or other fee arising out of any claim for  
18 personal injury or property damage referred to in para-  
19 graph (1), the Secretary may settle or defend, on behalf  
20 of that person, the claim for personal injury or property  
21 damage. If the person to whom the Department of De-  
22 fense may be required to make indemnification payments  
23 does not allow the Secretary to settle or defend the claim,  
24 the person may not be afforded indemnification with re-  
25 spect to that claim under this subsection.

1           “(6) For purposes of paragraph (4)(A), the date on  
2 which a claim accrues is the date on which the plaintiff  
3 knew (or reasonably should have known) that the personal  
4 injury or property damage referred to in paragraph (1)  
5 was caused or contributed to by the release or threatened  
6 release of a hazardous substance, pollutant or contami-  
7 nant, or petroleum or petroleum derivative as a result of  
8 Department of Defense activities at the Base.

9           “(7) Nothing in this subsection shall be construed as  
10 affecting or modifying in any way section 120(h) of the  
11 Comprehensive Environmental Response, Compensation,  
12 and Liability Act of 1980 (42 U.S.C. 9620(h)).

13           “(8) In this subsection, the terms ‘facility’, ‘haz-  
14 arduous substance’, ‘release’, and ‘pollutant or contami-  
15 nant’ have the meanings given such terms in section 101  
16 of the Comprehensive Environmental Response, Com-  
17 pensation, and Liability Act of 1980, respectively (42  
18 U.S.C. 9601).”.

19           (b) DEFINITIONS.—Paragraph (9) of subsection (n)  
20 of such section, as redesignated by subsection (a)(2), is  
21 amended by striking “, who shall be a civilian official of  
22 the Department appointed by the President with the ad-  
23 vice and consent of the Senate”.

1 **SEC. 2813. USE OF BUILDINGS ON MILITARY INSTALLA-**  
2 **TIONS AND RESERVE COMPONENT FACILI-**  
3 **TIES AS POLLING PLACES.**

4 (a) USE OF MILITARY INSTALLATIONS AUTHOR-  
5 IZED.—Section 2670 of title 10, United States Code, is  
6 amended by adding at the end the following new sub-  
7 section:

8 “(b) USE AS POLLING PLACES.—(1) Notwith-  
9 standing chapter 29 of title 18 (including sections 592 and  
10 593 of such title), the Secretary of a military department  
11 may make a building located on a military installation  
12 under the jurisdiction of the Secretary available for use  
13 as a polling place in any Federal, State, or local election  
14 for public office.

15 “(2) Once a military installation is made available as  
16 the site of a polling place with respect to a Federal, State,  
17 or local election for public office, the Secretary shall con-  
18 tinue to make the site available for subsequent elections  
19 for public office unless the Secretary provides to Congress  
20 advance notice in a reasonable and timely manner of the  
21 reasons why the site will no longer be made available as  
22 a polling place.

23 “(3) In this subsection, the term ‘military installa-  
24 tion’ has the meaning given the term in section 2687(e)  
25 of this title.”.

1           (b) USE OF RESERVE COMPONENT FACILITIES.—(1)  
2 Section 18235 of such title is amended by adding at the  
3 end the following new subsection:

4           “(c) Pursuant to a lease or other agreement under  
5 subsection (a)(2), the Secretary may make a facility cov-  
6 ered by subsection (a) available for use as a polling place  
7 in any Federal, State, or local election for public office  
8 notwithstanding chapter 29 of title 18 (including sections  
9 592 and 593 of such title). Once a facility is made avail-  
10 able as the site of a polling place with respect to an elec-  
11 tion for public office, the Secretary shall continue to make  
12 the facility available for subsequent elections for public of-  
13 fice unless the Secretary provides to Congress advance no-  
14 tice in a reasonable and timely manner of the reasons why  
15 the facility will no longer be made available as a polling  
16 place.”.

17           (2) Section 18236 of such title is amended by adding  
18 at the end the following new subsection:

19           “(e) Pursuant to a lease or other agreement under  
20 subsection (c)(1), a State may make a facility covered by  
21 subsection (c) available for use as a polling place in any  
22 Federal, State, or local election for public office notwith-  
23 standing chapter 29 of title 18 (including sections 592 and  
24 593 of such title).”.

1 (c) CONFORMING AND CLERICAL AMENDMENTS.—

2 (1) section 2670 of such title is further amended—

3 (A) by striking “Under” and inserting “(a)

4 USE BY RED CROSS.—Under”; and

5 (B) by striking “this section” and inserting

6 “this subsection”.

7 (2) The heading of such section is amended to read

8 as follows:

9 **“§ 2670. Buildings on military installations: use by**

10 **American National Red Cross and as poll-**

11 **ing places”.**

12 (3) The item relating to such section in the table of

13 sections at the beginning of chapter 159 of such title is

14 amended to read as follows:

“2670. Buildings on military installations: use by American National Red Cross  
and as polling places.”.

15 **Subtitle C—Defense Base Closure**  
16 **and Realignment**

17 **SEC. 2821. LEASE BACK OF BASE CLOSURE PROPERTY.**

18 (a) 1988 LAW.—Section 204(b)(4) of the Defense

19 Authorization Amendments and Base Closure and Re-

20 alignment Act (Public Law 100–526; 10 U.S.C. 2687

21 note) is amended—

22 (1) by redesignating subparagraphs (E), (F),

23 (G), (H), and (I) as subparagraphs (F), (G), (H),

24 (I), and (J), respectively; and

1           (2) by inserting after subparagraph (D) the fol-  
2           lowing new subparagraph (E):

3           “(E)(i) The Secretary may transfer real property at  
4 an installation approved for closure or realignment under  
5 this title (including property at an installation approved  
6 for realignment which will be retained by the Department  
7 of Defense or another Federal agency after realignment)  
8 to the redevelopment authority for the installation if the  
9 redevelopment authority agrees to lease, directly upon  
10 transfer, one or more portions of the property transferred  
11 under this subparagraph to the Secretary or to the head  
12 of another department or agency of the Federal Govern-  
13 ment. Subparagraph (B) shall apply to a transfer under  
14 this subparagraph.

15           “(ii) A lease under clause (i) shall be for a term of  
16 not to exceed 50 years, but may provide for options for  
17 renewal or extension of the term by the department or  
18 agency concerned.

19           “(iii) A lease under clause (i) may not require rental  
20 payments by the United States.

21           “(iv) A lease under clause (i) shall include a provision  
22 specifying that if the department or agency concerned  
23 ceases requiring the use of the leased property before the  
24 expiration of the term of the lease, the remainder of the  
25 lease term may be satisfied by the same or another depart-

1 ment or agency of the Federal Government using the prop-  
2 erty for a use similar to the use under the lease. Exercise  
3 of the authority provided by this clause shall be made in  
4 consultation with the redevelopment authority concerned.

5       “(v) Notwithstanding clause (iii) or chapter 137 of  
6 title 10, United States Code, if a lease under clause (i)  
7 involves a substantial portion of the installation, the de-  
8 partment or agency concerned may obtain facility services  
9 for the leased property and common area maintenance  
10 from the redevelopment authority or the redevelopment  
11 authority’s assignee as a provision of the lease. The facil-  
12 ity services and common area maintenance shall be pro-  
13 vided at a rate no higher than the rate charged to non-  
14 Federal tenants of the transferred property. Facility serv-  
15 ices and common area maintenance covered by the lease  
16 shall not include—

17           “(I) municipal services that a State or local  
18 government is required by law to provide to all land-  
19 owners in its jurisdiction without direct charge; or

20           “(II) firefighting or security-guard functions.”.

21       (b) 1990 LAW.—Section 2905(b)(4)(E) of the De-  
22 fense Base Closure and Realignment Act of 1990 (part  
23 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
24 note) is amended by adding at the end the following new  
25 clause:

1       “(v) Notwithstanding clause (iii) or chapter 137 of  
 2 title 10, United States Code, if a lease under clause (i)  
 3 involves a substantial portion of the installation, the de-  
 4 partment or agency concerned may obtain facility services  
 5 for the leased property and common area maintenance  
 6 from the redevelopment authority or the redevelopment  
 7 authority’s assignee as a provision of the lease. The facil-  
 8 ity services and common area maintenance shall be pro-  
 9 vided at a rate no higher than the rate charged to non-  
 10 Federal tenants of the transferred property. Facility serv-  
 11 ices and common area maintenance covered by the lease  
 12 shall not include—

13               “(I) municipal services that a State or local  
 14 government is required by law to provide to all land-  
 15 owners in its jurisdiction without direct charge; or

16               “(II) firefighting or security-guard functions.”.

## 17       **Subtitle D—Land Conveyances**

### 18               **PART I—ARMY CONVEYANCES**

#### 19       **SEC. 2831. MODIFICATION OF LAND EXCHANGE, ROCK IS-** 20               **LAND ARSENAL, ILLINOIS.**

21       (a) **ADDITIONAL CONVEYANCE AUTHORIZED.**—Sub-  
 22 section (a) of section 2832 of the Military Construction  
 23 Authorization Act for Fiscal Year 2000 (division B of  
 24 Public Law 106–65; 113 Stat. 857) is amended—

1           (1) by inserting “(1)” before “The Secretary”;

2           and

3           (2) by adding at the end the following new

4           paragraph:

5           “(2) The Secretary may convey to the City all right,

6           title, and interest of the United States in and to an addi-

7           tional parcel of real property, including improvements

8           thereon, at the Rock Island Arsenal consisting of approxi-

9           mately .513 acres.”.

10          (b) CONSIDERATION.—Subsection (b) of such section

11         is amended—

12           (1) by inserting “(1)” before “As consider-

13           ation”;

14           (2) by striking “subsection (a)” both places it

15           appears and inserting “subsection (a)(1)”; and

16           (3) by adding at the end the following new

17           paragraph:

18           “(2) As consideration for the conveyance under sub-

19           section (a)(2), the City shall convey to the Secretary all

20           right, title, and interest of the City in and to a parcel of

21           real property consisting of approximately .063 acres and

22           construct on the parcel, at the City’s expense, a new access

23           ramp to the Rock Island Arsenal.”.

1 **SEC. 2832. MODIFICATION OF LAND CONVEYANCES, FORT**  
2 **DIX, NEW JERSEY.**

3 Section 2835(c) of the Military Construction Author-  
4 ization Act for Fiscal Year 1998 (division B of Public Law  
5 105–85; 111 Stat. 2004) is amended by adding at the end  
6 the following new paragraph:

7 “(3) Notwithstanding paragraphs (1) or (2), the Bor-  
8 ough and Board may exchange between each other, with-  
9 out the consent of the Secretary, all or any portion of the  
10 property conveyed under subsection (a) so long as the  
11 property continues to be used by the grantees for economic  
12 development or educational purposes.”.

13 **SEC. 2833. LEASE AUTHORITY, FORT DERUSSY, HAWAII.**

14 Notwithstanding section 809 of the Military Con-  
15 struction Authorization Act, 1968 (Public Law 90–110;  
16 81 Stat. 309) and section 2814(b) of the Military Con-  
17 struction Authorization Act, 1989 (Public Law 100–456;  
18 102 Stat. 2117), the Secretary of the Army may enter  
19 into a lease with the City of Honolulu, Hawaii, for the  
20 purpose of making available to the City a parcel of real  
21 property at Fort DeRussy, Hawaii, for the construction  
22 of a parking facility.

23 **SEC. 2834. LAND EXCHANGE AND CONSOLIDATION, FORT**  
24 **LEWIS, WASHINGTON.**

25 (a) EXCHANGE AUTHORIZED.—(1) The Secretary of  
26 the Army may convey to the Nisqually Tribe, a federally

1 recognized Indian tribe whose tribal lands are located  
2 within the State of Washington, all right, title, and inter-  
3 est of the United States in and to two parcels of real prop-  
4 erty, including any improvements thereon, consisting of  
5 approximately 138 acres at Fort Lewis, Washington, in  
6 exchange for the real property described in subsection (b).

7 (2) The property authorized for conveyance under  
8 paragraph (1) does not include Bonneville Power Adminis-  
9 tration transmission facilities or the right of way described  
10 in subsection (c).

11 (b) CONSIDERATION.—As consideration for the con-  
12 veyance under subsection (a), the Nisqually Tribe shall—

13 (1) acquire from Thurston County, Wash-  
14 ington, several parcels of real property consisting of  
15 approximately 416 acres that are owned by the  
16 county, are within the boundaries of Fort Lewis, and  
17 are currently leased by the Army, and

18 (2) convey fee title over the acquired property  
19 to the Secretary.

20 (c) RIGHT-OF-WAY FOR BONNEVILLE POWER AD-  
21 MINISTRATION.—The Secretary may use the authority  
22 provided in section 2668 of title 10, United States Code,  
23 to convey to the Bonneville Power Administration a right-  
24 of-way that authorizes the Bonneville Power Administra-  
25 tion to use real property at Fort Lewis as a route for the

1 Grand Coulee-Olympia and Olympia-White River electric  
2 transmission lines and appurtenances to facilitate the re-  
3 moval of such transmission lines from tribal lands of the  
4 Nisqually Tribe.

5 (d) DESCRIPTION OF PROPERTY.—The exact acreage  
6 and legal description of the real property to be conveyed  
7 under subsection (a) and acquired under subsection (b)  
8 shall be determined by a survey satisfactory to the Sec-  
9 retary and the Nisqually Tribe. The cost of the survey  
10 shall be borne by the recipient of the property.

11 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
12 Secretary may require such additional terms and condi-  
13 tions in connection with the conveyances under this section  
14 as the Secretary considers appropriate to protect the inter-  
15 ests of the United States.

16 **SEC. 2835. LAND CONVEYANCE, WHITTIER-ANCHORAGE**  
17 **PIPELINE TANK FARM, ANCHORAGE, ALASKA.**

18 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
19 the Army may convey, without consideration, to the Port  
20 of Anchorage, an entity of the Municipality of Anchorage,  
21 Alaska, all right, title, and interest of the United States  
22 in and to two adjoining parcels of real property, including  
23 any improvements thereon, consisting of approximately 48  
24 acres in Anchorage, Alaska, which are known as of the  
25 Whittier-Anchorage Pipeline Tank Farm, for the purpose

1 of permitting the Port of Anchorage to use the parcels  
2 for economic development.

3 (b) DESCRIPTION OF PROPERTY.—The exact acreage  
4 and legal description of the real property to be conveyed  
5 under subsection (a) shall be determined by a survey satis-  
6 factory to the Secretary. The cost of the survey shall be  
7 borne by the recipient of the real property.

8 (c) ADDITIONAL TERMS AND CONDITIONS.—The  
9 Secretary may require such additional terms and condi-  
10 tions in connection with the conveyance under this section  
11 (a) as the Secretary considers appropriate to protect the  
12 interests of the United States.

13 **PART II—NAVY CONVEYANCES**

14 **SEC. 2841. TRANSFER OF JURISDICTION, CENTERVILLE**  
15 **BEACH NAVAL STATION, HUMBOLDT COUNTY,**  
16 **CALIFORNIA.**

17 (a) TRANSFER AUTHORIZED.—The Secretary of the  
18 Navy may transfer, without reimbursement, to the admin-  
19 istrative jurisdiction of the Secretary of the Interior the  
20 real property, including any improvements thereon, con-  
21 sisting of the closed Centerville Beach Naval Station in  
22 Humboldt County, California, for the purpose of permit-  
23 ting the Secretary of the Interior to manage the real prop-  
24 erty as open space or for other public purposes.

1           (b) **LEGAL DESCRIPTION.**—The exact acreage and  
2 legal description of the real property to be transferred  
3 under this section shall be determined by a survey satis-  
4 factory to the Secretary of the Navy. The cost of the sur-  
5 vey shall be borne by the Secretary of the Interior.

6           (c) **ADDITIONAL TERMS AND CONDITIONS.**—The  
7 Secretary of the Navy may require such additional terms  
8 and conditions in connection with the transfer under this  
9 section as the Secretary of the Navy considers appropriate  
10 to protect the interests of the United States.

11 **SEC. 2842. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**  
12 **TRIAL RESERVE PLANT, TOLEDO, OHIO.**

13           (a) **CONVEYANCE AUTHORIZED.**—(1) The Secretary  
14 of the Navy may convey, without consideration, to the To-  
15 ledo-Lucas County Port Authority, Ohio (in this section  
16 referred to as the “Port Authority”), all right, title, and  
17 interest of the United States in and to a parcel of real  
18 property consisting of approximately 29 acres, including  
19 any improvements thereon, and comprising the Naval  
20 Weapons Industrial Reserve Plant, Toledo, Ohio.

21           (2) The Secretary may include in the conveyance  
22 under paragraph (1) such facilities, equipment, fixtures,  
23 and other personal property located or based on the parcel  
24 conveyed under that paragraph, or used in connection with

1 the parcel, as the Secretary determines to be not required  
2 by the Navy for other purposes.

3 (b) LEASE AUTHORITY.—Until such time as the real  
4 property described in subsection (a)(1) is conveyed by  
5 deed, the Secretary may lease the real property, together  
6 with any improvements, facilities, equipment, fixtures, and  
7 other personal property thereon, to the Port Authority in  
8 exchange for security services, fire protection services, and  
9 maintenance services provided by the Port Authority for  
10 the real property.

11 (c) CONDITIONS OF CONVEYANCE.—(1) The convey-  
12 ance under subsection (a), and any lease under subsection  
13 (b), shall be subject to the conditions that the Port  
14 Authority—

15 (A) accept the parcel, and any improvements,  
16 facilities, equipment, fixtures, and other personal  
17 property thereon, in their condition at the time of  
18 the conveyance or lease, as the case may be; and

19 (B) except as provided in paragraph (2), use  
20 the parcel, and any improvements, facilities, equip-  
21 ment, fixtures, and other personal property thereon,  
22 whether directly or through an agreement with a  
23 public or private entity, for economic development,  
24 redevelopment, or retention purposes, including the  
25 creation or preservation of jobs and employment op-

1       portunities, or such other public purposes as the  
2       Port Authority determines appropriate.

3       (2) The Port Authority may at any time convey,  
4 lease, or sublease, as the case may be, the parcel, and any  
5 improvements, facilities, equipment, fixtures, and other  
6 personal property thereon, to a public or private entity for  
7 purposes described in paragraph (1)(B).

8       (d) INSPECTION.—The Secretary may permit the  
9 Port Authority to review and inspect the improvements,  
10 facilities, equipment, fixtures, and other personal property  
11 located on the parcel described in subsection (a)(1) for  
12 purposes of the conveyance authorized by that subsection  
13 and the lease authorized by subsection (b).

14       (e) DESCRIPTION OF PROPERTY.—The exact acreage  
15 and legal description of the real property to be conveyed  
16 under subsection (a)(1), and of any facilities, equipment  
17 fixtures, or other personal property to be conveyed under  
18 subsection (a)(2), shall be determined by a survey and  
19 other means satisfactory to the Secretary. The cost of any  
20 activities under the preceding sentence shall be borne by  
21 the Port Authority.

22       (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
23 retary may require such additional terms and conditions  
24 in connection with the conveyance under subsection (a)(1),  
25 and any lease under subsection (b), as the Secretary con-

1 siders appropriate to protect the interests of the United  
2 States.

3 **SEC. 2843. MODIFICATION OF AUTHORITY FOR CONVEY-**  
4 **ANCE OF NAVAL COMPUTER AND TELE-**  
5 **COMMUNICATIONS STATION, CUTLER, MAINE.**

6 Section 2853(a) of the Military Construction Author-  
7 ization Act for Fiscal Year 2001 (division B of the Spence  
8 Act; 114 Stat. 1654A–430) is amended by inserting “any  
9 or” before “all right”.

10 **SEC. 2844. MODIFICATION OF LAND CONVEYANCE, FORMER**  
11 **UNITED STATES MARINE CORPS AIR STA-**  
12 **TION, EAGLE MOUNTAIN LAKE, TEXAS.**

13 Section 5 of Public Law 85–258 (71 Stat. 583) is  
14 amended by inserting before the period at the end the fol-  
15 lowing: “or for the protection, maintenance, and operation  
16 of other Texas National Guard facilities”.

17 **SEC. 2845. LAND TRANSFER AND CONVEYANCE, NAVAL SE-**  
18 **CURITY GROUP ACTIVITY, WINTER HARBOR,**  
19 **MAINE.**

20 (a) **TRANSFER OF JURISDICTION OF SCHOODIC**  
21 **POINT PROPERTY AUTHORIZED.**—(1) The Secretary of  
22 the Navy may transfer, without consideration, to the Sec-  
23 retary of the Interior administrative jurisdiction of a par-  
24 cel of real property, including any improvements thereon  
25 and appurtenances thereto, consisting of approximately 26

1 acres as generally depicted as Tract 15–116 on the map  
2 entitled “Acadia National Park Schoodic Point Area”,  
3 numbered 123/80,418 and dated May 2001. The map  
4 shall be on file and available for inspection in the appro-  
5 priate offices of the National Park Service.

6 (2) The transfer authorized by this subsection shall  
7 occur, if at all, concurrently with the reversion of adminis-  
8 trative jurisdiction of a parcel of real property consisting  
9 of approximately 71 acres, as depicted as Tract 15–115  
10 on the map referred to in paragraph (1), from the Sec-  
11 retary of the Navy to the Secretary of the Interior as au-  
12 thorized by Public Law 80–260 (61 Stat. 519) and to be  
13 executed on or about June 30, 2002.

14 (b) CONVEYANCE OF COREA AND WINTER HARBOR  
15 PROPERTIES AUTHORIZED.—The Secretary of the Navy  
16 may convey, without consideration, to the State of Maine,  
17 any political subdivision of the State of Maine, or any tax-  
18 supported agency in the State of Maine, all right, title,  
19 and interest of the United States in and to any of the  
20 parcels of real property, including any improvements  
21 thereon and appurtenances thereto, consisting of approxi-  
22 mately 485 acres and comprising the former facilities of  
23 the Naval Security Group Activity, Winter Harbor, Maine,  
24 located in Hancock County, Maine, except for the real  
25 property described in subsection (a)(1).

1           (c) TRANSFER OF PERSONAL PROPERTY.—The Sec-  
2 retary of the Navy shall transfer, without consideration,  
3 to the Secretary of the Interior in the case of the real  
4 property transferred under subsection (a), or to any recipi-  
5 ent of such real property in the case of real property con-  
6 veyed under subsection (b), any or all personal property  
7 associated with such real property so transferred or con-  
8 veyed, including—

9           (1) the ambulances and any fire trucks or other  
10 firefighting equipment; and

11           (2) any personal property required to continue  
12 the maintenance of the infrastructure of such real  
13 property, including the generators and an uninter-  
14 rupted power supply in building 154 at the Corea  
15 site.

16           (d) MAINTENANCE OF PROPERTY PENDING CONVEY-  
17 ANCE.—The Secretary of the Navy shall maintain any real  
18 property, including any improvements thereon, appur-  
19 tenances thereto, and supporting infrastructure, to be con-  
20 veyed under subsection (b) until the earlier of—

21           (1) the date of the conveyance of such real  
22 property under subsection (b); or

23           (2) September 30, 2003.

24           (e) INTERIM LEASE.—(1) Until such time as any par-  
25 cel of real property to be conveyed under subsection (b)

1 is conveyed by deed under that subsection, the Secretary  
2 of the Navy may lease such parcel to any person or entity  
3 determined by the Secretary to be an appropriate lessee  
4 of such parcel.

5 (2) The amount of rent for a lease under paragraph  
6 (1) shall be the amount determined by the Secretary to  
7 be appropriate, and may be an amount less than the fair  
8 market value of the lease.

9 (f) REIMBURSEMENT FOR ENVIRONMENTAL AND  
10 OTHER ASSESSMENTS.—(1) The Secretary of the Navy  
11 may require each recipient of real property conveyed under  
12 subsection (b) to reimburse the Secretary for the costs in-  
13 curred by the Secretary for any environmental assessment,  
14 study, or analysis carried out by the Secretary with re-  
15 spect to such property before completing the conveyance  
16 under that subsection.

17 (2) The amount of any reimbursement required under  
18 paragraph (1) shall be determined by the Secretary, but  
19 may not exceed the cost of the assessment, study, or anal-  
20 ysis for which reimbursement is required.

21 (3) Section 2695(c) of title 10, United States Code,  
22 shall apply to any amount received by the Secretary under  
23 this subsection.

24 (g) DESCRIPTION OF PROPERTY.—The exact acreage  
25 and legal description of the real property transferred

1 under subsection (a), and each parcel of real property con-  
2 veyed under subsection (b), shall be determined by a sur-  
3 vey satisfactory to the Secretary of the Navy. The cost  
4 of any survey under the preceding sentence for real prop-  
5 erty conveyed under subsection (b) shall be borne by the  
6 recipient of the real property.

7 (h) **ADDITIONAL TERMS AND CONDITIONS.**—The  
8 Secretary of the Navy may require such additional terms  
9 and conditions in connection with any conveyance under  
10 subsection (b), and any lease under subsection (e), as the  
11 Secretary considers appropriate to protect the interests of  
12 the United States.

### 13 **PART III—AIR FORCE CONVEYANCES**

#### 14 **SEC. 2851. WATER RIGHTS CONVEYANCE, ANDERSEN AIR** 15 **FORCE BASE, GUAM.**

16 (a) **AUTHORITY TO CONVEY.**—In conjunction with  
17 the conveyance of the water supply system for Anderson  
18 Air Force Base, Guam, under the authority of section  
19 2688 of title 10, United States Code, and in accordance  
20 with all the requirements of that section, the Secretary  
21 of the Air Force may convey all right, title, and interest  
22 of the United States, or such lesser estate as the Secretary  
23 considers appropriate to serve the interests of the United  
24 States, in the water rights related to the following Air  
25 Force properties located on Guam:

1           (1) Andy South, also known as the Andersen  
2     Administrative Annex.

3           (2) Marianas Bonins Base Command.

4           (3) Andersen Water Supply Annex, also known  
5     as the Tumon Water Well or the Tumon Maui Well.

6     (b) **ADDITIONAL REQUIREMENTS.**—The Secretary  
7     may exercise the authority contained in subsection (a) only  
8     if—

9           (1) the Secretary determines that adequate sup-  
10    plies of potable groundwater exist under the main  
11    base and northwest field portions of Andersen Air  
12    Force Base to meet the current and long-term re-  
13    quirements of the installation for water;

14          (2) the Secretary determines that such supplies  
15    of groundwater are economically obtainable; and

16          (3) the Secretary requires the conveyee of the  
17    water rights under subsection (a) to provide a water  
18    system capable of meeting the water supply needs of  
19    the main base and northwest field portions of Ander-  
20    son Air Force Base, as determined by the Secretary.

21     (c) **INTERIM WATER SUPPLIES.**—If the Secretary de-  
22    termines that it is in the best interests of the United  
23    States to transfer title to the water rights and utility sys-  
24    tems at Andy South and Andersen Water Supply Annex  
25    before placing into service a replacement water system and

1 well field on Andersen Air Force Base, the Secretary may  
2 require that the United States have the primary right to  
3 all water produced from Andy South and Andersen Water  
4 Supply Annex until the replacement water system and well  
5 field is placed into service and operates to the satisfaction  
6 of the Secretary. In exercising the authority provided by  
7 this subsection, the Secretary may retain a reversionary  
8 interest in the water rights and utility systems at Andy  
9 South and Andersen Water Supply Annex until such time  
10 as the new replacement water system and well field is  
11 placed into service and operates to the satisfaction of the  
12 Secretary.

13 (d) SALE OF EXCESS WATER AUTHORIZED.—(1) As  
14 part of the conveyance of water rights under subsection  
15 (a), the Secretary may authorize the conveyee of the water  
16 system to sell to public or private entities such water from  
17 Andersen Air Force Base as the Secretary determines to  
18 be excess to the needs of the United States. In the event  
19 the Secretary authorizes the conveyee to resell water, the  
20 Secretary shall negotiate a reasonable return to the United  
21 States of the value of such excess water sold by the  
22 conveyee, which return the Secretary may receive in the  
23 form of reduced charges for utility services provided by  
24 the conveyee.

1           (2) If the Secretary cannot meet the requirements of  
2 subsection (b), and the Secretary determines to proceed  
3 with a water utility system conveyance under section 2688  
4 of title 10, United States Code, without the conveyance  
5 of water rights, the Secretary may provide in any such  
6 conveyance that the conveyee of the water system may sell  
7 to public or private entities such water from Andy South  
8 and Andersen Water Supply Annex as the Secretary deter-  
9 mines to be excess to the needs of the United States. The  
10 Secretary shall negotiate a reasonable return to the United  
11 States of the value of such excess water sold by the  
12 conveyee, which return the Secretary may receive in the  
13 form of reduced charges for utility services provided by  
14 the conveyee.

15           (e) TREATMENT OF WATER RIGHTS.—For purposes  
16 of section 2688 of title 10, United States Code, the water  
17 rights referred to in subsection (a) shall be considered as  
18 part of a utility system (as that term is defined in sub-  
19 section (h)(2) of such section).

20 **SEC. 2852. REEXAMINATION OF LAND CONVEYANCE, LOWRY**  
21 **AIR FORCE BASE, COLORADO.**

22           The Secretary of the Air Force shall reevaluate the  
23 terms and conditions of the pending negotiated sale agree-  
24 ment with the Lowry Redevelopment Authority for certain  
25 real property at Lowry Air Force Base, Colorado, in light

1 of changed circumstances regarding the property, includ-  
2 ing changes in the flood plain designations affecting some  
3 of the property, to determine whether the changed cir-  
4 cumstances warrant a reduction in the amount of consid-  
5 eration otherwise required under the agreement or other  
6 modifications to the agreement.

7 **SEC. 2853. LAND CONVEYANCE, DEFENSE FUEL SUPPORT**  
8 **POINT, FLORIDA.**

9 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
10 the Air Force may convey, without consideration, to Flor-  
11 ida State University, all right, title and interest of the  
12 United States in and to a parcel of real property known  
13 as “Defense Fuel Support Point”, including any improve-  
14 ments thereon, located in Lynn Haven, Florida, and con-  
15 sisting of approximately 200 acres for the purpose of es-  
16 tablishing a National Coastal Research Center.

17 (b) DESCRIPTION OF PROPERTY.—The exact acreage  
18 and legal description of the real property to be conveyed  
19 under subsection (a) shall be determined by a survey satis-  
20 factory to the Secretary. The cost of the survey shall be  
21 borne by the Secretary.

22 (c) ADDITIONAL TERMS AND CONDITIONS.—The  
23 Secretary may require such additional terms and condi-  
24 tions in connection with the conveyance under subsection

1 (a) as the Secretary considers appropriate to protect the  
2 interests of the United States.

3 **Subtitle E—Other Matters**

4 **SEC. 2861. TRANSFER OF JURISDICTION FOR DEVELOP-**  
5 **MENT OF ARMED FORCES RECREATION FA-**  
6 **CILITY, PARK CITY, UTAH.**

7 (a) TRANSFER REQUIRED.—(1) The Secretary of the  
8 Interior shall transfer, without reimbursement, to the ad-  
9 ministrative jurisdiction of the Secretary of the Air Force  
10 a parcel of real property in Park City, Utah, including  
11 any improvements thereon, that consists of approximately  
12 35 acres, is located in township 2 south, range 4 east,  
13 Salt Lake meridian, and is designated as parcel 3 by the  
14 Bureau of Land Management.

15 (2) The transfer shall be subject to existing rights,  
16 except that the Secretary of the Interior shall terminate  
17 any lease with respect to the parcel issued under the Act  
18 of June 14, 1926 (commonly known as the Recreation and  
19 Public Purposes Act; 43 U.S.C. 689 et seq.), and still in  
20 effect as of the date of the enactment of this Act.

21 (3) The transfer required by this subsection shall be  
22 completed not later than one year after the date of the  
23 enactment of this Act.

24 (b) USE OF TRANSFERRED LAND.—(1) The Sec-  
25 retary of the Air Force may use the real property trans-

1 ferred under subsection (a) as the location for an armed  
2 forces recreation facility to be developed using non-  
3 appropriated funds.

4       (2) The Secretary of the Air Force may return the  
5 transferred property (or property acquired in exchange for  
6 the transferred property under subsection (c)) to the ad-  
7 ministrative jurisdiction of the Secretary of the Interior  
8 at any time upon certifying that development of the armed  
9 forces recreation facility would not be in the best interests  
10 of the Government.

11       (c) SUBSEQUENT CONVEYANCE AUTHORITY.—(1) In  
12 lieu of developing the armed forces recreation facility on  
13 the real property transferred under subsection (a), the  
14 Secretary of the Air Force may convey or lease the prop-  
15 erty to the State of Utah, a local government, or a private  
16 entity in exchange for other property to be used as the  
17 site of the facility.

18       (2) The values of the properties exchanged by the  
19 Secretary under this subsection either shall be equal, or  
20 if they are not equal, the values shall be equalized by the  
21 payment of money to the grantor or to the Secretary as  
22 the circumstances require. The conveyance or lease shall  
23 be on such other terms as the Secretary of the Air Force  
24 considers to be advantageous to the development of the  
25 facility.

1           (d) ALTERNATIVE DEVELOPMENT AUTHORITY.—The  
2 Secretary of the Air Force may lease the real property  
3 transferred under subsection (a), or any property acquired  
4 pursuant to subsection (c), to another party and may  
5 enter into a contract with the party for the design, con-  
6 struction, and operation of the armed forces recreation fa-  
7 cility. The Secretary of the Air Force may authorize the  
8 contractor to operate the facility as both a military and  
9 a commercial operation if the Secretary determines that  
10 such an authorization is a necessary incentive for the con-  
11 tractor to agree to design, construct, and operate the facil-  
12 ity.

13           (e) LEGAL DESCRIPTION.—The exact acreage and  
14 legal description of the real property to be transferred  
15 under subsection (a) shall be determined by a survey. The  
16 cost of the survey shall be borne by the Secretary of the  
17 Air Force.

18 **SEC. 2862. SELECTION OF SITE FOR UNITED STATES AIR**  
19 **FORCE MEMORIAL AND RELATED LAND**  
20 **TRANSFERS FOR THE IMPROVEMENT OF AR-**  
21 **LINGTON NATIONAL CEMETERY, VIRGINIA.**

22           (a) DEFINITIONS.—In this section:

23               (1) The term “Arlington Naval Annex” means  
24 the parcel of Federal land located in Arlington  
25 County, Virginia, that is subject to transfer to the

1 administrative jurisdiction of the Secretary of the  
2 Army under section 2881 of the Military Construc-  
3 tion Authorization Act for Fiscal Year 2000 (divi-  
4 sion B of Public Law 106–65; 113 Stat. 879).

5 (2) The term “Foundation” means the Air  
6 Force Memorial Foundation, which was authorized  
7 in Public Law 103–163 (107 Stat. 1973; 40 U.S.C.  
8 1003 note) to establish a memorial in the District  
9 of Columbia or its environs to honor the men and  
10 women who have served in the United States Air  
11 Force and its predecessors.

12 (3) The term “Air Force Memorial” means the  
13 United States Air Force Memorial to be established  
14 by the Foundation.

15 (4) The term “Arlington Ridge tract” means  
16 the parcel of Federal land in Arlington County, Vir-  
17 ginia, known as the Nevius Tract and transferred to  
18 the Department of the Interior in 1953, that is  
19 bounded generally by—

20 (A) Arlington Boulevard (United States  
21 Route 50) to the north;

22 (B) Jefferson Davis Highway (Virginia  
23 Route 110) to the east;

24 (C) Marshall Drive to the south; and

25 (D) North Meade Street to the west.

1           (5) The term “Section 29” means a parcel of  
2           Federal land in Arlington County, Virginia, that is  
3           currently administered by the Secretary of the Inte-  
4           rior within the boundaries of Arlington National  
5           Cemetery and is identified as “Section 29”.

6           (b) OFFER OF PORTION OF ARLINGTON NAVAL  
7 ANNEX AS SITE FOR AIR FORCE MEMORIAL.—Within 60  
8 days after the date of the enactment of this Act, the Sec-  
9 retary of Defense shall offer to the Foundation an option  
10 to use, without reimbursement, up to three acres of the  
11 Arlington Naval Annex as the site within which the Foun-  
12 dation will construct the Air Force Memorial. The offered  
13 acreage shall include the promontory adjacent to, and the  
14 land underlying, Wing 8 of Federal Office Building #2  
15 in the northeast quadrant of the Arlington Naval Annex.

16           (c) ACCEPTANCE OR REJECTION OF OFFER.—

17           (1) DEADLINE.—Within 90 days after the date  
18           on which the Secretary of Defense makes the offer  
19           required by subsection (b), the Foundation shall pro-  
20           vide written notice to the Secretary of the decision  
21           of the Foundation to accept or decline the offer.

22           (2) EFFECT OF ACCEPTANCE.—Subject to sub-  
23           section (d), if the Foundation accepts the offer of  
24           the Secretary of Defense, the Foundation shall relin-  
25           quish all claims to the previously approved location

1 for the Air Force Memorial. No other commemora-  
2 tive work may thereafter be established on the Ar-  
3 lington Naval Annex property.

4 (3) EFFECT OF REJECTION.—If the Foundation  
5 declines the offer of the Secretary of Defense, the  
6 Foundation may resume its efforts to construct the  
7 Air Force Memorial on the Arlington Ridge tract  
8 from the farthest point of progress. Any administra-  
9 tive record compiled during previous proceedings re-  
10 lated to the siting of the memorial on the Arlington  
11 Ridge tract pursuant to Public Law 103–163 (40  
12 U.S.C. 1003 note), shall be preserved, and all dead-  
13 lines tolled, while the Foundation is considering the  
14 offer of a site for the memorial within the Arlington  
15 Naval Annex.

16 (d) PREPARATION FOR AND CONSTRUCTION OF AIR  
17 FORCE MEMORIAL.—

18 (1) PREPARATION FOR CONSTRUCTION.—Not  
19 later than two years after the date on which the  
20 Foundation accepts the offer made under subsection  
21 (b) and has available sufficient funds to construct  
22 the Air Force Memorial, the Secretary of Defense, in  
23 coordination with the Foundation, shall remove all  
24 structures and prepare the Arlington Naval Annex

1 site for use as may be necessary to permit construc-  
2 tion of the memorial and appropriate access.

3 (2) CONSTRUCTION OF MEMORIAL.—Upon the  
4 removal of structures and preparation of the prop-  
5 erty for use as required by paragraph (1), the Sec-  
6 retary of Defense shall permit the Foundation to  
7 commence construction of the Air Force Memorial  
8 on the Arlington Naval Annex site.

9 (3) RELATION TO OTHER TRANSFER AUTHOR-  
10 ITY.—Nothing in this section alters the deadline for  
11 transfer of the Arlington Naval Annex to the Sec-  
12 retary of the Army and remediation of the trans-  
13 ferred land for use as part of Arlington National  
14 Cemetery, as required by section 2881 of the Mili-  
15 tary Construction Authorization Act for Fiscal Year  
16 2000.

17 (4) OVERSIGHT.—The Secretary of Defense  
18 shall have exclusive authority in all matters relating  
19 to approval of the siting and design of the Air Force  
20 Memorial on the Arlington Naval Annex site, and  
21 the siting, design, and construction of the memorial  
22 on such site shall not be subject to the requirements  
23 of the Commemorative Works Act (40 U.S.C. 1001  
24 et seq.).

1           (e) ACCESS AND MANAGEMENT OF RESULTING AIR  
2 FORCE MEMORIAL.—The Secretary of the Army may  
3 enter into a cooperative agreement with the Foundation  
4 to provide for management of the Air Force Memorial con-  
5 structed on the Arlington Naval Annex site and to guar-  
6 antee public access to the memorial.

7           (f) LAND TRANSFER, ARLINGTON RIDGE TRACT.—

8                 (1) TRANSFER REQUIRED.—Within 30 days  
9 after the date of the enactment of this Act, the Sec-  
10 retary of the Interior shall transfer, without reim-  
11 bursement, to the Secretary of the Army administra-  
12 tive jurisdiction over the Arlington Ridge tract.

13                 (2) USE OF LAND.—The Secretary of the Army  
14 shall incorporate the Arlington Ridge tract into Ar-  
15 lington National Cemetery and may designate and  
16 use up to 15 acres of that portion of the tract east  
17 of the Netherlands Carillon and Marine Corps Me-  
18 morial as new in-ground burial sites, for both full  
19 casket and cremated remains, for the burial of eligi-  
20 ble individuals in Arlington National Cemetery. Bur-  
21 ial sites shall not be developed within 50 feet of the  
22 pathway, in existence as of the date of the enact-  
23 ment of this Act, that connects the Netherlands Car-  
24 illon and the Marine Corps Memorial or the existing  
25 roadway that circles the Marine Corps Memorial. No

1 other structures shall be permitted on the Arlington  
2 Ridge tract.

3 (3) ACCESS AND MANAGEMENT OF EXISTING  
4 MEMORIALS.—The Secretary of the Army and the  
5 Secretary of the Interior shall enter into a coopera-  
6 tive agreement to continue National Park Service  
7 management of the Netherlands Carillon and the  
8 Marine Corps Memorial and to guarantee public ac-  
9 cess to these locations.

10 (g) LAND TRANSFER, SECTION 29.—

11 (1) TRANSFER REQUIRED.—Within 30 days  
12 after the date of the enactment of this Act, the Sec-  
13 retary of the Interior shall transfer, without reim-  
14 bursement, to the Secretary of the Army administra-  
15 tive jurisdiction over that portion of Section 29 lo-  
16 cated more than 50 feet from Sherman Drive and lo-  
17 cated between Ord and Weitzel Drive and the south-  
18 ern boundary of Section 29.

19 (2) USE OF LAND.—The Secretary of the Army  
20 shall use the transferred property only for the devel-  
21 opment of in-ground burial sites and columbarium  
22 which are designed to meet the contours of Section  
23 29. The Secretary of the Army shall preserve the  
24 natural setting of the parcel and the mature trees on

1 the parcel to the greatest extent practicable while  
2 providing for its efficient use as burial space.

3 (3) MANAGEMENT OF REMAINDER.—The Sec-  
4 retary of the Army and the Secretary of the Interior  
5 shall enter into a cooperative agreement to continue  
6 National Park Service management of that portion  
7 of Section 29 that is not transferred under this sub-  
8 section to provide a natural setting and visual buffer  
9 for Arlington House, the Robert E. Lee Memorial.

10 (h) REMOVAL OF ARLINGTON NAVAL ANNEX AS POS-  
11 SIBLE NATIONAL MILITARY MUSEUM SITE.—

12 (1) EXISTING NAVY ANNEX TRANSFER.—Sec-  
13 tion 2881 of the Military Construction Authorization  
14 Act for Fiscal Year 2000 (division B of Public Law  
15 106–65; 113 Stat. 879) is amended—

16 (A) in subsection (b)—

17 (i) by striking “(1) Subject to para-  
18 graph (2), the” and inserting “The”; and

19 (ii) by striking paragraph (2);

20 (B) by striking subsections (d), (e), and  
21 (f); and

22 (C) by redesignating subsections (g) and  
23 (h) as subsections (d) and (e), respectively.

24 (2) COMMISSION ON NATIONAL MILITARY MU-  
25 SEUM.—Section 2902 of the Military Construction

1 Authorization Act for Fiscal Year 2000 (division B  
2 of Public Law 106–65; 113 Stat. 881; 10 U.S.C.  
3 111 note) is amended by striking subsection (d) and  
4 inserting the following new subsection:

5 “(d) PROHIBITION ON CONSIDERATION OF ARLING-  
6 TON NAVAL ANNEX.—The Commission may not consider  
7 any portion of the Navy Annex property described in sec-  
8 tion 2881 as a possible site for a national military mu-  
9 seum.”.

10 **SEC. 2863. MANAGEMENT OF THE PRESIDIO OF SAN FRAN-**  
11 **CISCO.**

12 (a) AUTHORITY TO LEASE CERTAIN HOUSING UNITS  
13 FOR USE AS ARMY HOUSING.—Title I of division I of the  
14 Omnibus Parks and Public Lands Management Act of  
15 1996 (Public Law 104–333; 16 U.S.C. 460bb note) is  
16 amended by adding at the end the following new section:

17 **“SEC. 107. CONDITIONAL AUTHORITY TO LEASE CERTAIN**  
18 **HOUSING UNITS WITHIN THE PRESIDIO.**

19 “(a) AVAILABILITY OF HOUSING UNITS FOR LONG-  
20 TERM ARMY LEASE.—Subject to subsection (c), the Trust  
21 shall make available for lease, to those persons designated  
22 by the Secretary of the Army and for such length of time  
23 as requested by the Secretary of the Army, 22 housing  
24 units located within the Presidio that are under the ad-  
25 ministrative jurisdiction of the Trust and specified in the

1 agreement between the Trust and the Secretary of the  
2 Army in existence as of the date of the enactment of this  
3 section.

4 “(b) LEASE AMOUNT.—The monthly amount charged  
5 by the Trust for the lease of a housing unit under this  
6 section shall be equivalent to the monthly rate of the basic  
7 allowance for housing that the occupant of the housing  
8 unit is entitled to receive under section 403 of title 37,  
9 United States Code.

10 “(c) CONDITION ON CONTINUED AVAILABILITY OF  
11 HOUSING UNITS.—Effective after the end of the four-year  
12 period beginning on the date of the enactment of this sec-  
13 tion, the Trust shall have no obligation to make housing  
14 units available under subsection (a) unless, during that  
15 four-year period, the Secretary of the Treasury purchases  
16 new obligations of at least \$80,000,000 issued by the  
17 Trust under section 104(d)(2). In the event that this con-  
18 dition is not satisfied, the existing agreement referred to  
19 in subsection (a) shall be renewed on the same terms and  
20 conditions for an additional two years.”.

21 (b) INCREASED BORROWING AUTHORITY AND TECH-  
22 NICAL CORRECTIONS.—Paragraphs (2) and (3) of section  
23 104(d) of title I of division I of the Omnibus Parks and  
24 Public Lands Management Act of 1996, as amended by  
25 section 334 of appendix C of Public Law 106–113 (113

1 Stat. 1501A–199) and amended and redesignated by sec-  
2 tion 101(13) of Public Law 106–176 (114 Stat. 25), are  
3 amended—

4 (1) in paragraph (2), by striking “including a  
5 review of the creditworthiness of the loan and estab-  
6 lishment of a repayment schedule,” the second place  
7 it appears; and

8 (2) in paragraph (3)—

9 (A) by striking “\$50,000,000” and insert-  
10 ing “\$150,000,000”; and

11 (B) by striking “paragraph (3) of”.

12 **SEC. 2864. EFFECT OF LIMITATION ON CONSTRUCTION OF**  
13 **ROADS OR HIGHWAYS, MARINE CORPS BASE,**  
14 **CAMP PENDLETON, CALIFORNIA.**

15 Section 2851 of the Military Construction Authoriza-  
16 tion Act for Fiscal Year 1999 (division B of Public Law  
17 105–261; 112 Stat. 2219), as amended by section 2881  
18 of the Spence Act (114 Stat. 1654A–438), is amended by  
19 adding at the end the following new subsection:

20 “(g) **LIMITATION ON CONSTRUCTION OF ROADS OR**  
21 **HIGHWAYS.**—If a State law enacted after January 1,  
22 2001, directly or indirectly prohibits or restricts the con-  
23 struction or approval of a road or highway within the ease-  
24 ment granted under this section, the State law shall not

1 be effective with respect to such construction or ap-  
2 proval.”.

3 **SEC. 2865. ESTABLISHMENT OF WORLD WAR II MEMORIAL**  
4 **AT ADDITIONAL LOCATION ON GUAM.**

5 Section 2886 of the Military Construction Authoriza-  
6 tion Act for Fiscal Year 2001 (division B of the Spence  
7 Act; 114 Stat. 1654A–441) is amended—

8 (1) in subsection (a), by inserting “, and on  
9 Federal lands near Yigo,” after “Fena Caves”;

10 (2) in the heading of subsection (b), by striking  
11 “MEMORIAL” and inserting “MEMORIALS”; and

12 (3) in subsections (b) and (c), by striking “me-  
13 morial” each place it appears and inserting “memo-  
14 rials”.

15 **SEC. 2866. ADDITIONAL EXTENSION OF DEMONSTRATION**  
16 **PROJECT FOR PURCHASE OF FIRE, SECUR-**  
17 **RITY, POLICE, PUBLIC WORKS, AND UTILITY**  
18 **SERVICES FROM LOCAL GOVERNMENT AGEN-**  
19 **CIES.**

20 Section 816(c) of the National Defense Authorization  
21 Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat.  
22 2820), as added by section 2873 of the Strom Thurmond  
23 National Defense Authorization Act for Fiscal Year 1999  
24 (Public Law 105–261; 112 Stat. 2225), is amended by  
25 inserting before the period at the end the following: “, with

1 regard to fire-fighting and police services, and September  
2 30, 2003, with regard to other services described in under  
3 subsection (a)''.

4 **SEC. 2867. CONVEYANCE OF AVIGATION EASEMENTS,**  
5 **FORMER NORTON AIR FORCE BASE, CALI-**  
6 **FORNIA.**

7 The Administrator of General Services shall convey,  
8 without consideration, to the Inland Valley Development  
9 Agency (the redevelopment authority for former Norton  
10 Air Force Base, California) two avigation easements (iden-  
11 tified as APN 289-231-08 and APN 289-232-08) held  
12 by the United States.

13 **SEC. 2868. REPORT ON OPTIONS TO PROMOTE ECONOMIC**  
14 **DEVELOPMENT IN COMMUNITY ADJACENT**  
15 **TO UNITED STATES MILITARY ACADEMY, NEW**  
16 **YORK.**

17 (a) REPORT REQUIRED.—Not later than February 1,  
18 2002, the Secretary of the Army shall submit to Congress  
19 a report evaluating various options by which the Secretary  
20 may promote economic development in the Village of  
21 Highland Falls, New York, which is located adjacent to  
22 the United States Military Academy.

23 (b) SPECIFIC CONSIDERATION OF CERTAIN OP-  
24 TIONS.—Among the options evaluated under subsection  
25 (a), the Secretary shall specifically address the following:

1           (1) The fee simple conveyance of real property  
2           under the jurisdiction of the Secretary in the Town  
3           of Highlands, New York, to the Village, without con-  
4           sideration, for the purpose of permitting the Village  
5           to use the property to promote economic develop-  
6           ment.

7           (2) Use by the Secretary of the authority under  
8           section 2667 of title 10, United States Code, to  
9           make non-excess real property under the jurisdiction  
10          of the Secretary available to the Village for such  
11          purpose.

12                   **TITLE XXIX—FORT IRWIN**  
13                   **MILITARY LAND WITHDRAWAL**

14           **SEC. 2901. SHORT TITLE.**

15           This title may be cited as the “Fort Irwin Military  
16           Land Withdrawal Act of 2001”.

17           **SEC. 2902. WITHDRAWAL AND RESERVATION OF LANDS FOR**  
18                   **NATIONAL TRAINING CENTER.**

19           (a) **WITHDRAWAL.**—Subject to valid existing rights  
20           and except as otherwise provided in this title, all public  
21           lands and interests in lands described in subsection (c)  
22           are hereby withdrawn from all forms of appropriation  
23           under the general land laws, including the mining laws  
24           and mineral and geothermal leasing laws, and jurisdiction  
25           over such lands and interests in lands withdrawn and re-

1 served by this title is hereby transferred to the Secretary  
2 of the Army.

3 (b) RESERVATION.—The lands withdrawn under sub-  
4 section (a) are reserved for use by the Secretary of the  
5 Army for the following purposes:

6 (1) The conduct of combined arms military  
7 training at the National Training Center.

8 (2) The development and testing of military  
9 equipment at the National Training Center.

10 (3) Other defense-related purposes consistent  
11 with the purposes specified in paragraphs (1) and  
12 (2).

13 (4) Conservation and related research purposes.

14 (c) LAND DESCRIPTION.—The public lands and in-  
15 terests in lands withdrawn and reserved by this section  
16 comprise approximately 110,000 acres in San Bernardino  
17 County, California, as generally depicted as “Proposed  
18 Withdrawal Land” on the map entitled “National Train-  
19 ing Center—Proposed Withdrawal of Public Lands for  
20 Training Purposes,” dated September 21, 2000, and filed  
21 in accordance with section 2903.

22 (d) CHANGES IN USE.—The Secretary of the Army  
23 shall consult with the Secretary of the Interior before  
24 using the lands withdrawn and reserved by this section

1 for any purpose other than those purposes identified in  
2 subsection (b).

3 (e) INDIAN TRIBES.—Nothing in this title shall be  
4 construed as altering any rights reserved for tribal use by  
5 treaty or Federal law. The Secretary of the Army shall  
6 consult with federally recognized Indian tribes in the vicin-  
7 ity of the lands withdrawn under subsection (a) before tak-  
8 ing action affecting rights or cultural resources protected  
9 by treaty or Federal law.

10 **SEC. 2903. MAP AND LEGAL DESCRIPTION.**

11 (a) PREPARATION OF MAP AND LEGAL DESCRIP-  
12 TION.—As soon as practicable after the date of the enact-  
13 ment of this Act, the Secretary of the Interior shall—

14 (1) publish in the Federal Register a notice  
15 containing the legal description of the lands with-  
16 drawn and reserved by this title; and

17 (2) file a map and legal description of the lands  
18 withdrawn and reserved by this title with the Com-  
19 mittee on Energy and Natural Resources of the Sen-  
20 ate and the Committee on Resources of the House  
21 of Representatives.

22 (b) LEGAL EFFECT.—The map and legal description  
23 shall have the same force and effect as if included in this  
24 title, except that the Secretary of the Interior may correct

1 clerical and typographical errors in the map and legal de-  
2 scription.

3 (c) AVAILABILITY.—Copies of the map and the legal  
4 description shall be available for public inspection in the  
5 following offices:

6 (1) The offices of the California State Director,  
7 California Desert District Office, and Riverside and  
8 Barstow Field Offices of the Bureau of Land Man-  
9 agement.

10 (2) The Office of the Commander, National  
11 Training Center and Fort Irwin.

12 (d) COSTS.—The Secretary of the Army shall reim-  
13 burse the Secretary of the Interior for the costs incurred  
14 by the Secretary of the Interior in implementing this sec-  
15 tion.

16 **SEC. 2904. MANAGEMENT OF WITHDRAWN AND RESERVED**  
17 **LANDS.**

18 (a) GENERAL MANAGEMENT AUTHORITY.—During  
19 the period of the withdrawal and reservation made by this  
20 title, the Secretary of the Army shall manage the lands  
21 withdrawn and reserved by this title for the purposes spec-  
22 ified in section 2902.

23 (b) TEMPORARY PROHIBITION ON CERTAIN USE.—  
24 Military use of the lands withdrawn and reserved by this  
25 title that result in ground disturbance, as determined by

1 the Secretary of the Army and the Secretary of the Inte-  
2 rior, are prohibited until the Secretary of the Army and  
3 the Secretary of the Interior certify to Congress that there  
4 has been full compliance with respect to such lands with  
5 the appropriate provisions of this title, the Endangered  
6 Species Act of 1973 (16 U.S.C. 1531 et seq.), the National  
7 Environmental Policy Act of 1969 (42 U.S.C. 4321 et  
8 seq.), and other applicable laws.

9 (c) ACCESS RESTRICTIONS.—

10 (1) IN GENERAL.—If the Secretary of the Army  
11 determines that military operations, public safety, or  
12 national security require the closure to the public of  
13 any road, trail, or other portion of the lands with-  
14 drawn and reserved by this title, the Secretary may  
15 take such action as the Secretary determines nec-  
16 essary or desirable to effect and maintain such clo-  
17 sure.

18 (2) LIMITATION.—Any closure under paragraph  
19 (1) shall be limited to the minimum areas and peri-  
20 ods that the Secretary of the Army determines are  
21 required for the purposes specified in such para-  
22 graph.

23 (3) NOTICE.—Immediately preceding and dur-  
24 ing any closure under paragraph (1), the Secretary  
25 of the Army shall post appropriate warning notices

1 and take other steps, as necessary, to notify the  
2 public of the closure.

3 (d) INTEGRATED NATURAL RESOURCES MANAGE-  
4 MENT PLAN.—The Secretary of the Army shall prepare  
5 and implement, in accordance with title I of the Sikes Act  
6 (16 U.S.C. 670 et seq.), an integrated natural resources  
7 management plan for the lands withdrawn and reserved  
8 by this title. In addition to the elements required under  
9 the Sikes Act, the integrated natural resources manage-  
10 ment plan shall include the following:

11 (1) A requirement that any hunting, fishing,  
12 and trapping on the lands withdrawn and reserved  
13 by this title be conducted in accordance with section  
14 2671 of title 10, United States Code.

15 (2) A requirement that the Secretary of the  
16 Army take necessary actions to prevent, suppress,  
17 and manage brush and range fires occurring within  
18 the boundaries of Fort Irwin and brush and range  
19 fires occurring outside the boundaries of Fort Irwin  
20 that result from military activities at Fort Irwin.

21 (e) FIREFIGHTING.—Notwithstanding section 2465  
22 of title 10, United States Code, the Secretary of the Army  
23 may obligate funds appropriated or otherwise available to  
24 the Secretary of the Army to enter into a memorandum  
25 of understanding, cooperative agreement, or contract for

1 fire fighting services to carry out the requirements of sub-  
2 section (d)(2). The Secretary of the Army shall reimburse  
3 the Secretary of the Interior for costs incurred by the Sec-  
4 retary of the Interior to assist in carrying out the require-  
5 ments of such subsection.

6 (f) CONSULTATION WITH NATIONAL AERONAUTICS  
7 AND SPACE ADMINISTRATION.—In preparing and imple-  
8 menting any plan, report, assessment, survey, opinion, or  
9 impact statement regarding the lands withdrawn and re-  
10 served by this title, the Secretary of the Army shall consult  
11 with the Administrator of the National Aeronautics and  
12 Space Administration whenever proposed Army actions  
13 have the potential to affect the operations or the environ-  
14 mental management of the Goldstone Deep Space Com-  
15 munications Complex. The requirement for consultation  
16 shall apply, at a minimum, to the following:

17 (1) Plans for military training, military equip-  
18 ment testing, or related activities that have the po-  
19 tential of impacting communications between  
20 Goldstone Deep Space Communications Complex  
21 and space flight missions or other transmission or  
22 receipt of signals from outer space by the Goldstone  
23 Deep Space Communications Complex.

24 (2) The integrated natural resources manage-  
25 ment plan required by subsection (d).

1           (3) The West Mojave Coordinated Management  
2 Plan referred to in section 2907.

3           (4) Any document prepared in compliance with  
4 the Endangered Species Act of 1973, the National  
5 Environmental Policy Act of 1969, and other laws  
6 applicable to the lands withdrawn and reserved by  
7 this title.

8           (g) USE OF MINERAL MATERIALS.—Notwithstanding  
9 any other provision of this title or the Act of July 31,  
10 1947 (commonly known as the Materials Act of 1947, 30  
11 U.S.C. 601 et seq.), the Secretary of the Army may use  
12 sand, gravel, or similar mineral material resources of the  
13 type subject to disposition under such Act from the lands  
14 withdrawn and reserved by this title if the use of such  
15 resources is required for construction needs of the Na-  
16 tional Training Center.

17 **SEC. 2905. WATER RIGHTS.**

18           (a) NO RESERVED WATER RIGHT ESTABLISHED.—  
19 Nothing in this title shall be construed—

20           (1) to establish a reservation in favor of the  
21 United States with respect to any water or water  
22 right on the lands withdrawn and reserved by this  
23 title; or

24           (2) to authorize the appropriation of water on  
25 such lands by the United States after the date of the

1 enactment of this Act, except in accordance with ap-  
2 plicable State law.

3 (b) EFFECT ON PREVIOUSLY ACQUIRED OR RE-  
4 SERVED WATER RIGHTS.—This section shall not be con-  
5 strued to affect any water rights acquired or reserved by  
6 the United States before the date of the enactment of this  
7 Act, and the Secretary of the Army may exercise any such  
8 previously acquired or reserved water rights.

9 **SEC. 2906. ENVIRONMENTAL COMPLIANCE AND ENVIRON-**  
10 **MENTAL RESPONSE REQUIREMENTS.**

11 (a) AGREEMENT CONCERNING ENVIRONMENT AND  
12 PUBLIC HEALTH.—The Secretary of the Army and the  
13 Secretary of the Interior may enter into such agreements  
14 concerning the environment and public health as are nec-  
15 essary, appropriate, and in the public interest to carry out  
16 the purposes of this title.

17 (b) RELATION TO OTHER ENVIRONMENTAL LAWS.—  
18 Nothing in this section shall be construed to alter the  
19 rights, responsibilities, and obligations of the Secretary of  
20 the Army or the Secretary of the Interior under the Com-  
21 prehensive Environmental Response, Compensation and  
22 Liability Act of 1980 (42 U.S.C. 9601 et seq.) or other  
23 environmental laws applicable to the lands withdrawn and  
24 reserved by this title.

1 **SEC. 2907. WEST MOJAVE COORDINATED MANAGEMENT**  
2 **PLAN.**

3 (a) **COMPLETION.**—The Secretary of the Interior  
4 shall make every effort to complete the West Mojave Co-  
5 ordinated Management Plan not later than two years after  
6 the date of the enactment of this Act.

7 (b) **CONSIDERATION OF WITHDRAWAL AND RES-**  
8 **ERVATION IMPACTS.**—The Secretary of the Interior shall  
9 ensure that the West Mojave Coordinated Management  
10 Plan considers the impacts of the availability or nonavail-  
11 ability of the lands withdrawn and reserved by this title  
12 on the plan as a whole.

13 (c) **CONSULTATION.**—The Secretary of the Interior  
14 shall consult with the Secretary of the Army and the Ad-  
15 ministrator of the National Aeronautics and Space Admin-  
16 istration in the development of the West Mojave Coordi-  
17 nated Management Plan.

18 **SEC. 2908. RELEASE OF WILDERNESS STUDY AREAS.**

19 Congress hereby finds and directs that lands with-  
20 drawn and reserved by this title have been adequately  
21 studied for wilderness designation pursuant to section  
22 603(c) of the Federal Land Policy and Management Act  
23 of 1976 (43 U.S.C. 1782(c)), and are no longer subject  
24 to the requirement of such section pertaining to the man-  
25 agement of wilderness study areas in a manner that does

1 not impair the suitability of such areas for preservation  
2 as wilderness.

3 **SEC. 2909. TRAINING ACTIVITY SEPARATION FROM UTILITY**  
4 **CORRIDORS.**

5 (a) **REQUIRED SEPARATION.**—All military ground ac-  
6 tivity training on the lands withdrawn and reserved by this  
7 title shall remain at least 500 meters from any utility sys-  
8 tem, in existence as of the date of the enactment of this  
9 Act, in Utility Planning Corridor D, as described in the  
10 California Desert Conservation Area Plan, dated 1980 and  
11 subsequently amended.

12 (b) **EXCEPTION.**—Subsection (a) does not modify the  
13 use of any lands used, as of the date of the enactment  
14 of this Act, by the National Training Center for training  
15 or alter any right of access granted by interagency agree-  
16 ment.

17 **SEC. 2910. DURATION OF WITHDRAWAL AND RESERVATION.**

18 (a) **TERMINATION DATE.**—Unless extended pursuant  
19 to section 2911, unless relinquishment is postponed by the  
20 Secretary of the Interior pursuant to section 2912(b), and  
21 except as provided in section 2912(d), the withdrawal and  
22 reservation made by this title shall terminate 25 years  
23 after the date of the enactment of this Act.

24 (b) **LIMITATION ON SUBSEQUENT AVAILABILITY FOR**  
25 **APPROPRIATION.**—At the time of termination of the with-

1 drawal and reservation made by this title, the previously  
2 withdrawn lands shall not be open to any forms of appro-  
3 priation under the general land laws, including the mining  
4 laws and the mineral and geothermal leasing laws, until  
5 the Secretary of the Interior publishes in the Federal Reg-  
6 ister an appropriate order that shall state the date upon  
7 which such lands shall be restored to the public domain  
8 and opened.

9 **SEC. 2911. EXTENSION OF INITIAL WITHDRAWAL AND RES-**  
10 **ERVATION.**

11 (a) NOTIFICATION REQUIREMENT.—Not later than  
12 three years before the termination date specified in section  
13 2910(a), the Secretary of the Army shall notify Congress  
14 and the Secretary of the Interior concerning whether the  
15 Army will have a continuing military need, beyond the ter-  
16 mination date, for all or any portion of the lands with-  
17 drawn and reserved by this title.

18 (b) PROCESS FOR EXTENSION OF WITHDRAWAL AND  
19 RESERVATION.—

20 (1) CONSULTATION AND APPLICATION.—If the  
21 Secretary of the Army determines that there will be  
22 a continuing military need after the termination date  
23 for any of the lands withdrawn and reserved by this  
24 title, the Secretary of the Army shall—

1           (A) consult with the Secretary of the Inte-  
2           rior concerning any adjustments to be made to  
3           the extent of, or to the allocation of manage-  
4           ment responsibility for, such needed lands; and

5           (B) file with the Secretary of the Interior,  
6           within one year after the notice required by  
7           subsection (a), an application for extension of  
8           the withdrawal and reservation of such needed  
9           lands.

10          (2) APPLICATION REQUIREMENTS.—Notwith-  
11          standing any general procedure of the Department  
12          of the Interior for processing Federal land with-  
13          drawals, an application for extension of the land  
14          withdrawal and reservation made by this title shall  
15          be considered to be complete if the application in-  
16          cludes the information required by section 3 of Pub-  
17          lic Law 85–337 (commonly known as the Engle Act;  
18          43 U.S.C. 157), except that no information shall be  
19          required concerning the use or development of min-  
20          eral, timber, or grazing resources unless, and only to  
21          the extent, the Secretary of the Army proposes to  
22          use or develop such resources during the period of  
23          extension.

24          (c) SUBMISSION OF PROPOSED EXTENSION TO CON-  
25          GRESS.—The Secretary of the Interior and the Secretary

1 of the Army may submit to Congress a legislative proposal  
2 for the extension of the withdrawal and reservation made  
3 by this title. The legislative proposal shall be accompanied  
4 by an appropriate analysis of environmental impacts asso-  
5 ciated with the proposal, as required by section 102(2)(C)  
6 of the National Environmental Policy Act of 1969 (42  
7 U.S.C. 4332(2)(C)).

8 **SEC. 2912. TERMINATION AND RELINQUISHMENT.**

9 (a) NOTICE OF TERMINATION.—During the first 22  
10 years of the withdrawal and reservation made by this title,  
11 if the Secretary of the Army determines that there is no  
12 continuing military need for the lands withdrawn and re-  
13 served by this title, or any portion of such lands, the Sec-  
14 retary of the Army shall submit to the Secretary of the  
15 Interior a notice of intent to relinquish jurisdiction over  
16 such lands. The notice shall specify the proposed date of  
17 relinquishment.

18 (b) ACCEPTANCE OF JURISDICTION.—The Secretary  
19 of the Interior may accept jurisdiction over any lands cov-  
20 ered by a notice under subsection (a) if the Secretary of  
21 the Interior determines that the Secretary of the Army  
22 has taken or will take all environmental response and res-  
23 toration activities required under applicable laws and reg-  
24 ulations.

1           (c) NOTICE OF ACCEPTANCE.—If the Secretary of  
2 the Interior decides to accept jurisdiction over lands cov-  
3 ered by a notice under subsection (a) before the termi-  
4 nation date of the withdrawal and reservation, the Sec-  
5 retary shall publish in the Federal Register an appropriate  
6 order that shall—

7           (1) terminate the withdrawal and reservation of  
8 such lands under this title;

9           (2) constitute official acceptance of administra-  
10 tive jurisdiction over the lands by the Secretary of  
11 the Interior; and

12           (3) state the date upon which such lands shall  
13 be opened to the operation of the general land laws,  
14 including the mining laws and the mineral and geo-  
15 thermal leasing laws, if appropriate.

16           (d) RETAINED ARMY JURISDICTION.—Notwith-  
17 standing the termination date specified in section 2910,  
18 unless and until the Secretary of the Interior accepts juris-  
19 diction of land proposed for relinquishment pursuant to  
20 this section, such land shall remain withdrawn and re-  
21 served for the Secretary of the Army for the limited pur-  
22 poses of environmental response and restoration actions  
23 under section 2906 and continued land management re-  
24 sponsibilities pursuant to the integrated natural resources  
25 management plan required under section 2904, until such

1 environmental response and restoration activities on those  
2 lands are completed.

3 (e) SEVERABILITY OF FUNCTIONS.—All functions de-  
4 scribed under this section, including transfers,  
5 relinquishments, extensions, and other determinations,  
6 may be made on a parcel-by-parcel basis.

7 **SEC. 2913. DELEGATION OF AUTHORITY.**

8 (a) SECRETARY OF THE ARMY.—The Secretary of  
9 the Army may delegate to officials in the Department of  
10 the Army such functions as the Secretary of the Army  
11 may determine appropriate to carry out this title.

12 (b) SECRETARY OF THE INTERIOR.—The functions  
13 of the Secretary of the Interior under this title may be  
14 delegated, except that the order described in section  
15 2912(c) may be approved and signed only by the Secretary  
16 of the Interior, the Deputy Secretary of the Interior, or  
17 an Assistant Secretary of the Department of the Interior.

1 **DIVISION C—DEPARTMENT OF**  
2 **ENERGY NATIONAL SECURITY**  
3 **AUTHORIZATIONS AND**  
4 **OTHER AUTHORIZATIONS**  
5 **TITLE XXXI—DEPARTMENT OF**  
6 **ENERGY NATIONAL SECURITY**  
7 **PROGRAMS**  
8 **Subtitle A—National Security**  
9 **Programs Authorizations**

10 **SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRA-**  
11 **TION.**

12 Funds are hereby authorized to be appropriated to  
13 the Department of Energy for fiscal year 2002 for the  
14 activities of the National Nuclear Security Administration  
15 in carrying out programs necessary for national security  
16 in the amount of \$6,859,895,000, to be allocated as fol-  
17 lows:

18 (1) **WEAPONS ACTIVITIES.**—For weapons activi-  
19 ties, \$5,369,488,000, to be allocated as follows:

20 (A) For stewardship operation and mainte-  
21 nance, \$4,527,192,000, to be allocated as fol-  
22 lows:

23 (i) For directed stockpile work,  
24 \$1,043,791,000.

1 (ii) For campaigns, \$2,036,413,000,  
2 to be allocated as follows:

3 (I) For operation and mainte-  
4 nance, \$1,653,441,000.

5 (II) For construction,  
6 \$382,972,000, to be allocated as fol-  
7 lows:

8 Project 01–D–101, distrib-  
9 uted information systems labora-  
10 tory, Sandia National Labora-  
11 tories, Livermore, California,  
12 \$5,400,000.

13 Project 00–D–103, terascale  
14 simulation facility, Lawrence  
15 Livermore National Laboratory,  
16 Livermore, California,  
17 \$20,000,000.

18 Project 00–D–105, strategic  
19 computing complex, Los Alamos  
20 National Laboratory, Los Ala-  
21 mos, New Mexico, \$11,070,000.

22 Project 00–D–107, joint  
23 computational engineering lab-  
24 oratory, Sandia National Labora-

1                   tories, Albuquerque, New Mexico,  
2                   \$5,377,000.

3                   Project 98–D–125, tritium  
4                   extraction facility, Savannah  
5                   River Plant, Aiken, South Caro-  
6                   lina, \$81,125,000.

7                   Project 98–D–126, accel-  
8                   erator production of tritium  
9                   (APT), various locations,  
10                  \$15,000,000.

11                  Project 96–D–111, national  
12                  ignition facility (NIF), Lawrence  
13                  Livermore National Laboratory,  
14                  Livermore, California,  
15                  \$245,000,000.

16                  (iii) For readiness in technical base  
17                  and facilities, \$1,446,988,000, to be allo-  
18                  cated as follows:

19                   (I) For operation and mainte-  
20                   nance, \$1,292,324,000.

21                   (II) For plant projects (including  
22                   maintenance, restoration, planning,  
23                   construction, acquisition, modification  
24                   of facilities, and the continuation of  
25                   projects authorized in prior years, and

1 land acquisition related thereto),  
2 \$154,664,000, to be allocated as fol-  
3 lows:

4 Project 02-D-101, micro-  
5 systems and engineering sciences  
6 applications (MESA), Sandia Na-  
7 tional Laboratories, Albuquerque,  
8 New Mexico, \$2,000,000.

9 Project 02-D-103, project  
10 engineering and design (PED),  
11 various locations, \$9,180,000.

12 Project 02-D-107, electrical  
13 power systems safety communica-  
14 tions and bus upgrades, Nevada  
15 Test Site, Nevada, \$3,507,000.

16 Project 01-D-103, prelimi-  
17 nary project design and engineer-  
18 ing, various locations,  
19 \$45,379,000.

20 Project 01-D-124, highly  
21 enriched uranium (HEU) mate-  
22 rials storage facility, Y-12 Plant,  
23 Oak Ridge, Tennessee,  
24 \$9,500,000.

1           Project 01–D–126, weapons  
2           evaluation test laboratory,  
3           Pantex Plant, Amarillo, Texas,  
4           \$7,700,000.

5           Project 01–D–800, sensitive  
6           compartmented information facil-  
7           ity, Lawrence Livermore Na-  
8           tional Laboratory, Livermore,  
9           California, \$12,993,000.

10          Project 99–D–103, isotope  
11          sciences facilities, Lawrence  
12          Livermore National Laboratory,  
13          Livermore,           California,  
14          \$4,400,000.

15          Project 99–D–104, protec-  
16          tion of real property (roof recon-  
17          struction, phase II), Lawrence  
18          Livermore National Laboratory,  
19          Livermore,           California,  
20          \$2,800,000.

21          Project 99–D–106, model  
22          validation and system certifi-  
23          cation center, Sandia National  
24          Laboratories, Albuquerque, New  
25          Mexico, \$4,955,000.

1           Project 99–D–125, replace  
2           boilers and controls, Kansas City  
3           Plant, Kansas City, Missouri,  
4           \$300,000.

5           Project 99–D–127, stockpile  
6           management restructuring initia-  
7           tive, Kansas City plant, Kansas  
8           City, Missouri, \$22,200,000.

9           Project 99–D–128, stockpile  
10          management restructuring initia-  
11          tive, Pantex Plant, Amarillo,  
12          Texas, \$3,300,000.

13          Project 98–D–123, stockpile  
14          management restructuring initia-  
15          tive, tritium facility moderniza-  
16          tion and consolidation, Savannah  
17          River Plant, Aiken, South Caro-  
18          lina, \$13,700,000.

19          Project 98–D–124, stockpile  
20          management restructuring initia-  
21          tive, Y–12 consolidation, Oak  
22          Ridge, Tennessee, \$6,850,000.

23          Project 97–D–123, struc-  
24          tural upgrades, Kansas City

1 Plant, Kansas City, Missouri,  
2 \$3,000,000.

3 Project 96–D–102, stockpile  
4 stewardship facilities revitaliza-  
5 tion, Phase VI, various locations,  
6 \$2,900,000.

7 (B) For facilities and infrastructure,  
8 \$50,600,000.

9 (C) For secure transportation asset,  
10 \$121,800,000, to be allocated as follows:

11 (i) For operation and maintenance,  
12 \$77,571,000.

13 (ii) For program direction,  
14 \$44,229,000.

15 (D) For safeguards and security,  
16 \$448,881,000, to be allocated as follows:

17 (i) For operations and maintenance,  
18 \$439,281,000.

19 (ii) For plant projects (including  
20 maintenance, restoration, planning, con-  
21 struction, acquisition, modification of fa-  
22 cilities, and the continuation of projects  
23 authorized in prior years, and land acquisi-  
24 tion related thereto), \$9,600,000, to be al-  
25 located as follows:

1                   Project 99–D–132, stockpile  
2                   management restructuring initiative,  
3                   nuclear material safeguards and secu-  
4                   rity upgrades project, Los Alamos Na-  
5                   tional Laboratory, Los Alamos, New  
6                   Mexico, \$9,600,000.

7                   (E) For program direction, \$250,000,000.

8                   (F) The total amount authorized by this  
9                   paragraph is the sum of the amounts author-  
10                  ized to be appropriated by subparagraphs (A)  
11                  through (E), reduced by \$28,985,000, to be de-  
12                  rived from a security charge for reimbursable  
13                  work.

14                  (2) DEFENSE NUCLEAR NONPROLIFERATION.—  
15                  For other nuclear security activities, \$773,700,000,  
16                  to be allocated as follows:

17                         (A) For nonproliferation and verification  
18                         research and development, \$206,102,000, to be  
19                         allocated as follows:

20                                 (i) For operation and maintenance,  
21                                 \$170,296,000.

22                                 (ii) For plant projects (including  
23                                 maintenance, restoration, planning, con-  
24                                 struction, acquisition, modification of fa-  
25                                 cilities, and the continuation of projects

1 authorized in prior years, and land acquisi-  
2 tion related thereto), \$35,806,000, to be  
3 allocated as follows:

4 Project 00–D–192, nonprolifera-  
5 tion and international security center  
6 (NISC), Los Alamos National Labora-  
7 tory, Los Alamos, New Mexico,  
8 \$35,806,000.

9 (B) For arms control, \$101,500,000.

10 (C) For international materials protection,  
11 control, and accounting, \$138,800,000.

12 (D) For highly enriched uranium trans-  
13 parency implementation, \$13,950,000.

14 (E) For international nuclear safety,  
15 \$10,800,000.

16 (F) For fissile materials control and dis-  
17 position, \$293,089,000, to be allocated as fol-  
18 lows:

19 (i) For United States surplus fissile  
20 materials disposition, \$236,089,000, to be  
21 allocated as follows:

22 (I) For operation and mainte-  
23 nance, \$130,089,000.

24 (II) For plant projects (including  
25 maintenance, restoration, planning,

1 construction, acquisition, modification  
2 of facilities, and the continuation of  
3 projects authorized in prior years, and  
4 land acquisition related thereto),  
5 \$106,000,000, to be allocated as fol-  
6 lows:

7 Project 01–D–407, highly  
8 enriched uranium blend-down,  
9 Savannah River Site, Aiken,  
10 South Carolina, \$24,000,000.

11 Project 99–D–141, pit dis-  
12 assembly and conversion facility,  
13 Savannah River Site, Aiken,  
14 South Carolina, \$16,000,000.

15 Project 99–D–143, mixed  
16 oxide fuel fabrication facility, Sa-  
17 vannah River Site, Aiken, South  
18 Carolina, \$63,000,000.

19 Project 99–D–142, immo-  
20 bilization and associated proc-  
21 essing facility, Savannah River  
22 Site, Aiken, South Carolina,  
23 \$3,000,000.

1           (ii) For Russian surplus fissile mate-  
2           rials disposition, \$57,000,000, to be allo-  
3           cated as follows:

4                   (I) For Russian plutonium dis-  
5                   position, and support and oversight in  
6                   the United States, \$56,000,000.

7                   (II) For advanced reactor tech-  
8                   nology, \$1,000,000.

9           (G) For program direction, \$51,459,000.

10           (H) The total amount authorized by this  
11           paragraph is the sum of the amounts author-  
12           ized to be appropriated by subparagraphs (A)  
13           through (G), reduced by \$42,000,000, to be de-  
14           rived from offsets and use of prior year bal-  
15           ances.

16           (3) NAVAL REACTORS.—For naval reactors,  
17           \$688,045,000, to be allocated as follows:

18                   (A) For naval reactors development,  
19                   \$665,445,000, to be allocated as follows:

20                           (i) For operation and maintenance,  
21                           \$652,245,000.

22                           (ii) For plant projects (including  
23                           maintenance, restoration, planning, con-  
24                           struction, acquisition, modification of fa-  
25                           cilities, and the continuation of projects

1 authorized in prior years, and land acquisi-  
2 tion related thereto), \$13,200,000, to be  
3 allocated as follows:

4 Project 01–D–200, major office  
5 replacement building, Schenectady,  
6 New York, \$9,000,000.

7 Project 90–N–102, expended core  
8 facility dry cell project, Naval Reac-  
9 tors Facility, Idaho, \$4,200,000.

10 (B) For program direction, \$22,600,000.

11 (4) DEFENSE NUCLEAR COUNTERINTEL-  
12 LIGENCE.—For defense nuclear counterintelligence,  
13 \$13,662,000.

14 (5) OFFICE OF ADMINISTRATOR FOR NUCLEAR  
15 SECURITY.—For the Office of the Administrator for  
16 Nuclear Security, for program direction,  
17 \$15,000,000.

18 **SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND**  
19 **WASTE MANAGEMENT.**

20 (a) IN GENERAL.—Funds are hereby authorized to  
21 be appropriated to the Department of Energy for fiscal  
22 year 2002 for environmental restoration and waste man-  
23 agement activities in carrying out programs necessary for  
24 national security in the amount of \$4,646,427,000, to be  
25 allocated as follows:

1           (1) CLOSURE PROJECTS.—For closure projects  
2 carried out in accordance with section 3143 of the  
3 National Defense Authorization Act for Fiscal Year  
4 1997 (Public Law 104–201; 110 Stat. 2836; 42  
5 U.S.C. 7277n), \$1,050,538,000.

6           (2) SITE/PROJECT COMPLETION.—For site com-  
7 pletion and project completion in carrying out envi-  
8 ronmental management activities necessary for na-  
9 tional security programs, \$920,196,000, to be allo-  
10 cated as follows:

11                   (A) For operation and maintenance,  
12                   \$872,030,000.

13                   (B) For plant projects (including mainte-  
14 nance, restoration, planning, construction, ac-  
15 quisition, modification of facilities, and the con-  
16 tinuation of projects authorized in prior years,  
17 and land acquisition related thereto),  
18 \$48,166,000, to be allocated as follows:

19                           Project 02–D–420, FB line plutonium  
20                           stabilization and packaging, Savannah  
21                           River Site, Aiken, South Carolina,  
22                           \$20,000,000.

23                           Project 01–D–402, Intec cathodic  
24                           protection system expansion, Idaho Na-  
25                           tional Engineering and Environmental

1 Laboratory, Idaho Falls, Idaho,  
2 \$3,256,000.

3 Project 01-D-414, preliminary  
4 project, engineering and design (PE&D),  
5 various locations, \$10,254,000.

6 Project 99-D-402, tank farm support  
7 services, F&H areas, Savannah River Site,  
8 Aiken, South Carolina, \$5,040,000.

9 Project 99-D-404, health physics in-  
10 strumentation laboratory, Idaho National  
11 Engineering and Environmental Labora-  
12 tory, Idaho Falls, Idaho, \$2,700,000.

13 Project 98-D-453, plutonium sta-  
14 bilization and handling system for pluto-  
15 nium finishing plant, Richland, Wash-  
16 ington, \$1,910,000.

17 Project 96-D-471, chlorofluorocarbon  
18 heating, ventilation, and air conditioning  
19 and chiller retrofit, Savannah River Site,  
20 Aiken, South Carolina, \$4,244,000.

21 Project 86-D-103, decontamination  
22 and waste treatment facility, Lawrence  
23 Livermore National Laboratory, Liver-  
24 more, California, \$762,000.

1           (3) POST-2006 COMPLETION.—For post-2006  
2 completion in carrying out environmental restoration  
3 and waste management activities necessary for na-  
4 tional security programs, \$3,021,201,000, to be allo-  
5 cated as follows:

6           (A) For operation and maintenance,  
7 \$1,761,979,000.

8           (B) For plant projects (including mainte-  
9 nance, restoration, planning, construction, ac-  
10 quisition, modification of facilities, and the con-  
11 tinuation of projects authorized in prior years,  
12 and land acquisition related thereto),  
13 \$6,754,000, to be allocated as follows:

14           Project 93–D–187, high-level waste  
15 removal from filled waste tanks, Savannah  
16 River Site, Aiken, South Carolina,  
17 \$6,754,000.

18           (C) For the Office of River Protection in  
19 carrying out environmental restoration and  
20 waste management activities necessary for na-  
21 tional security programs, \$832,468,000, to be  
22 allocated as follows:

23           (i) For operation and maintenance,  
24 \$272,151,000.

1           (ii) For plant projects (including  
2 maintenance, restoration, planning, con-  
3 struction, acquisition, modification of fa-  
4 cilities, and the continuation of projects  
5 authorized in prior years, and land acquisi-  
6 tion related thereto), \$560,317,000, to be  
7 allocated as follows:

8                   Project 01–D–416, waste treat-  
9 ment and immobilization plant, Rich-  
10 land, Washington, \$520,000,000.

11                   Project 97–D–402, tank farm  
12 restoration and safe operations, Rich-  
13 land, Washington, \$33,473,000.

14                   Project 94–D–407, initial tank  
15 retrieval systems, Richland, Wash-  
16 ington, \$6,844,000.

17           (4) SCIENCE AND TECHNOLOGY DEVELOP-  
18 MENT.—For science and technology development in  
19 carrying out environmental restoration and waste  
20 management activities necessary for national secu-  
21 rity programs, \$196,000,000.

22           (5) EXCESS FACILITIES.—For excess facilities  
23 in carrying out environmental restoration and waste  
24 management activities necessary for national secu-  
25 rity programs, \$1,300,000.

1           (6) SAFEGUARDS AND SECURITY.—For safe-  
2           guards and security in carrying out environmental  
3           restoration and waste management activities nec-  
4           essary for national security programs,  
5           \$205,621,000.

6           (7) PROGRAM DIRECTION.—For program direc-  
7           tion in carrying out environmental restoration and  
8           waste management activities necessary for national  
9           security programs, \$355,761,000.

10          (b) ADJUSTMENT.—The total amount authorized to  
11          be appropriated by subsection (a) is the sum of the  
12          amounts authorized to be appropriated by paragraphs (1)  
13          through (7) of that subsection, reduced by \$53,652,000,  
14          to be derived from offsets and use of prior year balances.

15          **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

16          (a) IN GENERAL.—Funds are hereby authorized to  
17          be appropriated to the Department of Energy for fiscal  
18          year 2002 for other defense activities in carrying out pro-  
19          grams necessary for national security in the amount of  
20          \$502,099,000, to be allocated as follows:

21                  (1) INTELLIGENCE.—For intelligence,  
22                  \$40,844,000.

23                  (2) COUNTERINTELLIGENCE.—For counter-  
24                  intelligence, \$32,727,000.

1           (3) SECURITY AND EMERGENCY OPERATIONS.—

2           For security and emergency operations,  
3           \$269,250,000, to be allocated as follows:

4                   (A) For nuclear safeguards and security,  
5                   \$121,188,000.

6                   (B) For security investigations,  
7                   \$44,927,000.

8                   (C) For corporate management informa-  
9                   tion programs, \$20,000,000.

10                   (D) For program direction, \$83,135,000.

11           (4) INDEPENDENT OVERSIGHT AND PERFORM-  
12           ANCE ASSURANCE.—For independent oversight and  
13           performance assurance, \$14,904,000.

14           (5) ENVIRONMENT, SAFETY, AND HEALTH.—  
15           For the Office of Environment, Safety, and Health,  
16           \$105,293,000, to be allocated as follows:

17                   (A) For environment, safety, and health  
18                   (defense), \$84,500,000.

19                   (B) For program direction, \$20,793,000.

20           (6) WORKER AND COMMUNITY TRANSITION AS-  
21           SISTANCE.—For worker and community transition  
22           assistance, \$21,900,000, to be allocated as follows:

23                   (A) For worker and community transition,  
24                   \$19,000,000.

25                   (B) For program direction, \$2,900,000.

1           (7) OFFICE OF HEARINGS AND APPEALS.—For  
2           the Office of Hearings and Appeals, \$2,893,000.

3           (8) NATIONAL SECURITY PROGRAMS ADMINIS-  
4           TRATIVE SUPPORT.—For national security programs  
5           administrative support, \$25,000,000.

6           (b) ADJUSTMENT.—The amount authorized to be ap-  
7           propriated pursuant to subsection (a) is the total of the  
8           amounts authorized to be appropriated by paragraphs (1)  
9           through (8) of that subsection, reduced by \$10,712,000,  
10          of which \$10,000,000 is to reflect an offset provided by  
11          use of prior year balances and \$712,000 is to reflect an  
12          offset provided by user organizations for security inves-  
13          tigations.

14   **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**  
15                                   **VATIZATION.**

16          Funds are hereby authorized to be appropriated to  
17          the Department of Energy for fiscal year 2002 for privat-  
18          ization initiatives in carrying out environmental restora-  
19          tion and waste management activities necessary for na-  
20          tional security programs in the amount of \$126,208,000,  
21          to be allocated as follows:

22                 Project 98–PVT–2, spent nuclear fuel dry stor-  
23                 age, Idaho Falls, Idaho, \$49,332,000.

24                 Project 97–PVT–2, advanced mixed waste  
25                 treatment project Idaho Falls, Idaho, \$40,000,000.



1 (b) OFFSET.—The amount provided in section  
2 301(5) is hereby reduced by \$10,000,000, to be derived  
3 from amounts for consulting services.

## 4 **Subtitle B—Recurring General** 5 **Provisions**

### 6 **SEC. 3121. REPROGRAMMING.**

7 (a) IN GENERAL.—Until the Secretary of Energy  
8 submits to the congressional defense committees the re-  
9 port referred to in subsection (b) and a period of 30 days  
10 has elapsed after the date on which such committees re-  
11 ceive the report, the Secretary may not use amounts ap-  
12 propriated pursuant to this title for any program—

13 (1) in amounts that exceed, in a fiscal year, the  
14 amount authorized for that program by this title; or

15 (2) which has not been presented to, or re-  
16 quested of, Congress.

17 (b) REPORT.—(1) The report referred to in sub-  
18 section (a) is a report containing a full and complete state-  
19 ment of the action proposed to be taken and the facts and  
20 circumstances relied upon in support of the proposed ac-  
21 tion.

22 (2) In the computation of the 30-day period under  
23 subsection (a), there shall be excluded any day on which  
24 either House of Congress is not in session because of an  
25 adjournment of more than 3 days to a day certain.

1 (c) LIMITATIONS.—(1) In no event may the total  
2 amount of funds obligated pursuant to this title exceed  
3 the total amount authorized to be appropriated by this  
4 title.

5 (2) Funds appropriated pursuant to this title may not  
6 be used for an item for which Congress has specifically  
7 denied funds.

8 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

9 (a) IN GENERAL.—The Secretary of Energy may  
10 carry out any construction project under the general plant  
11 projects authorized by this title if the total estimated cost  
12 of the construction project does not exceed \$5,000,000.

13 (b) REPORT TO CONGRESS.—If, at any time during  
14 the construction of any general plant project authorized  
15 by this title, the estimated cost of the project is revised  
16 because of unforeseen cost variations and the revised cost  
17 of the project exceeds \$5,000,000, the Secretary shall im-  
18 mediately furnish a report to the congressional defense  
19 committees explaining the reasons for the cost variation.

20 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

21 (a) IN GENERAL.—(1) Except as provided in para-  
22 graph (2), construction on a construction project may not  
23 be started or additional obligations incurred in connection  
24 with the project above the total estimated cost, whenever  
25 the current estimated cost of the construction project, au-

1 thORIZED BY 3101, 3102, OR 3103, OR WHICH IS IN SUPPORT  
2 OF NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF EN-  
3 ERGY AND WAS AUTHORIZED BY ANY PREVIOUS ACT, EXCEEDS BY  
4 MORE THAN 25 PERCENT THE HIGHER OF—

5 (A) THE AMOUNT AUTHORIZED FOR THE PROJECT; OR

6 (B) THE AMOUNT OF THE TOTAL ESTIMATED COST FOR  
7 THE PROJECT AS SHOWN IN THE MOST RECENT BUDGET JUS-  
8 TIFICATION DATA SUBMITTED TO CONGRESS.

9 (2) AN ACTION DESCRIBED IN PARAGRAPH (1) MAY BE  
10 TAKEN IF—

11 (A) THE SECRETARY OF ENERGY HAS SUBMITTED TO  
12 THE CONGRESSIONAL DEFENSE COMMITTEES A REPORT ON THE  
13 ACTIONS AND THE CIRCUMSTANCES MAKING SUCH ACTION  
14 NECESSARY; AND

15 (B) A PERIOD OF 30 DAYS HAS ELAPSED AFTER THE  
16 DATE ON WHICH THE REPORT IS RECEIVED BY THE COMMIT-  
17 TEES.

18 (3) IN THE COMPUTATION OF THE 30-DAY PERIOD UNDER  
19 PARAGRAPH (2), THERE SHALL BE EXCLUDED ANY DAY ON WHICH  
20 EITHER HOUSE OF CONGRESS IS NOT IN SESSION BECAUSE OF AN  
21 ADJOURNMENT OF MORE THAN 3 DAYS TO A DAY CERTAIN.

22 (b) EXCEPTION.—SUBSECTION (a) DOES NOT APPLY TO A  
23 CONSTRUCTION PROJECT WITH A CURRENT ESTIMATED COST OF LESS  
24 THAN \$5,000,000.

1 **SEC. 3124. FUND TRANSFER AUTHORITY.**

2 (a) **TRANSFER TO OTHER FEDERAL AGENCIES.—**

3 The Secretary of Energy may transfer funds authorized  
4 to be appropriated to the Department of Energy pursuant  
5 to this title to other Federal agencies for the performance  
6 of work for which the funds were authorized. Funds so  
7 transferred may be merged with and be available for the  
8 same purposes and for the same time period as the author-  
9 izations of the Federal agency to which the amounts are  
10 transferred.

11 (b) **TRANSFER WITHIN DEPARTMENT OF ENERGY.—**

12 (1) Subject to paragraph (2), the Secretary of Energy may  
13 transfer funds authorized to be appropriated to the De-  
14 partment of Energy pursuant to this title between any  
15 such authorizations. Amounts of authorizations so trans-  
16 ferred may be merged with and be available for the same  
17 purposes and for the same period as the authorization to  
18 which the amounts are transferred.

19 (2) Not more than 5 percent of any such authoriza-  
20 tion may be transferred between authorizations under  
21 paragraph (1). No such authorization may be increased  
22 or decreased by more than 5 percent by a transfer under  
23 such paragraph.

24 (c) **LIMITATIONS.—**The authority provided by this  
25 section to transfer authorizations—

1           (1) may be used only to provide funds for items  
2 relating to activities necessary for national security  
3 programs that have a higher priority than the items  
4 from which the funds are transferred; and

5           (2) may not be used to provide funds for an  
6 item for which Congress has specifically denied  
7 funds.

8           (d) NOTICE TO CONGRESS.—The Secretary of En-  
9 ergy shall promptly notify the Committees on Armed Serv-  
10 ices of the Senate and House of Representatives of any  
11 transfer of funds to or from authorizations under this  
12 title.

13 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**  
14 **TION DESIGN.**

15           (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)  
16 Subject to paragraph (2) and except as provided in para-  
17 graph (3), before submitting to Congress a request for  
18 funds for a construction project that is in support of a  
19 national security program of the Department of Energy,  
20 the Secretary of Energy shall complete a conceptual de-  
21 sign for that project.

22           (2) If the estimated cost of completing a conceptual  
23 design for a construction project exceeds \$3,000,000, the  
24 Secretary shall submit to Congress a request for funds for

1 the conceptual design before submitting a request for  
2 funds for the construction project.

3 (3) The requirement in paragraph (1) does not apply  
4 to a request for funds—

5 (A) for a construction project the total esti-  
6 mated cost of which is less than \$5,000,000; or

7 (B) for emergency planning, design, and con-  
8 struction activities under section 3126.

9 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)  
10 Within the amounts authorized by this title, the Secretary  
11 of Energy may carry out construction design (including  
12 architectural and engineering services) in connection with  
13 any proposed construction project if the total estimated  
14 cost for such design does not exceed \$600,000.

15 (2) If the total estimated cost for construction design  
16 in connection with any construction project exceeds  
17 \$600,000, funds for that design must be specifically au-  
18 thorized by law.

19 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**  
20 **SIGN, AND CONSTRUCTION ACTIVITIES.**

21 (a) **AUTHORITY.**—The Secretary of Energy may use  
22 any funds available to the Department of Energy pursuant  
23 to an authorization in this title, including funds authorized  
24 to be appropriated for advance planning and construction  
25 design under sections 3101, 3102, and 3103, to perform

1 planning, design, and construction activities for any De-  
2 partment of Energy national security program construc-  
3 tion project that, as determined by the Secretary, must  
4 proceed expeditiously in order to protect public health and  
5 safety, to meet the needs of national defense, or to protect  
6 property.

7 (b) LIMITATION.—The Secretary may not exercise  
8 the authority under subsection (a) in the case of any con-  
9 struction project until the Secretary has submitted to the  
10 congressional defense committees a report on the activities  
11 that the Secretary intends to carry out under this section  
12 and the circumstances making those activities necessary.

13 (c) SPECIFIC AUTHORITY.—The requirement of sec-  
14 tion 3125(b)(2) does not apply to emergency planning, de-  
15 sign, and construction activities conducted under this sec-  
16 tion.

17 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
18 **RITY PROGRAMS OF THE DEPARTMENT OF**  
19 **ENERGY.**

20 Subject to the provisions of appropriation Acts and  
21 section 3121, amounts appropriated pursuant to this title  
22 for management and support activities and for general  
23 plant projects are available for use, when necessary, in  
24 connection with all national security programs of the De-  
25 partment of Energy.

1 **SEC. 3128. AVAILABILITY OF FUNDS.**

2 (a) IN GENERAL.—Except as provided in subsection  
3 (b), when so specified in an appropriations Act, amounts  
4 appropriated for operation and maintenance or for plant  
5 projects may remain available until expended.

6 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—  
7 Amounts appropriated for program direction pursuant to  
8 an authorization of appropriations in subtitle A shall re-  
9 main available to be expended only until the end of fiscal  
10 year 2003.

11 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**  
12 **MANAGEMENT FUNDS AT FIELD OFFICES OF**  
13 **THE DEPARTMENT OF ENERGY.**

14 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-  
15 MENTAL MANAGEMENT FUNDS.—The Secretary of En-  
16 ergy shall provide the manager of each field office of the  
17 Department of Energy with the authority to transfer de-  
18 fense environmental management funds from a program  
19 or project under the jurisdiction of the office to another  
20 such program or project.

21 (b) LIMITATIONS.—(1) Only one transfer may be  
22 made to or from any program or project under subsection  
23 (a) in a fiscal year.

24 (2) The amount transferred to or from a program  
25 or project under subsection (a) may not exceed \$5,000,000  
26 in a fiscal year.

1           (3) A transfer may not be carried out by a manager  
2 of a field office under subsection (a) unless the manager  
3 determines that the transfer is necessary to address a risk  
4 to health, safety, or the environment or to assure the most  
5 efficient use of defense environmental management funds  
6 at the field office.

7           (4) Funds transferred pursuant to subsection (a)  
8 may not be used for an item for which Congress has spe-  
9 cifically denied funds or for a new program or project that  
10 has not been authorized by Congress.

11           (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
12 MENTS.—The requirements of section 3121 shall not  
13 apply to transfers of funds pursuant to subsection (a).

14           (d) NOTIFICATION.—The Secretary, acting through  
15 the Assistant Secretary of Energy for Environmental  
16 Management, shall notify Congress of any transfer of  
17 funds pursuant to subsection (a) not later than 30 days  
18 after such transfer occurs.

19           (e) DEFINITIONS.—In this section:

20                   (1) The term “program or project” means, with  
21 respect to a field office of the Department of En-  
22 ergy, any of the following:

23                           (A) A program referred to or a project list-  
24 ed in paragraph (2) or (3) of section 3102.

1 (B) A program or project not described in  
2 subparagraph (A) that is for environmental res-  
3 toration or waste management activities nec-  
4 essary for national security programs of the De-  
5 partment, that is being carried out by the of-  
6 fice, and for which defense environmental man-  
7 agement funds have been authorized and appro-  
8 priated before the date of the enactment of this  
9 Act.

10 (2) The term “defense environmental manage-  
11 ment funds” means funds appropriated to the De-  
12 partment of Energy pursuant to an authorization for  
13 carrying out environmental restoration and waste  
14 management activities necessary for national secu-  
15 rity programs.

16 (f) DURATION OF AUTHORITY.—The managers of  
17 the field offices of the Department may exercise the au-  
18 thority provided under subsection (a) during fiscal year  
19 2002.

20 **SEC. 3130. TRANSFERS OF WEAPONS ACTIVITIES FUNDS AT**  
21 **NATIONAL SECURITY LABORATORIES AND**  
22 **NUCLEAR WEAPONS PRODUCTION FACILI-**  
23 **TIES.**

24 (a) TRANSFER AUTHORITY.—The Secretary of En-  
25 ergy, acting through the Administrator for Nuclear Secu-

1 rity, shall provide the head of each national security lab-  
2 oratory and nuclear weapons production facility with the  
3 authority to transfer weapons activities funds from a pro-  
4 gram under the jurisdiction of such laboratory or facility  
5 to another such program.

6 (b) LIMITATIONS.—(1) The amount transferred  
7 under subsection (a) by a laboratory or facility in a fiscal  
8 year may not exceed the lesser of—

9 (A) \$5,000,000; and

10 (B) 10 percent of the total weapons activities  
11 funds available to that laboratory or facility in that  
12 fiscal year for programs under the jurisdiction of  
13 such laboratory or facility.

14 (2) A transfer may not be carried out under sub-  
15 section (a) unless the head of the laboratory or facility  
16 determines that the transfer will result in cost savings and  
17 efficiencies.

18 (3) A transfer may not be carried out under sub-  
19 section (a) to cover a cost overrun or scheduling delay for  
20 any program.

21 (4) Funds transferred pursuant to subsection (a)  
22 may not be used for an item for which Congress has spe-  
23 cifically denied, limited, or increased funds or for a new  
24 program that has not been authorized by Congress.

1 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-  
2 MENTS.—The requirements of section 3121 shall not  
3 apply to transfers of funds pursuant to subsection (a).

4 (d) NOTIFICATION.—The Secretary, acting through  
5 the Administrator for Nuclear Security, shall notify Con-  
6 gress of any transfer of funds pursuant to subsection (a)  
7 not later than 30 days after such transfer occurs.

8 (e) DEFINITIONS.—In this section:

9 (1) The term “program” means, with respect to  
10 a national security laboratory or nuclear weapons  
11 production facility, any of the following:

12 (A) A program referred to or listed in  
13 paragraph (1) of section 3101.

14 (B) A program not described in subpara-  
15 graph (A) that is for weapons production or  
16 weapons component production of the National  
17 Nuclear Security Administration that is being  
18 carried out by the laboratory or facility, and for  
19 which weapons activities funds have been au-  
20 thorized and appropriated before the date of the  
21 enactment of this Act.

22 (2) The term “weapons activities funds” means  
23 funds appropriated to the Department of Energy  
24 pursuant to an authorization for weapons activities  
25 of the National Nuclear Security Administration in

1 carrying out programs necessary for national secu-  
2 rity.

3 (3) The terms “national security laboratory”  
4 and “nuclear weapons production facility” have the  
5 meanings given such terms in section 3281 of the  
6 National Nuclear Security Administration Act (title  
7 XXXII of Public Law 106–65; 113 Stat. 968; 50  
8 U.S.C. 2471).

9 (f) DURATION OF AUTHORITY.—The heads of the na-  
10 tional security laboratories and nuclear weapons produc-  
11 tion facilities may exercise the authority provided under  
12 subsection (a) during fiscal year 2002.

13 **Subtitle C—Program Authoriza-**  
14 **tions, Restrictions, and Limita-**  
15 **tions**

16 **SEC. 3131. TERMINATION DATE OF OFFICE OF RIVER PRO-**  
17 **TECTION, RICHLAND, WASHINGTON.**

18 Subsection (f) of section 3139 of the Strom Thur-  
19 mond National Defense Authorization Act for Fiscal Year  
20 1999 (Public Law 105–261; 112 Stat. 2250), as amended  
21 by section 3141 of the Floyd D. Spence National Defense  
22 Authorization Act for Fiscal Year 2001 (as enacted into  
23 law by Public Law 106–398; 114 Stat. 1654A–462), is  
24 amended to read as follows:

1       “(f) TERMINATION.—(1) The Office shall terminate  
2 on the later to occur of the following dates:

3               “(A) September 30, 2010.

4               “(B) The date on which the Assistant Secretary  
5 of Energy for Environmental Management deter-  
6 mines, in consultation with the head of the Office,  
7 that continuation of the Office is no longer nec-  
8 essary to carry out the responsibilities of the De-  
9 partment of Energy under the Tri-Party Agreement.

10       “(2) The Assistant Secretary shall notify, in writing,  
11 the committees referred to in subsection (d) of a deter-  
12 mination under paragraph (1).

13       “(3) In this subsection, the term ‘Tri-Party Agree-  
14 ment’ means the Hanford Federal Facility Agreement and  
15 Consent Order entered into among the Department of En-  
16 ergy, the Environmental Protection Agency, and the State  
17 of Washington Department of Ecology.”.

18 **SEC. 3132. ORGANIZATIONAL MODIFICATIONS FOR NA-**  
19 **TIONAL NUCLEAR SECURITY ADMINISTRA-**  
20 **TION.**

21       (a) ESTABLISHMENT OF PRINCIPAL DEPUTY ADMIN-  
22 ISTRATOR.—(1) Subtitle A of the National Nuclear Secu-  
23 rity Administration Act is amended by inserting after sec-  
24 tion 3213 (50 U.S.C. 2403) the following new section:

1 **“SEC. 3213A. PRINCIPAL DEPUTY ADMINISTRATOR.**

2       “(a) IN GENERAL.—(1) There is in the Administra-  
3 tion a Principal Deputy Administrator, who is appointed  
4 by the President, by and with the advice and consent of  
5 the Senate.

6       “(2) The Principal Deputy Administrator shall be ap-  
7 pointed from among persons who—

8               “(A) have extensive background in national se-  
9               curity, organizational management, and appropriate  
10              technical fields; and

11              “(B) are well qualified to manage the nuclear  
12              weapons, nonproliferation, and materials disposition  
13              programs of the Administration in a manner that  
14              advances and protects the national security of the  
15              United States.

16       “(b) DUTIES.—Subject to the authority, direction,  
17 and control of the Administrator, the Principal Deputy  
18 Administrator shall perform such duties and exercise such  
19 powers as the Administrator may prescribe, including the  
20 coordination of activities among the elements of the Ad-  
21 ministration. The Principal Deputy Administrator shall  
22 act for, and exercise the powers of, the Administrator  
23 when the Administrator is disabled or the position of Ad-  
24 ministrator is vacant.”.

1           (2) The table of contents preceding section 3201 of  
2 such Act is amended by inserting after the item relating  
3 to section 3213 the following new item:

“Sec. 3213A. Principal Deputy Administrator.”.

4           (3) Section 5315 of title 5, United States Code, is  
5 amended—

6           (A) by inserting before the item relating to  
7 Deputy Administrators of the National Nuclear Se-  
8 curity Administration the following new item:

9           “Principal Deputy Administrator, National Nu-  
10 clear Security Administration.”; and

11           (B) by inserting “Additional” before “Deputy  
12 Administrators of the National Nuclear Security Ad-  
13 ministration”.

14           (b) ELIMINATION OF REQUIREMENT THAT NATIONAL  
15 SECURITY LABORATORIES AND NUCLEAR WEAPONS PRO-  
16 Duction FACILITIES REPORT TO DEPUTY ADMINIS-  
17 TRATOR FOR DEFENSE PROGRAMS.—Section 3214 of the  
18 National Nuclear Security Administration Act (50 U.S.C.  
19 2404) is amended by striking subsection (c).

20           (c) REPEAL OF DUPLICATIVE PROVISION.—Section  
21 3245 of the National Nuclear Security Administration Act  
22 (50 U.S.C. 2443) is repealed.

1 **SEC. 3133. CONSOLIDATION OF NUCLEAR CITIES INITIA-**  
2 **TIVE PROGRAM WITH INITIATIVES FOR PRO-**  
3 **LIFERATION PREVENTION PROGRAM.**

4 The Administrator for Nuclear Security shall consoli-  
5 date the Nuclear Cities Initiative program with the Initia-  
6 tives for Proliferation Prevention program under a single  
7 management line. The consolidation shall be completely  
8 accomplished not later than July 1, 2002.

9 **SEC. 3134. DISPOSITION OF SURPLUS DEFENSE PLUTO-**  
10 **NIUM AT SAVANNAH RIVER SITE, AIKEN,**  
11 **SOUTH CAROLINA.**

12 (a) **CONSULTATION REQUIRED.**—The Secretary of  
13 Energy shall consult with the Governor of the State of  
14 South Carolina regarding any decisions or plans of the  
15 Secretary related to the disposition of surplus defense plu-  
16 tonium located at the Savannah River Site, Aiken, South  
17 Carolina, including the plan required by subsection (b).

18 (b) **PLAN FOR DISPOSITION.**—Not later than Feb-  
19 ruary 1, 2002, the Secretary shall submit to Congress a  
20 plan for disposal of the surplus defense plutonium cur-  
21 rently located at the Savannah River Site and for disposal  
22 of defense plutonium and defense plutonium materials to  
23 be shipped to the Savannah River Site in the future. The  
24 plan shall review each option considered for such disposal,  
25 identify the preferred option, and state the cost of con-  
26 struction and operation of the facilities required by the

1 Department of Energy's Record of Decision for the Stor-  
2 age and Disposition of Weapons-Usable Fissile Materials  
3 Final Programmatic Environmental Impact Statement  
4 dated January 14, 1997. The plan shall also specify a  
5 schedule for the expeditious construction of such facilities,  
6 including milestones, and a firm schedule for funding the  
7 cost of such facilities. The plan shall specify, in addition,  
8 the means by which all such plutonium will be removed  
9 in a timely manner from the Savannah River Site for stor-  
10 age or disposal elsewhere.

11 (c) REQUIREMENT FOR ALTERNATIVE DISPOSI-  
12 TION.—If the Secretary determines that proceeding with  
13 construction of the Plutonium Immobilization Plant at the  
14 Savannah River Site is not feasible, the Department shall  
15 modify the design of the Mixed Oxide Fuel Fabrication  
16 facility at the Savannah River Site so that it includes an  
17 immobilization capability. If the Secretary determines that  
18 proceeding with the Mixed Oxide Fuel Fabrication facility  
19 is not feasible, the Department shall proceed with con-  
20 struction of the Plutonium Immobilization Plant.

21 (d) LIMITATION ON PLUTONIUM SHIPMENTS.—If the  
22 plan required in subsection (b) is not submitted to Con-  
23 gress by February 1, 2002, the Secretary shall be prohib-  
24 ited from shipping defense plutonium or defense pluto-  
25 nium materials to the Savannah River Site during the pe-

1 riod beginning on February 1, 2002, and ending on the  
2 date on which such plan is submitted to Congress.

3 **SEC. 3135. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**  
4 **CINITY OF LOS ALAMOS NATIONAL LABORA-**  
5 **TORY, NEW MEXICO.**

6 (a) SUPPORT FOR FISCAL 2002.—From amounts ap-  
7 propriated or otherwise made available to the Secretary  
8 of Energy by this title—

9 (1) \$5,000,000 shall be available for payment  
10 by the Secretary for fiscal year 2002 to the not-for-  
11 profit Los Alamos National Laboratory Foundation,  
12 as chartered in accordance with section 3167(a) of  
13 the National Defense Authorization Act for Fiscal  
14 Year 1998 (Public Law 105–85; 111 Stat. 2052);  
15 and

16 (2) \$8,000,000 shall be available for extension  
17 of the contract between the Department of Energy  
18 and the Los Alamos Public Schools through fiscal  
19 year 2002.

20 (b) SUPPORT FOR FISCAL 2003.—Subject to the  
21 availability of appropriations, the Secretary is authorized  
22 to—

23 (1) make payment for fiscal year 2003 similar  
24 to the payment referred to in subsection (a)(1); and

1           (2) provide for a contract extension through fis-  
2           cal 2003 similar to the contract extension referred  
3           to in subsection (a)(2).

4           (c) USE OF FUNDS.—The foundation referred to in  
5           subsection (a)(1) shall—

6           (1) utilize funds provided under this section as  
7           a contribution to the endowment fund for the foun-  
8           dation; and

9           (2) use the income generated from investments  
10          in the endowment fund that are attributable to pay-  
11          ments made under this section to fund programs to  
12          support the educational needs of children in public  
13          schools in the vicinity of Los Alamos National Lab-  
14          oratory.

15          (d) REPORT.—Not later than March 1, 2002, the  
16          Secretary shall submit to the congressional defense com-  
17          mittees a report setting forth the following:

18          (1) An evaluation of the requirements for con-  
19          tinued payments beyond fiscal year 2003 into the  
20          endowment fund of the foundation referred to in  
21          subsection (a) to enable the foundation to meet the  
22          goals of the Department to support the recruitment  
23          and retention of staff at the Los Alamos National  
24          Laboratory.

1           (2) The Secretary’s recommendations for any  
2 further support beyond fiscal year 2003 directly to  
3 the Los Alamos Public Schools.

4 **TITLE     XXXII—DEFENSE     NU-**  
5 **CLEAR   FACILITIES   SAFETY**  
6 **BOARD**

7 **SEC. 3201. AUTHORIZATION.**

8           There are authorized to be appropriated for fiscal  
9 year 2002, \$18,500,000 for the operation of the Defense  
10 Nuclear Facilities Safety Board under chapter 21 of the  
11 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

12 **TITLE XXXIII—NATIONAL**  
13 **DEFENSE STOCKPILE**

14 **SEC. 3301. DEFINITIONS.**

15           In this title:

16           (1) The term “National Defense Stockpile”  
17 means the stockpile provided for in section 4 of the  
18 Strategic and Critical Materials Stock Piling Act (50  
19 U.S.C. 98e).

20           (2) The term “National Defense Stockpile  
21 Transaction Fund” means the fund established  
22 under section 9(a) of the Strategic and Critical Ma-  
23 terials Stock Piling Act (50 U.S.C. 98h(a)).

24           (3) The term “Market Impact Committee”  
25 means the Market Impact Committee appointed

1 under section 10(c) of the Strategic and Critical Ma-  
2 terials Stock Piling Act (50 U.S.C. 98h-1(c)).

3 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

4 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-  
5 cal year 2002, the National Defense Stockpile Manager  
6 may obligate up to \$65,200,000 of the funds in the Na-  
7 tional Defense Stockpile Transaction Fund for the author-  
8 ized uses of such funds under section 9(b)(2) of the Stra-  
9 tegic and Critical Materials Stock Piling Act (50 U.S.C.  
10 98h(b)(2)), including the disposal of hazardous materials  
11 that are environmentally sensitive.

12 (b) ADDITIONAL OBLIGATIONS.—The National De-  
13 fense Stockpile Manager may obligate amounts in excess  
14 of the amount specified in subsection (a) if the National  
15 Defense Stockpile Manager notifies Congress that extraor-  
16 dinary or emergency conditions necessitate the additional  
17 obligations. The National Defense Stockpile Manager may  
18 make the additional obligations described in the notifica-  
19 tion after the end of the 45-day period beginning on the  
20 date on which Congress receives the notification.

21 (c) LIMITATIONS.—The authorities provided by this  
22 section shall be subject to such limitations as may be pro-  
23 vided in appropriations Acts.

1 **SEC. 3303. DISPOSAL OF OBSOLETE AND EXCESS MATE-**  
 2 **RIALS CONTAINED IN NATIONAL DEFENSE**  
 3 **STOCKPILE.**

4 (a) DISPOSAL AUTHORIZED.—Subject to subsection  
 5 (b), the President may dispose of certain materials con-  
 6 tained in the National Defense Stockpile that are obsolete  
 7 or excess to stockpile requirements, in the quantities speci-  
 8 fied in the following table:

**Authorized Stockpile Disposals**

<b>Material for disposal</b>	<b>Quantity</b>
Bauxite, Refractory .....	40,000 short tons
Chromium Metal .....	3,512 short tons
Iridium .....	25,140 troy ounces
Jewel Bearings .....	30,273,221 pieces
Manganese, Ferro HC .....	209,074 short tons
Palladium .....	11 troy ounces
Quartz Crystal .....	216,648 pounds
Tantalum Metal Ingot .....	120,228 pounds of contained Tantalum
Tantalum Metal Powder .....	36,020 pounds of contained Tantalum
Thorium Nitrate .....	600,000 pounds

9 (b) CONSULTATION WITH MARKET IMPACT COM-  
 10 MITTEE.—In disposing of materials under subsection (a),  
 11 the President shall consult with the Market Impact Com-  
 12 mittee to ensure that the disposal of the materials does  
 13 not disrupt the usual markets of producers, processors,  
 14 and consumers of the materials.

15 (c) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-  
 16 ITY.—The disposal authority provided in subsection (a) is  
 17 new disposal authority and is in addition to, and shall not  
 18 affect, any other disposal authority provided by law re-

1 guarding the materials specified in the table in such sub-  
2 section.

3 **SEC. 3304. EXPEDITED IMPLEMENTATION OF AUTHORITY**  
4 **TO DISPOSE OF COBALT FROM NATIONAL DE-**  
5 **FENSE STOCKPILE.**

6 (a) DISPOSAL AUTHORIZED DURING FISCAL YEAR  
7 2002.—Subsection (a)(1) of section 3305 of the National  
8 Defense Authorization Act for Fiscal Year 1998 (Public  
9 Law 105–85; 50 U.S.C. 98d note) is amended by striking  
10 “fiscal year 2003” and inserting “the two-fiscal year pe-  
11 riod ending September 30, 2003”.

12 (b) LIMITATIONS ON DISPOSAL AUTHORITY.—Sub-  
13 section (b)(1) of such section is amended by adding at the  
14 end the following new sentence: “The total quantity of co-  
15 balt disposed of under such subsection during fiscal year  
16 2002 may not exceed 700,000 pounds.”.

17 **TITLE XXXIV—NAVAL**  
18 **PETROLEUM RESERVES**

19 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

20 (a) AMOUNT.—There are hereby authorized to be ap-  
21 propriated to the Secretary of Energy \$17,371,000 for fis-  
22 cal year 2002 for the purpose of carrying out activities  
23 under chapter 641 of title 10, United States Code, relating  
24 to the naval petroleum reserves.

1 (b) PERIOD OF AVAILABILITY.—Funds appropriated  
2 pursuant to the authorization of appropriations in sub-  
3 section (a) shall remain available until expended.

4 **TITLE XXXV—MARITIME**  
5 **ADMINISTRATION**

6 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR FIS-**  
7 **CAL YEAR 2002.**

8 Funds are hereby authorized to be appropriated for  
9 fiscal year 2002, to be available without fiscal year limita-  
10 tion if so provided in appropriations Acts, for the use of  
11 the Department of Transportation for the Maritime Ad-  
12 ministration as follows:

13 (1) For expenses necessary for operations and  
14 training activities, \$89,054,000.

15 (2) For expenses under the loan guarantee pro-  
16 gram authorized by title XI of the Merchant Marine  
17 Act, 1936 (46 App. U.S.C. 1271 et seq.),  
18 \$103,978,000, of which—

19 (A) \$100,000,000 is for the cost (as de-  
20 fined in section 502(5) of the Federal Credit  
21 Reform Act of 1990 (2 U.S.C. 661a(5))) of  
22 loan guarantees under the program; and

23 (B) \$3,978,000 is for administrative ex-  
24 penses related to loan guarantee commitments  
25 under the program.

1           (3) For expenses to dispose of obsolete vessels  
2           in the National Defense Reserve Fleet, \$10,000,000.

3 **SEC. 3502. DEFINE “WAR RISKS” TO VESSELS TO INCLUDE**  
4                   **CONFISCATION, EXPROPRIATION, NATIONAL-**  
5                   **IZATION, AND DEPRIVATION OF THE VES-**  
6                   **SELS.**

7           Section 1201(c) of the Merchant Marine Act, 1936  
8 (46 App. U.S.C. 1281(c)) is amended to read as follows:

9           “(c) The term ‘war risks’ includes to such extent as  
10 the Secretary may determine—

11           “(1) all or any part of any loss that is excluded  
12           from marine insurance coverage under a ‘free of  
13           capture or seizure’ clause, or under analogous  
14           clauses; and

15           “(2) other losses from hostile acts, including  
16           confiscation, expropriation, nationalization, or depri-  
17           vation.”.

18 **SEC. 3503. HOLDING OBLIGOR’S CASH AS COLLATERAL**  
19                   **UNDER TITLE XI OF MERCHANT MARINE ACT,**  
20                   **1936.**

21           Title XI of the Merchant Marine Act, 1936 (46 App.  
22 U.S.C. 1271 et seq.) is amended by inserting after section  
23 1108 the following:

1 **“SEC. 1109. DEPOSIT FUND.**

2       “(a) ESTABLISHMENT OF DEPOSIT FUND.—There is  
3 established in the Treasury a deposit fund for purposes  
4 of this section. The Secretary may, in accordance with an  
5 agreement under subsection (b), deposit into and hold in  
6 the deposit fund cash belonging to an obligor to serve as  
7 collateral for a guarantee under this title made with re-  
8 spect to the obligor.

9       “(b) AGREEMENT.—

10           “(1) IN GENERAL.—The Secretary and an obli-  
11 gor shall enter into a reserve fund or other collateral  
12 account agreement to govern the deposit, with-  
13 drawal, retention, use, and reinvestment of cash of  
14 the obligor held in the deposit fund established by  
15 subsection (a).

16           “(2) TERMS.—The agreement shall contain  
17 such terms and conditions as are required under this  
18 section and such additional terms as are considered  
19 by the Secretary to be necessary to protect fully the  
20 interests of the United States.

21           “(3) SECURITY INTEREST OF UNITED  
22 STATES.—The agreement shall include terms that  
23 grant to the United States a security interest in all  
24 amounts deposited into the deposit fund.

25       “(c) INVESTMENT.—The Secretary may invest and  
26 reinvest any part of the amounts in the deposit fund estab-

1 lished by subsection (a) in obligations of the United States  
2 with such maturities as ensure that amounts in the deposit  
3 fund will be available as required for purposes of agree-  
4 ments under subsection (b). Cash balances of the deposit  
5 fund in excess of current requirements shall be maintained  
6 in a form of uninvested funds and the Secretary of the  
7 Treasury shall pay interest on these funds.

8 “(d) WITHDRAWALS.—

9 “(1) IN GENERAL.—The cash deposited into the  
10 deposit fund established by subsection (a) may not  
11 be withdrawn without the consent of the Secretary.

12 “(2) USE OF INCOME.—Subject to paragraph  
13 (3), the Secretary may pay any income earned on  
14 cash of an obligor deposited into the deposit fund in  
15 accordance with the terms of the agreement with the  
16 obligor under subsection (b).

17 “(3) RETENTION AGAINST DEFAULT.—The Sec-  
18 retary may retain and offset any or all of the cash  
19 of an obligor in the deposit fund, and any income re-  
20 alized thereon, as part of the Secretary’s recovery

1       against the obligor in case of a default by the obligor  
2       on an obligation.”.

Passed the House of Representatives September 25,  
2001.

Attest:

*Clerk.*

107TH CONGRESS  
1ST SESSION

# H. R. 2586

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## AN ACT

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.