

Calendar No. 362

105TH CONGRESS
2^D SESSION
S. 2057

A BILL

To authorize appropriations for fiscal year 1999 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.

MAY 11, 1998

Reported from the Committee on Armed Services, read
twice, and placed on the calendar

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Mr. THURMOND, from the Committee on Armed Services, reported the following original bill; which was read twice and placed on the calendar

A BILL

To authorize appropriations for fiscal year 1999 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 1999”.

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

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

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

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

**DIVISION A—DEPARTMENT OF DEFENSE
 AUTHORIZATIONS**

Sec. 1. Short title.

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

Sec. 3. Congressional defense committees defined.

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. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical demilitarization program.

Sec. 108. Defense health programs.

Sec. 109. Defense export loan guarantee program.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Longbow Hellfire missile pro-
 gram.

Sec. 112. Condition for award of more than one multiyear contract for the fam-
 ily of medium tactical vehicles.

Sec. 113. Armored system modernization.

Sec. 114. Reactive armor tiles.

- Sec. 115. Annual reporting of costs associated with travel of members of Chemical Demilitarization Citizens' Advisory Commission.
- Sec. 116. Extension of authority to carry out Armament Retooling and Manufacturing Support Initiative.

Subtitle C—Navy Programs

- Sec. 121. CVN-77 nuclear aircraft carrier program.
- Sec. 122. Increased amount to be excluded from cost limitation for Seawolf submarine program.
- Sec. 123. Multiyear procurement authority for the medium tactical vehicle replacement.

Subtitle D—Air Force Programs

- Sec. 131. Joint surveillance target attack radar system.
- Sec. 132. Limitation on replacement of engines on military aircraft derived from Boeing 707 aircraft.
- Sec. 133. F-22 aircraft program.
- Sec. 134. C-130J aircraft program.

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. Crusader self-propelled artillery system program.
- Sec. 212. CVN-77 nuclear aircraft carrier program.
- Sec. 213. Unmanned aerial vehicle programs.
- Sec. 214. Airborne laser program.
- Sec. 215. Enhanced global positioning system program.
- Sec. 216. Manufacturing Technology Program.
- Sec. 217. Authority for use of major range and test facility installations by commercial entities.
- Sec. 218. Extension of authority to carry out certain prototype projects.

Subtitle C—Other Matters

- Sec. 231. Policy with respect to ballistic missile defense cooperation.

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 the National Defense Stockpile Transaction Fund.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 311. Special Operations Command counterproliferation and counterterrorism activities.
- Sec. 312. Tagging system for identification of hydrocarbon fuels used by the Department of Defense.
- Sec. 313. Pilot program for acceptance and use of landing fees charged for use of domestic military airfields by civil aircraft.

Subtitle C—Environmental Provisions

- Sec. 321. Transportation of polychlorinated biphenyls from abroad for disposal in the United States.
- Sec. 322. Modification of deadline for submittal to Congress of annual reports on environmental activities.
- Sec. 323. Submarine solid waste control.
- Sec. 324. Payment of stipulated penalties assessed under CERCLA.
- Sec. 325. Authority to pay negotiated settlement for environmental cleanup of formerly used defense sites in Canada.
- Sec. 326. Settlement of claims of foreign governments for environmental clean-up of overseas sites formerly used by the Department of Defense.
- Sec. 327. Arctic military environmental cooperation program.

Subtitle D—Counter-Drug Activities

- Sec. 331. Patrol coastal craft for drug interdiction by Southern Command.
- Sec. 332. Program authority for Department of Defense support for counter-drug activities.
- Sec. 333. Southwest border fence.

Subtitle E—Other Matters

- Sec. 341. Liquidity of working-capital funds.
- Sec. 342. Termination of authority to manage working-capital funds and certain activities through the Defense Business Operations Fund.
- Sec. 343. Clarification of authority to retain recovered costs of disposals in working-capital funds.
- Sec. 344. Best commercial inventory practices for management of secondary supply items.
- Sec. 345. Increased use of smart cards.
- Sec. 346. Public-private competition in the provision of support services.
- Sec. 347. Condition for providing financial assistance for support of additional duties assigned to the Army National Guard.
- Sec. 348. Repeal of prohibition on joint use of Gray Army Airfield, Fort Hood, Texas.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.
- Sec. 402. Limited exclusions of joint duty officers from limitations on number of general and flag officers.
- Sec. 403. Limitation on daily average of personnel on active duty in grades E-8 and E-9.
- Sec. 404. Repeal of permanent end strength requirement for support of two major regional contingencies.

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. Exclusion of additional reserve component general and flag officers from limitation on number of general and flag officers who may serve on active duty.
- Sec. 415. Increase in numbers of members in certain grades authorized to be on active duty in support of the reserves.
- Sec. 416. Consolidation of strength authorizations for active status Naval Reserve flag officers of the Navy Medical Department staff corps.

Subtitle C—Authorization of Appropriations

- Sec. 421. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Streamlined selective retention process for regular officers.
- Sec. 502. Permanent applicability of limitations on years of active naval service of Navy limited duty officers in grades of commander and captain.
- Sec. 503. Involuntary separation pay denied for officer discharged for failure of selection for promotion requested by the officer.
- Sec. 504. Term of office of the Chief of the Air Force Nurse Corps.

Subtitle B—Reserve Component Matters

- Sec. 511. Service required for retirement of National Guard officer in higher grade.
- Sec. 512. Reduced time-in-grade requirement for reserve general and flag officers involuntarily transferred from active status.
- Sec. 513. Eligibility of Army and Air Force Reserve brigadier generals to be considered for promotion while on inactive status list.
- Sec. 514. Composition of selective early retirement boards for rear admirals of the Naval Reserve and major generals of the Marine Corps Reserve.
- Sec. 515. Use of Reserves for emergencies involving weapons of mass destruction.

Subtitle C—Other Matters

- Sec. 521. Annual manpower requirements report.
- Sec. 522. Four-year extension of certain force reduction transition period management and benefits authorities.
- Sec. 523. Continuation of eligibility for voluntary separation incentive after involuntary loss of membership in Ready or Standby Reserve.
- Sec. 524. Repeal of limitations on authority to set rates and waive requirement for reimbursement of expenses incurred for instruction at service academies of persons from foreign countries.
- Sec. 525. Repeal of restriction on civilian employment of enlisted members.
- Sec. 526. Extension of reporting dates for Commission on Military Training and Gender-Related Issues.

- Sec. 527. Moratorium on changes of gender-related policies and practices pending completion of the work of the Commission on Military Training and Gender-Related Issues.
- Sec. 528. Transitional compensation for abused dependent children not residing with the spouse or former spouse of a member convicted of dependent abuse.
- Sec. 529. Pilot program for treating GED recipients as high school graduates for determinations of eligibility for enlisting in the Armed Forces.
- Sec. 530. Waiver of time limitations for award of Distinguished Flying Cross in certain cases.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Increase in basic pay for fiscal year 1999.
- Sec. 602. Rate of pay for cadets and midshipmen at the service academies.
- Sec. 603. Payments for movements of household goods arranged by members.
- Sec. 604. Leave without pay for suspended academy cadets and midshipmen.

Subtitle B—Bonuses and Special and Incentive Pays

- Sec. 611. Three-month extension of certain bonuses and special pay authorities for reserve forces.
- Sec. 612. Three-month extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.
- Sec. 613. Three-month extension of authorities relating to payment of other bonuses and special pays.
- Sec. 614. Eligibility of Reserves for selective reenlistment bonus when reenlisting or extending to perform active guard and reserve duty.
- Sec. 615. Repeal of ten-percent limitation on payments of selective reenlistment bonuses in excess of \$20,000.
- Sec. 616. Increase of maximum amount authorized for Army enlistment bonus.
- Sec. 617. Education loan repayment program for health professions officers serving in Selected Reserve.
- Sec. 618. Increase in amount of basic educational assistance under all-volunteer force program for personnel with critically short skills or specialties.
- Sec. 619. Relationship of entitlements to enlistment bonuses and benefits under the All-Volunteer Force Educational Assistance Program.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Travel and transportation for rest and recuperation in connection with contingency operations and other duty.
- Sec. 622. Payment for temporary storage of baggage of dependent student not taken on annual trip to overseas duty station of sponsor.
- Sec. 623. Commercial travel of Reserves at federal supply schedule rates for attendance at inactive duty training assemblies.

Subtitle D—Retired Pay, Survivor Benefits, and Related Matters

- Sec. 631. Paid-up coverage under Survivor Benefit Plan.

- Sec. 632. Court-required Survivor Benefit Plan coverage effectuated through elections and deemed elections.
- Sec. 633. Recovery, care, and disposition of remains of medically retired member who dies during hospitalization that begins while on active duty.

Subtitle E—Other Matters

- Sec. 641. Definition of possessions of the United States for pay and allowances purposes.
- Sec. 642. Federal employees' compensation coverage for students participating in certain officer candidate programs.
- Sec. 643. Authority to provide financial assistance for education of certain defense dependents overseas.

TITLE VII—HEALTH CARE

- Sec. 701. Dependents' dental program.
- Sec. 702. Extension of authority for use of personal services contracts for provision of health care at military entrance processing stations and elsewhere outside medical treatment facilities.
- Sec. 703. TRICARE Prime automatic enrollments and retiree payment options.
- Sec. 704. Limited continued CHAMPUS coverage for persons unaware of a loss of CHAMPUS coverage resulting from eligibility for medicare.
- Sec. 705. Enhanced Department of Defense organ and tissue donor program.
- Sec. 706. Joint Department of Defense and Department of Veterans Affairs reviews relating to interdepartmental cooperation in the delivery of medical care.
- Sec. 707. Demonstration projects to provide health care to certain medicare-eligible beneficiaries of the military health care system.

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

- Sec. 801. Para-aramid fibers and yarns.
- Sec. 802. Procurement of travel services for official and unofficial travel under one contract.
- Sec. 803. Limitation on use of price preference upon attainment of contract goal for small and disadvantaged businesses.
- Sec. 804. Distribution of assistance under the Procurement Technical Assistance Cooperative Agreement Program.
- Sec. 805. Defense commercial pricing management improvement.
- Sec. 806. Department of Defense purchases through other agencies.
- Sec. 807. Supervision of Defense Acquisition University structure by Under Secretary of Defense for Acquisition and Technology.
- Sec. 808. Repeal of requirement for Director of Acquisition Education, Training, and Career Development to be within the Office of the Under Secretary of Defense for Acquisition and Technology.
- Sec. 809. Eligibility of involuntarily downgraded employee for membership in an acquisition corps.
- Sec. 810. Pilot programs for testing program manager performance of product support oversight responsibilities for life cycle of acquisition programs.
- Sec. 811. Scope of protection of certain information from disclosure.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Reduction in number of Assistant Secretary of Defense positions.
- Sec. 902. Renaming of position of Assistant Secretary of Defense for Command, Control, Communications, and Intelligence.
- Sec. 903. Authority to expand the National Defense University.
- Sec. 904. Reduction in Department of Defense headquarters staff.
- Sec. 905. Permanent requirement for quadrennial defense review.
- Sec. 906. Management reform for research, development, test, and evaluation.
- Sec. 907. Restructuring of administration of Fisher Houses.

TITLE X—GENERAL PROVISIONS

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- Sec. 1001. Transfer authority.
- Sec. 1002. Authorization of emergency appropriations for fiscal year 1999.
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- Sec. 1004. Partnership for Peace information system management.

Subtitle B—Naval Vessels

- Sec. 1011. Iowa class battleship returned to Naval Vessel Register.
- Sec. 1012. Long-term charter of three vessels in support of submarine rescue, escort, and towing.
- Sec. 1013. Transfers of naval vessels to foreign countries.

Subtitle C—Miscellaneous Report Requirements and Repeals

- Sec. 1021. Repeal of reporting requirements.
- Sec. 1022. Report on Department of Defense financial management improvement plan.
- Sec. 1023. Feasibility study of performance of Department of Defense finance and accounting functions by private sector sources or other Federal Government sources.
- Sec. 1024. Reorganization and consolidation of operating locations of the Defense Finance and Accounting Service.
- Sec. 1025. Report on inventory and control of military equipment.
- Sec. 1026. Report on continuity of essential operations at risk of failure because of computer systems that are not year 2000 compliant.
- Sec. 1027. Reports on naval surface fire-support capabilities.
- Sec. 1028. Report on roles in Department of Defense aviation accident investigations.
- Sec. 1029. Strategic plan for expanding distance learning initiatives.
- Sec. 1030. Report on involvement of Armed Forces in contingency and ongoing operations.

Subtitle D—Other Matters

- Sec. 1041. Cooperative counterproliferation program.
- Sec. 1042. Extension of counterproliferation authorities for support of United Nations Special Commission on Iraq.
- Sec. 1043. One-year extension of limitation on retirement or dismantlement of strategic nuclear delivery systems.
- Sec. 1044. Direct-line communication between United States and Russian commanders of strategic forces.
- Sec. 1045. Chemical warfare defense.
- Sec. 1046. Accounting treatment of advance payment of personnel.

- Sec. 1047. Reinstatement of definition of financial institution in authorities for reimbursing defense personnel for Government errors in direct deposits of pay.
- Sec. 1048. Pilot program on alternative notice of receipt of legal process for garnishment of federal pay for child support and alimony.
- Sec. 1049. Costs payable to the Department of Defense and other federal agencies for services provided to the Defense Commissary Agency.
- Sec. 1050. Collection of dishonored checks presented at commissary stores.
- Sec. 1051. Defense Commissary Agency telecommunications.
- Sec. 1052. Research grants competitively awarded to service academies.
- Sec. 1053. Clarification and simplification of responsibilities of inspectors general regarding whistleblower protections.
- Sec. 1054. Amounts recovered from claims against third parties for loss or damage to personal property shipped or stored at Government expense.
- Sec. 1055. Eligibility for attendance at Department of Defense domestic dependent elementary and secondary schools.
- Sec. 1056. Fees for providing historical information to the public.
- Sec. 1057. Periodic inspection of the Armed Forces Retirement Home.
- Sec. 1058. Transfer of F-4 Phantom II aircraft to foundation.
- Sec. 1059. Act constituting presidential approval of vessel war risk insurance requested by the Secretary of Defense.
- Sec. 1060. Commendation and memorialization of the United States Navy Asiatic Fleet.
- Sec. 1061. Program to commemorate 50th anniversary of the Korean War.
- Sec. 1062. Department of Defense use of frequency spectrum.
- Sec. 1063. Technical and clerical amendments.

TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Repeal of employment preference not needed for recruitment and retention of qualified child care providers.
- Sec. 1102. Maximum pay rate comparability for faculty members of the United States Air Force Institute of Technology.
- Sec. 1103. Four-year extension of voluntary separation incentive pay authority.
- Sec. 1104. Department of Defense employee voluntary early retirement authority.
- Sec. 1105. Defense Advanced Research Projects Agency experimental personnel management program for technical personnel.

TITLE XII—JOINT WARFIGHTING EXPERIMENTATION

- Sec. 1201. Findings.
- Sec. 1202. Sense of Congress.
- Sec. 1203. Reports on joint warfighting experimentation.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

- Sec. 2001. Short title.

TITLE XXI—ARMY

- Sec. 2101. Authorized Army construction and land acquisition projects.
- Sec. 2102. Family housing.
- Sec. 2103. Improvements to military family housing units.
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TITLE XXII—NAVY

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
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- Sec. 2204. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

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

TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Improvements to military family housing units.
- Sec. 2403. Energy conservation projects.
- Sec. 2404. Authorization of appropriations, Defense Agencies.
- Sec. 2405. Modification of authority to carry out certain fiscal year 1995 projects.
- Sec. 2406. Modification of authority to carry out fiscal year 1990 project.

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
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- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
- Sec. 2602. Reduction in fiscal year 1998 authorization of appropriations for Army Reserve military construction.

**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 1996 projects.
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- Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

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- Sec. 2802. Expansion of Army overseas family housing lease authority.

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- Sec. 2811. Increase in thresholds for reporting requirements relating to real property transactions.
- Sec. 2812. Exceptions to real property transaction reporting requirements for war and certain emergency and other operations.
- Sec. 2813. Waiver of applicability of property disposal laws to leases at installations to be closed or realigned under the base closure laws.
- Sec. 2814. Restoration of Department of Defense lands used by another Federal agency.

Subtitle C—Land Conveyances

- Sec. 2821. Land conveyance, Indiana Army Ammunition Plant, Charlestown, Indiana.
- Sec. 2822. Land conveyance, Army Reserve Center, Bridgton, Maine.
- Sec. 2823. Land conveyance, Volunteer Army Ammunition Plant, Chattanooga, Tennessee.
- Sec. 2824. Release of interests in real property, former Kennebec Arsenal, Augusta, Maine.
- Sec. 2825. Land exchange, Naval Reserve Readiness Center, Portland, Maine.
- Sec. 2826. Land conveyance, Air Force Station, Lake Charles, Louisiana.

Subtitle D—Other Matters

- Sec. 2831. Purchase of build-to-lease family housing at Eielson Air Force Base, Alaska.
- Sec. 2832. Beach replenishment, San Diego, California.

TITLE XXIX—JUNIPER BUTTE RANGE LANDS WITHDRAWAL

- Sec. 2901. Short title.
- Sec. 2902. Withdrawal and reservation.
- Sec. 2903. Modifications of restrictions on use of air space.
- Sec. 2904. Compensation for disruption of ranching operations.
- Sec. 2905. Map and legal description.
- Sec. 2906. Management of withdrawn and reserved lands.
- Sec. 2907. Integrated natural resources management plan.
- Sec. 2908. Memorandum of understanding.
- Sec. 2909. Maintenance of roads.
- Sec. 2910. Management of withdrawn and acquired mineral resources.
- Sec. 2911. Hunting, fishing, and trapping.
- Sec. 2912. Water rights.
- Sec. 2913. Duration of withdrawal.
- Sec. 2914. Environmental remediation of withdrawn lands.
- Sec. 2915. Delegation of authority.
- Sec. 2916. Sense of Senate regarding monitoring of withdrawn lands.
- Sec. 2917. Authorization of appropriations.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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- Sec. 3101. Weapons activities.

- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Other defense activities.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Defense environmental management privatization.

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.

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. International cooperative stockpile stewardship.
- Sec. 3132. Prohibition on use of funds for ballistic missile defense and theater missile defense.
- Sec. 3133. Licensing of certain mixed oxide fuel fabrication and irradiation facilities.
- Sec. 3134. Continuation of processing, treatment, and disposition of legacy nuclear materials.
- Sec. 3135. Authority for Department of Energy federally funded research and development centers to participate in merit-based technology research and development programs.
- Sec. 3136. Support for public education in the vicinity of Los Alamos National Laboratory, New Mexico.

Subtitle D—Other Matters

- Sec. 3141. Repeal of fiscal year 1998 statement of policy on stockpile stewardship program.
- Sec. 3142. Increase in maximum rate of pay for scientific, engineering, and technical personnel responsible for safety at defense nuclear facilities.
- Sec. 3143. Sense of Senate regarding treatment of Formerly Utilized Sites Remedial Action Program under a nondefense discretionary budget function.

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. Authority to dispose of certain materials in National Defense Stockpile.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

Sec. 3501. Short title; references to Panama Canal Act of 1979.

Sec. 3502. Authorization of expenditures.

Sec. 3503. Purchase of vehicles.

Sec. 3504. Expenditures only in accordance with treaties.

Sec. 3505. Donations to the Commission.

Sec. 3506. Agreements for United States to provide post-transfer administrative services for certain employee benefits.

Sec. 3507. Sunset of United States overseas benefits just before transfer.

Sec. 3508. Central Examining Office.

Sec. 3509. Liability for vessel accidents.

Sec. 3510. Placement of United States citizens in positions with the United States Government.

Sec. 3511. Panama Canal Board of Contract Appeals.

Sec. 3512. Technical amendments.

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 National Security 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 1999 for procurement for the Army as follows:

1 (1) For aircraft, \$1,466,508,000.

2 (2) For missiles, \$1,175,539,000.

3 (3) For weapons and tracked combat vehicles,
4 \$1,443,108,000.

5 (4) For ammunition, \$1,010,155,000.

6 (5) For other procurement, \$3,579,511,000.

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

8 (a) NAVY.—Funds are hereby authorized to be appro-
9 priated for fiscal year 1999 for procurement for the Navy
10 as follows:

11 (1) For aircraft, \$7,499,934,000.

12 (2) For weapons, including missiles and tor-
13 pedoes, \$1,370,045,000.

14 (3) For shipbuilding and conversion,
15 \$6,067,272,000.

16 (4) For other procurement, \$4,067,907,000.

17 (b) MARINE CORPS.—Funds are hereby authorized to
18 be appropriated for fiscal year 1999 for procurement for
19 the Marine Corps in the amount of \$915,558,000.

20 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
21 are hereby authorized to be appropriated for procurement
22 of ammunition for the Navy and the Marine Corps in the
23 amount of \$459,539,000.

1 **SEC. 103. AIR FORCE.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1999 for procurement for the Air Force as fol-
4 lows:

5 (1) For aircraft, \$8,303,839,000.

6 (2) For missiles, \$2,375,803,000.

7 (3) For ammunition, \$384,161,000.

8 (4) For other procurement, \$6,792,081,000.

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

10 Funds are hereby authorized to be appropriated for
11 fiscal year 1999 for Defense-wide procurement in the
12 amount of \$2,029,250,000.

13 **SEC. 105. RESERVE COMPONENTS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 1999 for procurement of aircraft, vehicles, com-
16 munications equipment, and other equipment for the re-
17 serve components of the Armed Forces as follows:

18 (1) For the Army National Guard,
19 \$10,000,000.

20 (2) For the Air National Guard, \$10,000,000.

21 (3) For the Army Reserve, \$10,000,000.

22 (4) For the Naval Reserve, \$10,000,000.

23 (5) For the Air Force Reserve, \$10,000,000.

24 (6) For the Marine Corps Reserve,
25 \$10,000,000.

1 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1999 for procurement for the Inspector General
4 of the Department of Defense in the amount of
5 \$1,300,000.

6 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

7 There is hereby authorized to be appropriated for fis-
8 cal year 1999 the amount of \$780,150,000 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 material
14 of the United States that is not covered by section
15 1412 of such Act.

16 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

17 Funds are hereby authorized to be appropriated for
18 fiscal year 1999 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 \$402,387,000.

22 **SEC. 109. DEFENSE EXPORT LOAN GUARANTEE PROGRAM.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1999 for the Department of Defense for carry-
25 ing out the Defense Export Loan Guarantee Program

1 under section 2540 of title 10, United States Code, in the
2 total amount of \$1,250,000.

3 **Subtitle B—Army Programs**

4 **SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR** 5 **LONGBOW HELLFIRE MISSILE PROGRAM.**

6 Beginning with the fiscal year 1999 program year,
7 the Secretary of the Army may, in accordance with section
8 2306b of title 10, United States Code, enter into a
9 multiyear procurement contract for the procurement of
10 the Longbow Hellfire missile. The contract may be for a
11 term of five years.

12 **SEC. 112. CONDITION FOR AWARD OF MORE THAN ONE** 13 **MULTIYEAR CONTRACT FOR THE FAMILY OF** 14 **MEDIUM TACTICAL VEHICLES.**

15 Before awarding a multiyear procurement contract
16 for the production of the Family of Medium Tactical Vehi-
17 cles to more than one contractor under the authority of
18 section 112(b) of the National Defense Authorization Act
19 for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
20 1648), the Secretary of the Army shall certify in writing
21 to the congressional defense committees that—

22 (1) the total quantity of Family of Medium
23 Tactical Vehicles trucks required by the Army to be
24 delivered in any 12-month period exceeds the pro-
25 duction capacity of any single prime contractor; or

1 (2)(A) the total cost of the procurements to the
2 Army under all such contracts over the period of the
3 contracts will be the same as or lower than the
4 amount that would be the total cost of the procure-
5 ments if only one such contract were awarded; and

6 (B) the vehicles to be produced by all contrac-
7 tors under the contracts will be produced with com-
8 mon components that will be interchangeable among
9 similarly configured models.

10 **SEC. 113. ARMORED SYSTEM MODERNIZATION.**

11 (a) **LIMITATION.**—Of the funds authorized to be ap-
12 propriated under section 101(3), \$20,300,000 of the funds
13 available for the M1A1D Application Integration Kit may
14 not be obligated for the procurement of the Kit until 30
15 days after the Secretary of the Army submits the report
16 required under subsection (b).

17 (b) **REPORT.**—Not later than January 31, 1999, the
18 Secretary of the Army shall submit a report on armored
19 system modernization to the congressional defense com-
20 mittees. The report shall contain an assessment of the cur-
21 rent acquisition and fielding strategies for the M1A2
22 Abrams Tank and M2A3 Bradley Fighting Vehicle and
23 an assessment of alternatives to those strategies. The re-
24 port shall specifically include an assessment of an alter-
25 native fielding strategy that provides for placing all of the

1 armored vehicles configured in the latest variant into one
2 heavy corps. The assessment of each alternative strategy
3 shall include the following:

4 (1) The relative effects on warfighting capabili-
5 ties in terms of operational effectiveness and train-
6 ing and support efficiencies, taking into consider-
7 ation the joint warfighting context.

8 (2) How the alternative strategy would facili-
9 tate the transition to the Future Scout and Cavalry
10 System, the Future Combat System, or other ar-
11 mored systems for the future force structure known
12 as the Army After Next.

13 (3) How the alternative strategy fits into the
14 context of overall armored system modernization
15 through 2020.

16 (4) Budgetary implications.

17 (5) Implications for the national technology and
18 industrial base.

19 **SEC. 114. REACTIVE ARMOR TILES.**

20 (a) LIMITATION.—None of the funds authorized to
21 be appropriated under section 101(3) or 102(b) may be
22 obligated for the procurement of reactive armor tiles until
23 30 days after the date on which the Secretary of Defense
24 submits to the congressional defense committees the study
25 required by subsection (c).

1 (b) EXCEPTION.—The limitation in subsection (a)
2 does not apply to the obligation of any funds for the pro-
3 curement of armor tiles for an armored vehicle for which
4 the Secretary of the Army or, in the case of the Marine
5 Corps, the Secretary of the Navy, had established a re-
6 quirement for such tiles before the date of the enactment
7 of this Act.

8 (c) STUDY REQUIRED.—(1) The Secretary of De-
9 fense shall contract with an entity independent of the De-
10 partment of Defense to conduct a study of the present
11 and future operational requirements of the Army and the
12 Marine Corps for reactive armor tiles for armored vehicles
13 and to submit to the Secretary a report on the results
14 of the study.

15 (2) The study shall include the following:

16 (A) A detailed assessment of the operational re-
17 quirements of the Army and the Marine Corps for
18 reactive armor tiles for each of the armored vehicles
19 presently in use, including the requirements for each
20 vehicle in its existing configurations and in configu-
21 rations proposed for the vehicle.

22 (B) For each armored vehicle, an analysis of
23 the costs and benefits of the procurement and instal-
24 lation of the tiles, including a comparison of those

1 costs and benefits with the costs and benefits of any
2 existing upgrade program for the armored vehicle.

3 (3) The entity carrying out the study shall request
4 the views of the Secretary of the Army and the Secretary
5 of the Navy.

6 (d) SUBMISSION TO CONGRESS.—Not later than
7 April 1, 1999, the Secretary of Defense shall submit to
8 the congressional defense committees—

9 (1) the report on the study;

10 (2) the comments of the Secretary of the Army
11 and the Secretary of the Navy on the study; and

12 (3) for each vehicle for which it is determined
13 that a requirement for reactive armor tiles exists,
14 the Secretary's recommendations as to the number
15 of vehicles to be equipped with the tiles.

16 **SEC. 115. ANNUAL REPORTING OF COSTS ASSOCIATED**
17 **WITH TRAVEL OF MEMBERS OF CHEMICAL**
18 **DEMILITARIZATION CITIZENS' ADVISORY**
19 **COMMISSION.**

20 (a) INFORMATION TO BE INCLUDED IN ANNUAL RE-
21 PORT ON CHEMICAL DEMILITARIZATION PROGRAM.—Sec-
22 tion 1412(g)(2) of the Department of Defense Authoriza-
23 tion Act, 1986 (50 U.S.C. 1521(g)(2)) is amended by add-
24 ing at the end the following:

1 “(C) An accounting of all funds expended (for
2 the fiscal year covered by the report) for travel and
3 associated travel costs for Citizens’ Advisory Com-
4 missioners under section 172(g) of Public Law 102-
5 484 (50 U.S.C. 1521 note).”.

6 (b) TECHNICAL AMENDMENT.—Section 1412(g) of
7 section 1412 of such Act is amended by striking out “(g)
8 PERIODIC REPORTS.—” and inserting in lieu thereof “(g)
9 ANNUAL REPORT.—”.

10 **SEC. 116. EXTENSION OF AUTHORITY TO CARRY OUT AR-**
11 **MAIMENT RETOOLING AND MANUFACTURING**
12 **SUPPORT INITIATIVE.**

13 Section 193(a) of the Armament Retooling and Man-
14 ufacturing Support Act of 1992 (subtitle H of title I of
15 Public Law 102-484; 10 U.S.C. 2501 note) is amended
16 by striking out “During fiscal years 1993 through 1998”
17 and inserting in lieu thereof “During fiscal years 1993
18 through 1999”.

19 **Subtitle C—Navy Programs**

20 **SEC. 121. CVN-77 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

21 Of the amount authorized to be appropriated under
22 section 102(a)(3) for fiscal year 1999, \$124,500,000 is
23 available for the advance procurement and advance con-
24 struction of components (including nuclear components)
25 for the CVN-77 nuclear aircraft carrier program.

1 **SEC. 122. INCREASED AMOUNT TO BE EXCLUDED FROM**
2 **COST LIMITATION FOR SEAWOLF SUBMARINE**
3 **PROGRAM.**

4 Section 123(a) of the National Defense Authorization
5 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
6 1650) is amended by striking out “\$272,400,000” and in-
7 serting in lieu thereof “\$557,600,000”.

8 **SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR**
9 **THE MEDIUM TACTICAL VEHICLE REPLACE-**
10 **MENT.**

11 Beginning with the fiscal year 1999 program year,
12 the Secretary of the Navy may, in accordance with section
13 2306b of title 10, United States Code, enter into a
14 multiyear procurement contract for the procurement of
15 the Medium Tactical Vehicle Replacement. The contract
16 may be for a term of five years.

17 **Subtitle D—Air Force Programs**

18 **SEC. 131. JOINT SURVEILLANCE TARGET ATTACK RADAR**
19 **SYSTEM.**

20 (a) AMOUNT FOR FOLLOW-ON OPTIONS.—Of the
21 amount authorized to be appropriated under section
22 103(1) for the Joint Surveillance Target Attack Radar
23 System (JSTARS) program, \$72,000,000 is available for
24 funding the following options:

25 (1) Advance procurement of long-lead items for
26 two additional E–8C JSTARS aircraft.

1 (2) Payment of expenses associated with termi-
2 nation of production of JSTARS aircraft, together
3 with augmentation of other funding for the program
4 for development of an improved joint surveillance
5 target attack radar, known as the radar technology
6 insertion program.

7 (b) LIMITATION.—None of the funds available in ac-
8 cordance with subsection (a) for funding an option de-
9 scribed in that subsection may be obligated until 30 days
10 after the date on which the Secretary of Defense submits
11 to Congress a plan for using the funds. The plan shall
12 specify the option selected, the reasons for the selection
13 of that option, and details about how the funds are to be
14 used for that option.

15 **SEC. 132. LIMITATION ON REPLACEMENT OF ENGINES ON**
16 **MILITARY AIRCRAFT DERIVED FROM BOEING**
17 **707 AIRCRAFT.**

18 None of the funds authorized to be appropriated
19 under this title may be obligated or expended for the re-
20 placement of engines on aircraft of the Department of De-
21 fense that are derived from the Boeing 707 aircraft until
22 the Secretary of Defense has submitted the analysis re-
23 quired by section 133 of the National Defense Authoriza-
24 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
25 Stat. 1652).

1 **SEC. 133. F-22 AIRCRAFT PROGRAM.**

2 (a) **LIMITATION ON ADVANCE PROCUREMENT.—(1)**

3 Amounts available for the Department of Defense for any
4 fiscal year for the F-22 aircraft program may not be obli-
5 gated for advance procurement for the six Lot II F-22
6 aircraft before the date that is 30 days after date that
7 is applicable under paragraph (2) or (3).

8 (2) The applicable date for the purposes of paragraph
9 (1) is the date on which the Secretary of Defense submits
10 a certification under subsection (b)(1) unless the Sec-
11 retary submits a report under subsection (b)(2).

12 (3) If the Secretary submits a report under sub-
13 section (b)(2), the applicable date for the purposes of
14 paragraph (1) is the later of—

15 (A) the date on which the Secretary of Defense
16 submits the report; or

17 (B) the date on which the Director of Oper-
18 ational Test and Evaluation submits the certification
19 required under subsection (c).

20 (b) **CERTIFICATION BY SECRETARY OF DEFENSE.—**

21 (1) Upon the completion of 433 hours of flight testing of
22 F-22 flight test vehicles, the Secretary of Defense shall
23 submit to the congressional defense committees a certifi-
24 cation of the completion of that amount of flight testing.
25 A certification is not required under this paragraph if the
26 Secretary submits a report under paragraph (2).

1 (2) If the Secretary determines that a number of
2 hours of flight testing of F-22 flight test vehicles less than
3 433 hours provides the Defense Acquisition Board with
4 a sufficient basis for deciding to proceed into production
5 of Lot II F-22 aircraft, the Secretary may submit a report
6 to the congressional defense committees upon the comple-
7 tion of that lesser number of hours of flight testing. A
8 report under this paragraph shall contain the following:

9 (A) A certification of the number of hours of
10 flight testing completed.

11 (B) The reasons for the Secretary's determina-
12 tion that the lesser number of hours is a sufficient
13 basis for a decision by the board.

14 (C) A discussion of the extent to which the Sec-
15 retary's determination is consistent with each deci-
16 sion made by the Defense Acquisition Board since
17 January 1997 in the case of a major aircraft acqui-
18 sition program that the amount of flight testing
19 completed for the program was sufficient or not suf-
20 ficient to justify a decision to proceed into low-rate
21 initial production.

22 (D) A determination by the Secretary that it is
23 more financially advantageous for the Department to
24 proceed into production of Lot II F-22 aircraft than
25 to delay production until completion of 433 hours of

1 flight testing, together with the reasons for that de-
2 termination.

3 (c) CERTIFICATION BY THE DIRECTOR OF OPER-
4 ATIONAL TEST AND EVALUATION.—Upon the completion
5 of 183 hours of the flight testing of F-22 flight test vehi-
6 cles provided for in the test and evaluation master plan
7 for the F-22 aircraft program, as in effect on October
8 1, 1997, the Director of Operational Test and Evaluation
9 shall submit to the congressional defense committees a
10 certification of the completion of that flight testing.

11 **SEC. 134. C-130J AIRCRAFT PROGRAM.**

12 Not later than March 1, 1999, the Secretary of De-
13 fense shall review the C-130J aircraft program and sub-
14 mit a report on the program to the congressional defense
15 committees. The report shall include at least the following:

16 (1) A discussion of the testing planned and the
17 testing conducted under the program, including—

18 (A) the testing schedule intended at the
19 beginning of the program;

20 (B) the testing schedule as of when the
21 testing commenced; and

22 (C) an explanation of the time taken for
23 the testing.

24 (2) The cost and schedule of the program, in-
25 cluding—

1 (A) whether the Department has exercised
2 or plans to exercise contract options for fiscal
3 years 1996, 1997, 1998, and 1999;

4 (B) when the Department expects the air-
5 craft to be delivered and how the delivery dates
6 compare to the delivery dates specified in the
7 contract;

8 (C) whether the Department expects to
9 make any modification to the negotiated con-
10 tract price for these aircraft, and the amount
11 and basis for any such modification; and

12 (D) whether the Department expects the
13 reported delays and overruns in the develop-
14 ment of the aircraft to have any other impact
15 on the cost, schedule, or performance of the air-
16 craft.

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

20 **Subtitle A—Authorization of**
21 **Appropriations**

22 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1999 for the use of the Department of Defense
25 for research, development, test, and evaluation as follows:

1 (1) For the Army, \$4,838,145,000.

2 (2) For the Navy, \$8,199,102,000.

3 (3) For the Air Force, \$13,398,993,000.

4 (4) For Defense-wide activities,
5 \$9,837,764,000, of which—

6 (A) \$249,106,000 is authorized for the ac-
7 tivities of the Director, Test and Evaluation;
8 and

9 (B) \$25,245,000 is authorized for the Di-
10 rector of Operational Test and Evaluation.

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

12 (a) FISCAL YEAR 1999.—Of the amounts authorized
13 to be appropriated by section 201, \$4,186,817,000 shall
14 be available for basic research and applied research
15 projects.

16 (b) BASIC RESEARCH AND APPLIED RESEARCH DE-
17 FINED.—For purposes of this section, the term “basic re-
18 search and applied research” means work funded in pro-
19 gram elements for defense research and development
20 under Department of Defense category 6.1 or 6.2.

1 **Subtitle B—Program Requirements, Restrictions, and Limitations**
2
3

4 **SEC. 211. CRUSADER SELF-PROPELLED ARTILLERY SYSTEM PROGRAM.**
5

6 (a) **LIMITATION.**—Of the amount authorized to be
7 appropriated for the Army pursuant to section 201(1), not
8 more than \$223,000,000 may be obligated for the Cru-
9 sader self-propelled artillery system program until 30 days
10 after the date on which the Secretary of the Army submits
11 the report required under subsection (b).

12 (b) **REQUIREMENT FOR REPORT.**—The Secretary of
13 the Army shall submit to the congressional defense com-
14 mittees a report on the Crusader self-propelled artillery
15 system. The report shall include the following:

16 (1) An assessment of the risks associated with
17 the current Crusader program technology.

18 (2) The total requirements for the Crusader
19 system, taking into consideration revisions in force
20 structure resulting from the redesign of heavy and
21 light divisions to achieve a force structure known as
22 the Army After Next.

23 (3) The potential for reducing the weight of the
24 Crusader system by as much as 50 percent.

1 (4) The potential for using alternative propel-
2 lants for the artillery projectile for the Crusader sys-
3 tem and the effects on the overall program schedule
4 that would result from taking the actions and time
5 necessary to develop mature technologies for alter-
6 native propellants.

7 (5) An analysis of the costs and benefits of de-
8 laying procurement of Crusader to avoid afford-
9 ability issues associated with the current schedule
10 and to allow for maturation of weight and propellant
11 technologies.

12 (c) SUBMISSION OF REPORT.—The Secretary of the
13 Army shall submit the report not later than March 1,
14 1999.

15 **SEC. 212. CVN-77 NUCLEAR AIRCRAFT CARRIER PROGRAM.**

16 (a) AMOUNT FOR NEW TECHNOLOGIES.—Of the
17 amounts authorized to be appropriated under section
18 201(2) for aircraft carrier system development,
19 \$50,000,000 shall be available only for research, develop-
20 ment, test, and evaluation, and for acquisition, of tech-
21 nologies described in subsection (b) for use in the CVN-
22 77 nuclear aircraft carrier program.

23 (b) TECHNOLOGIES.—The technologies for which
24 amounts are available under subsection (a) are tech-
25 nologies that are designed—

1 (1) for a transition from the CVN-77 aircraft
2 carrier program to the CV(X) aircraft carrier pro-
3 gram; and

4 (2) for—

5 (A) demonstrating enhanced capabilities
6 for the CV(X) aircraft carrier program; or

7 (B) mitigating the cost or technical risks
8 of that program.

9 **SEC. 213. UNMANNED AERIAL VEHICLE PROGRAMS.**

10 (a) **TERMINATION OF DARK STAR PROGRAM.**—The
11 Secretary of Defense shall terminate the Dark Star un-
12 manned aerial vehicle program. Except as provided in sub-
13 section (b), funds available for that program may be obli-
14 gated after the date of the enactment of this Act only for
15 costs necessary for terminating the program.

16 (b) **GLOBAL HAWK PROGRAM.**—Of the unobligated
17 balance of the funds available for the Dark Star un-
18 manned aerial vehicle program, \$32,500,000 shall be
19 available for the procurement of three Global Hawk un-
20 manned aerial vehicles. However, none of the funds made
21 available for the Global Hawk unmanned aerial vehicle
22 program under the preceding sentence may be obligated
23 or expended for that program until phase II testing of the
24 Global Hawk unmanned aerial vehicle has been completed.

1 **SEC. 214. AIRBORNE LASER PROGRAM.**

2 (a) FINDINGS.—Congress makes the following find-
3 ings:

4 (1) The development plan of the Department of
5 Defense for the Airborne Laser Program does not
6 include the basic validation of certain key tech-
7 nologies until 2002, which is shortly before the pro-
8 gram is scheduled to enter the engineering and man-
9 ufacturing development phase of development.

10 (2) It is possible that the technical risk of the
11 Airborne Laser Program could be substantially re-
12 duced by restructuring the program to include a
13 technology demonstration using a low power laser
14 device to collect optical data in an operationally rep-
15 resentative environment.

16 (3) Department of Defense officials are cur-
17 rently planning to have expended approximately
18 \$1,300,000,000 on the Airborne Laser Program by
19 the end of fiscal year 2002, and a total of
20 \$6,300,000,000 by the end of fiscal year 2008 for
21 the development of the system and the procurement
22 of seven airborne laser aircraft.

23 (4) Due to the likely vulnerability of an air-
24 borne laser system to air defense threats, the limited
25 lethal range of the laser device, and other oper-
26 ational limitations of the system, the utility of the

1 airborne laser system will be severely restricted
2 under a wide range of operational scenarios.

3 (b) ASSESSMENT OF TECHNICAL AND OPERATIONAL
4 LIMITATIONS.—The Secretary of Defense shall conduct an
5 assessment of the technical obstacles and operational
6 shortcomings expected for the Airborne Laser Program.
7 In conducting the assessment, the Secretary shall—

8 (1) require the Panel on Reducing Risk in Bal-
9 listic Missile Defense Test Programs to evaluate the
10 adequacy of the test program for the Airborne Laser
11 Program; and

12 (2) establish an independent team of persons
13 from outside the Department of Defense who are ex-
14 perts in relevant fields to review the operational limi-
15 tations and issues associated with the Airborne
16 Laser Program.

17 (c) REPORT ON ASSESSMENT.—Not later than March
18 15, 1999, the Secretary shall submit a report on the as-
19 sessment to Congress. The report shall include the Sec-
20 retary's findings and any recommendations that the Sec-
21 retary considers appropriate.

22 (d) FUNDING FOR PROGRAM.—Of the amount au-
23 thorized to be appropriated under section 201(3),
24 \$195,219,000 shall be available for the Airborne Laser
25 Program.

1 (e) LIMITATION.—Of the amount made available pur-
2 suant to subsection (d), not more than \$150,000,000 may
3 be obligated until 30 days after the Secretary submits the
4 report required under subsection (c).

5 **SEC. 215. ENHANCED GLOBAL POSITIONING SYSTEM PRO-**
6 **GRAM.**

7 (a) FINDINGS.—Congress makes the following find-
8 ings:

9 (1) Section 152(b) of the National Defense Au-
10 thorization Act for Fiscal Year 1994 (Public Law
11 103–160; 107 Stat. 1578) prohibits the obligation of
12 funds, after September 30, 2000, to modify or pro-
13 cure any Department of Defense aircraft, ship, ar-
14 mored vehicle, or indirect-fire weapon system that is
15 not equipped with a Global Positioning System re-
16 ceiver.

17 (2) Section 279(b) of the National Defense Au-
18 thorization Act for Fiscal Year 1996 (Public Law
19 104–106; 110 Stat. 243) requires the Secretary of
20 Defense to prepare a plan for enhancing the Global
21 Positioning System and to provide in that plan for—

22 (A) the development of capabilities to deny
23 hostile military forces the ability to use the
24 Global Positioning System without hindering
25 the ability of United States military forces and

1 civil users to have access to and use of the sys-
2 tem; and

3 (B) the development and acquisition of re-
4 ceivers for the Global Positioning System and
5 other techniques for weapons and weapon sys-
6 tems that provide substantially improved resist-
7 ance to jamming and other forms of electronic
8 interference or disruption.

9 (3) Section 2281 of title 10, United States
10 Code, requires the Secretary of Defense—

11 (A) to develop appropriate measures for
12 preventing hostile use of the Global Positioning
13 System so as to make it unnecessary for the
14 Secretary to use the selective availability fea-
15 ture of the system continuously while not hin-
16 dering the use of the Global Positioning System
17 by the United States and its allies for military
18 purposes;

19 (B) to ensure that the Armed Forces of
20 the United States have the capability to use the
21 Global Positioning System effectively despite
22 hostile attempts to prevent the use of the sys-
23 tem by such forces; and

24 (C) to develop measures for preventing
25 hostile use of the Global Positioning System in

1 a particular area without hindering peaceful
2 civil use of the system elsewhere.

3 (b) POLICY ON PRIORITY FOR DEVELOPMENT OF EN-
4 HANCED GPS SYSTEM.—The development of an enhanced
5 Global Positioning System is an urgent national security
6 priority.

7 (c) DEVELOPMENT REQUIRED.—To fulfill the re-
8 quirements described in subsection (a), the Secretary of
9 Defense shall develop an enhanced Global Positioning Sys-
10 tem in accordance with the priority declared in subsection
11 (b). The enhanced Global Positioning System shall consist
12 of the following elements:

13 (1) An evolved satellite system that includes dy-
14 namic frequency reconfiguration and regional-level
15 directional signal enhancements.

16 (2) Enhanced receivers and user equipment
17 that are capable of providing military users with di-
18 rect access to encrypted Global Positioning System
19 signals.

20 (3) To the extent funded by the Secretary of
21 Transportation, additional civil frequencies and
22 other enhancements for civil users.

23 (d) SENSE OF CONGRESS REGARDING FUNDING.—
24 It is the sense of Congress that—

1 (1) the Secretary of Defense should ensure that
2 the future-years defense program provides for suffi-
3 cient funding to develop and deploy an enhanced
4 Global Positioning System system in accordance
5 with the priority declared in subsection (b); and

6 (2) the Secretary of Transportation should pro-
7 vide sufficient funding to support additional civil fre-
8 quencies for the Global Positioning System and
9 other enhancements of the system for civil users.

10 (e) PLAN FOR DEVELOPMENT OF ENHANCED GLOB-
11 AL POSITIONING SYSTEM.—Not later than April 15, 1999,
12 the Secretary of Defense shall submit to Congress a plan
13 for carrying out the requirements of subsection (c).

14 (f) DELAYED EFFECTIVE DATE FOR LIMITATION ON
15 PROCUREMENT OF SYSTEMS NOT GPS-EQUIPPED.—Sec-
16 tion 152(b) of the National Defense Authorization Act for
17 Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1578)
18 is amended by striking out “2000” and inserting in lieu
19 thereof “2005”.

20 (g) FUNDING FROM AUTHORIZED APPROPRIATIONS
21 FOR FISCAL YEAR 1999.—Of the amounts authorized to
22 be appropriated under section 201(3), \$44,000,000 shall
23 be available to establish and carry out an enhanced Global
24 Positioning System program.

1 **SEC. 216. MANUFACTURING TECHNOLOGY PROGRAM.**

2 (a) COMPETITION AND COST SHARING.—Subsection
3 (d) of section 2525 of title 10, United States Code, is
4 amended by striking out paragraphs (2), (3), and (4) and
5 inserting in lieu thereof the following:

6 “(2) Except as provided in paragraph (3), the costs
7 of a project carried out under the program shall be shared
8 by the Department of Defense and the other parties to
9 the grant, contract, cooperative agreement, or other trans-
10 action involved if any results of the project are likely to
11 have an immediate and direct commercial application. The
12 cost share—

13 “(A) in the case of a grant, contract, coopera-
14 tive agreement, or other transaction that is awarded
15 using a competitive selection process, shall be the
16 cost share proposed in the application or offer se-
17 lected for the award; or

18 “(B) in a case in which there is only one appli-
19 cant or offeror, shall be the cost share negotiated
20 with the applicant or offeror that provides the best
21 value for the Government.

22 “(3)(A) Cost-sharing is not required of the non-Fed-
23 eral Government parties to a grant, contract, cooperative
24 agreement, or other transaction under paragraph (2) if
25 the project is determined as being sufficiently high risk

1 to discourage cost-sharing by non-Federal Government
2 sources.

3 “(B) A determination under subparagraph (A) that
4 cost-sharing is not required in the case of a particular
5 grant, contract, cooperative agreement or other trans-
6 action shall be made by—

7 “(i) the Secretary of the military department
8 awarding the grant or entering into the contract, co-
9 operative agreement, or other transaction; or

10 “(ii) the Secretary of Defense for any other
11 grant, contract, cooperative agreement, or trans-
12 action.

13 “(C) The transaction file for a case in which cost-
14 sharing is determined as not being required shall include
15 written documentation of the reasons for the determina-
16 tion.”.

17 (b) FIVE-YEAR PLAN.—Subsection (e)(2) of such
18 section is amended to read as follows:

19 “(2) The plan shall include the following:

20 “(A) An assessment of the effectiveness of the
21 program.

22 “(B) An assessment of the extent to which the
23 costs of projects are being shared by the following:

24 “(i) Commercial enterprises in the private
25 sector.

1 “(ii) Department of Defense program of-
2 fices, including weapon system program offices.

3 “(iii) Departments and agencies of the
4 Federal Government outside the Department of
5 Defense.

6 “(iv) Institutions of higher education.

7 “(v) Other institutions not operated for
8 profit.

9 “(vi) Other sources.”.

10 **SEC. 217. AUTHORITY FOR USE OF MAJOR RANGE AND**
11 **TEST FACILITY INSTALLATIONS BY COMMER-**
12 **CIAL ENTITIES.**

13 (a) PERMANENT AUTHORITY.—Subsection (g) of sec-
14 tion 2681 of title 10, United States Code, is repealed.

15 (b) REPEAL OF EXECUTED REPORTING REQUIRE-
16 MENT.—Subsection (h) of such section is repealed.

17 **SEC. 218. EXTENSION OF AUTHORITY TO CARRY OUT CER-**
18 **TAIN PROTOTYPE PROJECTS.**

19 Section 845(c) of the National Defense Authorization
20 Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C.
21 2371 note) is amended by striking out “September 30,
22 1999” and inserting in lieu thereof “September 30,
23 2001”.

1 **Subtitle C—Other Matters**

2 **SEC. 231. POLICY WITH RESPECT TO BALLISTIC MISSILE**
3 **DEFENSE COOPERATION.**

4 As the United States proceeds with efforts to develop
5 defenses against ballistic missile attack, it should seek to
6 foster a climate of cooperation with Russia on matters re-
7 lated to missile defense. In particular, the United States
8 and its NATO allies should seek to cooperate with Russia
9 in such areas as early warning.

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

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

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

15 (a) AMOUNTS AUTHORIZED.—Funds are hereby au-
16 thorized to be appropriated for fiscal year 1999 for the
17 use of the Armed Forces and other activities and agencies
18 of the Department of Defense for expenses, not otherwise
19 provided for, for operation and maintenance, in amounts
20 as follows:

- 21 (1) For the Army, \$17,395,563,000.
22 (2) For the Navy, \$22,001,302,000.
23 (3) For the Marine Corps, \$2,638,703,000.
24 (4) For the Air Force, \$19,213,404,000.

1 (5) For the Special Operations Command,
2 \$1,251,503,000.

3 (6) For Defense-wide activities,
4 \$9,025,598,000.

5 (7) For the Army Reserve, \$1,217,622,000.

6 (8) For the Naval Reserve, \$943,639,000.

7 (9) For the Marine Corps Reserve,
8 \$134,593,000.

9 (10) For the Air Force Reserve,
10 \$1,759,696,000.

11 (11) For the Army National Guard,
12 \$2,476,815,000.

13 (12) For the Air National Guard,
14 \$3,113,933,000.

15 (13) For the Defense Inspector General,
16 \$130,764,000.

17 (14) For the United States Court of Appeals
18 for the Armed Forces, \$7,324,000.

19 (15) For Environmental Restoration, Army,
20 \$370,640,000.

21 (16) For Environmental Restoration, Navy,
22 \$274,600,000.

23 (17) For Environmental Restoration, Air Force,
24 \$372,100,000.

1 (18) For Environmental Restoration, Defense-
2 wide, \$23,091,000.

3 (19) For Environmental Restoration, Formerly
4 Used Defense Sites, \$195,000,000.

5 (20) For Overseas Humanitarian, Demining,
6 and CINC Initiatives, \$50,000,000.

7 (21) For Drug Interdiction and Counter-drug
8 Activities, Defense-wide, \$727,582,000.

9 (22) For the Kaho'olawe Island Conveyance,
10 Remediation, and Environmental Restoration Trust
11 Fund, \$15,000,000.

12 (23) For Medical Programs, Defense,
13 \$9,653,435,000.

14 (24) For Cooperative Threat Reduction pro-
15 grams, \$440,400,000.

16 (25) For Overseas Contingency Operations
17 Transfer Fund, \$746,900,000.

18 (26) For Impact Aid, \$35,000,000.

19 (b) GENERAL LIMITATION.—Notwithstanding para-
20 graphs (1) through (25) of subsection (a), the total
21 amount authorized to be appropriated for fiscal year 1999
22 under those paragraphs is \$93,875,207,000.

23 **SEC. 302. WORKING CAPITAL FUNDS.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 1999 for the use of the Armed Forces and other

1 activities and agencies of the Department of Defense for
2 providing capital for working capital and revolving funds
3 in amounts as follows:

4 (1) For the Defense Working Capital Funds,
5 Air Force, \$30,800,000.

6 (2) For Defense Working-Capital Fund, De-
7 fense-wide, \$63,700,000.

8 (3) For the National Defense Sealift Fund,
9 \$669,566,000.

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

11 There is hereby authorized to be appropriated for fis-
12 cal year 1999 from the Armed Forces Retirement Home
13 Trust Fund the sum of \$70,745,000 for the operation of
14 the Armed Forces Retirement Home, including the United
15 States Soldiers' and Airmen's Home and the Naval Home.

16 **SEC. 304. TRANSFER FROM THE NATIONAL DEFENSE**
17 **STOCKPILE TRANSACTION FUND.**

18 (a) TRANSFER AUTHORITY.—To the extent provided
19 in appropriations Acts, not more than \$150,000,000 is au-
20 thorized to be transferred from the National Defense
21 Stockpile Transaction Fund to operation and maintenance
22 accounts for fiscal year 1999 in amounts as follows:

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

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

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

1 (b) TREATMENT OF TRANSFERS.—Amounts trans-
2 ferred under this section—

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

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

9 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
10 ITY.—The transfer authority provided in this section is in
11 addition to the transfer authority provided in section
12 1001.

13 **Subtitle B—Program Require-**
14 **ments, Restrictions, and Limita-**
15 **tions**

16 **SEC. 311. SPECIAL OPERATIONS COMMAND**
17 **COUNTERPROLIFERATION AND**
18 **COUNTERTERRORISM ACTIVITIES.**

19 Of the amount authorized to be appropriated under
20 section 301(a)(5), the \$18,500,000 available for the Spe-
21 cial Operations Command that is not needed for the oper-
22 ation of six of the patrol coastal craft of the Department
23 of Defense in the Caribbean Sea and Eastern Pacific
24 Ocean in support of the drug interdiction efforts of the
25 United States Southern Command by reason of section

1 331 shall be available for increased training and related
2 operations in support of that command's
3 counterproliferation of weapons of mass destruction and
4 the command's counterterrorism activities. The amount
5 available under the preceding sentence is in addition to
6 other funds authorized to be appropriated under section
7 301(a)(5) for the Special Operations Command for such
8 purposes.

9 **SEC. 312. TAGGING SYSTEM FOR IDENTIFICATION OF HY-**
10 **DROCARBON FUELS USED BY THE DEPART-**
11 **MENT OF DEFENSE.**

12 (a) **AUTHORITY TO CONDUCT PILOT PROGRAM.—**
13 The Secretary of Defense may conduct a pilot program
14 using existing technology to determine—

15 (1) the feasibility of tagging hydrocarbon fuels
16 used by the Department of Defense for the purposes
17 of analyzing and identifying such fuels;

18 (2) the deterrent effect of such tagging on the
19 theft and misuse of fuels purchased by the Depart-
20 ment; and

21 (3) the extent to which such tagging assists in
22 determining the source of surface and underground
23 pollution in locations having separate fuel storage
24 facilities of the Department and of civilian compa-
25 nies.

1 (b) SYSTEM ELEMENTS.—The tagging system under
2 the pilot program shall have the following characteristics:

3 (1) The tagging system does not harm the envi-
4 ronment.

5 (2) Each chemical used in the tagging system
6 is—

7 (A) approved for use under the Toxic Sub-
8 stances Control Act (15 U.S.C. 2601 et seq.);
9 and

10 (B) substantially similar to the fuel to
11 which added, as determined in accordance with
12 criteria established by the Environmental Pro-
13 tection Agency for the introduction of additives
14 into hydrocarbon fuels.

15 (3) The tagging system permits a determination
16 if a tag is present and a determination if the con-
17 centration of a tag has changed in order to facilitate
18 identification of tagged fuels and detection of dilu-
19 tion of tagged fuels.

20 (4) The tagging system does not impair or de-
21 grade the suitability of tagged fuels for their in-
22 tended use.

23 (c) REPORT.—Not later than 30 days after the com-
24 pletion of the pilot program, the Secretary shall submit
25 to Congress a report setting forth the results of the pilot

1 program and including any recommendations for legisla-
2 tion relating to the tagging of hydrocarbon fuels by the
3 Department that the Secretary considers appropriate.

4 (d) FUNDING.—Of the amounts authorized to be ap-
5 propriated under section 301(a)(6) for operation and
6 maintenance for defense-wide activities, not more than
7 \$5,000,000 shall be available for the pilot program.

8 **SEC. 313. PILOT PROGRAM FOR ACCEPTANCE AND USE OF**
9 **LANDING FEES CHARGED FOR USE OF DO-**
10 **MESTIC MILITARY AIRFIELDS BY CIVIL AIR-**
11 **CRAFT.**

12 (a) PILOT PROGRAM AUTHORIZED.—The Secretary
13 of each military department may carry out a pilot program
14 to demonstrate the use of landing fees as a source of fund-
15 ing for the operation and maintenance of airfields of the
16 department.

17 (b) IMPOSITION OF LANDING FEES.—Under a pilot
18 program carried out under this section, the Secretary of
19 a military department may prescribe and impose landing
20 fees for use of any military airfield of the department in
21 the United States by civil aircraft during fiscal years 1999
22 and 2000. No fee may be charged under the pilot program
23 for a landing after September 30, 2000.

24 (c) USE OF PROCEEDS.—Amounts received for a fis-
25 cal year in payment of landing fees imposed under the

1 pilot program for use of a military airfield shall be cred-
2 ited to the appropriation that is available for that fiscal
3 year for the operation and maintenance of the military air-
4 field, shall be merged with amounts in the appropriation
5 to which credited, and shall be available for that military
6 airfield for the same period and purposes as the appropria-
7 tion is available.

8 (d) REPORT.—Not later than March 31, 2000, the
9 Secretary of Defense shall submit to Congress a report
10 on the pilot programs carried out under this section by
11 the Secretaries of the military departments. The report
12 shall specify the amounts of fees received and retained by
13 each military department under the pilot program as of
14 December 31, 1999.

15 **Subtitle C—Environmental** 16 **Provisions**

17 **SEC. 321. TRANSPORTATION OF POLYCHLORINATED**
18 **BIPHENYLS FROM ABROAD FOR DISPOSAL IN**
19 **THE UNITED STATES.**

20 (a) AUTHORITY.—Chapter 157 of title 10, United
21 States Code, is amended by adding at the end the follow-
22 ing:

1 **“§ 2646. Transportation of polychlorinated biphenyls**
2 **from abroad; disposal**

3 “(a) AUTHORITY TO TRANSPORT.—(1) Subject to
4 paragraph (2), the Secretary of the Defense and the Sec-
5 retaries of the military departments may provide for the
6 transportation into the customs territory of the United
7 States of polychlorinated biphenyls generated by or under
8 the control of the Department of Defense for purposes of
9 their disposal, treatment, or storage in the customs terri-
10 tory of the United States.

11 “(2) Polychlorinated biphenyls may be transported
12 into the customs territory of the United States under
13 paragraph (1) only if the Administrator of the Environ-
14 mental Protection Agency determines that the transpor-
15 tation will not result in an unreasonable risk of injury to
16 health or the environment.

17 “(b) DISPOSAL.—(1) The disposal, treatment, and
18 storage of polychlorinated biphenyls transported into the
19 customs territory of the United States under subsection
20 (a) shall be governed by the provisions of the Toxic Sub-
21 stances Control Act (15 U.S.C. 2601 et seq.).

22 “(2) A chemical waste landfill may not be used for
23 the disposal, treatment, or storage of polychlorinated
24 biphenyls transported into the customs territory of the
25 United States under subsection (a) unless the landfill
26 meets all of the technical requirements specified in section

1 761.75(b)(3) of title 40, Code of Federal Regulations, as
 2 in effect on the date that was one year before the date
 3 of enactment of the National Defense Authorization Act
 4 for Fiscal Year 1999.

5 “(c) CUSTOMS TERRITORY OF THE UNITED STATES
 6 DEFINED.—In this section, the term ‘customs territory of
 7 the United States’ has the meaning given that term in
 8 General Note 2. of the Harmonized Tariff Schedule of the
 9 United States.”.

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

“2646. Transportation of polychlorinated biphenyls from abroad; disposal.”.

13 **SEC. 322. MODIFICATION OF DEADLINE FOR SUBMITTAL**
 14 **TO CONGRESS OF ANNUAL REPORTS ON EN-**
 15 **VIRONMENTAL ACTIVITIES.**

16 Section 2706 of title 10, United States Code, is
 17 amended by striking out “not later than 30 days” each
 18 place it appears in subsections (a), (b), (c), and (d) and
 19 inserting in lieu thereof “not later than 45 days”.

20 **SEC. 323. SUBMARINE SOLID WASTE CONTROL.**

21 (a) SOLID WASTE DISCHARGE REQUIREMENTS.—
 22 Subsection (c)(2) of section 3 of the Act to Prevent Pollu-
 23 tion from Ships (33 U.S.C. 1902) is amended—

24 (1) in subparagraph (A), by adding at the end
 25 the following:

1 “(iii) With regard to submersibles, non-plastic
2 garbage that has been compacted and weighted to
3 ensure negative buoyancy.”; and

4 (2) in subparagraph (B)(ii), by striking out
5 “subparagraph (A)(ii)” and inserting in lieu thereof
6 “clauses (ii) and (iii) of subparagraph (A)”.

7 (b) CONFORMING AMENDMENT.—Subsection
8 (e)(3)(A) of that section is amended by striking out “gar-
9 bage that contains more than the minimum amount prac-
10 ticable of”.

11 **SEC. 324. PAYMENT OF STIPULATED PENALTIES ASSESSED**

12 **UNDER CERCLA.**

13 The Secretary of Defense may pay, from amounts in
14 the Department of Defense Base Closure Account 1990
15 established by section 2906(a)(1) of the Defense Base Clo-
16 sure and Realignment Act of 1990 (part A of title XXIX
17 of Public Law 101–510; 10 U.S.C. 2687 note), not more
18 than \$15,000 as payment of pay stipulated civil penalties
19 assessed under the Comprehensive Environmental Re-
20 sponse, Compensation, and Liability Act of 1980 (42
21 U.S.C. 9601 et seq.) against McClellan Air Force Base,
22 California.

1 **SEC. 325. AUTHORITY TO PAY NEGOTIATED SETTLEMENT**
2 **FOR ENVIRONMENTAL CLEANUP OF FOR-**
3 **MERLY USED DEFENSE SITES IN CANADA.**

4 (a) FINDINGS.—Congress makes the following find-
5 ings with respect to the authorization of payment of settle-
6 ment with Canada in subsection (b) regarding environ-
7 mental cleanup at formerly used defense sites in Canada:

8 (1) A unique and longstanding national security
9 alliance exists between the United States and Can-
10 ada.

11 (2) The sites covered by the settlement were
12 formerly used by the United States and Canada for
13 their mutual defense.

14 (3) There is no formal treaty or international
15 agreement between the United States and Canada
16 regarding the environmental cleanup of the sites.

17 (4) Environmental contamination at some of
18 the sites could pose a substantial risk to the health
19 and safety of the United States citizens residing in
20 States near the border between the United States
21 and Canada.

22 (5) The United States and Canada reached a
23 negotiated agreement for an ex-gratia reimburse-
24 ment of Canada in full satisfaction of claims of Can-
25 ada relating to environmental contamination which
26 agreement was embodied in an exchange of Notes

1 between the Government of the United States and
2 the Government of Canada.

3 (6) There is a unique factual basis for authoriz-
4 ing a reimbursement of Canada for environmental
5 cleanup at sites in Canada after the United States
6 departure from such sites.

7 (7) The basis for and authorization of such re-
8 imbursement does not extend to similar claims by
9 other nations.

10 (8) The Government of Canada is committed to
11 spending the entire \$100,000,000 of the reimburse-
12 ment authorized in subsection (b) in the United
13 States, which will benefit United States industry and
14 United States workers.

15 (b) AUTHORITY TO MAKE PAYMENTS.—(1) Subject
16 to paragraph (3), the Secretary of Defense may, using
17 funds specified under subsection (c), make a payment de-
18 scribed in paragraph (2) in each of fiscal years 1999
19 through 2008 for purposes of the ex-gratia reimbursement
20 of Canada in full satisfaction of any and all claims as-
21 serted against the United States by Canada for environ-
22 mental cleanup of sites in Canada that were formerly used
23 for the mutual defense of the United States and Canada.

24 (2) A payment referred to in paragraph (1) is a pay-
25 ment of \$10,000,000, in constant fiscal year 1996 dollars,

1 into the Foreign Military Sales Trust Account for pur-
2 poses of Canada.

3 (3) A payment may be made under paragraph (1) in
4 any fiscal year after fiscal year 1999 only if the Secretary
5 of Defense submits to Congress with the budget for such
6 fiscal year under section 1105 of title 31, United States
7 Code, evidence that the cumulative amount expended by
8 the Government of Canada for environmental cleanup ac-
9 tivities in Canada during any fiscal years before such fiscal
10 year in which a payment under that paragraph was au-
11 thorized was an amount equal to or greater than the ag-
12 gregate amount of the payments under that paragraph
13 during such fiscal years.

14 (c) SOURCE OF FUNDS.—A payment may be made
15 under subsection (b) in a fiscal year from amounts appro-
16 priated pursuant to the authorization of appropriations for
17 the Department of Defense for such fiscal year for Oper-
18 ation and Maintenance, Defense-Wide.

19 **SEC. 326. SETTLEMENT OF CLAIMS OF FOREIGN GOVERN-**
20 **MENTS FOR ENVIRONMENTAL CLEANUP OF**
21 **OVERSEAS SITES FORMERLY USED BY THE**
22 **DEPARTMENT OF DEFENSE.**

23 (a) NOTICE OF NEGOTIATIONS.—The President shall
24 notify Congress before entering into any negotiations for
25 the ex-gratia settlement of the claims of a government of

1 another country against the United States for environ-
2 mental cleanup of sites in that country that were formerly
3 used by the Department of Defense.

4 (b) **AUTHORIZATION REQUIRED FOR USE FUNDS**
5 **FOR PAYMENT OF SETTLEMENT.**—Notwithstanding any
6 other provision of law, no funds may be utilized for any
7 payment under an ex-gratia settlement of any claims de-
8 scribed in subsection (a) unless the use of the funds for
9 that purpose is specifically authorized by law, treaty, or
10 international agreement.

11 **SEC. 327. ARCTIC MILITARY ENVIRONMENTAL COOPERA-**
12 **TION PROGRAM.**

13 (a) **FINDINGS.**—Congress makes the following find-
14 ings:

15 (1) The Secretary of Defense has developed a
16 program to address environmental matters relating
17 to the military activities of the Department of De-
18 fense in the Arctic region. The program is known as
19 the “Arctic Military Environmental Cooperation
20 Program”.

21 (2) The Secretary has carried out the Arctic
22 Military Environmental Cooperation Program using
23 funds appropriated for Cooperative Threat Reduc-
24 tion programs.

1 (b) ACTIVITIES UNDER PROGRAM.—(1) Subject to
2 paragraph (2), activities under the Arctic Military Envi-
3 ronmental Cooperation Program shall include cooperative
4 activities on environmental matters in the Arctic region
5 with the military departments and agencies of other coun-
6 tries, including the Russian Federation.

7 (2) Activities under the Arctic Military Environ-
8 mental Cooperation Program may not include any activi-
9 ties for purposes for which funds for Cooperative Threat
10 Reduction programs have been denied, including the pur-
11 poses for which funds were denied by section 1503 of the
12 National Defense Authorization Act for Fiscal Year 1997
13 (Public Law 104–201; 110 Stat. 2732).

14 (c) AVAILABILITY OF FISCAL YEAR 1999 FUNDS.—
15 (1) Of the amount authorized to be appropriated by sec-
16 tion 301(a)(6), \$4,000,000 shall be available for carrying
17 out the Arctic Military Environmental Program.

18 (2) Amounts available for the Arctic Military Envi-
19 ronmental Cooperation Program under paragraph (1) may
20 not be obligated or expended for that Program until 45
21 days after the date on which the Secretary of Defense sub-
22 mits to the congressional defense committees a plan for
23 the Program under paragraph (3).

1 (3) The plan for the Arctic Military Environmental
2 Cooperation Program under this paragraph shall include
3 the following:

4 (A) A statement of the overall goals and objec-
5 tives of the Program.

6 (B) A statement of the proposed activities
7 under the Program and the relationship of such ac-
8 tivities to the national security interests of the
9 United States.

10 (C) An assessment of the compatibility of the
11 activities set forth under subparagraph (B) with the
12 purposes of the Cooperative Threat Reduction pro-
13 grams of the Department of Defense (including with
14 any prohibitions and limitations applicable to such
15 programs).

16 (D) An estimate of the funding to be required
17 and requested in future fiscal years for the activities
18 set forth under subparagraph (B).

19 (E) A proposed termination date for the Pro-
20 gram.

1 **Subtitle D—Counter-Drug**
2 **Activities**

3 **SEC. 331. PATROL COASTAL CRAFT FOR DRUG INTERDIC-**
4 **TION BY SOUTHERN COMMAND.**

5 Of the funds authorized to be appropriated under sec-
6 tion 301(a)(21), relating to drug interdiction and counter-
7 drug activities, \$18,500,000 shall be available for the
8 equipping and operation of six of the Cyclone class coastal
9 defense ships of the Department of Defense in the Carib-
10 bean Sea and Eastern Pacific Ocean in support of the
11 drug interdiction efforts of the United States Southern
12 Command.

13 **SEC. 332. PROGRAM AUTHORITY FOR DEPARTMENT OF DE-**
14 **FENSE SUPPORT FOR COUNTER-DRUG AC-**
15 **TIVITIES.**

16 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
17 section 1004 of the National Defense Authorization Act
18 for Fiscal Year 1991 (10 U.S.C. 374 note) is amended
19 by striking out “through 1999” and inserting in lieu
20 thereof “through 2004”.

21 (b) BASES AND FACILITIES SUPPORT.—(1) Sub-
22 section (b)(4) of such section is amended by inserting “of
23 the Department of Defense or any Federal, State, local,
24 or foreign law enforcement agency” after “counter-drug
25 activities”.

1 (2) Section 1004 of such Act is further amended by
2 adding at the end the following:

3 “(h) CONGRESSIONAL NOTIFICATION OF FACILITIES
4 PROJECTS.—(1) Not later than 21 days before obligating
5 funds for beginning the work on a project described in
6 paragraph (2), the Secretary of Defense shall submit to
7 the congressional defense committees a notification of the
8 project, including the scope and estimated total cost of the
9 project.

10 “(2) Paragraph (1) applies to a project for the modi-
11 fication or repair of a Department of Defense facility for
12 the purpose set forth in subsection (b)(4) that is estimated
13 to cost more than \$500,000.”.

14 **SEC. 333. SOUTHWEST BORDER FENCE.**

15 (a) LIMITATION OF FUNDING FOR EXPANSION.—
16 None of the funds authorized to be appropriated for the
17 Department of Defense by this Act may be used to expand
18 the Southwest border fence until the Secretary of Defense
19 submits the report required by subsection (b).

20 (b) REPORT.—The Secretary of Defense shall submit
21 to the congressional defense committees a report on the
22 extent to which the Southwest border fence has reduced
23 the illegal transportation of narcotics and other drugs into
24 the United States.

1 (c) SOUTHWEST BORDER FENCE DEFINED.—In this
2 section, the term “Southwest border fence” means the
3 fence that was constructed, at Department of Defense ex-
4 pense, along the southwestern border of the United States
5 for the purpose of preventing or reducing the illegal trans-
6 portation of narcotics and other drugs into the United
7 States.

8 **Subtitle E—Other Matters**

9 **SEC. 341. LIQUIDITY OF WORKING-CAPITAL FUNDS.**

10 (a) INCREASED CASH BALANCES.—The Secretary of
11 Defense shall administer the working-capital funds of the
12 Department of Defense during fiscal year 1999 so as to
13 ensure that the total amount of the cash balances in such
14 funds on September 30, 1999, exceeds the total amount
15 of the cash balances in such funds on September 30, 1998,
16 by \$1,300,000,000.

17 (b) ACTIONS REGARDING UNBUDGETED LOSSES AND
18 GAINS.—(1) In order to achieve the increase in cash bal-
19 ances in working-capital funds required under subsection
20 (a), the Under Secretary of Defense (Comptroller) shall—

21 (A) assess surcharges on the rates charged to
22 Department of Defense activities for the perform-
23 ance of depot-level maintenance and repair work-
24 loads for those activities in fiscal year 1999 as nec-
25 essary to recoup for the working-capital funds the

1 amounts of any operational losses that are incurred
2 in the performance of those workloads in excess of
3 the amounts of the losses that are budgeted for fis-
4 cal year 1999; and

5 (B) return to Department of Defense activities
6 any amounts that—

7 (i) are realized for the working-capital
8 funds for depot-level maintenance and repair
9 workloads in excess of the estimated revenues
10 budgeted for the performance of those work-
11 loads that originate in those activities; and

12 (ii) are not needed to achieve the required
13 increase in cash balances.

14 (2) The Under Secretary of Defense (Comptroller)
15 shall prescribe policies and procedures for carrying out
16 paragraph (1). The policies and procedures shall include
17 a prohibition on applying assessments of surcharges to a
18 Department of Defense activity more frequently than once
19 every six months.

20 (c) WAIVER.—(1) The Secretary of Defense may
21 waive the requirements of this section upon certifying to
22 Congress, in writing, that the waiver is necessary to meet
23 requirements associated with—

24 (A) a contingency operation (as defined in sec-
25 tion 101(a)(13) of title 10, United States Code); or

1 (B) an operation of the Armed Forces that
2 commenced before October 1, 1998, and continues
3 during fiscal year 1999.

4 (2) The waiver authority under paragraph (1) may
5 not be delegated to any official other than the Deputy Sec-
6 retary of Defense.

7 (d) SEMIANNUAL REPORT.—(1) The Under Sec-
8 retary shall submit to the Committee on Armed Services
9 of the Senate and the Committee on National Security of
10 the House of Representatives—

11 (A) not later than May 1, 1999, a report on the
12 administration of this section for the 6-month period
13 ending on March 31, 1999; and

14 (B) not later than November 1, 1999, a report
15 on the administration of this section for the 6-month
16 period ending on September 30, 1999.

17 (2) Each report shall include, for the 6-month period
18 covered by the report, the following:

19 (A) The profit and loss status of each working-
20 capital fund activity.

21 (B) The actions taken by the Secretary of each
22 military department to use assessments of sur-
23 charges to correct for unbudgeted losses and gains.

1 **SEC. 342. TERMINATION OF AUTHORITY TO MANAGE**
2 **WORKING-CAPITAL FUNDS AND CERTAIN AC-**
3 **TIVITIES THROUGH THE DEFENSE BUSINESS**
4 **OPERATIONS FUND.**

5 (a) REVISION OF CERTAIN DBOF PROVISIONS AND
6 REENACTMENT TO APPLY TO WORKING-CAPITAL FUNDS
7 GENERALLY.—Section 2208 of title 10, United States
8 Code, is amended by adding at the end the following:

9 “(m) CAPITAL ASSET SUBACCOUNTS.—Amounts
10 charged for depreciation of capital assets shall be credited
11 to a separate capital asset subaccount established within
12 a working-capital fund.

13 “(n) SEPARATE ACCOUNTING, REPORTING, AND AU-
14 DITING OF FUNDS AND ACTIVITIES.—The Secretary of
15 Defense, with respect to the working-capital funds of each
16 Defense Agency, and the Secretary of each military de-
17 partment, with respect to the working-capital funds of the
18 military department, shall provide in accordance with this
19 subsection for separate accounting, reporting, and audit-
20 ing of funds and activities managed through the working-
21 capital funds.

22 “(o) CHARGES FOR GOODS AND SERVICES PROVIDED
23 THROUGH THE FUND.—(1) Charges for goods and serv-
24 ices provided for an activity through a working-capital
25 fund shall include the following:

1 “(A) Amounts necessary to recover the full
2 costs of the goods and services provided for that ac-
3 tivity.

4 “(B) Amounts for depreciation of capital assets,
5 set in accordance with generally accepted accounting
6 principles.

7 “(2) Charges for goods and services provided through
8 a working-capital fund may not include the following:

9 “(A) Amounts necessary to recover the costs of
10 a military construction project (as defined in section
11 2801(b) of this title), other than a minor construc-
12 tion project financed by the fund pursuant to section
13 2805(e)(1) of this title.

14 “(B) Amounts necessary to cover costs incurred
15 in connection with the closure or realignment of a
16 military installation.

17 “(C) Amounts necessary to recover the costs of
18 functions designated by the Secretary of Defense as
19 mission critical, such as ammunition handling safe-
20 ty, and amounts for ancillary tasks not directly re-
21 lated to the mission of the function or activity man-
22 aged through the fund.

23 “(p) PROCEDURES FOR ACCUMULATION OF
24 FUNDS.—The Secretary of Defense, with respect to each
25 working-capital fund of a Defense Agency, and the Sec-

1 retary of a military department, with respect to each work-
2 ing-capital fund of the military department, shall establish
3 billing procedures to ensure that the balance in that work-
4 ing-capital fund does not exceed the amount necessary to
5 provide for the working-capital requirements of that fund,
6 as determined by the Secretary concerned.

7 “(q) ANNUAL REPORTS AND BUDGET.—The Sec-
8 retary of Defense, with respect to each working-capital
9 fund of a Defense Agency, and the Secretary of each mili-
10 tary department, with respect to each working-capital
11 fund of the military department, shall annually submit to
12 Congress, at the same time that the President submits the
13 budget under section 1105 of title 31, the following:

14 “(1) A detailed report that contains a state-
15 ment of all receipts and disbursements of the fund
16 (including such a statement for each subaccount of
17 the fund) for the fiscal year ending in the year pre-
18 ceding the year in which the budget is submitted.

19 “(2) A detailed proposed budget for the oper-
20 ation of the fund for the fiscal year for which the
21 budget is submitted.

22 “(3) A comparison of the amounts actually ex-
23 pended for the operation of the fund for the fiscal
24 year referred to in paragraph (1) with the amount

1 proposed for the operation of the fund for that fiscal
2 year in the President's budget.

3 “(4) A report on the capital asset subaccount of
4 the fund that contains the following information:

5 “(A) The opening balance of the sub-
6 account as of the beginning of the fiscal year in
7 which the report is submitted.

8 “(B) The estimated amounts to be credited
9 to the subaccount in the fiscal year in which the
10 report is submitted.

11 “(C) The estimated amounts of outlays to
12 be paid out of the subaccount in the fiscal year
13 in which the report is submitted.

14 “(D) The estimated balance of the sub-
15 account at the end of the fiscal year in which
16 the report is submitted.

17 “(E) A statement of how much of the esti-
18 mated balance at the end of the fiscal year in
19 which the report is submitted will be needed to
20 pay outlays in the immediately following fiscal
21 year that are in excess of the amount to be
22 credited to the subaccount in the immediately
23 following fiscal year.”.

1 (b) REPEAL OF AUTHORITY TO MANAGE THROUGH
2 THE DEFENSE BUSINESS OPERATIONS FUND.—(1) Sec-
3 tion 2216a of title 10, United States Code, is repealed.

4 (2) The table of sections at the beginning of chapter
5 131 of such title is amended by striking out the item relat-
6 ing to section 2216a.

7 **SEC. 343. CLARIFICATION OF AUTHORITY TO RETAIN RE-**
8 **COVERED COSTS OF DISPOSALS IN WORKING-**
9 **CAPITAL FUNDS.**

10 Section 2210(a) of title 10, United States Code, is
11 amended to read as follows:

12 “(a)(1) A working-capital fund established pursuant
13 to section 2208 of this title may retain so much of the
14 proceeds of disposals of property referred to in paragraph
15 (2) as is necessary to recover the expenses incurred by
16 the fund in disposing of such property. Proceeds from the
17 sale or disposal of such property in excess of amounts nec-
18 essary to recover the expenses may be credited to current
19 applicable appropriations of the Department of Defense.

20 “(2) Paragraph (1) applies to disposals of supplies,
21 material, equipment, and other personal property that
22 were not financed by stock funds established under section
23 2208 of this title.”.

1 **SEC. 344. BEST COMMERCIAL INVENTORY PRACTICES FOR**
2 **MANAGEMENT OF SECONDARY SUPPLY**
3 **ITEMS.**

4 (a) DEVELOPMENT AND SUBMISSION OF SCHED-
5 ULE.—Not later than 180 days after the date of the enact-
6 ment of this Act, the Secretary of each military depart-
7 ment shall develop and submit to Congress a schedule for
8 implementing within the military department, for second-
9 ary supply items managed by that military department,
10 inventory practices identified by the Secretary as being the
11 best commercial inventory practices for the acquisition
12 and distribution of such supply items consistent with mili-
13 tary requirements. The schedule shall provide for the im-
14 plementation of such practices to be completed not later
15 than five years after the date of the enactment of this Act.

16 (b) DEFINITION.—For purposes of this section, the
17 term “best commercial inventory practice” includes cel-
18 lular repair processes, use of third-party logistics provid-
19 ers, and any other practice that the Secretary determines
20 will enable the military department to reduce inventory
21 levels and holding costs while improving the responsive-
22 ness of the supply system to user needs.

23 (c) GAO REPORTS ON MILITARY DEPARTMENT AND
24 DEFENSE LOGISTICS AGENCY SCHEDULES.—(1) Not
25 later than 240 days after the date of the enactment of
26 this Act, the Comptroller General shall submit to Congress

1 a report evaluating the extent to which the Secretary of
2 each military department has complied with the require-
3 ments of this section.

4 (2) Not later than 18 months after the date on which
5 the Director of the Defense Logistics Agency submits to
6 Congress a schedule for implementing best commercial in-
7 ventory practices under section 395 of the National De-
8 fense Authorization Act for Fiscal Year 1998 (Public Law
9 105–85; 111 Stat. 1718; 10 U.S.C. 2458 note), the Comp-
10 troller General shall submit to Congress an evaluation of
11 the extent to which best commercial inventory practices
12 are being implemented in the Defense Logistics Agency
13 in accordance with that schedule.

14 **SEC. 345. INCREASED USE OF SMART CARDS.**

15 (a) FUNDING FOR INCREASED USE GENERALLY.—
16 Of the funds available for the Navy for fiscal year 1999
17 for operation and maintenance, the Secretary of the Navy
18 shall allocate sufficient amounts, up to \$25,000,000, to
19 making significant progress toward ensuring that smart
20 cards having a multi-application, multi-technology auto-
21 mated reading capability are issued and used throughout
22 the Navy and the Marine Corps for purposes for which
23 such cards are suitable.

24 (b) DEPLOYMENT OF SMART CARDS.—(1) Not later
25 than March 31, 1999, the Secretary of the Navy shall

1 equip with smart card technology at least one carrier bat-
2 tle group, one carrier air wing, and one amphibious readi-
3 ness group (including the Marine Corps units embarked
4 on the vessels of such battle and readiness groups) in each
5 of the United States Atlantic Command and the United
6 States Pacific Command.

7 (2) None of the funds appropriated pursuant to any
8 authorization of appropriations in this Act may be ex-
9 pended after March 31, 1999, for the procurement of the
10 Joint Uniformed Services Identification card for, or for
11 the issuance of such card to, members of the Navy or the
12 Marine Corps until the Secretary of the Navy certifies in
13 writing to the Committee on Armed Services of the Senate
14 and the Committee on National Security of the House of
15 Representatives that the Secretary has completed the
16 issuance of smart cards in accordance with paragraph (1).

17 (c) PLAN.—Not later than March 31, 1999, the Sec-
18 retary of the Navy shall submit to the congressional de-
19 fense committees a plan for equipping all operational
20 naval units with smart card technology. The Secretary
21 shall include in the plan estimates of the costs of, and
22 the savings to be derived from, carrying out the plan.

23 (d) SMART CARD DEFINED.—In this section, the
24 term “smart card” means a credit card size device that
25 contains one or more integrated-circuits.

1 **SEC. 346. PUBLIC-PRIVATE COMPETITION IN THE PROVI-**
2 **SION OF SUPPORT SERVICES.**

3 (a) SENSE OF THE SENATE.—It is the sense of the
4 Senate that the Secretary of Defense should take action
5 to initiate public-private competitions pursuant to Office
6 of Management and Budget Circular A–76 for functions
7 of the Department of Defense involving not fewer than
8 a number of employees equivalent to 30,000 full-time em-
9 ployees for each of fiscal years 1999, 2000, 2001, 2002,
10 2003, and 2004.

11 (b) SMALL FUNCTIONS QUALIFIED FOR A WAIVER
12 OF THE NOTIFICATION AND REPORTING REQUIREMENTS
13 FOR CONVERSION TO CONTRACTOR PERFORMANCE.—(1)
14 Section 2461(d) of title 10, United States Code, is amend-
15 ed by striking out “20 or fewer” and inserting in lieu
16 thereof “50 or fewer”.

17 (2) Notwithstanding any other provision of law, no
18 study, notification, or report may be required pursuant to
19 subsection (a), (b), or (c) of section 2461 of title 10,
20 United States Code, or Office of Management and Budget
21 Circular A–76 for functions that are being performed by
22 50 or fewer Department of Defense civilian employees.

23 (c) BEST OVERALL VALUE TO THE TAXPAYER.—Sec-
24 tion 2462(a) of title 10, United States Code, is amended
25 by striking out “at a cost that is lower” and all that fol-
26 lows through the period at the end and inserting in lieu

1 thereof: “at a lower cost than the cost at which the De-
2 partment can provide the same supply or service or at a
3 better overall value than the value that the Department
4 can provide for the same supply or service. Each deter-
5 mination regarding relative cost or relative overall value
6 shall be based on an objective evaluation of cost and per-
7 formance-related factors and shall include the consider-
8 ation of any cost differential required by law, Executive
9 order, or regulation.”.

10 (d) EFFECTIVE DATE.—Subsections (b) and (c), and
11 the amendments made by such subsections, shall take ef-
12 fect on January 1, 2001.

13 **SEC. 347. CONDITION FOR PROVIDING FINANCIAL ASSIST-**
14 **ANCE FOR SUPPORT OF ADDITIONAL DUTIES**
15 **ASSIGNED TO THE ARMY NATIONAL GUARD.**

16 (a) COMPETITIVE SOURCE SELECTION.—Section
17 113(b) of title 32, United States Code, is amended to read
18 as follows:

19 “(b) COVERED ACTIVITIES.—(1) Except as provided
20 in paragraph (2), financial assistance may be provided for
21 the performance of an activity by the Army National
22 Guard under subsection (a) only if—

23 “(A) the activity is carried out in the perform-
24 ance of a responsibility of the Secretary of the Army

1 under paragraph (6), (10), or (11) of section
2 3013(b) of title 10; and

3 “(B) the Army National Guard was selected to
4 perform the activity under competitive procedures
5 that permit all responsible private-sector sources to
6 submit offers and be considered for selection to per-
7 form the activity on the basis of the offers.

8 “(2) Paragraph (1)(B) does not apply to an activity
9 that, on the date of the enactment of the National Defense
10 Authorization Act for Fiscal Year 1999, was performed
11 for the Federal Government by employees of the Federal
12 Government or employees of a State.”.

13 (b) PROSPECTIVE APPLICABILITY.—Subparagraph
14 (B) of section 113(b)(1) of title 32, United States Code
15 (as amended by subsection (a) of this section), does not
16 apply to—

17 (1) financial assistance provided under that sec-
18 tion before October 1, 1998; or

19 (2) financial assistance for an activity that, on
20 or before May 8, 1998, the Secretary of the Army
21 identified in writing as being under consideration for
22 supporting with financial assistance under such sec-
23 tion.

1 **SEC. 348. REPEAL OF PROHIBITION ON JOINT USE OF**
2 **GRAY ARMY AIRFIELD, FORT HOOD, TEXAS.**

3 Section 319 of the National Defense Authorization
4 Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat.
5 3855), relating to a prohibition on the joint military-civil-
6 ian use of Robert Gray Army Airfield, Fort Hood, Texas,
7 is repealed.

8 **TITLE IV—MILITARY**
9 **PERSONNEL AUTHORIZATIONS**
10 **Subtitle A—Active Forces**

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

12 The Armed Forces are authorized strengths for active
13 duty personnel as of September 30, 1999, as follows:

- 14 (1) The Army, 480,000.
15 (2) The Navy, 372,696.
16 (3) The Marine Corps, 172,200.
17 (4) The Air Force, 370,882.

18 **SEC. 402. LIMITED EXCLUSIONS OF JOINT DUTY OFFICERS**
19 **FROM LIMITATIONS ON NUMBER OF GEN-**
20 **ERAL AND FLAG OFFICERS.**

21 (a) ONE ADDITIONAL EXEMPTION FROM PERCENT-
22 AGE LIMITATION ON NUMBER OF LIEUTENANT GEN-
23 ERALS AND VICE ADMIRALS.—Section 525(b)(4)(B) of
24 title 10, United States Code, is amended by striking out
25 “six” and inserting in lieu thereof “seven”.

1 (b) EXTENSION OF AUTHORITY TO EXCLUDE UP TO
2 12 JOINT DUTY OFFICERS FROM LIMITATION ON AU-
3 THORIZED GENERAL AND FLAG OFFICER STRENGTH.—
4 Section 526(b)(2) of such title is amended by striking out
5 “October 1, 1998” and inserting in lieu thereof “October
6 1, 2002”.

7 **SEC. 403. LIMITATION ON DAILY AVERAGE OF PERSONNEL**
8 **ON ACTIVE DUTY IN GRADES E-8 AND E-9.**

9 (a) FISCAL YEAR BASIS FOR APPLICATION OF LIM-
10 TATION.—The first sentence of section 517(a) of title 10,
11 United States Code, is amended—

12 (1) by striking out “a calendar year” and in-
13 serting in lieu thereof “a fiscal year”; and

14 (2) by striking out “January 1 of that year”
15 and inserting in lieu thereof “the first day of that
16 fiscal year”.

17 (b) CORRECTION OF CROSS REFERENCE.—Such sen-
18 tence is further amended by striking out “Except as pro-
19 vided in section 307 of title 37, the” and inserting in lieu
20 thereof “The”.

21 **SEC. 404. REPEAL OF PERMANENT END STRENGTH RE-**
22 **QUIREMENT FOR SUPPORT OF TWO MAJOR**
23 **REGIONAL CONTINGENCIES.**

24 (a) REPEAL.—Section 691 of title 10, United States
25 Code, is repealed.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 39 of such title is amended
3 by striking out the item relating to section 691.

4 **Subtitle B—Reserve Forces**

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

6 (a) IN GENERAL.—The Armed Forces are authorized
7 strengths for Selected Reserve personnel of the reserve
8 components as of September 30, 1999, as follows:

9 (1) The Army National Guard of the United
10 States, 357,000.

11 (2) The Army Reserve, 208,000.

12 (3) The Naval Reserve, 90,843.

13 (4) The Marine Corps Reserve, 40,018.

14 (5) The Air National Guard of the United
15 States, 106,991.

16 (6) The Air Force Reserve, 74,242.

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

18 (b) WAIVER AUTHORITY.—The Secretary of Defense
19 may vary an end strength authorized by subsection (a) by
20 not more than 2 percent.

21 (c) ADJUSTMENTS.—The end strengths prescribed by
22 subsection (a) for the Selected Reserve of any reserve com-
23 ponent shall be proportionately reduced by—

24 (1) the total authorized strength of units orga-
25 nized to serve as units of the Selected Reserve of

1 such component which are on active duty (other
2 than for training) at the end of the fiscal year, and
3 (2) the total number of individual members not
4 in units organized to serve as units of the Selected
5 Reserve of such component who are on active duty
6 (other than for training or for unsatisfactory partici-
7 pation in training) without their consent at the end
8 of the fiscal year.

9 Whenever such units or such individual members are re-
10 leased from active duty during any fiscal year, the end
11 strength prescribed for such fiscal year for the Selected
12 Reserve of such reserve component shall be proportion-
13 ately increased by the total authorized strengths of such
14 units and by the total number of such individual members.

15 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
16 **DUTY IN SUPPORT OF THE RESERVES.**

17 Within the end strengths prescribed in section
18 411(a), the reserve components of the Armed Forces are
19 authorized, as of September 30, 1999, the following num-
20 ber of Reserves to be serving on full-time active duty or
21 full-time duty, in the case of members of the National
22 Guard, for the purpose of organizing, administering, re-
23 cruiting, instructing, or training the reserve components:

24 (1) The Army National Guard of the United
25 States, 21,763.

1 (2) The Army Reserve, 11,804.

2 (3) The Naval Reserve, 15,590.

3 (4) The Marine Corps Reserve, 2,362.

4 (5) The Air National Guard of the United
5 States, 10,930.

6 (6) The Air Force Reserve, 991.

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

9 The reserve components of the Army and the Air
10 Force are authorized strengths for military technicians
11 (dual status) as of September 30, 1999, as follows:

12 (1) For the Army Reserve, 5,205.

13 (2) For the Army National Guard of the United
14 States, 22,179.

15 (3) For the Air Force Reserve, 9,761.

16 (4) For the Air National Guard of the United
17 States, 22,408.

18 **SEC. 414. EXCLUSION OF ADDITIONAL RESERVE COMPO-**
19 **NENT GENERAL AND FLAG OFFICERS FROM**
20 **LIMITATION ON NUMBER OF GENERAL AND**
21 **FLAG OFFICERS WHO MAY SERVE ON ACTIVE**
22 **DUTY.**

23 Section 526(d) of title 10, United States Code, is
24 amended to read as follows:

1 “(d) EXCLUSION OF CERTAIN RESERVE OFFI-
 2 CERS.—(1) Subject to paragraph (2), the limitations of
 3 this section do not apply to the following reserve compo-
 4 nent general or flag officers:

5 “(A) A general or flag officer who is on active
 6 duty for training.

7 “(B) A general or flag officer who is on active
 8 duty under a call or order specifying a period of less
 9 than 180 days.

10 “(C) A general or flag officer who is on active
 11 duty under a call or order specifying a period of
 12 more than 179 days.

13 “(2) The number of general or flag officers of an
 14 armed force that are excluded from the applicability of the
 15 limitations of this section under paragraph (1)(C) at any
 16 one time may not exceed the number equal to three per-
 17 cent of the number specified for that armed force under
 18 subsection (a).”.

19 **SEC. 415. INCREASE IN NUMBERS OF MEMBERS IN CER-**
 20 **TAIN GRADES AUTHORIZED TO BE ON ACTIVE**
 21 **DUTY IN SUPPORT OF THE RESERVES.**

22 (a) OFFICERS.—The table in section 12011(a) of title
 23 10, United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	791	140
Lieutenant Colonel or Commander	1,524	520	713	90
Colonel or Navy Captain	438	188	297	30”.

1 (b) SENIOR ENLISTED MEMBERS.—The table in sec-
 2 tion 12012(a) of title 10, United States Code, is amended
 3 to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	623	202	395	20
E-8	2,585	429	997	94”.

4 **SEC. 416. CONSOLIDATION OF STRENGTH AUTHORIZA-**
 5 **TIONS FOR ACTIVE STATUS NAVAL RESERVE**
 6 **FLAG OFFICERS OF THE NAVY MEDICAL DE-**
 7 **PARTMENT STAFF CORPS.**

8 Section 12004(c) of subtitle E of title 10, United
 9 States Code, is amended—

10 (1) in the table in paragraph (1)—

11 (A) by striking out the item relating to the
 12 Medical Corps and inserting in lieu thereof the
 13 following:

“Medical Department staff corps 9”;

14 and

15 (B) by striking out the items relating to
 16 the Dental Corps, the Nurse Corps, and the
 17 Medical Service Corps; and

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

19 “(4)(A) For the purposes of paragraph (1), the Medi-
 20 cal Department staff corps referred to in the table are as
 21 follows:

22 “(i) The Medical Corps.

1 “(ii) The Dental Corps.

2 “(iii) The Nurse Corps.

3 “(iv) The Medical Service Corps.

4 “(B) Each of the Medical Department staff corps is
5 authorized one rear admiral (lower half) within the
6 strength authorization distributed to the Medical Depart-
7 ment staff corps under paragraph (1). The Secretary of
8 the Navy shall distribute the remainder of the strength
9 authorization for the Medical Department staff corps
10 under that paragraph among those staff corps as the Sec-
11 retary determines appropriate to meet the needs of the
12 Navy.”.

13 **Subtitle C—Authorization of**
14 **Appropriations**

15 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
16 **TARY PERSONNEL.**

17 There is hereby authorized to be appropriated to the
18 Department of Defense for military personnel for fiscal
19 year 1999 a total of \$70,434,386,000. The authorization
20 in the preceding sentence supersedes any other authoriza-
21 tion of appropriations (definite or indefinite) for such pur-
22 pose for fiscal year 1999.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**
3 **Subtitle A—Officer Personnel**
4 **Policy**

5 **SEC. 501. STREAMLINED SELECTIVE RETENTION PROCESS**
6 **FOR REGULAR OFFICERS.**

7 (a) REPEAL OF REQUIREMENT FOR DUPLICATIVE
8 BOARD.—Section 1183 of title 10, United States Code,
9 is repealed.

10 (b) CONFORMING AMENDMENTS.—(1) Section
11 1182(c) of such title is amended by striking out “send
12 the record of proceedings to a board of review convened
13 under section 1183 of this title” and inserting in lieu
14 thereof “recommend to the Secretary concerned that the
15 officer not be retained on active duty”.

16 (2) Section 1184 of such title is amended by striking
17 out “board of review convened under section 1183 of this
18 title” and inserting in lieu thereof “board of inquiry con-
19 vened under section 1182 of this title”.

20 (c) CLERICAL AMENDMENTS.—(1) The heading for
21 section 1184 of such title is amended by striking out “**re-**
22 **view**” and inserting in lieu thereof “**inquiry**”.

23 (2) The table of sections at the beginning of chapter
24 60 of such title is amended by striking out the items relat-

1 ing to sections 1183 and 1184 and inserting in lieu thereof
2 the following:

“1184. Removal of officer: action by Secretary upon recommendation of board
of inquiry.”.

3 **SEC. 502. PERMANENT APPLICABILITY OF LIMITATIONS**
4 **ON YEARS OF ACTIVE NAVAL SERVICE OF**
5 **NAVY LIMITED DUTY OFFICERS IN GRADES**
6 **OF COMMANDER AND CAPTAIN.**

7 (a) COMMANDERS.—Section 633 of title 10, United
8 States Code, is amended—

9 (1) by striking out “Except an officer” and all
10 that follows through “or section 6383 of this title
11 applies” and inserting in lieu thereof “Except an of-
12 ficer of the Navy or Marine Corps who is an officer
13 designated for limited duty to whom section 5596(e)
14 or 6383 of this title applies”; and

15 (2) by striking out the second sentence.

16 (b) CAPTAINS.—Section 634 of such title is amend-
17 ed—

18 (1) by inserting “an officer of the Navy who is
19 designated for limited duty to whom section
20 6383(a)(4) of this title applies and except” in the
21 first sentence after “Except”; and

22 (2) by striking out the second sentence.

1 (c) YEARS OF ACTIVE NAVAL SERVICE.—Section
2 6383(a) of such title is amended by striking out paragraph
3 (5).

4 (d) LIMITATIONS ON SELECTIVE RETENTIONS.—Sec-
5 tion 6383(k) of such title is amended by striking out the
6 last sentence.

7 **SEC. 503. INVOLUNTARY SEPARATION PAY DENIED FOR**
8 **OFFICER DISCHARGED FOR FAILURE OF SE-**
9 **LECTION FOR PROMOTION REQUESTED BY**
10 **THE OFFICER.**

11 (a) INELIGIBILITY FOR SEPARATION PAY.—Section
12 1174(a) of title 10, United States Code, is amended by
13 adding at the end the following:

14 “(3) Notwithstanding paragraphs (1) and (2), an of-
15 ficer discharged for twice failing of selection for promotion
16 to the next higher grade is not entitled to separation pay
17 under this section if the officer submitted a request not
18 to be selected for promotion to any selection board that
19 considered and did not select the officer for promotion to
20 that grade.”.

21 (b) REPORT OF SELECTION BOARD TO NAME OFFI-
22 CERS REQUESTING NONSELECTION.—Section 617 of such
23 title is amended by adding at the end the following:

24 “(c) A selection board convened under section 611(a)
25 of this title shall include in its report to the Secretary con-

1 cerned the name of any regular officer considered and not
 2 recommended by the board for promotion who submitted
 3 to the board a request not to be selected for promotion.”.

4 (c) **EFFECTIVE DATE.**—This section and the amend-
 5 ments made by this section shall take effect on the date
 6 of the enactment of this Act and shall apply with respect
 7 to selection boards convened under section 611(a) of title
 8 10, United States Code, on or after that date.

9 **SEC. 504. TERM OF OFFICE OF THE CHIEF OF THE AIR**
 10 **FORCE NURSE CORPS.**

11 Section 8069(b) of title 10, United States Code, is
 12 amended in the third sentence by striking out “and” and
 13 inserting in lieu thereof the following: “except that the
 14 Secretary may increase the limit to four years in any case
 15 in which the Secretary determines that special cir-
 16 cumstances justify a longer term of service in the position.
 17 An officer appointed as Chief”.

18 **Subtitle B—Reserve Component**
 19 **Matters**

20 **SEC. 511. SERVICE REQUIRED FOR RETIREMENT OF NA-**
 21 **TIONAL GUARD OFFICER IN HIGHER GRADE.**

22 (a) **REVISION OF REQUIREMENT.**—Subparagraph
 23 (E) of section 1370(d)(3) of title 10, United States Code,
 24 is amended to read as follows:

1 “(E) To the extent authorized by the Secretary of
2 the military department concerned, a person who, after
3 having been found qualified for Federal recognition in a
4 higher grade by a board under section 307 of title 32,
5 serves in a position for which that grade is the minimum
6 authorized grade and is appointed as a reserve officer in
7 that grade may be credited for the purposes of subpara-
8 graph (A) as having served in that grade. The period of
9 the service for which credit is afforded under the preceding
10 sentence may only be the period for which the person
11 served in the position after the Senate provides advice and
12 consent for the appointment.”.

13 (b) EFFECTIVE DATE.—The amendment made by
14 subsection (a) shall take effect on the date of the enact-
15 ment of this Act and shall apply with respect to appoint-
16 ments to higher grades that take effect after that date.

17 **SEC. 512. REDUCED TIME-IN-GRADE REQUIREMENT FOR**
18 **RESERVE GENERAL AND FLAG OFFICERS IN-**
19 **VOLUNTARILY TRANSFERRED FROM ACTIVE**
20 **STATUS.**

21 (a) MINIMUM SERVICE IN ACTIVE STATUS.—Section
22 1370(d)(3) of title 10, United States Code, as amended
23 by section 511, is further amended by adding at the end
24 the following new subparagraph:

1 “(F) A person covered by subparagraph (A) who has
2 completed at least six months of satisfactory service in a
3 grade above colonel or (in the case of the Navy) captain
4 and, while serving in an active status in such grade, is
5 involuntarily transferred (other than for cause) from ac-
6 tive status may be credited with satisfactory service in the
7 grade in which serving at the time of such transfer, not-
8 withstanding failure of the person to complete three years
9 of service in that grade.”.

10 (b) EFFECTIVE DATE.—Subparagraph (F) of such
11 section, as added by subsection (a), shall take effect on
12 the date of the enactment of this Act and shall apply with
13 respect to transfers referred to in such subparagraph that
14 are made on or after that date.

15 **SEC. 513. ELIGIBILITY OF ARMY AND AIR FORCE RESERVE**
16 **BRIGADIER GENERALS TO BE CONSIDERED**
17 **FOR PROMOTION WHILE ON INACTIVE STA-**
18 **TUS LIST.**

19 (a) WAIVER OF ACTIVE STATUS REQUIREMENT.—
20 Chapter 1405 of title 10, United States Code, is amended
21 by adding at the end the following:

1 **“§ 14318. Officers on inactive status list: eligibility of**
2 **Army and Air Force reserve brigadier**
3 **generals for consideration for promotion**

4 “(a) WAIVER OF ONE-YEAR ACTIVE STATUS
5 RULE.—The Secretary concerned may waive the eligibility
6 requirements in section 14301(a) of this title (and the re-
7 quirement in section 140101(a) of this title that an officer
8 be on a reserve active-status list) in the case of a general
9 officer referred to in subsection (b) and authorize the offi-
10 cer to be considered for promotion under this chapter by
11 a promotion board convened under section 14101(a) of
12 this title.

13 “(b) APPLICABILITY.—Subsection (a) applies to a re-
14 serve officer of the Army or Air Force who—

15 “(1) is on the inactive status list of the Standby
16 Reserve in the grade of brigadier general pursuant
17 to a transfer under section 14314(a)(2) of this title;

18 “(2) has been on the inactive status list pursu-
19 ant to the transfer for less than one year as of the
20 date of the convening of the promotion board that
21 is to consider the officer for promotion; and

22 “(3) during the one-year period ending on the
23 date of the transfer to the inactive status list, con-
24 tinuously performed service on either the reserve ac-
25 tive-status list, the active-duty list, or a combination
26 of both lists.”.

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:

“14318. Officers on inactive status list: eligibility of Army and Air Force reserve
 brigadier generals for consideration for promotion.”.

4 **SEC. 514. COMPOSITION OF SELECTIVE EARLY RETIRE-**
 5 **MENT BOARDS FOR REAR ADMIRALS OF THE**
 6 **NAVAL RESERVE AND MAJOR GENERALS OF**
 7 **THE MARINE CORPS RESERVE.**

8 Section 14705(b) of title 10, United States Code, is
 9 amended—

10 (1) by inserting “(1)” after “(b) BOARDS.—”;

11 and

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

13 “(2) In the case of a board convened to consider the
 14 early retirement of officers in the grade of rear admiral
 15 in the Naval Reserve or major general in the Marine Corps
 16 Reserve, the Secretary of the Navy may prescribe the com-
 17 position of the board notwithstanding section 14102(b) of
 18 this title. In doing so, however, the Secretary shall ensure
 19 that each regular commissioned officer of the Navy or the
 20 Marine Corps appointed to the board holds a permanent
 21 grade higher than the grade of the officers under consider-
 22 ation by the board and that at least one member of the
 23 board is a reserve officer who holds the grade of rear ad-
 24 miral or major general.”.

1 **SEC. 515. USE OF RESERVES FOR EMERGENCIES INVOLV-**
2 **ING WEAPONS OF MASS DESTRUCTION.**

3 (a) ORDER TO ACTIVE DUTY.—(1) Section 12304 of
4 title 10, United States Code, is amended—

5 (A) in subsection (a), by inserting “or is nec-
6 essary to provide assistance referred to in subsection
7 (b)” after “to augment the active forces for any
8 operational mission”.

9 (B) in subsection (b)—

10 (i) by striking out “(b)” and inserting in
11 lieu thereof “(c) LIMITATIONS.—(1)”; and

12 (ii) by striking out “, or to provide” and
13 inserting in lieu thereof “or, except as provided
14 in subsection (b), to provide”;

15 (C) by redesignating subsection (c) as para-
16 graph (2); and

17 (D) by inserting after subsection (a) the follow-
18 ing new subsection (b):

19 “(b) SUPPORT FOR RESPONSES TO CERTAIN EMER-
20 GENCIES.—The authority under subsection (a) includes
21 authority to order a unit or member to active duty to pro-
22 vide assistance in responding to an emergency involving
23 a use or threatened use of a weapon of mass destruction.”.

24 (2) Subsection (i) of such section is amended to read
25 as follows:

26 “(i) DEFINITIONS.—For purposes of this section:

1 “(1) The term ‘Individual Ready Reserve mobi-
2 lization category’ means, in the case of any reserve
3 component, the category of the Individual Ready Re-
4 serve described in section 10144(b) of this title.

5 “(2) The term ‘weapon of mass destruction’ has
6 the meaning given such term in section 1402 of the
7 Defense Against Weapons of Mass Destruction Act
8 of 1996 (50 U.S.C. 2302(1)).”

9 (3) Such section is further amended—

10 (A) in subsection (a), by inserting “AUTHOR-
11 ITY.—” after “(a)”;

12 (B) in subsection (d), by inserting “EXCLUSION
13 FROM STRENGTH LIMITATIONS.—” after “(d)”;

14 (C) in subsection (e), by inserting “POLICIES
15 AND PROCEDURES.—” after “(e)”;

16 (D) in subsection (f), by inserting “NOTIFICA-
17 TION OF CONGRESS.—” after “(f)”;

18 (E) in subsection (g), by inserting “TERMI-
19 NATION OF DUTY.—” after “(g)”; and

20 (F) in subsection (h), by inserting “RELATION-
21 SHIP TO WAR POWERS RESOLUTION.—” after
22 “(h)”.

23 (b) USE OF ACTIVE GUARD AND RESERVE PERSON-
24 NEL.—Section 12310 of title 10, United States Code, is
25 amended by adding at the end the following:

1 “(c)(1) A Reserve on active duty as described in sub-
2 section (a), or a Reserve who is a member of the National
3 Guard serving on full-time National Guard duty under
4 section 502(f) of title 32 in connection with functions re-
5 ferred to in subsection (a), may perform any duties in sup-
6 port of emergency preparedness programs to prepare for
7 or to respond to any emergency involving the use of a
8 weapon of mass destruction (as defined in section 1402
9 of the Defense Against Weapons of Mass Destruction Act
10 of 1996 (50 U.S.C. 2302(1))).

11 “(2) The costs of the pay, allowances, clothing, sub-
12 sistence, gratuities, travel, and related expenses for a Re-
13 serve performing duties under the authority of paragraph
14 (1) shall be paid from the appropriation that is available
15 to pay such costs for other members of the reserve compo-
16 nent of that Reserve who are performing duties as de-
17 scribed in subsection (a).”.

18 **Subtitle C—Other Matters**

19 **SEC. 521. ANNUAL MANPOWER REQUIREMENTS REPORT.**

20 Section 115a(a) of title 10, United States Code, is
21 amended by striking out the first sentence and inserting
22 in lieu thereof the following: “The Secretary of Defense
23 shall submit an annual manpower requirements report to
24 Congress each year, not later than 45 days after the date

1 on which the President submits the budget for the next
2 fiscal year to Congress under section 1105(a) of title 31.”.

3 **SEC. 522. FOUR-YEAR EXTENSION OF CERTAIN FORCE RE-**
4 **DUCTION TRANSITION PERIOD MANAGEMENT**
5 **AND BENEFITS AUTHORITIES.**

6 (a) ACTIVE FORCE EARLY RETIREMENT.—Section
7 4403(i) of the National Defense Authorization Act for Fis-
8 cal Year 1993 (10 U.S.C. 1293 note) is amended by strik-
9 ing out “October 1, 1999” and inserting in lieu thereof
10 “October 1, 2003”.

11 (b) SPECIAL SEPARATION BENEFITS PROGRAM.—
12 Section 1174a(h) of title 10, United States Code, is
13 amended by striking out “September 30, 1999” and in-
14 serting in lieu thereof “September 30, 2003”.

15 (c) VOLUNTARY SEPARATION INCENTIVE.—Section
16 1175(d)(3) of such title is amended by striking out “Sep-
17 tember 30, 1999” and inserting in lieu thereof “Septem-
18 ber 30, 2003”.

19 (d) SELECTIVE EARLY RETIREMENT BOARDS.—Sec-
20 tion 638a(a) of such title, is amended by striking out
21 “nine-year period” and inserting in lieu thereof “13-year
22 period”.

23 (e) RETIRED GRADE.—Section 1370(a)(2)(A) of such
24 title is amended by striking out “nine-year period” and
25 inserting in lieu thereof “13-year period”.

1 (f) MINIMUM COMMISSIONED SERVICE FOR VOL-
2 UNTARY RETIREMENT.—Sections 3911(b), 6323(a)(2),
3 and 8911(b) of such title are amended by striking out
4 “nine-year period” and inserting in lieu thereof “13-year
5 period”.

6 (g) TRAVEL, TRANSPORTATION, AND STORAGE BEN-
7 EFITS.—(1) Subsections (c)(1)(C) and (f)(2)(B)(v) of sec-
8 tion 404 of title 37, United States Code, and subsections
9 (a)(2)(B)(v) and (g)(1)(C) of section 406 of such title are
10 amended by striking out “nine-year period” and inserting
11 in lieu thereof “13-year period”.

12 (2) Section 503(c)(1) of the National Defense Au-
13 thorization Act for Fiscal Year 1991 (37 U.S.C. 406 note)
14 is amended by striking out “nine-year period” and insert-
15 ing in lieu thereof “13-year period”.

16 (h) EDUCATIONAL LEAVE FOR PUBLIC AND COMMU-
17 NITY SERVICE.—Section 4463(f) of the National Defense
18 Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a
19 note) is amended by striking out “September 30, 1999”
20 and inserting in lieu thereof “September 30, 2003”.

21 (i) HEALTH BENEFITS.—Section 1145 of title 10,
22 United States Code, is amended—

23 (1) in subsections (a)(1) and (c)(1), by striking
24 out “nine-year period” and inserting in lieu thereof
25 “13-year period”; and

1 (2) in subsection (e), by striking out “five-year
2 period” and inserting in lieu thereof “nine-year pe-
3 riod”.

4 (j) COMMISSARY AND EXCHANGE BENEFITS.—Sec-
5 tion 1146 of such title is amended—

6 (1) by striking out “nine-year period” in the
7 first sentence and inserting in lieu thereof “13-year
8 period”; and

9 (2) by striking out “five-year period” in the
10 second sentence and inserting in lieu thereof “nine-
11 year period”.

12 (k) USE OF MILITARY HOUSING.—Section 1147(a)
13 of such title 10 is amended—

14 (1) in paragraph (1), by striking out “nine-year
15 period” and inserting in lieu thereof “13-year pe-
16 riod”; and

17 (2) in paragraph (2), by striking out “five-year
18 period” and inserting in lieu thereof “nine-year pe-
19 riod”.

20 (l) CONTINUED ENROLLMENT OF DEPENDENTS IN
21 DEFENSE DEPENDENTS’ EDUCATION SYSTEM.—Section
22 1407(c)(1) of the Defense Dependents’ Education Act of
23 1978 (20 U.S.C. 926(c)(1)) is amended by striking out
24 “nine-year period” and inserting in lieu thereof “13-year
25 period”.

1 (m) GUARD AND RESERVE TRANSITION INITIA-
2 TIVES.—Title XLIV of the National Defense Authoriza-
3 tion Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is
4 amended—

5 (1) in section 4411, by striking out “September
6 30, 1999” and inserting in lieu thereof “September
7 30, 2003”; and

8 (2) in section 4416(b)(1), by striking out “Oc-
9 tober 1, 1999” and inserting in lieu thereof “Octo-
10 ber 1, 2003”.

11 (n) RETIRED PAY FOR NONREGULAR SERVICE-AGE
12 AND SERVICE REQUIREMENTS.—(1) Section 12731(f) of
13 title 10, United States Code, is amended by striking out
14 “September 30, 1999” and inserting in lieu thereof “Sep-
15 tember 30, 2003”.

16 (2) Subsections (a)(1)(B) and (b) of section 12731a
17 of such title are amended by striking out “October 1,
18 1999” and inserting in lieu thereof “October 1, 2003”.

19 (o) REDUCTION OF TIME-IN-GRADE REQUIREMENT
20 FOR RETENTION OF GRADE UPON VOLUNTARY RETIRE-
21 MENT.—Section 1370(d) of such title is amended by add-
22 ing at the end the following new paragraph:

23 “(5) The Secretary of Defense may authorize the
24 Secretary of a military department to reduce the three-
25 year period required by paragraph (3)(A) to a period not

1 less than two years in the case of retirements effective
2 during the period beginning on the date of the enactment
3 of the National Defense Authorization Act for Fiscal Year
4 1999 and ending September 30, 2003. The number of the
5 reserved commissioned officers of an armed force in the
6 same grade for whom a reduction is made during any fis-
7 cal year in the period of service-in-grade otherwise re-
8 quired under this paragraph may not exceed the number
9 equal to two percent of the strength authorized for that
10 fiscal year for reserve commissioned officers of that armed
11 force in an active status in that grade.”.

12 (p) AFFILIATION WITH GUARD AND RESERVE
13 UNITS; WAIVER OF CERTAIN LIMITATIONS.—Section
14 1150(a) of such title is amended by striking out “nine-
15 year period” and inserting in lieu thereof “13-year pe-
16 riod”.

17 (q) TIME FOR USE OF MONTGOMERY G.I. BILL EN-
18 TITLEMENT.—Section 16133(b)(1)(B) of such title is
19 amended by striking out “September 30, 1999” and in-
20 serting in lieu thereof “September 30, 2003”.

1 **SEC. 523. CONTINUATION OF ELIGIBILITY FOR VOL-**
2 **UNTARY SEPARATION INCENTIVE AFTER IN-**
3 **VOLUNTARY LOSS OF MEMBERSHIP IN**
4 **READY OR STANDBY RESERVE.**

5 (a) PERIOD OF ELIGIBILITY.—Subsection (a) of sec-
6 tion 1175 of title 10, United States Code, is amended—

7 (1) by inserting “(1)” after “(a)”;

8 (2) by striking out “, for the period of time the
9 member is serving in a reserve component”; and

10 (3) by adding at the end the following:

11 “(2)(A) Except as provided in subparagraph (B), a
12 financial incentive provided a member under this section
13 shall be paid for the period equal to twice the number of
14 years of service of the member, computed as provided in
15 subsection (e)(5).

16 “(B) If, before the expiration of the period otherwise
17 applicable under subparagraph (A) to a member receiving
18 a financial incentive under this section, the member is sep-
19 arated from a reserve component or is transferred to the
20 Retired Reserve, the period for payment of a financial in-
21 centive to the member under this section shall terminate
22 on the date of the separation or transfer unless—

23 “(i) the separation or transfer is required by
24 reason of the age or number of years of service of
25 the member;

1 (1) in the second sentence of paragraph (2), by
2 striking out “, except that the reimbursement rates
3 may not be less than the cost to the United States
4 of providing such instruction, including pay, allow-
5 ances, and emoluments, to a cadet appointed from
6 the United States”; and

7 (2) by striking out paragraph (3).

8 (b) NAVAL ACADEMY.—Section 6957(b) of such title
9 is amended—

10 (1) in the second sentence of paragraph (2), by
11 striking out “, except that the reimbursement rates
12 may not be less than the cost to the United States
13 of providing such instruction, including pay, allow-
14 ances, and emoluments, to a midshipman appointed
15 from the United States”; and

16 (2) by striking out paragraph (3).

17 (c) AIR FORCE ACADEMY.—Section 9344(b) of such
18 title is amended—

19 (1) in the second sentence of paragraph (2), by
20 striking out “, except that the reimbursement rates
21 may not be less than the cost to the United States
22 of providing such instruction, including pay, allow-
23 ances, and emoluments, to a cadet appointed from
24 the United States”; and

25 (2) by striking out paragraph (3).

1 **SEC. 525. REPEAL OF RESTRICTION ON CIVILIAN EMPLOY-**
2 **MENT OF ENLISTED MEMBERS.**

3 (a) REPEAL.—Section 974 of title 10, United States
4 Code, is repealed.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 49 of such title is amended
7 by striking out the item relating to section 974.

8 **SEC. 526. EXTENSION OF REPORTING DATES FOR COMMIS-**
9 **SION ON MILITARY TRAINING AND GENDER-**
10 **RELATED ISSUES.**

11 (a) INTERIM REPORT.—Subsection (e)(1) of section
12 562 of the National Defense Authorization Act for Fiscal
13 Year 1998 (Public Law 105–85; 111 Stat. 1754; 10
14 U.S.C. 113 note) is amended by striking out “April 15,
15 1998” and inserting in lieu thereof “October 15, 1998”.

16 (b) FINAL REPORT.—Subsection (e)(2) of such sec-
17 tion is amended by striking out “September 16, 1998”
18 and inserting in lieu thereof “March 15, 1999”.

19 **SEC. 527. MORATORIUM ON CHANGES OF GENDER-RELAT-**
20 **ED POLICIES AND PRACTICES PENDING COM-**
21 **PLETION OF THE WORK OF THE COMMISSION**
22 **ON MILITARY TRAINING AND GENDER-RELAT-**
23 **ED ISSUES.**

24 Notwithstanding any other provision of law, no offi-
25 cial of the Department of Defense may implement any
26 change of policy or official practice in the department re-

1 guarding separation or integration of members of the
2 Armed Forces on the basis of gender that is within the
3 responsibility of the Commission on Military Training and
4 Gender-Related Issues to review under subtitle F of title
5 V of the National Defense Authorization Act for Fiscal
6 Year 1998 (Public Law 105–85; 111 Stat. 1750), before
7 the date on which the commission terminates under sec-
8 tion 564 of such Act.

9 **SEC. 528. TRANSITIONAL COMPENSATION FOR ABUSED**
10 **DEPENDENT CHILDREN NOT RESIDING WITH**
11 **THE SPOUSE OR FORMER SPOUSE OF A MEM-**
12 **BER CONVICTED OF DEPENDENT ABUSE.**

13 (a) ENTITLEMENT NOT CONDITIONED ON FORFEIT-
14 URE OF SPOUSAL COMPENSATION.—Subsection (d) of sec-
15 tion 1059 of title 10, United States Code, is amended—

16 (1) by striking out paragraph (1) and inserting
17 in lieu thereof the following:

18 “(1) If the individual was married at the time
19 of the commission of the dependent-abuse offense re-
20 sulting in the separation, the spouse or former
21 spouse to whom the individual was married at that
22 time shall be paid such compensation, including an
23 amount (determined under subsection (f)(2)) for
24 each, if any, dependent child of the individual de-

1 scribed in subsection (b) who resides in the same
2 household as that spouse or former spouse.”;

3 (2) in paragraph (2)—

4 (A) by striking out “(but for subsection
5 (g)) would be eligible” and inserting in lieu
6 thereof “is or, but for subsection (g), would be
7 eligible”; and

8 (B) by striking out “such compensation”
9 and inserting in lieu thereof “compensation
10 under this section”; and

11 (3) in paragraph (4), by striking out “For pur-
12 poses of paragraphs (2) and (3)” and inserting in
13 lieu thereof “For purposes of this subsection”.

14 (b) AMOUNT OF PAYMENT.—Subsection (f)(2) of
15 such section is amended by striking out “has custody of
16 a dependent child or children of the member” and insert-
17 ing in lieu thereof “has custody of a dependent child of
18 the member who resides in the same household as that
19 spouse or former spouse”.

20 (c) PROSPECTIVE APPLICABILITY.—No benefits shall
21 accrue by reason of the amendments made by this section
22 for any month that begins before the date of the enact-
23 ment of this Act.

1 **SEC. 529. PILOT PROGRAM FOR TREATING GED RECIPI-**
2 **ENTS AS HIGH SCHOOL GRADUATES FOR DE-**
3 **TERMINATIONS OF ELIGIBILITY FOR ENLIST-**
4 **ING IN THE ARMED FORCES.**

5 (a) PROGRAM REQUIRED.—The Secretary of Defense
6 shall establish a pilot program to assess whether the
7 Armed Forces could better meet recruiting requirements
8 by treating GED recipients as having graduated from high
9 school with a high school diploma for the purpose of deter-
10 mining the eligibility of those persons to enlist in the
11 Armed Forces. The Secretary of each military department
12 shall administer the pilot program for the armed force or
13 armed forces under the jurisdiction of the Secretary.

14 (b) ELIGIBLE GED RECIPIENTS.—(1) Under the
15 pilot program, a person shall be treated as having grad-
16 uated from high school with a high school diploma for the
17 purpose described in subsection (a) if the person—

18 (A) has completed a general education develop-
19 ment program while participating in the National
20 Guard Challenge Program; and

21 (B) is a GED recipient.

22 (2) For the purposes of this section, a person is a
23 GED recipient if the person, after completing a general
24 education development program, has obtained certification
25 of high school equivalency by meeting State requirements
26 and passing a State approved exam that is administered

1 for the purpose of providing an appraisal of the person's
2 achievement or performance in the broad subject matter
3 areas usually required for high school graduates.

4 (c) ANNUAL LIMIT ON NUMBER.—Not more than
5 1,250 persons enlisted by an armed force in any fiscal year
6 may be treated under the pilot program as having grad-
7 uated from high school with a high school diploma.

8 (d) PERIOD FOR PILOT PROGRAM.—The pilot pro-
9 gram shall be in effect for five fiscal years beginning on
10 October 1, 1998.

11 (e) REPORT.—(1) Not later than February 1, 2004,
12 the Secretary of Defense shall submit a report on the pilot
13 program to the Committee on Armed Services of the Sen-
14 ate and the Committee on National Security of the House
15 of Representatives.

16 (2)(A) The report shall include the assessment of the
17 Secretary of Defense, and any assessment of any of the
18 Secretaries of the military departments, regarding the
19 value of, and any necessity for, authority to treat GED
20 recipients as having graduated from high school with a
21 high school diploma for the purpose of determining the
22 eligibility of those persons to enlist in the Armed Forces.

23 (B) The Secretary shall also set forth in the report,
24 by armed force for each fiscal year of the pilot program,
25 a comparison of the performance of the persons who en-

1 listed in that armed force during the fiscal year as GED
2 recipients treated under the pilot program as having grad-
3 uated from high school with a high school diploma with
4 the performance of the persons who enlisted in that armed
5 force during the same fiscal year after having graduated
6 from high school with a high school diploma, with respect
7 to the following:

8 (i) Attrition.

9 (ii) Discipline.

10 (iii) Adaptability to military life.

11 (iv) Aptitude for mastering the skills necessary
12 for technical specialties.

13 (v) Reenlistment rates.

14 (f) REFERENCE TO NATIONAL GUARD CHALLENGE
15 PROGRAM.—The National Guard Challenge Program re-
16 ferred to in this section is a program conducted under sec-
17 tion 509 of title 32, United States Code.

18 (g) STATE DEFINED.—In this section, the term
19 “State” has the meaning given that term in section
20 509(l)(1) of title 32, United States Code.

21 **SEC. 530. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
22 **DISTINGUISHED FLYING CROSS IN CERTAIN**
23 **CASES.**

24 (a) WAIVER.—Any limitation established by law or
25 policy for the time within which a recommendation for the

1 award of a military decoration or award must be submit-
2 ted shall not apply to awards of the Distinguished Flying
3 Cross for service described in subsection (b).

4 (b) APPLICABILITY OF WAIVER.—Subsection (a) ap-
5 plies to award of the Distinguished Flying Cross for serv-
6 ice during World War II or Korea (including multiple
7 awards to the same individual) in the case of each individ-
8 ual (not covered by section 573(d) of the National Defense
9 Authorization Act for Fiscal Year 1998 (Public Law 105–
10 85; 111 Stat. 1757)) concerning whom the Secretary of
11 the Navy (or an officer of the Navy acting on behalf of
12 the Secretary) submitted to the Committee on National
13 Security of the House of Representatives and the Commit-
14 tee on Armed Services of the Senate, before the date of
15 the enactment of this Act, a notice as provided in section
16 1130(b) of title 10, United States Code, that the award
17 of the Distinguished Flying Cross to that individual is
18 warranted and that a waiver of time restrictions pre-
19 scribed by law for recommendation for such award is rec-
20 ommended.

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 1999.**

5 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any
6 adjustment required by section 1009 of title 37, United
7 States Code, in the rates of monthly basic pay authorized
8 members of the uniformed services by section 203(a) of
9 such title to become effective during fiscal year 1999 shall
10 not be made.

11 (b) **INCREASE IN BASIC PAY.**—Effective on January
12 1, 1999, the rates of basic pay of members of the uni-
13 formed services are increased by 3.1 percent.

14 **SEC. 602. RATE OF PAY FOR CADETS AND MIDSHIPMEN AT**
15 **THE SERVICE ACADEMIES.**

16 (a) **INCREASED RATE.**—Section 203(c) of title 37,
17 United States Code, is amended by striking out “\$558.04”
18 and inserting in lieu thereof “\$600.00”.

19 (b) **EFFECTIVE DATE.**—The amendment made by
20 subsection (a) shall take effect on January 1, 1999.

21 **SEC. 603. PAYMENTS FOR MOVEMENTS OF HOUSEHOLD**
22 **GOODS ARRANGED BY MEMBERS.**

23 (a) **MONETARY ALLOWANCE AUTHORIZED.**—Sub-
24 section (b)(1) of section 406 of title 37, United States
25 Code, is amended—

1 (1) in subparagraph (A)—

2 (A) by striking out “, or reimbursement
3 therefor,”; and

4 (B) by inserting after the second sentence
5 the following: “Alternatively, a member may be
6 paid reimbursement or a monetary allowance
7 under subparagraph (F).”; and

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

9 “(F) A member entitled to transportation of baggage
10 and household effects under subparagraph (A) may, as an
11 alternative to the provision of transportation, be paid re-
12 imbursement or, at the member’s request, a monetary al-
13 lowance in advance for the cost of transportation of the
14 baggage and household effects. The monetary allowance
15 may be paid only if the amount of the allowance does not
16 exceed the cost that would be incurred by the Government
17 under subparagraph (A) for the transportation of the bag-
18 gage and household effects. Appropriations available to
19 the Department of Defense, the Department of Transpor-
20 tation, and the Department of Health and Human Serv-
21 ices for providing transportation of baggage or household
22 effects of members of the uniformed services shall be avail-
23 able to pay a reimbursement or monetary allowance under
24 this subparagraph. The Secretary concerned may pre-
25 scribe the manner in which the risk of liability for damage,

1 destruction, or loss of baggage or household effects ar-
 2 ranged, packed, crated, or loaded by a member is allocated
 3 among the member, the United States, and any contractor
 4 when a reimbursement or monetary allowance is elected
 5 under this subparagraph.”.

6 (b) REPEAL OF SUPERSEDED PROVISION.—Such sec-
 7 tion is further amended by striking out subsection (j).

8 **SEC. 604. LEAVE WITHOUT PAY FOR SUSPENDED ACADEMY**
 9 **CADETS AND MIDSHIPMEN.**

10 (a) AUTHORITY.—Section 702 of title 10, United
 11 States Code, is amended—

12 (1) by designating the second sentence of sub-
 13 section (b) as subsection (d);

14 (2) by redesignating subsection (b) as sub-
 15 section (c); and

16 (3) by inserting after subsection (a) the follow-
 17 ing new subsection (b):

18 “(b) LEAVE WITHOUT PAY.—(1) Under regulations
 19 prescribed under subsection (d), the Superintendent of the
 20 United States Military Academy, the United States Naval
 21 Academy, the United States Air Force Academy, or the
 22 United States Coast Guard Academy may order a cadet
 23 or midshipman of the Academy to be placed on leave invol-
 24 untarily for any period during which the cadet or mid-
 25 shipman is suspended from duty at the Academy—

1 “(A) pending separation from the Academy;

2 “(B) pending return to the Academy to repeat
3 an academic semester or year; or

4 “(C) for other good cause.

5 “(2) A cadet or midshipman placed on involuntary
6 leave under paragraph (1) is not entitled to any pay under
7 section 230(c) of title 37 for the period of the leave.

8 “(3) A return of a cadet or midshipman to a pay sta-
9 tus at the Academy from an involuntary leave status under
10 paragraph (1) does not restore any entitlement of the
11 cadet or midshipman to pay for the period of the involun-
12 tary leave.”.

13 (b) SUBSECTION HEADINGS.—Such section, as
14 amended by subsection (a), is further amended—

15 (1) in subsection (a), by inserting “GRADUA-
16 TION LEAVE.—” after “(a)”;

17 (2) in subsection (c), by inserting “INAPPLICA-
18 BLE LEAVE PROVISIONS.—” after “(c)”; and

19 (3) in subsection (d), by inserting “REGULA-
20 TIONS.—” after “(d)”.

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

3 **SEC. 611. THREE-MONTH EXTENSION OF CERTAIN BO-**
4 **NUSES AND SPECIAL PAY AUTHORITIES FOR**
5 **RESERVE FORCES.**

6 (a) SPECIAL PAY FOR HEALTH PROFESSIONALS IN
7 CRITICALLY SHORT WARTIME SPECIALTIES.—Section
8 302g(f) of title 37, United States Code, is amended by
9 striking out “September 30, 1999” and inserting in lieu
10 thereof “December 31, 1999”.

11 (b) SELECTED RESERVE REENLISTMENT BONUS.—
12 Section 308b(f) of title 37, United States Code, is amend-
13 ed by striking out “September 30, 1999” and inserting
14 in lieu thereof “December 31, 1999”.

15 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
16 tion 308c(e) of title 37, United States Code, is amended
17 by striking out “September 30, 1999” and inserting in
18 lieu thereof “December 31, 1999”.

19 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
20 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
21 308d(c) of title 37, United States Code, is amended by
22 striking out “September 30, 1999” and inserting in lieu
23 thereof “December 31, 1999”.

24 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
25 tion 308e(e) of title 37, United States Code, is amended

1 by striking out “September 30, 1999” and inserting in
2 lieu thereof “December 31, 1999”.

3 (f) **READY RESERVE ENLISTMENT AND REENLIST-**
4 **MENT BONUS.**—Section 308h(g) of title 37, United States
5 Code, is amended by striking out “September 30, 1999”
6 and inserting in lieu thereof “December 31, 1999”.

7 (g) **PRIOR SERVICE ENLISTMENT BONUS.**—Section
8 308i(f) of title 37, United States Code, as redesignated
9 by section 622, is amended by striking out “September
10 30, 1999” and inserting in lieu thereof “December 31,
11 1999”.

12 (h) **REPAYMENT OF EDUCATION LOANS FOR CER-**
13 **TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-**
14 **LECTED RESERVE.**—Section 16302(d) of title 10, United
15 States Code, is amended by striking out “October 1,
16 1999” and inserting in lieu thereof “January 1, 2000”.

17 **SEC. 612. THREE-MONTH EXTENSION OF CERTAIN BO-**
18 **NUSES AND SPECIAL PAY AUTHORITIES FOR**
19 **NURSE OFFICER CANDIDATES, REGISTERED**
20 **NURSES, AND NURSE ANESTHETISTS.**

21 (a) **NURSE OFFICER CANDIDATE ACCESSION PRO-**
22 **GRAM.**—Section 2130a(a)(1) of title 10, United States
23 Code, is amended by striking out “September 30, 1999”
24 and inserting in lieu thereof “December 31, 1999”.

1 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
2 Section 302d(a)(1) of title 37, United States Code, is
3 amended by striking out “September 30, 1999” and in-
4 serting in lieu thereof “December 31, 1999”.

5 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
6 THETISTS.—Section 302e(a)(1) of title 37, United States
7 Code, is amended by striking out “September 30, 1999”
8 and inserting in lieu thereof “December 31, 1999”.

9 **SEC. 613. THREE-MONTH EXTENSION OF AUTHORITIES RE-**
10 **LATING TO PAYMENT OF OTHER BONUSES**
11 **AND SPECIAL PAYS.**

12 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
13 tion 301b(a) of title 37, United States Code, is amended
14 by striking out “September 30, 1999,” and inserting in
15 lieu thereof “December 31, 1999,”.

16 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
17 BERS.—Section 308(g) of title 37, United States Code, is
18 amended by striking out “September 30, 1999” and in-
19 serting in lieu thereof “December 31, 1999”.

20 (c) ENLISTMENT BONUSES FOR MEMBERS WITH
21 CRITICAL SKILLS.—Sections 308a(c) and 308f(c) of title
22 37, United States Code, are each amended by striking out
23 “September 30, 1999” and inserting in lieu thereof “De-
24 cember 31, 1999”.

1 (d) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
2 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
3 312(e) of title 37, United States Code, is amended by
4 striking out “September 30, 1999” and inserting in lieu
5 thereof “December 31, 1999”.

6 (e) NUCLEAR CAREER ACCESSION BONUS.—Section
7 312b(c) of title 37, United States Code, is amended by
8 striking out “September 30, 1999” and inserting in lieu
9 thereof “December 31, 1999”.

10 (f) NUCLEAR CAREER ANNUAL INCENTIVE
11 BONUS.—Section 312c(d) of title 37, United States Code,
12 is amended by striking out “October 1, 1999” and insert-
13 ing in lieu thereof “October 1, 1998, and the 15-month
14 period beginning on that date and ending on December
15 31, 1999”.

16 **SEC. 614. ELIGIBILITY OF RESERVES FOR SELECTIVE RE-**
17 **ENLISTMENT BONUS WHEN REENLISTING OR**
18 **EXTENDING TO PERFORM ACTIVE GUARD**
19 **AND RESERVE DUTY.**

20 Section 308(a)(1)(D) of title 37, United States Code,
21 is amended by inserting after “a regular component of the
22 service concerned” the following: “, or in a reserve compo-
23 nent of the service concerned in the case of a member re-
24 enlisting or extending to perform active Guard and Re-
25 serve duty (as defined in section 101(d)(6) of title 10),”.

1 **SEC. 615. REPEAL OF TEN-PERCENT LIMITATION ON PAY-**
2 **MENTS OF SELECTIVE REENLISTMENT BO-**
3 **NUSES IN EXCESS OF \$20,000.**

4 Section 308(b) of title 37, United States Code, is
5 amended—

6 (1) by striking out paragraph (2); and

7 (2) in paragraph (1), by striking out “(1)”.

8 **SEC. 616. INCREASE OF MAXIMUM AMOUNT AUTHORIZED**
9 **FOR ARMY ENLISTMENT BONUS.**

10 Section 308f(a) of title 37, United States Code, is
11 amended by striking out “\$4,000” and inserting in lieu
12 thereof “\$6,000”.

13 **SEC. 617. EDUCATION LOAN REPAYMENT PROGRAM FOR**
14 **HEALTH PROFESSIONS OFFICERS SERVING**
15 **IN SELECTED RESERVE.**

16 (a) **ELIGIBLE PERSONS.**—Subsection (b)(2) of sec-
17 tion 16302 of title 10, United States Code, is amended
18 by inserting “, or is enrolled in a program of education
19 leading to professional qualifications,” after “possesses
20 professional qualifications”.

21 (b) **INCREASED BENEFITS.**—Subsection (c) of such
22 section is amended—

23 (1) in paragraph (2), by striking out “\$3,000”
24 and inserting in lieu thereof “\$20,000”; and

25 (2) in paragraph (3), by striking out “\$20,000”
26 and inserting in lieu thereof “\$50,000”.

1 **SEC. 618. INCREASE IN AMOUNT OF BASIC EDUCATIONAL**
2 **ASSISTANCE UNDER ALL-VOLUNTEER FORCE**
3 **PROGRAM FOR PERSONNEL WITH CRITI-**
4 **CALLY SHORT SKILLS OR SPECIALTIES.**

5 Section 3015(d) of title 38, United States Code, is
6 amended by striking out “\$700” and inserting in lieu
7 thereof “\$950”.

8 **SEC. 619. RELATIONSHIP OF ENTITLEMENTS TO ENLIST-**
9 **MENT BONUSES AND BENEFITS UNDER THE**
10 **ALL-VOLUNTEER FORCE EDUCATIONAL AS-**
11 **SISTANCE PROGRAM.**

12 (a) ENTITLEMENTS NOT EXCLUSIVE.—(1) Sub-
13 chapter II of chapter 30 of title 38, United States Code,
14 is amended by adding at the end the following:

15 **“§ 3019A. Relationship to entitlement to certain en-**
16 **listment bonuses**

17 “The entitlement of an individual to benefits under
18 this chapter is not affected by receipt by that individual
19 of an enlistment bonus under section 308a or 308f of title
20 37.”.

21 (2) The table of sections at the beginning of such
22 chapter is amended by inserting after the item relating
23 to section 3019 the following:

“3019A. Relationship to entitlement to certain enlistment bonuses.”.

1 (b) REPEAL OF RELATED LIMITATION.—Section
2 8013(a) of Public Law 105–56 (111 Stat. 1222) is
3 amended—

4 (1) by striking out “of this Act—” and all that
5 follows through “nor shall any amounts” and insert-
6 ing in lieu thereof “of this Act enlists in the armed
7 services for a period of active duty of less than three
8 years, nor shall any amounts”; and

9 (2) in the first proviso, by striking out “in the
10 case of a member covered by clause (1),”.

11 **Subtitle C—Travel and**
12 **Transportation Allowances**

13 **SEC. 621. TRAVEL AND TRANSPORTATION FOR REST AND**
14 **RECUPERATION IN CONNECTION WITH CON-**
15 **TINGENCY OPERATIONS AND OTHER DUTY.**

16 Section 411c of title 37, United States Code, is
17 amended—

18 (1) in subsection (a)—

19 (A) by redesignating paragraphs (1) and
20 (2) as subparagraphs (A) and (B); and

21 (B) by inserting “IN GENERAL.—(1)”
22 after “(a)”;

23 (2) in subsection (b), by striking out “(b) The
24 transportation authorized by this section” and in-

1 serting in lieu thereof “(2) The transportation au-
2 thorized by paragraph (1)”; and

3 (3) by adding at the end the following:

4 “(b) CONTINGENCY OPERATIONS AND OTHER SPE-
5 CIAL SITUATIONS.—(1) Under uniform regulations pre-
6 scribed by the Secretaries concerned, a member of the
7 armed forces serving a tour of duty at a duty station, and
8 under conditions, described in paragraph (2) may be paid
9 for or provided transportation to a location described in
10 subsection (a)(1) as part of a program of rest and recuper-
11 ation specifically authorized for members of the armed
12 forces serving under those conditions at that duty station
13 by the Secretary concerned in advance of the commence-
14 ment of the member’s travel.

15 “(2) Paragraph (1) applies to a member of the armed
16 forces serving at a duty station outside the United States
17 if—

18 “(A) the member is participating in a contin-
19 gency operation at or from that duty station; or

20 “(B) the payment for or provision of transpor-
21 tation would be in the best interests of members of
22 the armed forces and the United States because of
23 unusual conditions at the duty station, as deter-
24 mined by the Secretary concerned.

1 “(3) Transportation may not be paid for or provided
2 to a member under this subsection for travel that begins—

3 “(A) more than 24 months after the commence-
4 ment of the tour of duty for which the transpor-
5 tation is authorized; or

6 “(B) after the tour of duty ends.

7 “(4) The transportation authorized by this subsection
8 is limited to one round-trip during any tour of at least
9 6, but less than 24, consecutive months.

10 “(5) Transportation paid for or provided to a member
11 under this subsection may not be counted as transpor-
12 tation for which the member is eligible under subsection
13 (a).”.

14 **SEC. 622. PAYMENT FOR TEMPORARY STORAGE OF BAG-**
15 **GAGE OF DEPENDENT STUDENT NOT TAKEN**
16 **ON ANNUAL TRIP TO OVERSEAS DUTY STA-**
17 **TION OF SPONSOR.**

18 Section 430(b) of title 37, United States Code, is
19 amended by striking out the second sentence and inserting
20 in lieu thereof the following: “The allowance authorized
21 by this section may be prescribed by the Secretaries con-
22 cerned as transportation in kind or reimbursement there-
23 for, including an amount for the temporary storage of any
24 baggage not taken with the child on the annual trip if de-
25 termined advantageous to the Government.”.

1 **SEC. 623. COMMERCIAL TRAVEL OF RESERVES AT FED-**
2 **ERAL SUPPLY SCHEDULE RATES FOR AT-**
3 **TENDANCE AT INACTIVE DUTY TRAINING AS-**
4 **SEMBLIES.**

5 (a) **AUTHORITY.**—Chapter 1217 of title 10, United
6 States Code is amended by adding at the end the follow-
7 ing:

8 **“§ 12603. Commercial travel at Federal supply sched-**
9 **ule rates for attendance at inactive duty**
10 **training assemblies**

11 “(a) **FEDERAL SUPPLY SCHEDULE TRAVEL.**—Com-
12 mercial travel under Federal supply schedules is author-
13 ized for the travel of a Reserve to the location of inactive
14 duty training to be performed by the Reserve or from that
15 location upon completion of the training.

16 “(b) **REGULATIONS.**—The Secretary of Defense shall
17 prescribe in regulations the requirements, conditions, and
18 restrictions for travel under the authority of subsection (a)
19 that the Secretary considers appropriate. The regulations
20 shall include policies and procedures for preventing abuses
21 of the travel authority.

22 “(c) **REIMBURSEMENT NOT AUTHORIZED.**—A Re-
23 serve is not entitled to Government reimbursement for the
24 cost of travel authorized under subsection (a).

25 “(d) **TREATMENT OF TRANSPORTATION AS USE BY**
26 **MILITARY DEPARTMENTS.**—For the purposes of section

1 201(a) of the Federal Property and Administrative Serv-
 2 ices Act of 1949 (40 U.S.C. 481(a)), travel authorized
 3 under subsection (a) shall be treated as transportation for
 4 the use of a military department.”.

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

“12603. Commercial travel at Federal supply schedule rates for attendance at
 inactive duty training assemblies.”.

8 **Subtitle D—Retired Pay, Survivor**
 9 **Benefits, and Related Matters**

10 **SEC. 631. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT**
 11 **PLAN.**

12 (a) PAID UP AT 30 YEARS OF SERVICE AND AGE
 13 70.—Section 1452 of title 10, United States Code, is
 14 amended by adding at the end the following new sub-
 15 section:

16 “(j) COVERAGE PAID UP AT 30 YEARS AND ATTAIN-
 17 MENT OF AGE 70.—(1) Coverage of a survivor of a mem-
 18 ber under the Plan shall be considered paid up as of the
 19 end of the later of—

20 “(A) the 360th month in which the member’s
 21 retired pay has been reduced under this section; or

22 “(B) the month in which the member attains
 23 70 years of age.

1 “(2) The retired pay of a member shall not be re-
 2 duced under this section to provide coverage of a survivor
 3 under the Plan after the month when the coverage is con-
 4 sidered paid up under paragraph (1).”.

5 (b) EFFECTIVE DATE.—Section 1452(j) of title 10,
 6 United States Code (as added by subsection (a)), shall
 7 take effect on October 1, 2003.

8 **SEC. 632. COURT-REQUIRED SURVIVOR BENEFIT PLAN**
 9 **COVERAGE EFFECTUATED THROUGH ELEC-**
 10 **TIONS AND DEEMED ELECTIONS.**

11 (a) ELIMINATION OF DISPARITY IN EFFECTIVE
 12 DATE PROVISIONS.—Section 1448(b)(3) of title 10,
 13 United States Code, is amended—

14 (1) in subparagraph (C)—

15 (A) by striking out the second sentence;

16 and

17 (B) by striking out “EFFECTIVE DATE,” in
 18 the heading; and

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

20 “(E) EFFECTIVE DATE.—An election
 21 under this paragraph—

22 “(i) in the case of a person required
 23 (as described in section 1450(f)(3)(B) of
 24 this title) to make the election, is effective
 25 as of the first day of the first month which

1 begins after the date of the court order or
2 filing that requires the election; and

3 “(ii) in all other cases, is effective as
4 of the first day of the first calendar month
5 following the month in which the election
6 is received by the Secretary concerned.”.

7 (b) CONFORMITY BY CROSS REFERENCE.—Section
8 1450(f)(3)(D) of such title is amended by striking out
9 “the first day of the first month which begins after the
10 date of the court order or filing involved” and inserting
11 in lieu thereof “the day referred to in section
12 1448(b)(3)(E)(i) of this title”.

13 **SEC. 633. RECOVERY, CARE, AND DISPOSITION OF RE-**
14 **MAINS OF MEDICALLY RETIRED MEMBER**
15 **WHO DIES DURING HOSPITALIZATION THAT**
16 **BEGINS WHILE ON ACTIVE DUTY.**

17 (a) IN GENERAL.—Section 1481(a)(7) of title 10,
18 United States Code, is amended to read as follows:

19 “(7) A person who—

20 “(A) dies as a retired member of an armed
21 force under the Secretary’s jurisdiction during
22 a continuous hospitalization of the member as
23 a patient in a United States hospital that began
24 while the member was on active duty for a pe-
25 riod of more than 30 days; or

1 “(B) is not covered by subparagraph (A)
 2 and, while in a retired status by reason of eligi-
 3 bility to retire under chapter 61 of this title,
 4 dies during a continuous hospitalization of the
 5 person that began while the person was on ac-
 6 tive duty as a Regular of an armed force, or a
 7 member of an armed force without component,
 8 under the Secretary’s jurisdiction.”.

9 (b) EFFECTIVE DATE.—The amendment made by
 10 subsection (a) takes effect on the date of the enactment
 11 of this Act and applies with respect to deaths occurring
 12 on or after that date.

13 **Subtitle E—Other Matters**

14 **SEC. 641. DEFINITION OF POSSESSIONS OF THE UNITED** 15 **STATES FOR PAY AND ALLOWANCES PUR-** 16 **POSES.**

17 Section 101(2) of title 37, United States Code, is
 18 amended by striking out “the Canal Zone,”.

19 **SEC. 642. FEDERAL EMPLOYEES’ COMPENSATION COV-** 20 **ERAGE FOR STUDENTS PARTICIPATING IN** 21 **CERTAIN OFFICER CANDIDATE PROGRAMS.**

22 (a) PERIODS OF COVERAGE.—Subsection (a)(2) of
 23 section 8140 of title 5, United States Code, is amended
 24 to read as follows:

1 “(2) during the period of the member’s attend-
2 ance at training or a practice cruise under chapter
3 103 of title 10, beginning when the authorized travel
4 to the training or practice cruise begins and ending
5 when authorized travel from the training or practice
6 cruise ends.”.

7 (b) LINE OF DUTY.—Subsection (b) of such section
8 is amended to read as follows:

9 “(b) For the purpose of this section, an injury, dis-
10 ability, death, or illness of a member referred to in sub-
11 section (a) may be considered as incurred or contracted
12 in line of duty only if the injury, disability, or death is
13 incurred, or the illness is contracted, by the member dur-
14 ing a period described in that subsection. Subject to review
15 by the Secretary of Labor, the Secretary of the military
16 department concerned (under regulations prescribed by
17 that Secretary), shall determine whether an injury, dis-
18 ability, or death was incurred, or an illness was con-
19 tracted, by a member in line of duty.”.

20 (c) CLARIFICATION OF CASUALTIES COVERED.—
21 Subsection (a) of such section, as amended by subsection
22 (a) of this section, is further amended by inserting “, or
23 an illness contracted,” after “death incurred” in the mat-
24 ter preceding paragraph (1).

1 (d) EFFECTIVE DATE AND APPLICABILITY.—The
2 amendments made by subsections (a) and (b) shall take
3 effect on the date of the enactment of this Act and apply
4 with respect to injuries, illnesses, disabilities, and deaths
5 incurred or contracted on or after that date.

6 **SEC. 643. AUTHORITY TO PROVIDE FINANCIAL ASSIST-**
7 **ANCE FOR EDUCATION OF CERTAIN DEFENSE**
8 **DEPENDENTS OVERSEAS.**

9 Section 1407(b) of the Defense Dependents' Edu-
10 cation Act of 1978 (20 U.S.C. 926(b)) is amended—

11 (1) by striking out “(b) Under such cir-
12 cumstances as he may by regulation prescribe, the
13 Secretary of Defense” and inserting in lieu thereof
14 “(b) TUITION AND ASSISTANCE WHEN SCHOOLS
15 UNAVAILABLE.—(1) Under such circumstances as
16 the Secretary of Defense may prescribe in regula-
17 tions, the Secretary”; and

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

19 “(2)(A) The Secretary of Defense, and the Secretary
20 of Transportation with respect to the Coast Guard when
21 it is not operating as a service of the Navy, may provide
22 financial assistance to sponsors of dependents in overseas
23 areas where schools operated by the Secretary of Defense
24 under subsection (a) are not reasonably available in order
25 to assist the sponsors to defray the costs incurred by the

1 sponsors for the attendance of the dependents at schools
 2 in such areas other than schools operated by the Secretary
 3 of Defense.

4 “(B) The Secretary of Defense and the Secretary of
 5 Transportation shall each prescribe regulations relating to
 6 the availability of financial assistance under subparagraph
 7 (A). Such regulations shall, to the maximum extent prac-
 8 ticable, be consistent with Department of State regula-
 9 tions relating to the availability of financial assistance for
 10 the education of dependents of Department of State per-
 11 sonnel overseas.”

12 **TITLE VII—HEALTH CARE**

13 **SEC. 701. DEPENDENTS’ DENTAL PROGRAM.**

14 (a) INFLATION-INDEXED PREMIUM.—(1) Section
 15 1076a(b)(2) of title 10, United States Code, is amended—

16 (A) by inserting “(A)” after “(2)”; and

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

18 “(B) Effective as of January 1 of each year, the
 19 amount of the premium required under subparagraph (A)
 20 shall be increased by the percent equal to the lesser of—

21 “(i) the percent by which the rates of basic pay
 22 of members of the uniformed services are increased
 23 on such date; or

24 “(ii) the sum of one-half percent and the per-
 25 cent computed under section 5303(a) of title 5 for

1 the increase in rates of basic pay for statutory pay
2 systems for pay periods beginning on or after such
3 date.”.

4 (2) The amendment made by subparagraph (B) of
5 paragraph (1) shall take effect on January 1, 1999, and
6 shall apply to months after 1998 as if such subparagraph
7 had been in effect since December 31, 1993.

8 (b) OFFER OF PLAN UNDER TRICARE.—(1) Sec-
9 tion 1097 of such title is amended by adding at the end
10 the following:

11 “(f) DEPENDENTS’ DENTAL PLAN.—A basic dental
12 benefits plan established for eligible dependents under sec-
13 tion 1076a of this title may be offered under the
14 TRICARE program.”.

15 (2) Subsection (e) of such section is amended by add-
16 ing at the end the following: “Charges for a basic dental
17 benefits plan offered under the TRICARE program pursu-
18 ant to subsection (f) shall be those provided for under sec-
19 tion 1076a of this title.”.

1 **SEC. 702. EXTENSION OF AUTHORITY FOR USE OF PER-**
2 **SONAL SERVICES CONTRACTS FOR PROVI-**
3 **SION OF HEALTH CARE AT MILITARY EN-**
4 **TRANCE PROCESSING STATIONS AND ELSE-**
5 **WHERE OUTSIDE MEDICAL TREATMENT FA-**
6 **CILITIES.**

7 Section 1091(a)(2) of title 10, United States Code,
8 is amended in the second sentence by striking out “the
9 end of the one-year period beginning on the date of the
10 enactment of this paragraph” and inserting in lieu thereof
11 “June 30, 1999”.

12 **SEC. 703. TRICARE PRIME AUTOMATIC ENROLLMENTS**
13 **AND RETIREE PAYMENT OPTIONS.**

14 (a) PROCEDURES.—(1) Chapter 55 of title 10,
15 United States Code, is amended by inserting after section
16 1097 the following new section:

17 **“§ 1097a. TRICARE Prime: automatic enrollments;**
18 **payment options**

19 “(a) AUTOMATIC ENROLLMENT OF CERTAIN DE-
20 PENDENTS.—Each dependent of a member of the uni-
21 formed services in grade E4 or below who is entitled to
22 medical and dental care under section 1076(a)(2)(A) of
23 this title and resides in the catchment area of a facility
24 of a uniformed service offering TRICARE Prime shall be
25 automatically enrolled in TRICARE Prime at the facility.
26 The Secretary concerned shall provide written notice of

1 the enrollment to the member. The enrollment of a de-
2 pendent of the member may be terminated by the member
3 or the dependent at any time.

4 “(b) AUTOMATIC RENEWAL OF ENROLLMENTS OF
5 COVERED BENEFICIARIES.—(1) An enrollment of a cov-
6 ered beneficiary in TRICARE Prime shall be automati-
7 cally renewed upon the expiration of the enrollment unless
8 the renewal is declined.

9 “(2) Not later than 15 days before the expiration
10 date for an enrollment of a covered beneficiary in
11 TRICARE Prime, the Secretary concerned shall—

12 “(A) transmit a written notification of the
13 pending expiration and renewal of enrollment to the
14 covered beneficiary or, in the case of a dependent of
15 a member of the uniformed services, to the member;
16 and

17 “(B) afford the beneficiary or member, as the
18 case may be, an opportunity to decline the renewal
19 of enrollment.

20 “(c) PAYMENT OPTIONS FOR RETIREES.—A member
21 or former member of the uniformed services eligible for
22 medical care and dental care under section 1074(b) of this
23 title may elect to have any fee payable by the member or
24 former member for an enrollment in TRICARE Prime
25 withheld from the member’s retired pay, retainer pay, or

1 equivalent pay, as the case may be, or to be paid from
2 a financial institution through electronic transfers of
3 funds. The fee shall be paid in accordance with the elec-
4 tion.

5 “(d) REGULATIONS.—The administering Secretaries
6 shall prescribe regulations, including procedures, for car-
7 rying out this section.

8 “(e) DEFINITIONS.—In this section:

9 “(1) The term ‘TRICARE Prime’ means the
10 managed care option of the TRICARE program.

11 “(2) The term ‘catchment area’, with respect to
12 a facility of a uniformed service, means the service
13 area of the facility, as designated under regulations
14 prescribed by the administering Secretaries.”.

15 (2) The table of sections at the beginning of such
16 chapter is amended by inserting after the item relating
17 to section 1097 the following new item:

1097a. TRICARE Prime: automatic enrollments; payment options.”.

18 (b) DEADLINE FOR IMPLEMENTATION.—The regula-
19 tions required under subsection (d) of section 1097a of
20 title 10, United States Code (as added by subsection (a)),
21 shall be prescribed to take effect not later than January
22 1, 1999. The section shall be applied under TRICARE
23 Prime on and after the date on which the regulations take
24 effect.

1 **SEC. 704. LIMITED CONTINUED CHAMPUS COVERAGE FOR**
2 **PERSONS UNAWARE OF A LOSS OF CHAMPUS**
3 **COVERAGE RESULTING FROM ELIGIBILITY**
4 **FOR MEDICARE.**

5 (a) **CONTINUATION OF ELIGIBILITY.**—The eligibility
6 of a person described in subsection (b) for care under
7 **CHAMPUS** may be continued under regulations pre-
8 scribed by the administering Secretaries if it is determined
9 under the regulations that the continuation of the eligi-
10 bility is appropriate in order to ensure that the person
11 has adequate access to health care.

12 (b) **ELIGIBLE PERSONS.**—Subsection (a) applies to
13 a person who—

14 (1) has been eligible for health care under
15 **CHAMPUS**;

16 (2) loses eligibility for health care under
17 **CHAMPUS** solely by reason of paragraph (1) of sec-
18 tion 1086(d), United States Code;

19 (3) is unaware of the loss of eligibility; and

20 (4) satisfies the conditions set forth in subpara-
21 graphs (A) and (B) of paragraph (2) of such section
22 1086(d) at the time health care is provided under
23 **CHAMPUS** pursuant to a continuation of eligibility
24 in accordance with this section.

25 (c) **PERIOD OF CONTINUED ELIGIBILITY.**—A con-
26 tinuation of eligibility under this section shall apply with

1 regard to health care provided on or after October 1,
2 1998, and before July 1, 1999.

3 (d) DEFINITIONS.—In this section:

4 (1) The term “administering Secretaries” has
5 the meaning given such term in paragraph (3) of
6 section 1072 of title 10, United States Code.

7 (2) The term “CHAMPUS” means the Civilian
8 Health and Medical Program of the Uniformed
9 Services, as defined in paragraph (4) of such sec-
10 tion.

11 **SEC. 705. ENHANCED DEPARTMENT OF DEFENSE ORGAN**
12 **AND TISSUE DONOR PROGRAM.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) Organ and tissue transplantation is one of
16 the most remarkable medical success stories in the
17 history of medicine.

18 (2) Each year, the number of people waiting for
19 organ or tissue transplantation increases. It is esti-
20 mated that there are approximately 39,000 patients,
21 ranging in age from babies to those in retirement,
22 awaiting transplants of kidneys, hearts, livers, and
23 other solid organs.

24 (3) The Department of Defense has made sig-
25 nificant progress in increasing the awareness of the

1 importance of organ and tissue donations among
2 members of the Armed Forces.

3 (4) The inclusion of organ and tissue donor
4 elections in the Defense Enrollment Eligibility Re-
5 porting System (DEERS) central database through
6 the Real-time Automated Personnel Identification
7 System (RAPIDS) represents a major step in ensur-
8 ing that organ and tissue donor elections are a mat-
9 ter of record and are accessible in a timely manner.

10 (b) RESPONSIBILITIES OF THE SECRETARY OF DE-
11 FENSE.—The Secretary of Defense shall ensure that the
12 advanced systems developed for recording Armed Forces
13 members' personal data and information (such as the
14 SMARTCARD, MEDITAG, and Personal Information
15 Carrier) include the capability to record organ and tissue
16 donation elections.

17 (c) RESPONSIBILITIES OF THE SECRETARIES OF THE
18 MILITARY DEPARTMENTS.—The Secretaries of the mili-
19 tary departments shall ensure that—

20 (1) appropriate information about organ and
21 tissue donation is provided to each recruit and offi-
22 cer candidate of the Armed Forces during initial
23 training;

24 (2) members of the Armed Forces are given re-
25 curring, specific opportunities to elect to be organ or

1 tissue donors during service in the Armed Forces
2 and upon retirement; and

3 (3) members of the Armed Forces electing to be
4 organ or tissue donors are encouraged to advise
5 their next of kin concerning the donation decision
6 and any subsequent change of that decision.

7 (d) RESPONSIBILITIES OF THE SURGEONS GENERAL
8 OF THE MILITARY DEPARTMENT.—The Surgeons General
9 of the Armed Forces shall ensure that—

10 (1) appropriate training is provided to enlisted
11 and officer medical personnel to facilitate the effec-
12 tive operation of organ and tissue donation activities
13 under garrison conditions and, to the extent pos-
14 sible, under operational conditions; and

15 (2) medical logistical activities can, to the ex-
16 tent possible without jeopardizing operational re-
17 quirements, support an effective organ and tissue
18 donation program.

19 (e) REPORT.—Not later than September 1, 1999, the
20 Secretary of Defense shall submit to the Committee on
21 Armed Services of the Senate and the Committee on Na-
22 tional Security of the House of Representatives a report
23 on the status of the implementation of this section.

1 **SEC. 706. JOINT DEPARTMENT OF DEFENSE AND DEPART-**
2 **MENT OF VETERANS AFFAIRS REVIEWS RE-**
3 **LATING TO INTERDEPARTMENTAL COOPERA-**
4 **TION IN THE DELIVERY OF MEDICAL CARE.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The military health care system of the De-
8 partment of Defense and the Veterans Health Ad-
9 ministration of the Department of Veterans Affairs
10 are national institutions that collectively manage
11 more than 1,500 hospitals, clinics, and health care
12 facilities worldwide to provide services to more than
13 11,000,000 beneficiaries.

14 (2) In the post-Cold War era, these institutions
15 are in a profound transition that involves challeng-
16 ing opportunities.

17 (3) During the period from 1988 to 1998, the
18 number of military medical personnel has declined
19 by 15 percent and the number of military hospitals
20 has been reduced by one-third.

21 (4) During the two years since 1996, the De-
22 partment of Veterans Affairs has revitalized its
23 structure by decentralizing authority into 22 Veter-
24 ans Integrated Service Networks.

25 (5) In the face of increasing costs of medical
26 care, increased demands for health care services, and

1 increasing budgetary constraints, the Department of
2 Defense and the Department of Veterans Affairs
3 have embarked on a variety of dynamic and innova-
4 tive cooperative programs ranging from shared serv-
5 ices to joint venture operations of medical facilities.

6 (6) In 1984, there was a combined total of 102
7 Department of Veterans Affairs and Department of
8 Defense facilities with sharing agreements. By 1997,
9 that number had grown to 420. During the six years
10 from fiscal year 1992 through fiscal year 1997,
11 shared services increased from slightly over 3,000
12 services to more than 6,000 services ranging from
13 major medical and surgical services, laundry, blood,
14 and laboratory services to unusual speciality care
15 services.

16 (7) The Department of Defense and the De-
17 partment of Veterans Affairs are conducting four
18 health care joint ventures in New Mexico, Nevada,
19 Texas, Oklahoma, and are planning to conduct four
20 more such ventures in Alaska, Florida, Hawaii, and
21 California.

22 (b) SENSE OF CONGRESS.—It is the sense of Con-
23 gress that—

24 (1) the Department of Defense and the Depart-
25 ment of Veterans Affairs are to be commended for

1 the cooperation between the two departments in the
2 delivery of medical care, of which the cooperation in-
3 volved in the establishment and operation of the De-
4 partment of Defense and the Department of Veter-
5 ans Affairs Executive Council is a praiseworthy ex-
6 ample;

7 (2) the two departments are encouraged to con-
8 tinue to explore new opportunities to enhance the
9 availability and delivery of medical care to bene-
10 ficiaries by further enhancing the cooperative efforts
11 of the departments; and

12 (3) enhanced cooperation is encouraged for—

13 (A) the general areas of access to quality
14 medical care, identification and elimination of
15 impediments to enhanced cooperation, and joint
16 research and program development; and

17 (B) the specific areas in which there is sig-
18 nificant potential to achieve progress in co-
19 operation in a short term, including comput-
20 erization of patient records systems, participa-
21 tion of the Department of Veterans Affairs in
22 the TRICARE program, pharmaceutical pro-
23 grams, and joint physical examinations.

24 (c) JOINT SURVEY OF POPULATIONS SERVED.—(1)

25 The Secretary of Defense and the Secretary of Veterans

1 Affairs shall jointly conduct a survey of their respective
2 medical care beneficiary populations to identify, by cat-
3 egory of beneficiary (defined as the Secretaries consider
4 appropriate), the expectations of, requirements for, and
5 behavior patterns of the beneficiaries with respect to medi-
6 cal care. The two Secretaries shall develop the protocol
7 for the survey jointly, but shall obtain the services of an
8 entity independent of the Department of Defense and the
9 Department of Veterans Affairs for carrying out the sur-
10 vey.

11 (2) The survey shall include the following:

12 (A) Demographic characteristics, economic
13 characteristics, and geographic location of bene-
14 ficiary populations with regard to catchment or serv-
15 ice areas.

16 (B) The types and frequency of care required
17 by veterans, retirees, and dependents within
18 catchment or service areas of Department of De-
19 fense and Veterans Affairs medical facilities and
20 outside those areas.

21 (C) The numbers of, characteristics of, and
22 types of medical care needed by the veterans, retir-
23 ees, and dependents who, though eligible for medical
24 care in Department of Defense or Department of
25 Veterans Affairs treatment facilities or other feder-

1 ally funded medical programs, choose not to seek
2 medical care from those facilities or under those pro-
3 grams, and the reasons for that choice.

4 (D) The obstacles or disincentives for seeking
5 medical care from such facilities or under such pro-
6 grams that veterans, retirees, and dependents per-
7 ceive.

8 (E) Any other matters that the Secretary of
9 Defense and the Secretary of Veterans Affairs con-
10 sider appropriate for the survey.

11 (3) The Secretary of Defense and the Secretary of
12 Veterans Affairs shall submit a report on the results of
13 the survey to the appropriate committees of Congress. The
14 report shall contain the matters described in paragraph
15 (2) and any proposals for legislation that the Secretaries
16 recommend for enhancing Department of Defense and De-
17 partment of Veterans Affairs cooperative efforts with re-
18 spect to the delivery of medical care.

19 (d) REVIEW OF LAW AND POLICIES.—(1) The Sec-
20 retary of Defense and the Secretary of Veterans Affairs
21 shall jointly conduct a review to identify impediments to
22 cooperation between the Department of Defense and the
23 Department of Veterans Affairs regarding the delivery of
24 medical care. The matters reviewed shall include the fol-
25 lowing:

1 (A) All laws, policies, and regulations, and any
2 attitudes of beneficiaries of the health care systems
3 of the two departments, that have the effect of pre-
4 venting the establishment, or limiting the effective-
5 ness, of cooperative health care programs of the de-
6 partments.

7 (B) The requirements and practices involved in
8 the credentialing and licensure of health care pro-
9 viders.

10 (C) The perceptions of beneficiaries in a variety
11 of categories (defined as the Secretaries consider ap-
12 propriate) regarding the various Federal health care
13 systems available for their use.

14 (2) The Secretaries shall jointly submit a report on
15 the results of the review to the appropriate committees
16 of Congress. The report shall include any proposals for
17 legislation that the Secretaries recommend for eliminating
18 or reducing impediments to interdepartmental cooperation
19 that are identified during the review.

20 (e) PARTICIPATION IN TRICARE.—(1) The Sec-
21 retary of Defense shall review the TRICARE program to
22 identify opportunities for increased participation by the
23 Department of Veterans Affairs in that program. The on-
24 going collaboration between Department of Defense offi-
25 cials and Department of Veterans Affairs officials regard-

1 ing increasing the participation shall be included among
2 the matters reviewed.

3 (2) The Secretary of Defense and the Secretary of
4 Veterans Affairs shall jointly submit to the appropriate
5 committees of Congress a semiannual report on the status
6 of the review and on efforts to increase the participation
7 of the Department of Veterans Affairs in the TRICARE
8 program. No report is required under this paragraph after
9 the submission of a semiannual report in which the Sec-
10 retaries declare that the Department of Veterans Affairs
11 is participating in the TRICARE program to the extent
12 that can reasonably be expected to be attained.

13 (f) PHARMACEUTICAL BENEFITS AND PROGRAMS.—

14 (1) The Federal Pharmaceutical Steering Committee
15 shall—

16 (A) undertake a comprehensive examination of
17 existing pharmaceutical benefits and programs for
18 beneficiaries of Federal medical care programs, in-
19 cluding matters relating to the purchasing, distribu-
20 tion, and dispensing of pharmaceuticals and the
21 management of mail order pharmaceuticals pro-
22 grams; and

23 (B) review the existing methods for contracting
24 for and distributing medical supplies and services.

1 (2) The committee shall submit a report on the re-
2 sults of the examination to the appropriate committees of
3 Congress.

4 (g) STANDARDIZATION OF PHYSICAL EXAMINATIONS
5 FOR DISABILITY.—The Secretary of Defense and the Sec-
6 retary of Veterans Affairs shall submit to the appropriate
7 committees of Congress a report on the status of the ef-
8 forts of the Department of Defense and the Department
9 of Veterans Affairs to standardize physical examinations
10 administered by the two departments for the purpose of
11 determining or rating disabilities.

12 (h) APPROPRIATE COMMITTEES OF CONGRESS DE-
13 FINED.—For the purposes of this section, the appropriate
14 committees of Congress are as follows:

15 (1) The Committee on Armed Services and the
16 Committee on Veterans' Affairs of the Senate.

17 (2) The Committee on National Security and
18 the Committee on Veterans' Affairs of the House of
19 Representatives.

20 (i) DEADLINES FOR SUBMISSION OF REPORTS.—(1)
21 The report required by subsection (c)(3) shall be submit-
22 ted not later than January 1, 2000.

23 (2) The report required by subsection (d)(2) shall be
24 submitted not later than March 1, 1999.

1 (3) The semiannual report required by subsection
2 (e)(2) shall be submitted not later than March 1 and Sep-
3 tember 1 of each year.

4 (4) The report on the examination required under
5 subsection (f) shall be submitted not later than 60 days
6 after the completion of the examination.

7 (5) The report required by subsection (g) shall be
8 submitted not later than March 1, 1999.

9 **SEC. 707. DEMONSTRATION PROJECTS TO PROVIDE**
10 **HEALTH CARE TO CERTAIN MEDICARE-ELIGI-**
11 **BLE BENEFICIARIES OF THE MILITARY**
12 **HEALTH CARE SYSTEM.**

13 (a) IN GENERAL.—(1) The Secretary of Defense
14 shall, after consultation with the other administering Sec-
15 retaries, carry out three demonstration projects (described
16 in subsections (d), (e), and (f)) in order to assess the fea-
17 sibility and advisability of providing certain medical care
18 coverage to the medicare-eligible individuals described in
19 subsection (b).

20 (2) The Secretary shall commence the demonstration
21 projects not later than January 1, 2000, and shall termi-
22 nate the demonstration projects not later than December
23 31, 2003.

1 (3) The aggregate costs incurred by the Secretary
2 under the demonstration projects in any year may not ex-
3 ceed \$60,000,000.

4 (b) ELIGIBLE INDIVIDUALS.—An individual eligible
5 to participate in a demonstration project under subsection
6 (a) is a member or former member of the uniformed serv-
7 ices described in section 1074(b) of title 10, United States
8 Code, a dependent of the member described in section
9 1076(a)(2)(B) or 1076(b) of that title, or a dependent of
10 a member of the uniformed services who died while on ac-
11 tive duty for a period of more than 30 days, who—

12 (1) is 65 years of age or older;

13 (2) is entitled to hospital insurance benefits
14 under part A of title XVIII of the Social Security
15 Act (42 U.S.C. 1395c et seq.);

16 (3) is enrolled in the supplemental medical in-
17 surance program under part B of such title XVIII
18 (42 U.S.C. 1395j et seq.); and

19 (4) resides in an area of the demonstration
20 project selected by the Secretary under subsection
21 (c).

22 (c) AREAS OF DEMONSTRATION PROJECTS.—(1)
23 Subject to paragraph (3), the Secretary shall carry out
24 each demonstration project under this section in two sepa-
25 rate areas selected by the Secretary.

1 (2) Of the two areas selected for each demonstration
2 project—

3 (A) one shall be an area outside the catchment
4 area of a military medical treatment facility in
5 which—

6 (i) no eligible organization has a contract
7 in effect under section 1876 of the Social Secu-
8 rity Act (42 U.S.C. 1395mm) and no
9 Medicare+Choice organization has a contract
10 in effect under part C of title XVIII of that Act
11 (42 U.S.C. 1395w-21); or

12 (ii) the aggregate number of enrollees with
13 an eligible organization with a contract in effect
14 under section 1876 of that Act or with a
15 Medicare+Choice organization with a contract
16 in effect under part C of title XVIII of that Act
17 is less than 2.5 percent of the total number of
18 individuals in the area who are entitled to hos-
19 pital insurance benefits under part A of title
20 XVIII of that Act; and

21 (B) one shall be an area outside the catchment
22 area of a military medical treatment facility in
23 which—

24 (i) at least one eligible organization has a
25 contract in effect under section 1876 of that

1 Act or one Medicare+Choice organization has a
2 contract in effect under part C of title XVIII of
3 that Act; and

4 (ii) the aggregate number of enrollees with
5 an eligible organization with a contract in effect
6 under section 1876 of that Act or with a
7 Medicare+Choice organization with a contract
8 in effect under part C of title XVIII of that Act
9 exceeds 10 percent of the total number of indi-
10 viduals in the area who are entitled to hospital
11 insurance benefits under part A of title XVIII
12 of that Act.

13 (3) The Secretary may not carry out a demonstration
14 project under this section in any area in which the Sec-
15 retary is carrying out any other medical care demonstra-
16 tion project unless the Secretary determines that the con-
17 duct of such other medical care demonstration project will
18 not interfere with the conduct or evaluation of the dem-
19 onstration project under this section.

20 (d) FEHBP AS SUPPLEMENT TO MEDICARE DEM-
21 ONSTRATION.—(1)(A) Under one of the demonstration
22 projects under this section, the Secretary shall permit eli-
23 gible individuals described in subsection (b) who reside in
24 the areas of the demonstration project selected under sub-
25 section (c) to enroll in the health benefits plans offered

1 through the Federal Employees Health Benefits program
2 under chapter 89 of title 5, United States Code.

3 (B) The Secretary shall carry out the demonstration
4 project under this subsection under an agreement with the
5 Office of Personnel Management.

6 (2)(A) An eligible individual described in paragraph
7 (1) shall not be required to satisfy any eligibility criteria
8 specified in chapter 89 of title 5, United States Code, as
9 a condition for enrollment in the health benefits plans of-
10 fered through the Federal Employee Health Benefits pro-
11 gram under the demonstration project under this sub-
12 section.

13 (B) Each eligible individual who enrolls in a health
14 benefits plan under the demonstration project shall be re-
15 quired to remain enrolled in the supplemental medical in-
16 surance program under part B of title XVIII of the Social
17 Security Act while participating in the demonstration
18 project.

19 (3)(A) The authority responsible for approving re-
20 tired or retainer pay or equivalent pay in the case of a
21 member or former member shall manage the participation
22 of the members or former members who enroll in health
23 benefits plans offered through the Federal Employee
24 Health Benefits program pursuant to paragraph (1).

1 (B) Such authority shall distribute program informa-
2 tion to eligible individuals, process enrollment applica-
3 tions, forward all required contributions to the Employees
4 Health Benefits Fund established under section 8909 of
5 title 5, United States Code, in a timely manner, assist in
6 the reconciliation of enrollment records with health plans,
7 and prepare such reports as the Office of Personnel Man-
8 agement may require in its administration of chapter 89
9 of such title.

10 (4)(A) The Office of Personnel Management shall re-
11 quire health benefits plans under chapter 89 of title 5,
12 United States Code, that participate in the demonstration
13 project to maintain a separate risk pool for purposes of
14 establishing premium rates for eligible individuals who en-
15 roll in such plans in accordance with this subsection.

16 (B) The Office shall determine total subscription
17 charges for self only or for family coverage for eligible in-
18 dividuals who enroll in a health benefits plan under chap-
19 ter 89 of such title in accordance with this subsection,
20 which shall include premium charges paid to the plan and
21 amounts described in section 8906(c) of title 5, United
22 States Code, for administrative expenses and contingency
23 reserves.

24 (5) The Secretary shall be responsible for the Govern-
25 ment contribution for an eligible individual who enrolls in

1 a health benefits plan under chapter 89 of title 5, United
2 States Code, in accordance with this subsection, except
3 that the amount of the contribution may not exceed the
4 amount of the Government contribution which would be
5 payable if such individual were an employee enrolled in
6 the same health benefits plan and level of benefits.

7 (6) The cancellation by a eligible individual of cov-
8 erage under the Federal Employee Health Benefits pro-
9 gram shall be irrevocable during the term of the dem-
10 onstration project under this subsection.

11 (e) TRICARE AS SUPPLEMENT TO MEDICARE DEM-
12 ONSTRATION.—(1) Under one of the demonstration
13 projects under this section, the Secretary shall permit eli-
14 gible individuals described in subsection (b) who reside in
15 each area of the demonstration project selected under sub-
16 section (c) to enroll in the TRICARE program. The dem-
17 onstration project under this subsection shall be known
18 as the “TRICARE Senior Supplement”.

19 (2) Payment for care and services received by eligible
20 individuals who enroll in the TRICARE program under
21 the demonstration project shall be made as follows:

22 (A) First, under title XVIII of the Social Secu-
23 rity Act, but only the extent that payment for such
24 care and services is provided for under that title.

1 (B) Second, under the TRICARE program, but
2 only to the extent that payment for such care and
3 services is provided under that program and is not
4 provided for under subparagraph (A).

5 (C) Third, by the eligible individual concerned,
6 but only to the extent that payment for such care
7 and services is not provided for under subpara-
8 graphs (B) and (C).

9 (3)(A) The Secretary shall require each eligible indi-
10 vidual who enrolls in the TRICARE program under the
11 demonstration project to pay an enrollment fee. The Sec-
12 retary may provide for payment of the enrollment fee on
13 a periodic basis.

14 (B) The amount of the enrollment fee of an eligible
15 individual under subparagraph (A) in any year may not
16 exceed an amount equal to 75 percent of the total sub-
17 scription charges in that year for self-only or family, fee-
18 for-service coverage under the health benefits plan under
19 the Federal Employees Health Benefits program under
20 chapter 89 of title 5, United States Code, that is most
21 similar in coverage to the TRICARE program.

22 (f) TRICARE MAIL ORDER PHARMACY BENEFIT
23 SUPPLEMENT TO MEDICARE DEMONSTRATION.—(1)
24 Under one of the demonstration projects under this sec-
25 tion, the Secretary shall permit eligible individuals de-

1 scribed in subsection (b) who reside in each area of the
2 demonstration project selected under subsection (c) to
3 participate in the mail order pharmacy benefit available
4 under the TRICARE program.

5 (2) The Secretary may collect from eligible individ-
6 uals who participate in the mail order pharmacy benefit
7 under the demonstration project any premiums,
8 deductibles, copayments, or other charges that the Sec-
9 retary would otherwise collect from individuals similar to
10 such eligible individuals for participation in the benefit.

11 (g) INDEPENDENT EVALUATION.—(1) The Secretary
12 shall provide for an evaluation of the demonstration
13 projects conducted under this section by an appropriate
14 person or entity that is independent of the Department
15 of Defense.

16 (2) The evaluation shall include the following:

17 (A) An analysis of the costs of each demonstra-
18 tion project to the United States and to the eligible
19 individuals who enroll or participate in such dem-
20 onstration project.

21 (B) An assessment of the extent to which each
22 demonstration project satisfied the requirements of
23 such eligible individuals for the health care services
24 available under such demonstration project.

1 (C) An assessment of the effect, if any, of each
2 demonstration project on military medical readiness.

3 (D) A description of the rate of the enrollment
4 or participation in each demonstration project of the
5 individuals who were eligible to enroll or participate
6 in such demonstration project.

7 (E) An assessment of which demonstration
8 project provides the most suitable model for a pro-
9 gram to provide adequate health care services to the
10 population of individuals consisting of the eligible in-
11 dividuals.

12 (F) An evaluation of any other matters that the
13 Secretary considers appropriate.

14 (3) The Comptroller General shall review the evalua-
15 tion conducted under paragraph (1). In carrying out the
16 review, the Comptroller General shall—

17 (A) assess the validity of the processes used in
18 the evaluation; and

19 (B) assess the validity of any findings under
20 the evaluation.

21 (4)(A) The Secretary shall submit a report on the re-
22 sults of the evaluation under paragraph (1), together with
23 the evaluation, to the Committee on Armed Services of
24 the Senate and the Committee on National Security of the

1 House of Representatives not later than December 31,
2 2003.

3 (B) The Comptroller General shall submit a report
4 on the results of the review under paragraph (3) to the
5 committees referred to in subparagraph (A) not later than
6 February 15, 2004.

7 (h) DEFINITIONS.—In this section:

8 (1) The term “administering Secretaries” has
9 the meaning given that term in section 1072(3) of
10 title 10, United States Code.

11 (2) The term “TRICARE program” has the
12 meaning given that term in section 1072(7) of title
13 10, United States Code.

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

18 **SEC. 801. PARA-ARAMID FIBERS AND YARNS.**

19 (a) AUTHORIZED SOURCES.—Chapter 141 of title 10,
20 United States Code is amended by adding at the end the
21 following:

22 **“§ 2410n. Foreign manufactured para-aramid fibers**
23 **and yarns: procurement**

24 “(a) AUTHORITY.—The Secretary of Defense may
25 procure articles containing para-aramid fibers and yarns

1 manufactured in a foreign country referred to in sub-
2 section (b).

3 “(b) FOREIGN COUNTRIES COVERED.—The author-
4 ity under subsection (a) applies with respect to a foreign
5 country that—

6 “(1) is a party to a defense memorandum of
7 understanding entered into under section 2531 of
8 this title; and

9 “(2) permits United States firms that manufac-
10 ture para-aramid fibers and yarns to compete with
11 foreign firms for the sale of para-aramid fibers and
12 yarns in that country, as determined by the Sec-
13 retary of Defense.

14 “(c) APPLICABILITY TO SUBCONTRACTS.—The au-
15 thority under subsection (a) applies with respect to sub-
16 contracts under Department of Defense contracts as well
17 as to such contracts.

18 “(d) DEFINITIONS.—In this section, the terms
19 ‘United States firm’ and ‘foreign firm’ have the meanings
20 given such terms in section 2532(d) of this title.”.

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:

“2410n. Foreign manufactured para-aramid fibers and yarns: procurement.”.

1 to the Department of Defense for the travel-related sales
2 made under the contract.

3 “(3) Commissions or fees received by the Department
4 of Defense as a result of travel-related sales made under
5 a contract entered into under this section shall be distrib-
6 uted as follows:

7 “(A) For amounts relating to sales for official
8 travel, credit to appropriations available for official
9 travel for the fiscal year in which the amount is re-
10 ceived.

11 “(B) For amounts relating to sales for unoffi-
12 cial travel, deposit in nonappropriated fund accounts
13 available for morale, welfare, and recreation pro-
14 grams.

15 “(c) DEFINITIONS.—In this section:

16 “(1) The term ‘head of an agency’ has the
17 meaning given that term in section 3202(1) of this
18 title.

19 “(2) The term ‘official travel’ means travel at
20 the expense of the Federal Government.

21 “(3) The term ‘unofficial travel’ means personal
22 travel or other travel that is not paid for or reim-
23 bursed by the Federal Government out of appro-
24 priated funds.

1 “(d) INAPPLICABILITY TO COAST GUARD AND
2 NASA.—This section does not apply to the Coast Guard
3 when it is not operating as a service in the Navy, nor to
4 the National Aeronautics and Space Administration.”.

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

“2490b. Travel services: procurement for official and unofficial travel under one
contract.”.

8 **SEC. 803. LIMITATION ON USE OF PRICE PREFERENCE**
9 **UPON ATTAINMENT OF CONTRACT GOAL FOR**
10 **SMALL AND DISADVANTAGED BUSINESSES.**

11 Section 2323(e)(3) of title 10, United States Code,
12 is amended—

13 (1) by inserting “(A)” after “(3)”;

14 (2) by inserting “, except as provided in (B),”
15 after “the head of an agency may” in the first sen-
16 tence; and

17 (3) by adding at the end the following:

18 “(B) The head of an agency may not exercise the au-
19 thority under subparagraph (A) to enter into a contract
20 for a price exceeding fair market cost in the fiscal year
21 following a fiscal year in which the Department of Defense
22 attained the 5 percent goal required by subsection (a).”.

1 **SEC. 804. DISTRIBUTION OF ASSISTANCE UNDER THE PRO-**
2 **CUREMENT TECHNICAL ASSISTANCE COOP-**
3 **ERATIVE AGREEMENT PROGRAM.**

4 (a) CORRECTION OF DESCRIPTION OF GEOGRAPHIC
5 UNIT.—Section 2413(c) of title 10, United States Code,
6 is amended by striking out “region” and inserting in lieu
7 thereof “district”.

8 (b) ALLOCATION OF FUNDS.—(1) Section 2415 of
9 title 10, United States Code, is repealed.

10 (2) The table of sections at the beginning of chapter
11 142 of such title is amended by striking the item relating
12 to section 2415.

13 **SEC. 805. DEFENSE COMMERCIAL PRICING MANAGEMENT**
14 **IMPROVEMENT.**

15 (a) SHORT TITLE.—This section may be cited as the
16 “Defense Commercial Pricing Management Improvement
17 Act of 1998”.

18 (b) COMMERCIAL ITEMS EXEMPT FROM COST OR
19 PRICING DATA CERTIFICATION REQUIREMENTS.—For
20 the purposes of this section, the term “exempt item”
21 means a commercial item that is exempt under subsection
22 (b)(1)(B) of section 2306a of title 10, United States Code,
23 from the requirements for submission of certified cost or
24 pricing data under that section.

25 (c) COMMERCIAL PRICING REGULATIONS.—(1) The
26 Secretary of Defense, in consultation with the Adminis-

1 trator for Federal Procurement Policy, shall prescribe reg-
2 ulations that clarify the procedures and methods to be
3 used for determining the reasonableness of prices of ex-
4 empt items.

5 (2) The regulations shall, at a minimum, provide spe-
6 cific guidance on—

7 (A) the appropriate application and precedence
8 of such price analysis tools as catalog-based pricing,
9 market-based pricing, historical pricing, parametric
10 pricing, and value analysis;

11 (B) the circumstances under which contracting
12 officers should require offerors of exempt items to
13 provide—

14 (i) uncertified cost or pricing data; or

15 (ii) information on prices at which the of-
16 feror has previously sold the same or similar
17 items;

18 (C) the role and responsibility of Department of
19 Defense support organizations, such as the Defense
20 Contract Audit Agency, in procedures for determin-
21 ing price reasonableness; and

22 (D) the meaning and appropriate application of
23 the term “purposes other than governmental pur-
24 poses” in section 4(12) of the Office of Federal Pro-
25 curement Policy Act (41 U.S.C. 403(12)).

1 (3) This subsection shall cease to be effective one
2 year after the date on which final regulations prescribed
3 pursuant to paragraph (1) take effect.

4 (d) UNIFIED MANAGEMENT OF PROCUREMENT OF
5 EXEMPT COMMERCIAL ITEMS.—The Secretary of Defense
6 shall develop and implement procedures to ensure that, to
7 the maximum extent that is practicable and consistent
8 with the efficient operation of the Department of Defense,
9 a single item manager or contracting officer is responsible
10 for negotiating and entering into all contracts for the pro-
11 curement of exempt items from a single contractor.

12 (e) COMMERCIAL PRICE TREND ANALYSIS.—(1) The
13 Secretary of Defense shall develop and implement proce-
14 dures that, to the maximum extent that is practicable and
15 consistent with the efficient operation of the Department
16 of Defense, provide for the collection and analysis of infor-
17 mation on price trends for categories of exempt items de-
18 scribed in paragraph (2).

19 (2) A category of exempt items referred to in para-
20 graph (1) consists of exempt items—

21 (A) that are in a single Federal Supply Group
22 or Federal Supply Class, are provided by a single
23 contractor, or are otherwise logically grouped for the
24 purpose of analyzing information on price trends;
25 and

1 (B) for which there is a potential for the price
2 paid to be significantly higher (on a percentage
3 basis) than the prices previously paid in procure-
4 ments of the same or similar items for the Depart-
5 ment of Defense, as determined by the head of the
6 procuring Department of Defense agency or the Sec-
7 retary of the procuring military department on the
8 basis of criteria prescribed by the Secretary of De-
9 fense.

10 (3) The head of a Department of Defense agency or
11 the Secretary of a military department shall take appro-
12 priate action to address any unreasonable escalation in
13 prices being paid for items procured by that agency or
14 military department as identified in an analysis conducted
15 pursuant to paragraph (1).

16 (4)(A) Not later than 180 days after the date of the
17 enactment of this Act, the Under Secretary of Defense for
18 Acquisition and Technology shall submit to the congres-
19 sional defense committees a report describing the proce-
20 dures prescribed under paragraph (1), including a descrip-
21 tion of the criteria established for the selection of cat-
22 egories of exempt items for price trend analysis.

23 (B) Not later than April 1 of each of fiscal years
24 2000, 2001, and 2002, the Under Secretary of Defense
25 for Acquisition and Technology shall submit to the con-

1 gressional defense committees a report on the analyses of
2 price trends that were conducted for categories of exempt
3 items during the preceding fiscal year under the proce-
4 dures prescribed pursuant to paragraph (1). The report
5 shall include a description of the actions taken to identify
6 and address any unreasonable price escalation for the cat-
7 egories of items.

8 (f) SECRETARY OF DEFENSE TO ACT THROUGH
9 UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND
10 TECHNOLOGY.—The Secretary of Defense shall act
11 through the Under Secretary of Defense for Acquisition
12 and Technology to carry out subsections (d) and (e).

13 **SEC. 806. DEPARTMENT OF DEFENSE PURCHASES**
14 **THROUGH OTHER AGENCIES.**

15 (a) EXTENSION OF REGULATIONS.—Not later than
16 three months after the date of the enactment of this Act,
17 the Secretary of Defense shall revise the regulations issued
18 pursuant to section 844 of the National Defense Author-
19 ization Act for Fiscal Year 1994 (Public Law 103–160;
20 107 Stat. 1720; 31 U.S.C. 1535 note) to cover all pur-
21 chases of goods and services by the Department of De-
22 fense under contracts entered into or administered by any
23 other agency pursuant to the authority of section 2304a
24 of title 10, United States Code, or section 303H of the

1 Federal Property and Administrative Services Act (41
2 U.S.C. 253h).

3 (b) TERMINATION.—This section shall cease to be ef-
4 fective 1 year after the date on which final regulations
5 prescribed pursuant to subsection (a) take effect.

6 **SEC. 807. SUPERVISION OF DEFENSE ACQUISITION UNI-**
7 **VERSITY STRUCTURE BY UNDER SECRETARY**
8 **OF DEFENSE FOR ACQUISITION AND TECH-**
9 **NOLOGY.**

10 Section 1702 of title 10, United States Code, is
11 amended by adding at the end the following: “The Under
12 Secretary shall prescribe policies and requirements for the
13 educational programs of the defense acquisition university
14 structure established under section 1746 of this title.”.

15 **SEC. 808. REPEAL OF REQUIREMENT FOR DIRECTOR OF**
16 **ACQUISITION EDUCATION, TRAINING, AND**
17 **CAREER DEVELOPMENT TO BE WITHIN THE**
18 **OFFICE OF THE UNDER SECRETARY OF DE-**
19 **FENSE FOR ACQUISITION AND TECHNOLOGY.**

20 Section 1703 of title 10, United States Code, is
21 amended by striking out “within the office of the Under
22 Secretary”.

1 **SEC. 809. ELIGIBILITY OF INVOLUNTARILY DOWNGRADED**
2 **EMPLOYEE FOR MEMBERSHIP IN AN ACQUI-**
3 **SITION CORPS.**

4 Section 1732(c) of title 10, United States Code, is
5 amended by adding at the end the following new para-
6 graph:

7 “(3) Paragraph (1) of subsection (b) shall not apply
8 to an employee who—

9 “(A) having previously served in a position
10 within a grade referred to in subparagraph (A) of
11 that paragraph, is currently serving in the same po-
12 sition within a grade below GS-13, or in another po-
13 sition within that grade, by reason of a reduction in
14 force or the closure or realignment of a military in-
15 stallation, or for any other reason other by reason
16 of an adverse personnel action for cause; and

17 “(B) except as provided in paragraphs (1) and
18 (2), satisfies the educational, experience, and other
19 requirements prescribed under paragraphs (2), (3),
20 and (4) of that subsection.”.

21 **SEC. 810. PILOT PROGRAMS FOR TESTING PROGRAM MAN-**
22 **AGER PERFORMANCE OF PRODUCT SUPPORT**
23 **OVERSIGHT RESPONSIBILITIES FOR LIFE**
24 **CYCLE OF ACQUISITION PROGRAMS.**

25 (a) DESIGNATION OF PILOT PROGRAMS.—The Sec-
26 retary of Defense, acting through the Secretaries of the

1 military departments, shall designate 10 acquisition pro-
2 grams of the military departments as pilot programs on
3 program manager responsibility for product support.

4 (b) RESPONSIBILITIES OF PROGRAM MANAGERS.—

5 The program manager for each acquisition program des-
6 ignated as a pilot program under this section shall have
7 the responsibility for ensuring that the product support
8 functions for the program are properly carried out over
9 the entire life cycle of the program.

10 (c) REPORT.—Not later than February 1, 1999, the
11 Secretary of Defense shall submit to the congressional de-
12 fense committees a report on the pilot programs. The re-
13 port shall contain the following:

14 (1) A description of the acquisition programs
15 designated as pilot programs under subsection (a).

16 (2) For each such acquisition program, the spe-
17 cific management actions taken to ensure that the
18 program manager has the responsibility for oversight
19 of the performance of the product support functions.

20 (3) Any proposed change to law, policy, regula-
21 tion, or organization that the Secretary considers de-
22 sirable, and determines feasible to implement, for
23 ensuring that the program managers are fully re-
24 sponsible under the pilot programs for the perform-
25 ance of all such responsibilities.

1 **SEC. 811. SCOPE OF PROTECTION OF CERTAIN INFORMA-**
2 **TION FROM DISCLOSURE.**

3 Section 2371(i)(2)(A) of title 10, United States Code,
4 is amended by striking out “cooperative agreement that
5 includes a clause described in subsection (d)” and insert-
6 ing in lieu thereof “cooperative agreement for performance
7 of basic, applied, or advanced research authorized by sec-
8 tion 2358 of this title”.

9 **TITLE IX—DEPARTMENT OF DE-**
10 **FENSE ORGANIZATION AND**
11 **MANAGEMENT**

12 **SEC. 901. REDUCTION IN NUMBER OF ASSISTANT SEC-**
13 **RETARY OF DEFENSE POSITIONS.**

14 (a) NINE POSITIONS.—Section 138(a) of title 10,
15 United States Code, is amended by striking out “ten” and
16 insert in lieu thereof “nine”.

17 (b) CONFORMING AMENDMENT.—The item relating
18 to the Assistant Secretaries of Defense in section 5315
19 of title 5, United States Code, is amended to read as fol-
20 lows:

21 “Assistant Secretaries of Defense (9).”.

1 **SEC. 902. RENAMING OF POSITION OF ASSISTANT SEC-**
2 **RETARY OF DEFENSE FOR COMMAND, CON-**
3 **TROL, COMMUNICATIONS, AND INTEL-**
4 **LIGENCE.**

5 Section 138(b)(3) of title 10, United States Code is
6 amended to read as follows:

7 “(3) One of the Assistant Secretaries shall be the As-
8 sistant Secretary of Defense for Space and Information
9 Superiority. The Assistant Secretary—

10 “(A) shall have as his principal duty the overall
11 supervision of the functions of the Department of
12 Defense that relate to space, intelligence, informa-
13 tion security, information operations, command, con-
14 trol, communications, computers, surveillance, recon-
15 naissance, and electromagnetic spectrum; and

16 “(B) shall be the Chief Information Officer of
17 the Department of Defense.”.

18 **SEC. 903. AUTHORITY TO EXPAND THE NATIONAL DE-**
19 **FENSE UNIVERSITY.**

20 Section 2165(b) of title 10, United States Code, is
21 amended by adding at the end the following:

22 “(7) Any other educational institution of the
23 Department of Defense that the Secretary considers
24 appropriate and designates as an institution of the
25 university.”.

1 **SEC. 904. REDUCTION IN DEPARTMENT OF DEFENSE**
2 **HEADQUARTERS STAFF.**

3 (a) **REDUCTION REQUIRED.**—(1) The Secretary of
4 Defense shall reduce the number of Federal Government
5 employees and members of the Armed Forces on the head-
6 quarters staffs of Department of Defense organizations in
7 accordance with this section. The Secretary shall achieve
8 the required reductions not later than September 30,
9 2003.

10 (2) The total number of Federal Government employ-
11 ees and members of the Armed Forces on the head-
12 quarters staffs of all organizations within a category of
13 organizations described in paragraph (4) shall be reduced
14 below the baseline number for the category by the percent-
15 age specified for the category in that paragraph. In the
16 administration of this section, the number of employees
17 employed on a basis other than a full time basis shall be
18 converted to, and expressed as, the equivalent number of
19 full time employees.

20 (3) For the purposes of this subsection, the baseline
21 number for the organizations in a category is the total
22 number of Federal Government employees and members
23 of the Armed Forces on the headquarters staffs of those
24 organizations on October 1, 1996.

1 (4) The categories of organizations, and the percent-
2 ages applicable under paragraph (1) to the organizations
3 in such categories, are as follows:

4 (A) The Office of the Secretary of Defense and
5 associated activities, a reduction of 33 percent.

6 (B) Defense agencies, a reduction of 21 per-
7 cent.

8 (C) Department of Defense field activities and
9 other operating organizations reporting to the Office
10 of the Secretary of Defense, a reduction of 36 per-
11 cent.

12 (D) The Joint Staff and associated activities, a
13 reduction of 29 percent.

14 (E) The headquarters of the combatant com-
15 mands and associated activities, a reduction of 7
16 percent.

17 (F) Other headquarters elements (including the
18 headquarters of the military departments and their
19 major commands) and associated activities, a reduc-
20 tion of 29 percent.

21 (b) LIMITED RELIEF FROM PROHIBITION ON MAN-
22 AGING BY END-STRENGTH.—(1) The Secretary may waive
23 the requirements and restrictions of section 129 of title
24 10, United States Code, for an organization or activity
25 covered by subsection (a) to the extent that the Secretary

1 determines necessary to achieve the personnel reductions
2 required by that subsection.

3 (2) Not later than 30 days after exercising the waiver
4 authority under paragraph (1) in the case of an organiza-
5 tion or activity, the Secretary shall notify the congres-
6 sional defense committees of the scope and duration of the
7 waiver and the reasons for granting the waiver.

8 (c) MANAGEMENT BY BUDGET.—(1) The Secretary
9 shall waive the requirement under subsection (a) to reduce
10 the number of personnel on the headquarters staff of an
11 organization or activity if the Secretary determines that
12 the budget authority available for the organization or ac-
13 tivity for fiscal year 2003 has been reduced below the
14 budget authority available for the organization or activity
15 for fiscal year 1996 by at least the percentage equal to
16 one-fifth of the percentage specified in subsection (a)(4)
17 for the category of the organization or activity.

18 (2) In this subsection, the term “budget authority”
19 has the meaning given that term in section 3(2)(A) of the
20 Congressional Budget Act of 1974 (2 U.S.C. 622(2)(A)).

21 (d) JOINT AND DEFENSE-WIDE ACTIVITIES.—If the
22 Secretary consolidates functions in a Department of De-
23 fense-wide or joint organization or activity described in
24 subparagraph (A), (B), (C), (D), or (E) of subsection
25 (a)(4) in order to meet the requirement for reduction in

1 the personnel of the other headquarters (including the
2 headquarters of the military departments and their major
3 commands) referred to in subparagraph (F) of such sub-
4 section, the Secretary may apply to that organization or
5 activity, instead of the percentage that would otherwise
6 apply under such subsection, a lesser percentage that is
7 appropriate to reflect the increased responsibilities of the
8 organization or activity.

9 (e) REPORT.—Not later than March 1, 1999, the
10 Secretary of Defense shall submit to the congressional de-
11 fense committees a report containing a plan to implement
12 the personnel reductions required by this section.

13 (f) CATEGORIES DEFINED.—In this section:

14 (1) The term “Office of the Secretary of De-
15 fense and associated activities” means the following
16 organizations and activities:

17 (A) The Office of the Secretary of Defense,
18 as defined in section 131 of title 10, United
19 States Code.

20 (B) The defense support activities that
21 perform technical and analytical support for the
22 Office of the Secretary of Defense.

23 (2) The term “defense agencies” means the fol-
24 lowing organizations and activities:

1 (A) The Ballistic Missile Defense Organi-
2 zation.

3 (B) The Defense Advanced Research
4 Projects Agency.

5 (C) The Defense Commissary Agency.

6 (D) The Defense Contract Audit Agency.

7 (E) The Defense Finance and Accounting
8 Services.

9 (F) The Defense Information Systems
10 Agency.

11 (G) The Defense Legal Services Agency.

12 (H) The Defense Logistics Agency.

13 (I) The Defense Security Assistance Agen-
14 cy.

15 (J) The Defense Security Service.

16 (K) The Defense Special Weapons Agency.

17 (L) The On-Site Inspection Agency.

18 (M) The Treaty Compliance and Threat
19 Reduction Agency.

20 (3) The term “Department of Defense field ac-
21 tivities and other operating organizations reporting
22 to the Office of the Secretary of Defense” means the
23 following organizations and activities:

24 (A) The American Forces Information
25 Service.

- 1 (B) The TRICARE Support Office.
- 2 (C) The Office of Economic Adjustment.
- 3 (D) The Department of Defense Education
4 Activity.
- 5 (E) Washington Headquarters Services.
- 6 (F) The Department of Defense Human
7 Resources Activity.
- 8 (G) The Defense Prisoner of War/Missing
9 Personnel Office.
- 10 (H) The Defense Medical Programs Activ-
11 ity.
- 12 (I) The Defense Technology Security Ad-
13 ministration.
- 14 (J) The C4I Support Activity.
- 15 (K) The Plans and Program Analysis Sup-
16 port Center.
- 17 (L) The Defense Airborne Reconnaissance
18 Office.
- 19 (M) The Defense Acquisition University.
- 20 (N) The Director of Military Support.
- 21 (O) The Defense Technical Information
22 Center.
- 23 (P) The National Defense University.

1 (4) The term “Joint Staff and associated activi-
2 ties” means the following organizations and activi-
3 ties:

4 (A) The Joint Staff referred to in section
5 155 of title 10, United States Code.

6 (B) Department of Defense activities that
7 are controlled by the Chairman of the Joint
8 Chiefs of Staff and report directly to the Joint
9 Staff.

10 (5) The term “headquarters of the combatant
11 commands” means the headquarters of the combat-
12 ant commands, as defined in section 161(c)(3) of
13 title 10, United States Code.

14 (6) The term “other headquarters elements (in-
15 cluding the headquarters of the military departments
16 and their major commands)” means the following
17 organizations and activities:

18 (A) The military department headquarters
19 listed and defined in Department of Defense
20 Directive 5100.73, “Department of Defense
21 Management Headquarters and Headquarters
22 Support Activities”, as in effect on November
23 12, 1996.

24 (B) Other military headquarters elements
25 defined in such directive that are not otherwise

1 covered by paragraphs (1), (2), (3), (4), and
2 (5).

3 (g) REPEAL OF SUPERSEDED PROVISIONS.—(1) Sec-
4 tions 130a and 194 of title 10, United States Code, are
5 repealed.

6 (2)(A) The table of sections at the beginning of chap-
7 ter 3 of such title is amended by striking out the item
8 relating to section 130a.

9 (B) The table of sections at the beginning of chapter
10 8 of such title is amended by striking out the item relating
11 to section 194.

12 **SEC. 905. PERMANENT REQUIREMENT FOR QUADRENNIAL**
13 **DEFENSE REVIEW.**

14 (a) REVIEW REQUIRED.—Chapter 2 of title 10,
15 United States Code, is amended by inserting after section
16 116 the following:

17 **“§ 117. Quadrennial defense review**

18 “(a) REVIEW REQUIRED.—The Secretary of Defense,
19 in consultation with the Chairman of the Joint Chiefs of
20 Staff, shall conduct in each year in which a President is
21 inaugurated a comprehensive examination of the defense
22 strategy, force structure, force modernization plans, infra-
23 structure, budget plan, and other elements of the defense
24 program and policies with a view toward determining and
25 expressing the defense strategy of the United States and

1 establishing a revised defense plan for the ensuing 10
2 years and a revised defense plan for the ensuing 20 years.

3 “(b) CONSIDERATION OF REPORTS OF NATIONAL
4 DEFENSE PANEL.—In conducting the review, the Sec-
5 retary shall take into consideration the reports of the Na-
6 tional Defense Panel submitted under section 181(d) of
7 this title.

8 “(c) REPORT TO CONGRESS.—The Secretary shall
9 submit a report on each review to the Committee on
10 Armed Services of the Senate and the Committee on Na-
11 tional Security of the House of Representatives not later
12 than September 30 of the year in which the review is con-
13 ducted. The report shall include the following:

14 “(1) The results of the review, including a com-
15 prehensive discussion of the defense strategy of the
16 United States and the force structure best suited to
17 implement that strategy.

18 “(2) The threats examined for purposes of the
19 review and the scenarios developed in the examina-
20 tion of such threats.

21 “(3) The assumptions used in the review, in-
22 cluding assumptions relating to the cooperation of
23 allies and mission-sharing, levels of acceptable risk,
24 warning times, and intensity and duration of con-
25 flict.

1 “(4) The effect on the force structure of prep-
2 arations for and participation in peace operations
3 and military operations other than war.

4 “(5) The effect on the force structure of the
5 utilization by the Armed Forces of technologies an-
6 ticipated to be available for the ensuing 10 years
7 and technologies anticipated to be available for the
8 ensuing 20 years, including precision guided muni-
9 tions, stealth, night vision, digitization, and commu-
10 nications, and the changes in doctrine and oper-
11 ational concepts that would result from the utiliza-
12 tion of such technologies.

13 “(6) The manpower and sustainment policies
14 required under the defense strategy to support en-
15 gagement in conflicts lasting more than 120 days.

16 “(7) The anticipated roles and missions of the
17 reserve components in the defense strategy and the
18 strength, capabilities, and equipment necessary to
19 assure that the reserve components can capably dis-
20 charge those roles and missions.

21 “(8) The appropriate ratio of combat forces to
22 support forces (commonly referred to as the “tooth-
23 to-tail” ratio) under the defense strategy, including,
24 in particular, the appropriate number and size of

1 headquarter units and Defense Agencies for that
2 purpose.

3 “(9) The air-lift and sea-lift capabilities re-
4 quired to support the defense strategy.

5 “(10) The forward presence, pre-positioning,
6 and other anticipatory deployments necessary under
7 the defense strategy for conflict deterrence and ade-
8 quate military response to anticipated conflicts.

9 “(11) The extent to which resources must be
10 shifted among two or more theaters under the de-
11 fense strategy in the event of conflict in such thea-
12 ters.

13 “(12) The advisability of revisions to the Uni-
14 fied Command Plan as a result of the defense strat-
15 egy.

16 “(13) Any other matter the Secretary considers
17 appropriate.”.

18 (b) NATIONAL DEFENSE PANEL.—Chapter 7 of such
19 title is amended by adding at the end the following:

20 **“§ 181. National Defense Panel**

21 “(a) ESTABLISHMENT.—Not later than January 1 of
22 each year immediately preceding a year in which a Presi-
23 dent is to be inaugurated, the Secretary of Defense shall
24 establish a nonpartisan, independent panel to be known

1 as the National Defense Panel. The Panel shall have the
2 duties set forth in this section.

3 “(b) MEMBERSHIP.—The Panel shall be composed of
4 a chairman and eight other individuals appointed by the
5 Secretary, in consultation with the chairman and ranking
6 member of the Committee on Armed Services of the Sen-
7 ate and the chairman and ranking member of the Commit-
8 tee on National Security of the House of Representatives,
9 from among individuals in the private sector who are rec-
10 ognized experts in matters relating to the national security
11 of the United States.

12 “(c) DUTIES.—The Panel shall—

13 “(1) conduct and submit to the Secretary of
14 Defense and to the Committee on Armed Services of
15 the Senate and the Committee on National Security
16 of the House of Representatives a comprehensive as-
17 sessment of the defense strategy, force structure,
18 force modernization plans, infrastructure, budget
19 plan, and other elements of the defense program and
20 policies with a view toward recommending a defense
21 strategy of the United States and a revised defense
22 plan for the ensuing 10 years and a revised defense
23 plan for the ensuing 20 years; and

1 “(2) identify issues that the Panel recommends
2 for assessment during the next review to be con-
3 ducted under section 117 of this title.

4 “(d) REPORT.—(1) The Panel, in the year that it is
5 conducting an assessment under subsection (c), shall sub-
6 mit to the Secretary of Defense and to the Committee on
7 Armed Services of the Senate and the Committee on Na-
8 tional Security of the House of Representatives two re-
9 ports on its activities and the findings and recommenda-
10 tions of the Panel, including any recommendations for leg-
11 islation that the Panel considers appropriate, as follows:

12 “(A) An interim report not later than July 1 of
13 the year.

14 “(B) A final report not later than December 1
15 of the year.

16 “(2) Not later than December 15 of the year in which
17 the Secretary receive a final report under paragraph
18 (1)(B), the Secretary shall submit to the committees re-
19 ferred to in subsection (b) a copy of the report together
20 with the Secretary’s comments on the report.

21 “(e) INFORMATION FROM FEDERAL AGENCIES.—
22 The Panel may secure directly from the Department of
23 Defense and any of its components and from any other
24 Federal department and agency such information as the
25 Panel considers necessary to carry out its duties under

1 this section. The head of the department or agency con-
2 cerned shall ensure that information requested by the
3 Panel under this subsection is promptly provided.

4 “(f) PERSONNEL MATTERS.—(1) Each member of
5 the Panel shall be compensated at a rate equal to the daily
6 equivalent of the annual rate of basic pay prescribed for
7 level IV of the Executive Schedule under section 5315 of
8 title 5 for each day (including travel time) during which
9 the member is engaged in the performance of the duties
10 of the Panel.

11 “(2) The members of the Panel shall be allowed travel
12 expenses, including per diem in lieu of subsistence, at
13 rates authorized for employees of agencies under sub-
14 chapter I of chapter 57 of title 5 while away from their
15 homes or regular places of business in the performance
16 of services for the Panel.

17 “(3)(A) The chairman of the Panel may, without re-
18 gard to the civil service laws and regulations, appoint and
19 terminate an executive director and a staff if the Panel
20 determines that an executive director and staff are nec-
21 essary in order for the Panel to perform its duties effec-
22 tively. The employment of an executive director shall be
23 subject to confirmation by the Panel.

24 “(B) The chairman may fix the compensation of the
25 executive director without regard to the provisions of

1 chapter 51 and subchapter III of chapter 53 of title 5 re-
2 lating to classification of positions and General Schedule
3 pay rates, except that the rate of pay for the executive
4 director may not exceed the rate payable for level V of
5 the Executive Schedule under section 5316 of such title.

6 “(4) Any Federal Government employee may be de-
7 tailed to the Panel without reimbursement of the employ-
8 ee’s agency, and such detail shall be without interruption
9 or loss of civil service status or privilege. The Secretary
10 shall ensure that sufficient personnel are detailed to the
11 Panel to enable the Panel to carry out its duties effec-
12 tively.

13 “(5) To the maximum extent practicable, the mem-
14 bers and employees of the Panel shall travel on military
15 aircraft, military ships, military vehicles, or other military
16 conveyances when travel is necessary in the performance
17 of a duty of the Panel, except that no such aircraft, ship,
18 vehicle, or other conveyance may be scheduled primarily
19 for the transportation of any such member or employee
20 when the cost of commercial transportation is less expen-
21 sive.

22 “(g) ADMINISTRATIVE PROVISIONS.—(1) The Panel
23 may use the United States mails and obtain printing and
24 binding services in the same manner and under the same

1 conditions as other departments and agencies of the Fed-
2 eral Government.

3 “(2) The Secretary shall furnish the Panel any ad-
4 ministrative and support services requested by the Panel.

5 “(3) The Panel may accept, use, and dispose of gifts
6 or donations of services or property.

7 “(h) PAYMENT OF PANEL EXPENSES.—The com-
8 pensation, travel expenses, and per diem allowances of
9 members and employees of the Panel shall be paid out of
10 funds available to the Department of Defense for the pay-
11 ment of compensation, travel allowances, and per diem al-
12 lowances, respectively, of civilian employees of the Depart-
13 ment. The other expenses of the Panel shall be paid out
14 of funds available to the Department for the payment of
15 similar expenses incurred by the Department.

16 “(i) TERMINATION.—The Panel shall terminate at
17 the end of the year following the year in which the Panel
18 submits its final report under subsection (d)(1)(B). For
19 the period that begins 90 days after the date of submittal
20 of the report, the activities and staff of the panel shall
21 be reduced to a level that the Secretary of Defense consid-
22 ers sufficient to continue the availability of the panel for
23 consultation with the Secretary of Defense and with the
24 Committee on Armed Services of the Senate and the Com-

1 mittee on National Security of the House of Representa-
2 tives.”.

3 (c) CLERICAL AMENDMENTS.—(1) The table of sec-
4 tions at the beginning of chapter 2 of title 10, United
5 States Code, is amended by inserting after the item relat-
6 ing to section 116 the following:

“117. Quadrennial defense review.”.

7 (2) The table of sections at the beginning of chapter
8 7 of such title is amended by adding at the end the follow-
9 ing:

“181. National Defense Panel.”.

10 (d) CONTINUATION OF 1997 NATIONAL DEFENSE
11 PANEL.—Section 924(j) of the Military Force Structure
12 Review Act of 1996 (subtitle B of title IX of Public Law
13 104–201; 110 Stat. 2626; 10 U.S.C. 111 note) is amended
14 to read as follows:

15 “(j) TERMINATION.—The Panel shall continue until
16 the first National Defense Panel is established under sec-
17 tion 181(a) of title 10, United States Code, and shall then
18 terminate. The activities and staff of the panel shall be
19 reduced to a level that the Secretary of Defense considers
20 sufficient to continue the availability of the panel for con-
21 sultation with the Secretary of Defense and with the Com-
22 mittee on Armed Services of the Senate and the Commit-
23 tee on National Security of the House of Representa-
24 tives.”.

1 **SEC. 906. MANAGEMENT REFORM FOR RESEARCH, DEVELOP-**
2 **MENT, TEST, AND EVALUATION.**

3 (a) REQUIREMENTS FOR ANALYSIS AND PLAN.—(1)

4 The Secretary of Defense, acting through the Under Sec-
5 retary of Defense for Acquisition and Technology, shall
6 analyze the structures and processes of the Department
7 of Defense for management of its laboratories and test
8 and evaluation centers and, taking into consideration the
9 analysis, develop a plan for improving the management of
10 the laboratories and centers. The plan shall include the
11 reorganizations and reforms that the Secretary considers
12 appropriate.

13 (2) The analysis shall include the following:

14 (A) Opportunities to achieve efficiency and re-
15 duce duplication of efforts by consolidating respon-
16 sibilities for research, development, test, and evalua-
17 tion, by area or function, in a military department
18 as a lead agency or executive agent.

19 (B) Reforms of the management processes of
20 Department of Defense laboratories and test and
21 evaluation centers that would reduce costs and in-
22 crease efficiency in the conduct of research, develop-
23 ment, test, and evaluation.

24 (C) Opportunities for Department of Defense
25 laboratories and test and evaluation centers to enter
26 into partnership arrangements with laboratories in

1 industry, academia, and other Federal agencies that
2 demonstrate leadership, initiative, and innovation in
3 research, development, test, and evaluation.

4 (D) The benefits of consolidating test ranges
5 and test facilities under one management structure.

6 (E) Personnel demonstration projects and pilot
7 projects that are being carried out to address the
8 challenges for and constraints on recruitment and
9 retention of scientists and engineers.

10 (F) The extent to which there is disseminated
11 within the Department of Defense laboratories and
12 test and evaluation centers information regarding
13 initiatives that have successfully improved efficiency
14 through reform of management processes and other
15 means.

16 (G) Any cost savings that can be derived di-
17 rectly from reorganization of management struc-
18 tures.

19 (H) Options for reinvesting any such cost sav-
20 ings in the Department of Defense laboratories and
21 test and evaluation centers.

22 (3) The Secretary shall submit the plan required
23 under paragraph (1) to the congressional defense commit-
24 tees not later than 180 days after the date of the enact-
25 ment of this Act.

1 (b) COST-BASED MANAGEMENT INFORMATION SYS-
2 TEM.—(1) The Secretary of Defense shall develop a plan,
3 including a schedule, for establishing a cost-based man-
4 agement information system for Department of Defense
5 laboratories and test and evaluation centers. The system
6 shall provide for accurately identifying and comparing the
7 costs of operating each laboratory and each center.

8 (2) In preparing the plan, the Secretary shall assess
9 the feasibility and desirability of establishing a common
10 methodology for assessing costs. The Secretary shall con-
11 sider the use of a revolving fund as one potential meth-
12 odology.

13 (3) The Secretary shall submit the plan required
14 under paragraph (1) to the congressional defense commit-
15 tees not later than 90 days after the date of the enactment
16 of this Act.

17 **SEC. 907. RESTRUCTURING OF ADMINISTRATION OF FISH-**
18 **ER HOUSES.**

19 (a) ADMINISTRATION AS NONAPPROPRIATED FUND
20 INSTRUMENTALITY.—(1) Chapter 147 of title 10, United
21 States Code, is amended by adding at the end the follow-
22 ing:

1 **“§ 2490b. Fisher Houses: administration as non-**
2 **appropriated fund instrumentality**

3 “(a) FISHER HOUSES AND SUITES.—(1) For the
4 purposes of this section, a Fisher House is a housing facil-
5 ity that—

6 “(A) is located in proximity to a health care fa-
7 cility of the Army, the Air Force, or the Navy;

8 “(B) is available for residential use on a tem-
9 porary basis by patients of that health care facility,
10 members of the families of such patients, and others
11 providing the equivalent of familial support for such
12 patients; and

13 “(C) has been constructed and donated by—

14 “(i) the Zachary and Elizabeth M. Fisher
15 Armed Services Foundation; or

16 “(ii) another source, if the Secretary des-
17 ignates the housing facility as a Fisher House.

18 “(2) For the purposes of this section, a Fisher Suite
19 is one or more rooms that meet the requirements of sub-
20 paragraph (A) and (B) of paragraph (1), are constructed,
21 altered, or repaired and donated by a source described in
22 subparagraph (C) of that paragraph, and are designated
23 by the Secretary concerned as a Fisher Suite.

24 “(b) NONAPPROPRIATED FUND INSTRUMENTAL-
25 ITY.—The Secretary of a military department shall admin-
26 ister all Fisher Houses and Fisher Suites associated with

1 health care facilities of that military department as a non-
2 appropriated fund instrumentality of the United States.

3 “(c) GOVERNANCE.—The Secretary shall establish a
4 system for the governance of the nonappropriated fund in-
5 strumentality.

6 “(d) CENTRAL FUND.—The Secretary shall establish
7 a single fund as the source of funding for the operation,
8 maintenance, and improvement of all Fisher Houses and
9 Fisher Suites of the nonappropriated fund instrumentality.
10 ity.

11 “(e) ACCEPTANCE OF CONTRIBUTIONS AND FEES.—
12 The Secretary of a military department may accept
13 money, property, and services donated for the support of
14 a Fisher House or Fisher Suite, and may impose fees re-
15 lating to the use of the Fisher Houses and Fisher Suites.
16 All monetary donations, and the proceeds of the disposal
17 of any other donated property, accepted by the Secretary
18 under this subsection shall be credited to the fund estab-
19 lished under subsection (d) for the Fisher Houses and
20 Fisher Suites of that military department and shall be
21 available for all Fisher Houses and Fisher Suites of that
22 military department.

23 “(f) ANNUAL REPORT.—Not later than January 15
24 of each year, the Secretary of each military department
25 shall submit a report on Fisher House operations to the

1 Committee on Armed Services of the Senate and the Com-
 2 mittee on National Security of the House of Representa-
 3 tives. The report shall include, at a minimum, the follow-
 4 ing:

5 “(1) The amount in the fund established by the
 6 Secretary for the Fisher Houses and Fisher Suites
 7 under subsection (d), as of October 1 of the previous
 8 year.

9 “(2) The operation of the fund during the fiscal
 10 year ending on the day before that date, including—

11 “(A) all gifts, fees, and interest credited to
 12 the fund; and

13 “(B) the disbursements from the fund.

14 “(3) The budget for the operation of the Fisher
 15 Houses and Fisher Suites for the fiscal year in
 16 which the report is submitted.”.

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

“2490b. Fisher Houses: administration as nonappropriated fund instrumental-
 ity.”.

19 (b) FUNDING TRANSITION.—(1) Not later than 90
 20 days after the date of the enactment of this Act the Sec-
 21 retary of each military department shall—

22 (A) establish the fund required under section
 23 2490b(d) of title 10, United States Code (as added
 24 by subsection (a)); and

1 (B) close the Fisher House trust fund for that
2 department and transfer the amounts in the closed
3 fund to the newly established fund.

4 (2) Of the amounts appropriated for the Navy pursu-
5 ant to section 301, the Secretary of the Navy shall trans-
6 fer to the fund established by the Secretary under section
7 2490b(d) of title 10, United States Code (as added by sub-
8 section (a)) such amount as the Secretary considers appro-
9 priate for establishing in the fund a corpus sufficient for
10 operating Fisher Houses and Fisher Suites of the Navy.

11 (3) Of the amounts appropriated for the Air Force
12 pursuant to section 301, the Secretary of the Air Force
13 shall transfer to the fund established by the Secretary
14 under section 2490b(d) of title 10, United States Code
15 (as added by subsection (a)) such amount as the Secretary
16 considers appropriate for establishing in the fund a corpus
17 sufficient for operating Fisher Houses and Fisher Suites
18 of the Air Force.

19 (4) The Secretary of each military department, upon
20 completing the actions required of the Secretary under the
21 preceding paragraphs of this subsection, shall submit to
22 Congress a report containing—

23 (A) the Secretary's certification that those ac-
24 tions have been completed; and

1 (B) a statement of the amount deposited in the
2 newly established fund.

3 (5) Amounts transferred to a fund established under
4 section 2490b(d) of title 10, United States Code (as added
5 by subsection (a)), shall be available without fiscal year
6 limitation for the purposes for which the fund is estab-
7 lished and shall be administered as nonappropriated
8 funds.

9 (c) CONFORMING REPEALS.—(1) Section 2221 of
10 title 10, United States Code, and the item relating to that
11 section in the table of sections at the beginning of chapter
12 131 of such title, are repealed.

13 (2) Section 1321(a) of title 31, United States Code,
14 is amended by striking out paragraphs (92), (93), and
15 (94).

16 (3) The amendments made by paragraphs (1) and (2)
17 shall take effect 90 days after the date of the enactment
18 of this Act.

19 **TITLE X—GENERAL PROVISIONS**
20 **Subtitle A—Financial Matters**

21 **SEC. 1001. TRANSFER AUTHORITY.**

22 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—
23 (1) Upon determination by the Secretary of Defense that
24 such action is necessary in the national interest, the Sec-
25 retary may transfer amounts of authorizations made avail-

1 able to the Department of Defense in this division for fis-
2 cal year 1999 between any such authorizations for that
3 fiscal year (or any subdivisions thereof). Amounts of au-
4 thorizations so transferred shall be merged with and be
5 available for the same purposes as the authorization to
6 which transferred.

7 (2) The total amount of authorizations that the Sec-
8 retary may transfer under the authority of this section
9 may not exceed \$2,000,000,000.

10 (b) LIMITATIONS.—The authority provided by this
11 section to transfer authorizations—

12 (1) may only be used to provide authority for
13 items that have a higher priority than the items
14 from which authority is transferred; and

15 (2) may not be used to provide authority for an
16 item that has been denied authorization by Con-
17 gress.

18 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
19 transfer made from one account to another under the au-
20 thority of this section shall be deemed to increase the
21 amount authorized for the account to which the amount
22 is transferred by an amount equal to the amount trans-
23 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary shall
2 promptly notify Congress of each transfer made under
3 subsection (a).

4 **SEC. 1002. AUTHORIZATION OF EMERGENCY APPROPRIA-**
5 **TIONS FOR FISCAL YEAR 1999.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
7 are hereby authorized to be appropriated for the Depart-
8 ment of Defense for fiscal year 1999 for incremental costs
9 of operations of the Armed Forces in and around Bosnia
10 and Herzegovina in the total amount of \$1,858,600,000,
11 as follows:

12 (1) For military personnel, in addition to the
13 amounts authorized to be appropriated in title IV of
14 this Act:

15 (A) For the Army, \$297,700,000.

16 (B) For the Navy, \$9,700,000.

17 (C) For the Marine Corps, \$2,700,000.

18 (D) For the Air Force, \$33,900,000.

19 (E) For the Naval Reserve, \$2,200,000.

20 (2) For operation and maintenance for the
21 Overseas Contingency Operations Transfer Fund, in
22 addition to the total amount authorized to be appro-
23 priated for that fund in section 301(a)(25) of this
24 Act, \$1,512,400,000.

1 (b) **TRANSFER AUTHORITY.**—Upon determination by
2 the Secretary of Defense that such action is necessary in
3 the national interest, the Secretary may transfer amounts
4 of authorizations made available to the Department of De-
5 fense in subsection (a)(2) for fiscal year 1999 to any of
6 the authorizations for that fiscal year in section 301.
7 Amounts of authorizations so transferred shall be merged
8 with and be available for the same purposes as the author-
9 ization to which transferred. The transfer authority under
10 this subsection is in addition to any other transfer author-
11 ity provided in this Act.

12 (c) **DESIGNATION AS EMERGENCY.**—Funds author-
13 ized to be appropriated in accordance with subsection (a)
14 are designated as emergency requirements pursuant to
15 section 251(b)(2)(A) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUP-**
18 **PLEMENTAL APPROPRIATIONS FOR FISCAL**
19 **YEAR 1998.**

20 Amounts authorized to be appropriated to the De-
21 partment of Defense for fiscal year 1998 in the National
22 Defense Authorization Act for Fiscal Year 1998 (Public
23 Law 105–85) are hereby adjusted, with respect to any
24 such authorized amount, by the amount by which appro-
25 priations pursuant to such authorization were increased

1 (by a supplemental appropriation) or decreased (by a re-
2 scission), or both, in the 1998 Supplemental Appropria-
3 tions and Rescissions Act (Public Law 105–174).

4 **SEC. 1004. PARTNERSHIP FOR PEACE INFORMATION SYS-**
5 **TEM MANAGEMENT.**

6 Funds authorized to be appropriated under titles II
7 and III of this Act shall be available for Partnership for
8 Peace information management systems as follows:

9 (1) Of the amount authorized to be appro-
10 priated under section 201(4) for Defense-wide activi-
11 ties, \$2,000,000.

12 (2) Of the amount authorized to be appro-
13 priated under section 301 for Defense-wide activi-
14 ties, \$3,000,000.

15 **Subtitle B—Naval Vessels**

16 **SEC. 1011. IOWA CLASS BATTLESHIP RETURNED TO NAVAL**
17 **VESSEL REGISTER.**

18 The U.S.S. Iowa shall be listed, and maintained, on
19 the Naval Vessel Register under section 1011 of the Na-
20 tional Defense Authorization Act for Fiscal Year 1996
21 (Public Law 104–106; 110 Stat. 421) instead of the
22 U.S.S. New Jersey, which shall be stricken from the reg-
23 ister. The preceding sentence does not affect the continued
24 effectiveness of subsection (d) of such section.

1 **SEC. 1012. LONG-TERM CHARTER OF THREE VESSELS IN**
2 **SUPPORT OF SUBMARINE RESCUE, ESCORT,**
3 **AND TOWING.**

4 (a) **AUTHORITY.**—The Secretary of the Navy may
5 enter into one or more long-term charters in accordance
6 with section 2401 of title 10, United States Code, for
7 three vessels to support the rescue, escort, and towing of
8 submarines.

9 (b) **VESSELS AND PERIODS.**—The vessels that may
10 be chartered, and the periods for which the vessels may
11 be chartered, under subsection (a) are as follows:

12 (1) The Carolyn Chouest (United States official
13 number D102057), for any period that ends before
14 October 1, 2012.

15 (2) The Kellie Chouest (United States official
16 number D1038519), for any period that ends before
17 October 1, 2005.

18 (3) The Dolores Chouest (United States official
19 number D600288), for any period that ends before
20 October 1, 2005.

21 (c) **CONDITION ON CHARTER OF ONE VESSEL.**—The
22 charter for the Carolyn Chouest shall include a clause that
23 permits the United States to terminate the charter for the
24 convenience of the United States without any liability for
25 further payment (other than for unpaid amounts due
26 under the charter for periods before the date of the termi-

1 nation) in the event that the need for the vessel under
2 the charter terminates before the end of the charter period
3 by reason of the decommissioning of a submarine research
4 vessel supported under the charter.

5 **SEC. 1013. TRANSFERS OF NAVAL VESSELS TO FOREIGN**
6 **COUNTRIES.**

7 (a) TRANSFERS BY GRANT.—The Secretary of the
8 Navy is authorized to transfer vessels to foreign countries
9 on a grant basis under section 516 of the Foreign Assist-
10 ance Act of 1961 (22 U.S.C. 2321j) as follows:

11 (1) The tank landing ship Newport (LST
12 1179).

13 (2) The civilian crewed ocean surveillance ship
14 Assurance (T-AGOS 5).

15 (3) The frigates Hepburn (FF 1055), W.S.
16 Simms (FF 1059), Paul (FF 1080), and Miller (FF
17 1091).

18 (b) TRANSFERS BY SALE.—The Secretary of the
19 Navy is authorized to transfer vessels to foreign countries
20 on a sales basis under section 21 of the Arms Export Con-
21 trol Act (22 U.S.C. 2761) as follows:

22 (1) The guided missile frigates Duncan (FFG
23 10), Tisdale (FFG 27), and Reid (FFG 30).

24 (2) The dock landing ship Pensacola (LSD 38).

1 (3) The medium floating drydock Competent
2 (AFDM 6).

3 (4) The tank landing ship Peoria (LST 1183).

4 (5) The civilian crewed ocean surveillance ship
5 Triumph (T-AGOS 4).

6 (6) The drydocks Waterford (ARD 5) and
7 Alamagordo (ARDM 2).

8 (7) The unnamed medium floating drydock
9 bearing hull number AFDM 2.

10 (8) The auxiliary repair dock San Onofre (ARD
11 30).

12 (c) TRANSFERS BY LEASE OR SALE.—The Secretary
13 of the Navy is authorized to transfer vessels to foreign
14 countries on a lease basis under section 61 of the Arms
15 Export Control Act (22 U.S.C. 2796) or on a sales basis
16 under section 21 of the Arms Export Control Act (22
17 U.S.C. 2761) as follows:

18 (1) The guided missile destroyers Kidd (DDG
19 993), Callaghan (DDG 994), Scott (DDG 995) and
20 Chandler (DDG 996).

21 (2) The fleet oiler Merrimack (AO 179).

22 (d) FINANCING FOR TRANSFERS BY LEASE.—Section
23 23 of the Arms Export Control Act (22 U.S.C. 2763) may
24 be used to provide financing for any transfer by lease
25 under subsection (c) in the same manner as if such trans-

1 fer were a procurement by the recipient nation of a de-
2 fense article.

3 (e) COSTS OF TRANSFERS.—Any expense incurred by
4 the United States in connection with a transfer authorized
5 by subsection (a), (b), or (c) shall be charged to the recipi-
6 ent (notwithstanding section 516(e)(1) of the Foreign As-
7 sistance Act of 1961 (22 U.S.C. 2321j(e)(1)) in the case
8 of a transfer authorized under subsection (a)).

9 (f) REPAIR AND REFURBISHMENT IN UNITED
10 STATES SHIPYARDS.—The Secretary of the Navy shall re-
11 quire, as a condition of the transfer of a vessel under this
12 section, that the country to which the vessel is transferred
13 have such repair or refurbishment of the vessel as is need-
14 ed, before the vessel joins the naval forces of that country,
15 performed at a shipyard located in the United States, in-
16 cluding a United States Navy shipyard.

17 (g) EXPIRATION OF AUTHORITY.—The authority to
18 transfer vessels under this section shall expire at the end
19 of the two-year period beginning on the date of the enact-
20 ment of this Act, except that a lease entered into during
21 that period under any provision of subsection (c) may be
22 renewed.

1 **Subtitle C—Miscellaneous Report**
2 **Requirements and Repeals**

3 **SEC. 1021. REPEAL OF REPORTING REQUIREMENTS.**

4 (a) REPORTS REQUIRED BY TITLE 10.—

5 (1) HEALTH AND MEDICAL CARE STUDIES AND
6 DEMONSTRATIONS.—Section 1092(a) of title 10,
7 United States Code, is amended by striking out
8 paragraph (3).

9 (2) ANNUAL REPORT ON USE OF MONEY RENT-
10 ALS FOR LEASES OF NON-EXCESS PROPERTY.—Sec-
11 tion 2667(d) of title 10, United States Code, is
12 amended—

13 (A) in paragraph (1)(A)(ii), by striking out
14 “paragraph (4) or (5)” and inserting in lieu
15 thereof “paragraph (3) or (4)”.

16 (B) by striking out paragraph (3); and

17 (C) by redesignating paragraphs (4) and
18 (5) as paragraphs (3) and (4), respectively.

19 (b) REPORT REQUIRED BY MILITARY CONSTRUCTION
20 AUTHORIZATION ACT.—Section 2819 of the National De-
21 fense Authorization Act, Fiscal Year 1989 (Public Law
22 100–456; 102 Stat. 2119; 10 U.S.C. 2391 note,), relating
23 to the Commission on Alternative Utilization of Military
24 Facilities, is amended—

1 (1) in subsection (a) by striking out “(a) ES-
2 TABLISHMENT OF COMMISSION.—”; and

3 (2) by striking out subsections (b) and (c).

4 **SEC. 1022. REPORT ON DEPARTMENT OF DEFENSE FINAN-**
5 **CIAL MANAGEMENT IMPROVEMENT PLAN.**

6 Not later than 60 days after the date on which the
7 Secretary of Defense submits the first biennial financial
8 management improvement plan required by section 2222
9 of title 10, United States Code, the Comptroller General
10 shall submit to Congress an analysis of the plan. The anal-
11 ysis shall include a discussion of the content of the plan
12 and the extent to which the plan—

13 (1) complies with the requirements of such sec-
14 tion 2222; and

15 (2) is a workable plan for addressing the finan-
16 cial management problems of the Department of De-
17 fense.

18 **SEC. 1023. FEASIBILITY STUDY OF PERFORMANCE OF DE-**
19 **PARTMENT OF DEFENSE FINANCE AND AC-**
20 **COUNTING FUNCTIONS BY PRIVATE SECTOR**
21 **SOURCES OR OTHER FEDERAL GOVERNMENT**
22 **SOURCES.**

23 (a) **STUDY REQUIRED.**—The Secretary of Defense
24 shall carry out a study of the feasibility and advisability
25 of selecting on a competitive basis the source or sources

1 for performing the finance and accounting functions of the
2 Department of Defense from among private sector
3 sources, the Defense Finance and Accounting Service of
4 the Department of Defense, the military departments, and
5 other Federal Government agencies.

6 (b) REPORT.—Not later than October 1, 1999, the
7 Secretary shall submit a written report on the results of
8 the study to Congress. The report shall include the follow-
9 ing:

10 (1) A discussion of how the finance and ac-
11 counting functions of the Department of Defense are
12 performed, including the necessary operations, the
13 operations actually performed, the personnel re-
14 quired for the operations, and the core competencies
15 that are necessary for the performance of those
16 functions.

17 (2) A comparison of the performance of the fi-
18 nance and accounting functions by the Defense Fi-
19 nance and Accounting Service with the performance
20 of finance and accounting functions by the other
21 sources referred to in subsection (a) that exemplify
22 the best finance and accounting practices and re-
23 sults, together with a comparison of the costs of the
24 performance of such functions by the Defense Fi-
25 nance and Accounting Service and the estimated

1 costs of the performance of such functions by those
2 other sources.

3 (3) The finance and accounting functions, if
4 any, that are appropriate for performance by those
5 other sources, together with a concept of operations
6 that—

7 (A) specifies the mission;

8 (B) identifies the finance and accounting
9 operations to be performed;

10 (C) describes the work force that is nec-
11 essary to perform those operations;

12 (D) discusses where the operations are to
13 be performed;

14 (E) describes how the operations are to be
15 performed; and

16 (F) discusses the relationship between how
17 the operations are to be performed and the mis-
18 sion.

19 (4) An analysis of how Department of Defense
20 programs or processes would be affected by the per-
21 formance of the finance and accounting functions of
22 the Department of Defense by one or more of those
23 other sources.

24 (5) The status of the efforts within the Depart-
25 ment of Defense to consolidate and eliminate redun-

1 dant finance and accounting systems and to better
2 integrate the automated and manual systems of the
3 department that provide input to financial manage-
4 ment or accounting systems of the department.

5 (6) A description of a feasible and effective
6 process for selecting, on a competitive basis, sources
7 to perform the finance and accounting functions of
8 the Department of Defense from among the sources
9 referred to in subsection (a), including a discussion
10 of the selection criteria considered appropriate.

11 (7) Any recommended policy for selecting
12 sources to perform the finance and accounting func-
13 tions of the Department of Defense on a competitive
14 basis from among the sources referred to in sub-
15 section (a), together with such other recommenda-
16 tions that the Secretary considers appropriate.

17 (8) An analysis of the costs and benefits of the
18 various policies and actions recommended.

19 (9) A discussion of any findings, analyses, and
20 recommendations of the performance of the finance
21 and accounting functions of the Department of De-
22 fense that have been made by the Task Force on
23 Defense Reform appointed by the Secretary of De-
24 fense.

1 (c) MARKET RESEARCH.—In carrying out the study,
2 the Secretary shall perform market research to determine
3 whether the availability of responsible private sector
4 sources of finance and accounting services is sufficient for
5 there to be a reasonable expectation of meaningful com-
6 petition for any contract for the procurement of finance
7 and accounting services for the Department of Defense.

8 **SEC. 1024. REORGANIZATION AND CONSOLIDATION OF OP-**
9 **ERATING LOCATIONS OF THE DEFENSE FI-**
10 **NANCE AND ACCOUNTING SERVICE.**

11 (a) LIMITATION.—No operating location of the De-
12 fense Finance and Accounting Service may be closed be-
13 fore the date that is six months after the date on which
14 the Secretary submits to Congress the plan required by
15 subsection (b).

16 (b) PLAN REQUIRED.—The Secretary of Defense
17 shall submit to Congress a strategic plan for improving
18 the financial management operations at each of the oper-
19 ating locations of the Defense Finance and Accounting
20 Service.

21 (c) CONTENT OF PLAN.—The plan shall include, at
22 a minimum, the following:

23 (1) The workloads that it is necessary to per-
24 form at the operating locations each fiscal year.

1 (2) The capacity and number of operating loca-
2 tions that are necessary for performing the work-
3 loads.

4 (3) A discussion of the costs and benefits that
5 could result from reorganizing the operating loca-
6 tions of the Defense Finance and Accounting Service
7 on the basis of function performed, together with the
8 Secretary's assessment of the feasibility of carrying
9 out such a reorganization.

10 (d) SUBMITTAL OF PLAN.—The plan shall be submit-
11 ted to the Committee on Armed Services of the Senate
12 and the Committee on National Security of the House of
13 Representatives not later than December 15, 1998.

14 **SEC. 1025. REPORT ON INVENTORY AND CONTROL OF MILI-**
15 **TARY EQUIPMENT.**

16 (a) REPORT REQUIRED.—Not later than March 1,
17 1999, the Secretary of Defense shall submit to the Com-
18 mittee on Armed Services of the Senate and the Commit-
19 tee on National Security of the House of Representatives
20 a report on the inventory and control of the military equip-
21 ment of the Department of Defense as of the end of fiscal
22 year 1998. The report shall address the inventories of each
23 of the Army, Navy, Air Force, and Marine Corps sepa-
24 rately.

1 (b) CONTENT.—The report shall include the follow-
2 ing:

3 (1) For each item of military equipment in the
4 inventory, stated by item nomenclature—

5 (A) the quantity of the item in the inven-
6 tory as of the beginning of the fiscal year;

7 (B) the quantity of acquisitions of the item
8 during the fiscal year;

9 (C) the quantity of disposals of the item
10 during the fiscal year;

11 (D) the quantity of losses of the item dur-
12 ing the performance of military missions during
13 the fiscal year; and

14 (E) the quantity of the item in the inven-
15 tory as of the end of the fiscal year.

16 (2) A reconciliation of the quantity of each item
17 in the inventory as of the beginning of the fiscal
18 year with the quantity of the item in the inventory
19 as of the end of fiscal year.

20 (3) For each item of military equipment that
21 cannot be reconciled—

22 (A) an explanation of why the quantities
23 cannot be reconciled; and

1 (B) a discussion of the remedial actions
2 planned to be taken, including target dates for
3 accomplishing the remedial actions.

4 (4) Supporting schedules identifying the loca-
5 tion of each item that are available to Congress or
6 auditors of the Comptroller General upon request.

7 (c) MILITARY EQUIPMENT DEFINED.—For the pur-
8 poses of this section, the term “military equipment”
9 means all equipment that is used in support of military
10 missions and is maintained on the visibility systems of the
11 Army, Navy, Air Force, or Marine Corps.

12 (d) INSPECTOR GENERAL REVIEW.—Not later than
13 June 1, 1999, the Inspector General of the Department
14 of Defense shall review the report submitted to the com-
15 mittees under subsection (a) and shall submit to the com-
16 mittees any comments that the Inspector General consid-
17 ers appropriate.

18 **SEC. 1026. REPORT ON CONTINUITY OF ESSENTIAL OPER-**
19 **ATIONS AT RISK OF FAILURE BECAUSE OF**
20 **COMPUTER SYSTEMS THAT ARE NOT YEAR**
21 **2000 COMPLIANT.**

22 (a) REPORT REQUIRED.—The Secretary of Defense
23 and the Director of Central Intelligence shall jointly sub-
24 mit to the Committee on Armed Services of the Senate
25 and the Committee on National Security of the House of

1 Representatives a report on the plans of the Department
2 of Defense and the intelligence community for ensuring
3 the continuity of performance of essential operations that
4 are at risk of failure because of computer systems and
5 other information and support systems that are not year
6 2000 compliant.

7 (b) CONTENT.—The report shall contain, at a mini-
8 mum, the following:

9 (1) A prioritization of mission critical systems
10 to ensure that the most critical systems have the
11 highest priority for efforts to reprogram computers
12 to be year 2000 compliant.

13 (2) A discussion of the private and other public
14 information and support systems relied on by the
15 national security community, including the intel-
16 ligence community, and the efforts under way to en-
17 sure that those systems are year 2000 compliant.

18 (3) The efforts under way to repair the underly-
19 ing operating systems and infrastructure.

20 (4) The plans for comprehensive testing of De-
21 partment of Defense systems, including simulated
22 operational tests in mission areas.

23 (5) A comprehensive contingency plan, for the
24 entire national security community, which provides
25 for resolving emergencies resulting from a system

1 that is not year 2000 compliant and includes provi-
2 sion for the creation of crisis action teams for use
3 in resolving such emergencies.

4 (6) A discussion of the efforts undertaken to
5 ensure the continued reliability of service on the sys-
6 tems used by the President and other leaders of the
7 United States for communicating with the leaders of
8 other nations.

9 (7) A discussion of the vulnerability of allied
10 armed forces to failure systems that are not, or have
11 critical components that are not, year 2000 compli-
12 ant, together with an assessment of the potential
13 problems for interoperability among the Armed
14 Forces of the United States and allied armed forces
15 because of the potential for failure of such systems.

16 (8) An estimate of the total cost of making the
17 computer systems and other information and sup-
18 port systems comprising the computer networks of
19 the Department of Defense and the intelligence com-
20 munity year 2000 compliant.

21 (c) SUBMITTAL.—The report shall be submitted not
22 later than March 31, 1999, in classified form and, as nec-
23 essary, unclassified form.

24 (d) YEAR 2000 COMPLIANT.—In this section, the
25 term “year 2000 compliant”, with respect to a computer

1 system or any other information or support system, means
2 that the programs of the system correctly recognize dates
3 in years after 1999 as being dates after 1999 for the pur-
4 poses of program functions for which the correct date is
5 relevant to the performance of the functions.

6 **SEC. 1027. REPORTS ON NAVAL SURFACE FIRE-SUPPORT**
7 **CAPABILITIES.**

8 (a) NAVY REPORT.—(1) Not later than March 31,
9 1999, the Secretary of the Navy shall submit to the Com-
10 mittee on Armed Services of the Senate and the Commit-
11 tee on National Security of the House of Representatives
12 a report on battleship readiness for meeting requirements
13 of the Armed Forces for naval surface fire support.

14 (2) The report shall contain the following:

15 (A) The reasons for the Secretary's failure to
16 comply with the requirements of section 1011 of the
17 National Defense Authorization Act for Fiscal Year
18 1996 (Public Law 104–106; 110 Stat. 421) until
19 February 1998.

20 (B) The requirements for Air-Naval Gunfire Li-
21 aison Companies.

22 (C) The plans of the Navy for retaining and
23 maintaining 16-inch ammunition for the main guns
24 of battleships.

1 (D) The plans of the Navy for retaining the
2 hammerhead crane essential for lifting battleship
3 turrets.

4 (E) An estimate of the cost of reactivating
5 Iowa-class battleships for listing on the Naval Vessel
6 Register, restoring the vessels to seaworthiness with
7 operational capabilities necessary to meet require-
8 ments for naval surface fire-support, and maintain-
9 ing the battleships in that condition for continued
10 listing on the register, together with an estimate of
11 the time necessary to reactivate and restore the ves-
12 sels to that condition.

13 (3) The Secretary shall act through the Director of
14 Expeditionary Warfare Division (N85) of the Office of the
15 Chief of Naval Operations in preparing the report.

16 (b) GAO REPORT.—(1) The Comptroller General
17 shall submit to the Committee on Armed Services of the
18 Senate and the Committee on National Security of the
19 House of Representatives a report on the naval surface
20 fire-support capabilities of the Navy.

21 (2) The report shall contain the following:

22 (A) An assessment of the extent of the compli-
23 ance by the Secretary of the Navy with the require-
24 ments of section 1011 of the National Defense Au-

1 thorization Act for Fiscal Year 1996 (Public Law
2 104–106; 110 Stat. 421).

3 (B) The plans of the Navy for executing the
4 naval surface fire-support mission of the Navy.

5 (C) An assessment of the short-term costs and
6 the long-term costs associated with the plans.

7 (D) An assessment of the short-term costs and
8 the long-term costs associated with alternative meth-
9 ods for executing the naval surface fire-support mis-
10 sion of the Navy, including the alternative of re-
11 activating two battleships.

12 **SEC. 1028. REPORT ON ROLES IN DEPARTMENT OF DE-**
13 **FENSE AVIATION ACCIDENT INVESTIGA-**
14 **TIONS.**

15 (a) REPORT REQUIRED.—Not later than March 31,
16 1999, the Secretary of Defense shall submit to Congress
17 a report on the roles of the Office of the Secretary of De-
18 fense and the Joint Staff in the investigation of Depart-
19 ment of Defense aviation accidents.

20 (b) CONTENT OF REPORT.—The report shall include
21 the following:

22 (1) An assessment of whether the Office of the
23 Secretary of Defense and the Joint Staff should
24 have more direct involvement in the investigation of
25 military aviation accidents.

1 (2) The advisability of the Office of the Sec-
2 retary of Defense, the Joint Staff, or another De-
3 partment of Defense entity independent of the mili-
4 tary departments supervising the conduct of aviation
5 accident investigations.

6 (3) An assessment of the minimum training
7 and experience required for aviation accident inves-
8 tigation board presidents and board members.

9 **SEC. 1029. STRATEGIC PLAN FOR EXPANDING DISTANCE**
10 **LEARNING INITIATIVES.**

11 (a) **PLAN REQUIRED.**—The Secretary of Defense
12 shall develop a strategic plan for guiding and expanding
13 distance learning initiatives within the Department of De-
14 fense. The plan shall provide for an expansion of such ini-
15 tiatives over five consecutive fiscal years beginning with
16 fiscal year 2000.

17 (b) **CONTENT OF PLAN.**—The strategic plan shall, at
18 a minimum, contain the following:

19 (1) A statement of measurable goals and objec-
20 tives and outcome-related performance indicators
21 (consistent with section 1115 of title 31, United
22 States Code, relating to agency performance plans)
23 for the development and execution of distance learn-
24 ing initiatives throughout the Department of De-
25 fense.

1 (2) A detailed description of how distance learn-
2 ing initiatives are to be developed and managed
3 within the Department of Defense.

4 (3) An assessment of the estimated costs and
5 the benefits associated with developing and main-
6 taining an appropriate infrastructure for distance
7 learning.

8 (4) A statement of planned expenditures for the
9 investments necessary to build and maintain the in-
10 frastructure.

11 (5) A description of the mechanisms that are to
12 be used to supervise the development and coordina-
13 tion of the distance learning initiatives of the De-
14 partment of Defense.

15 (c) RELATIONSHIP TO EXISTING INITIATIVE.—In de-
16 veloping the strategic plan, the Secretary may take into
17 account the ongoing collaborative effort among the De-
18 partment of Defense, other Federal agencies, and private
19 industry that is known as the Advanced Distribution
20 Learning initiative. However, the Secretary shall ensure
21 that the strategic plan is specifically focused on the train-
22 ing and education goals and objectives of the Department
23 of Defense.

1 (d) SUBMISSION TO CONGRESS.—The Secretary of
2 Defense shall submit the strategic plan to Congress not
3 later than March 1, 1999.

4 **SEC. 1030. REPORT ON INVOLVEMENT OF ARMED FORCES**
5 **IN CONTINGENCY AND ONGOING OPER-**
6 **ATIONS.**

7 (a) REPORT REQUIRED.—Not later than January 31,
8 1999, the Secretary of Defense shall submit to the con-
9 gressional defense committees a report on the involvement
10 of the Armed Forces of the United States in major contin-
11 gency operations and major ongoing operations since the
12 end of the Persian Gulf War, including such operations
13 as the involvement in the Stabilization Force in Bosnia
14 and Herzegovina, Operation Southern Watch, and Oper-
15 ation Northern Watch. The report shall contain the follow-
16 ing:

17 (1) A discussion of the effects of that involve-
18 ment on retention and reenlistment of personnel in
19 the Armed Forces.

20 (2) The extent to which the use of combat sup-
21 port and combat service support personnel and
22 equipment of the Armed Forces in the operations
23 has resulted in shortages of Armed Forces personnel
24 and equipment in other regions of the world.

1 (3) The accounts from which funds have been
2 drawn to pay for the operations and the specific pro-
3 grams for which the funds were available until di-
4 verted to pay for the operations.

5 (4) The vital interests of the United States that
6 are involved in each operation or, if none, the inter-
7 ests of the United States that are involved in each
8 operation and a characterization of those interests.

9 (5) What clear and distinct objectives guide the
10 activities of United States forces in each operation.

11 (6) What the President has identified on the
12 basis of those objectives as the date, or the set of
13 conditions, that defines the end of each operation.

14 (b) FORM OF REPORT.—The report shall be submit-
15 ted in unclassified form, but may also be submitted in a
16 classified form if necessary.

17 (c) MAJOR OPERATION DEFINED.—For the purposes
18 of this section, a contingency operation or an ongoing op-
19 eration is a major contingency operation or a major ongo-
20 ing operation, respectively, if the operation involves more
21 than 500 members of the Armed Forces.

1 **Subtitle D—Other Matters**

2 **SEC. 1041. COOPERATIVE COUNTERPROLIFERATION PRO-**
3 **GRAM.**

4 (a) ASSISTANCE AUTHORIZED.—Subject to sub-
5 section (b), the Secretary of Defense may provide a foreign
6 country or any of its instrumentalities with assistance that
7 the Secretary determines necessary for destroying, remov-
8 ing, or obtaining from that country—

9 (1) weapons of mass destruction; or

10 (2) materials, equipment, or technology related
11 to the delivery or development of weapons of mass
12 destruction.

13 (b) CERTIFICATION REQUIRED.—(1) Not later than
14 15 days before providing assistance under subsection (a)
15 regarding weapons, materials, equipment, or technology
16 referred to in that subsection, the Secretary of Defense
17 shall certify to the congressional defense committees that
18 the weapons, materials, equipment, or technology meet
19 each of the following requirements:

20 (A) The weapons, materials, equipment, or
21 technology are at risk of being sold or otherwise
22 transferred to a restricted foreign state or entity.

23 (B) The transfer of the weapons, materials,
24 equipment, or technology would pose a significant
25 threat to national security interests of the United

1 States or would significantly advance a foreign coun-
2 try's weapon program that threatens national secu-
3 rity interests of the United States.

4 (C) Other options for securing or otherwise pre-
5 venting the transfer of the weapons, materials,
6 equipment, or technology have been considered and
7 rejected as ineffective or inadequate.

8 (2) The Secretary may waive the deadline for submit-
9 ting a certification required under paragraph (1) in any
10 case if the Secretary determines that compliance with the
11 requirement would compromise national security objec-
12 tives of the United States in that case. The Secretary shall
13 promptly notify the Chairman and ranking minority mem-
14 bers of the congressional defense committees regarding the
15 waiver and submit the certification not later than 45 days
16 after completing the action of providing the assistance in
17 the case.

18 (3) No assistance may be provided under subsection
19 (a) in any case unless the Secretary submits the certifi-
20 cation required under paragraph (1) or a notification re-
21 quired under paragraph (2) in such case.

22 (c) ANNUAL REPORTS.—(1) Not later than January
23 30 of each year, the Secretary of Defense shall submit
24 to the congressional defense committees a report on the

1 activities carried out under this section. The first annual
2 report shall be submitted not later than January 30, 2000.

3 (2) Each annual report shall set forth in separate sec-
4 tions for the previous year the following:

5 (A) The assistance provided under this section
6 and the purposes for which provided.

7 (B) The sources of funds for the assistance pro-
8 vided.

9 (C) Any assistance provided for the Department
10 of Defense under this section by any other depart-
11 ment or agency of the Federal Government, together
12 with the source or sources of that assistance.

13 (D) Any other information that the Secretary
14 considers appropriate for informing the appropriate
15 congressional committees about actions taken under
16 this section.

17 (d) DEFINITIONS.—In this section:

18 (1) The term “restricted foreign state or en-
19 tity”, with respect to weapons, materials, equipment,
20 or technology covered by a certification of the Sec-
21 retary of Defense under subsection (b), means—

22 (A) any foreign country the government of
23 which has repeatedly provided support for acts
24 of international terrorism, as determined by the
25 Secretary of State determines under section

1 620A of the Foreign Assistance Act of 1961
2 (22 U.S.C. 2371); or

3 (B) any foreign state or entity that the
4 Secretary of Defense determines would con-
5 stitute a military threat to the territory of the
6 United States, national security interests of the
7 United States, or allies of the United States, if
8 that foreign state or entity were to possess the
9 weapons, materials, equipment, or technology.

10 (2) The term “weapon of mass destruction” has
11 the meaning given that term in section 1402 of the
12 Defense Against Weapons of Mass Destruction Act
13 of 1996 (50 U.S.C. 2302(1)).

14 **SEC. 1042. EXTENSION OF COUNTERPROLIFERATION AU-**
15 **THORITIES FOR SUPPORT OF UNITED NA-**
16 **TIONS SPECIAL COMMISSION ON IRAQ.**

17 Section 1505 of the Weapons of Mass Destruction
18 Control Act of 1992 (title XV of Public Law 102-484;
19 22 U.S.C. 5859a) is amended—

20 (1) in subsection (d)(3), by striking out “or
21 \$15,000,000 for fiscal year 1998” and inserting in
22 lieu thereof “or \$15,000,000 for each of fiscal years
23 1998 and 1999”; and

1 (2) in subsection (f), by striking out “fiscal
2 year 1998” and inserting in lieu thereof “fiscal year
3 1999”.

4 **SEC. 1043. ONE-YEAR EXTENSION OF LIMITATION ON RE-**
5 **TIREMENT OR DISMANTLEMENT OF STRATE-**
6 **GIC NUCLEAR DELIVERY SYSTEMS.**

7 Section 1302 of the National Defense Authorization
8 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
9 1948) is amended—

10 (1) by striking out “during fiscal year 1998”
11 each place it appears and inserting in lieu thereof
12 “during any fiscal year”; and

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

14 “(g) APPLICABILITY TO FISCAL YEARS 1998 and
15 1999.—This section applies to fiscal years 1998 and
16 1999.”.

17 **SEC. 1044. DIRECT-LINE COMMUNICATION BETWEEN**
18 **UNITED STATES AND RUSSIAN COMMANDERS**
19 **OF STRATEGIC FORCES.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that a direct line of communication between the com-
22 manders in chief of the United States Strategic and Space
23 Commands and the Commander of the Russian Strategic
24 Rocket Forces could be a useful confidence-building tool.

1 (b) REPORT.—Not later than two months after the
2 date of the enactment of this Act, the Secretary of Defense
3 shall submit to the Committee on Armed Services of the
4 Senate and to the Committee on National Security of the
5 House of Representatives a report on the feasibility of ini-
6 tiating discussions on direct-line communication described
7 in subsection (a).

8 **SEC. 1045. CHEMICAL WARFARE DEFENSE.**

9 (a) REVIEW AND MODIFICATION OF POLICIES AND
10 DOCTRINE.—The Secretary of Defense shall review the
11 policies and doctrines of the Department of Defense on
12 chemical warfare defense and modify the policies and doc-
13 trine as appropriate to achieve the objectives set forth in
14 subsection (b).

15 (b) OBJECTIVES.—The objectives for the modifica-
16 tion of policies and doctrines of the Department of De-
17 fense on chemical warfare defense are as follows:

18 (1) To provide for adequate protection of per-
19 sonnel from any low-level exposure to a chemical
20 warfare agent that would endanger the health of ex-
21 posed personnel because of the deleterious effects
22 of—

23 (A) a single exposure to the agent;

1 (B) exposure to the agent concurrently
2 with other dangerous exposures, such as expo-
3 sures to—

4 (i) other potentially toxic substances
5 in the environment, including pesticides,
6 other insect and vermin control agents,
7 and environmental pollutants;

8 (ii) low-grade nuclear and electro-
9 magnetic radiation present in the environ-
10 ment;

11 (iii) preventive medications (that are
12 dangerous when taken concurrently with
13 other dangerous exposures referred to in
14 this paragraph); and

15 (iv) occupational hazards, including
16 battlefield hazards; and

17 (C) repeated exposures to the agent, or
18 some combination of one or more exposures to
19 the agent and other dangerous exposures re-
20ferred to in subparagraph (B), over time.

21 (2) To provide for—

22 (A) the prevention of and protection
23 against, and the detection (including confirma-
24tion) of, exposures to a chemical warfare agent
25 (whether intentional or inadvertent) at levels

1 that, even if not sufficient to endanger health
2 immediately, are greater than the level that is
3 recognized under Department of Defense poli-
4 cies as being the maximum safe level of expo-
5 sure to that agent for the general population;
6 and

7 (B) the recording, reporting, coordinating,
8 and retaining of information on possible expo-
9 sures described in subparagraph (A), including
10 the monitoring of the health effects of expo-
11 sures on humans and animals, and the docu-
12 menting and reporting of those health effects
13 specifically by location.

14 (3) Provide solutions for the concerns and mis-
15 sion requirements that are specifically applicable for
16 one or more of the Armed Forces in a protracted
17 conflict when exposures to chemical agents could be
18 complex, dynamic, and occurring over an extended
19 period.

20 (c) RESEARCH PROGRAM.—The Secretary of Defense
21 shall develop and carry out a plan to establish a research
22 program for determining the effects of chronic and low-
23 dose exposures to chemical warfare agents. The research
24 shall be designed to yield results that can guide the Sec-
25 retary in the evolution of policy and doctrine on low-level

1 exposures to chemical warfare agents. The plan shall state
2 the objectives and scope of the program and include a 5-
3 year funding plan.

4 (d) REPORT.—Not later than May 1, 1999, the Sec-
5 retary of Defense shall submit to the Committee on Armed
6 Services of the Senate and the Committee on National Se-
7 curity of the House of Representatives a report on the re-
8 sults of the review under subsection (a) and on the re-
9 search program developed under subsection (c). The re-
10 port shall include the following:

11 (1) Each modification of chemical warfare de-
12 fense policy and doctrine resulting from the review.

13 (2) Any recommended legislation regarding
14 chemical warfare defense.

15 (3) The plan for the research program.

16 **SEC. 1046. ACCOUNTING TREATMENT OF ADVANCE PAY-**
17 **MENT OF PERSONNEL.**

18 (a) TREATMENT.—Section 1006 of title 37, United
19 States Code, is amended by adding at the end the follow-
20 ing:

21 “(1) Notwithstanding any provision of chapter 15 of
22 title 31, an amount paid a member under this section in
23 advance of the fiscal year in which the member’s entitle-
24 ment to that amount accrues—

1 (b) CIVILIAN EMPLOYEES.—Section 1594(d)(1) of
2 title 10, United States Code, is amended to read as fol-
3 lows:

4 “(1) The term ‘financial institution’ means a
5 bank, savings and loan association or similar institu-
6 tion, or a credit union chartered by the United
7 States Government or a State.”.

8 **SEC. 1048. PILOT PROGRAM ON ALTERNATIVE NOTICE OF**
9 **RECEIPT OF LEGAL PROCESS FOR GARNISH-**
10 **MENT OF FEDERAL PAY FOR CHILD SUPPORT**
11 **AND ALIMONY.**

12 (a) PROGRAM REQUIRED.—The Secretary of Defense
13 shall conduct a pilot program on alternative notice proce-
14 dures for withholding or garnishment of pay for the pay-
15 ment of child support and alimony under section 459 of
16 the Social Security Act (42 U.S.C. 659).

17 (b) PURPOSE.—The purpose of the pilot program is
18 to test the efficacy of providing notice in accordance with
19 subsection (c) to the person whose pay is to be withheld
20 or garnisheed.

21 (c) NOTICE REQUIREMENTS.—Under the pilot pro-
22 gram, if an agent designated under paragraph (1) of sec-
23 tion 459(c) of the Social Security Act for members of the
24 Armed Forces or employees of the Department of Defense
25 receives notice or service of a court order, notice to with-

1 hold, or other legal process regarding a child support or
2 alimony obligation of such a member or employee, the
3 agent may omit from the notice that the agent sends to
4 the member or employee under paragraph (2)(A) of that
5 section the copy of the notice or service received by the
6 agent. The agent shall include in the notice, which shall
7 be in writing, the following:

8 (1) A description of the court order, notice to
9 withhold, or other legal process.

10 (2) The identity of the court, administrative
11 agency, or official that issued the order.

12 (3) The case number assigned by the court, ad-
13 ministrative agency, or official.

14 (4) The amount of the obligation.

15 (5) The name of each person for whom the sup-
16 port or alimony is provided.

17 (6) The name, address, and telephone number
18 of the person or office from which a copy of the no-
19 tice or service may be obtained.

20 (d) PERIOD OF PILOT PROGRAM.—The Secretary
21 shall commence the pilot program not later than 90 days
22 after the date of the enactment of this Act. The pilot pro-
23 gram shall terminate on September 30, 2000.

1 (e) REPORT.—Not later than April 1, 2001, the Sec-
2 retary shall submit a report on the pilot program to Con-
3 gress. The report shall contain the following:

4 (1) The number of notices that were issued in
5 accordance with subsection (c) during the period of
6 the pilot program.

7 (2) The number of persons who requested cop-
8 ies of the notice or service of the court order, notice
9 of withholding, or other legal process involved.

10 (3) Any communication received by the Sec-
11 retary or an agent referred to in subsection (c) com-
12 plaining about not being furnished a copy of the no-
13 tice or service of the court order, notice of withhold-
14 ing, or other legal process with the agent’s notice.

15 **SEC. 1049. COSTS PAYABLE TO THE DEPARTMENT OF DE-**
16 **FENSE AND OTHER FEDERAL AGENCIES FOR**
17 **SERVICES PROVIDED TO THE DEFENSE COM-**
18 **MISSARY AGENCY.**

19 (a) LIMITATION.—Section 2482(b)(1) of title 10,
20 United States Code, is amended by adding at the end the
21 following: “However, the Defense Commissary Agency
22 may not pay for any such service any amount that exceeds
23 the price at which the service could be procured in full
24 and open competition (as such term is defined in section

1 4(6) of the Office of Federal Procurement Policy Act (41
2 U.S.C. 403(6)).”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 subsection (a) shall take effect on the date of the enact-
5 ment of this Act and shall apply with respect to services
6 provided or obtained on or after that date.

7 **SEC. 1050. COLLECTION OF DISHONORED CHECKS PRE-**
8 **SENTED AT COMMISSARY STORES.**

9 Section 2486 of title 10, United States Code, is
10 amended by adding at the end the following:

11 “(g) **COLLECTION OF DISHONORED CHECKS.**—(1)
12 The Secretary of Defense may impose a charge for the
13 collection of a check accepted at a commissary store that
14 is not honored by the financial institution on which the
15 check is drawn. The imposition and amounts of charges
16 shall be consistent with practices of commercial grocery
17 stores regarding dishonored checks.

18 “(2)(A) The following persons are liable to the United
19 States for the amount of a check referred to in paragraph
20 (1) that is returned unpaid to the United States, together
21 with any charge imposed under that paragraph:

22 “(i) The person who presented the check.

23 “(ii) Any person whose status and relationship
24 to the person who presented the check provide the

1 basis for that person's eligibility to make purchases
2 at a commissary store.

3 “(B) Any amount for which a person is liable under
4 subparagraph (A) may be collected by deducting and with-
5 holding such amount from any amounts payable to that
6 person by the United States.

7 “(3) Amounts collected as charges imposed under
8 paragraph (1) shall be credited to the commissary trust
9 revolving fund.

10 “(4) Appropriated funds may be used to pay any
11 costs incurred in the collection of checks and charges re-
12 ferred to in paragraph (1). An appropriation account
13 charged a cost under the preceding sentence shall be reim-
14 bursed the amount of that cost out of funds in the com-
15 missary trust revolving fund.

16 “(5) In this subsection, the term ‘commissary trust
17 revolving fund’ means the trust revolving fund maintained
18 by the Department of Defense for surcharge collections
19 and proceeds of sales of commissary stores.”.

20 **SEC. 1051. DEFENSE COMMISSARY AGENCY TELECOMMUNI-**
21 **CATIONS.**

22 (a) USE OF FTS 2000/2001.—The Secretary of De-
23 fense shall prescribe in regulations authority for the De-
24 fense Commissary Agency to meet its telecommunication
25 requirements by obtaining telecommunication services and

1 related items under the FTS 2000/2001 contract through
2 a frame relay system procured for the agency.

3 (b) REPORT.—Upon the initiation of telecommuni-
4 cation service for the Defense Commissary Agency under
5 the FTS 2000/2001 contract through the frame relay sys-
6 tem, the Secretary of Defense shall submit to Congress
7 a notification that the service has been initiated.

8 (c) DEFINITION.—In this section, the term
9 “FTS 2000/2001 contract” means the contract for the
10 provision of telecommunication services for the Federal
11 Government that was entered into by the Defense Infor-
12 mation Technology Contract Organization.

13 **SEC. 1052. RESEARCH GRANTS COMPETITIVELY AWARDED**
14 **TO SERVICE ACADEMIES.**

15 (a) UNITED STATES MILITARY ACADEMY.—(1)
16 Chapter 403 of title 10, United States Code, is amended
17 by adding at the end the following new section:

18 **“§ 4358. Research grants: acceptance, application,**
19 **and use**

20 “(a) ACCEPTANCE OF COMPETITIVELY AWARDED
21 GRANTS.—The Superintendent of the Academy may ac-
22 cept a research grant that is awarded on a competitive
23 basis by a source referred to in subsection (b) for a re-
24 search project that is to be carried out by a professor or

1 instructor of the Academy for a scientific, literary, or edu-
2 cational purpose.

3 “(b) APPLICATION FOR GRANTS.—A professor or in-
4 structor of the Academy, together with the Superintend-
5 ent, may apply for a research grant referred to in sub-
6 section (a) from any corporation, fund, foundation, edu-
7 cational institution, or similar entity that is organized and
8 operated primarily for scientific, literary, or educational
9 purposes.

10 “(c) ADMINISTRATION OF GRANT PROCEEDS.—The
11 Superintendent shall establish a special account for ad-
12 ministering the proceeds of a research grant accepted
13 under subsection (a) and shall use the account for the ad-
14 ministration of such proceeds in accordance with applica-
15 ble regulations and the terms and conditions of the grant.

16 “(d) RELATED EXPENSES.—Subject to such limita-
17 tions as may be provided in appropriations Acts, appro-
18 priations available for the Academy may be used to pay
19 expenses incurred by the Academy in pursuit of an award
20 of a research grant authorized to be accepted under sub-
21 section (a).

22 “(e) REGULATIONS.—The Secretary of the Army
23 shall prescribe in regulations the requirements, restric-
24 tions, and conditions that the Secretary considers appro-

1 piate for the exercise and administration of the authority
2 under this section.”.

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:

“4358. Research grants: acceptance, application, and use.”.

6 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter
7 603 of title 10, United States Code, is amended by adding
8 at the end the following new section:

9 **“§ 6977. Research grants: acceptance, application,
10 and use**

11 “(a) ACCEPTANCE OF COMPETITIVELY AWARDED
12 GRANTS.—The Superintendent of the Academy may ac-
13 cept a research grant that is awarded on a competitive
14 basis by a source referred to in subsection (b) for a re-
15 search project that is to be carried out by a professor or
16 instructor of the Academy for a scientific, literary, or edu-
17 cational purpose.

18 “(b) APPLICATION FOR GRANTS.—A professor or in-
19 structor of the Academy, together with the Superintend-
20 ent, may apply for a research grant referred to in sub-
21 section (a) from any corporation, fund, foundation, edu-
22 cational institution, or similar entity that is organized and
23 operated primarily for scientific, literary, or educational
24 purposes.

1 “(c) ADMINISTRATION OF GRANT PROCEEDS.—The
2 Superintendent shall establish a special account for ad-
3 ministering the proceeds of a research grant accepted
4 under subsection (a) and shall use the account for the ad-
5 ministration of such proceeds in accordance with applica-
6 ble regulations and the terms and conditions of the grant.

7 “(d) RELATED EXPENSES.—Subject to such limita-
8 tions as may be provided in appropriations Acts, appro-
9 priations available for the Academy may be used to pay
10 expenses incurred by the Academy in pursuit of an award
11 of a research grant authorized to be accepted under sub-
12 section (a).

13 “(e) REGULATIONS.—The Secretary of the Navy
14 shall prescribe in regulations the requirements, restric-
15 tions, and conditions that the Secretary considers appro-
16 priate for the exercise and administration of the authority
17 under this section.”.

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:

“6977. Research grants: acceptance, application, and use.”.

21 (c) UNITED STATES AIR FORCE ACADEMY.—(1)
22 Chapter 903 of title 10, United States Code, is amended
23 by adding at the end the following new section:

1 **“§ 9357. Research grants: acceptance, application,**
2 **and use**

3 “(a) ACCEPTANCE OF COMPETITIVELY AWARDED
4 GRANTS.—The Superintendent of the Academy may ac-
5 cept a research grant that is awarded on a competitive
6 basis by a source referred to in subsection (b) for a re-
7 search project that is to be carried out by a professor or
8 instructor of the Academy for a scientific, literary, or edu-
9 cational purpose.

10 “(b) APPLICATION FOR GRANTS.—A professor or in-
11 structor of the Academy, together with the Superintend-
12 ent, may apply for a research grant referred to in sub-
13 section (a) from any corporation, fund, foundation, edu-
14 cational institution, or similar entity that is organized and
15 operated primarily for scientific, literary, or educational
16 purposes.

17 “(c) ADMINISTRATION OF GRANT PROCEEDS.—The
18 Superintendent shall establish a special account for ad-
19 ministering the proceeds of a research grant accepted
20 under subsection (a) and shall use the account for the ad-
21 ministration of such proceeds in accordance with applica-
22 ble regulations and the terms and conditions of the grant.

23 “(d) RELATED EXPENSES.—Subject to such limita-
24 tions as may be provided in appropriations Acts, appro-
25 priations available for the Academy may be used to pay
26 expenses incurred by the Academy in pursuit of an award

1 of a research grant authorized to be accepted under sub-
2 section (a).

3 “(e) REGULATIONS.—The Secretary of the Air Force
4 shall prescribe in regulations the requirements, restric-
5 tions, and conditions that the Secretary considers appro-
6 priate for the exercise and administration of the authority
7 under this section.”.

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:

“9357. Research grants: acceptance, application, and use.”.

11 **SEC. 1053. CLARIFICATION AND SIMPLIFICATION OF RE-**
12 **SPONSIBILITIES OF INSPECTORS GENERAL**
13 **REGARDING WHISTLEBLOWER PROTEC-**
14 **TIONS.**

15 (a) ROLES OF INSPECTORS GENERAL OF THE ARMED
16 FORCES.—(1) Subsection (c) of section 1034 of title 10,
17 United States Code, is amended—

18 (A) by striking out paragraph (1) and inserting
19 in lieu thereof the following:

20 “(1) If a member of the armed forces submits to an
21 Inspector General an allegation that a personnel action
22 prohibited by subsection (b) has been taken (or threat-
23 ened) against the member with respect to a communica-
24 tion described in paragraph (2), the Inspector General of
25 the Department of Defense or the Inspector General of

1 the armed force concerned shall take the action required
2 under paragraph (3).”; and

3 (B) by striking out paragraph (3) and inserting
4 in lieu thereof the following:

5 “(3) The Inspector General receiving an allegation as
6 described in paragraph (1) shall expeditiously determine
7 whether there is sufficient evidence to warrant an inves-
8 tigation of the allegation. Upon determining that an inves-
9 tigation is warranted, the Inspector General shall expedi-
10 tiously investigate the allegation. In the case of an allega-
11 tion received by the Inspector General of the Department
12 of Defense, the Inspector General may delegate that duty
13 to the Inspector General of the armed force concerned.
14 Neither an initial determination nor an investigation is re-
15 quired under this paragraph in the case of an allegation
16 made more than 60 days after the date on which the mem-
17 ber becomes aware of the personnel action that is the sub-
18 ject of the allegation.

19 “(4) If an Inspector General within a military depart-
20 ment receives an allegation covered by this subsection,
21 that Inspector General shall promptly notify the Inspector
22 General of the Department of Defense of the allegation
23 in accordance with regulations prescribed under sub-
24 section (h).

1 “(5) The Inspector General of the Department of De-
2 fense, or the Inspector General of the Department of
3 Transportation (in the case of a member of the Coast
4 Guard when the Coast Guard is not operating as a service
5 in the Navy), shall ensure that the inspector general con-
6 ducting the investigation of an allegation under this para-
7 graph is outside the immediate chain of command of both
8 the member submitting the allegation and the individual
9 or individuals alleged to have taken the retaliatory ac-
10 tion.”.

11 (2) Subsection (d) of such section is amended—

12 (A) by striking out “the Inspector General shall
13 conduct” and inserting in lieu thereof “an Inspector
14 General shall conduct”; and

15 (B) by adding at the end the following: “In the
16 case of an allegation received by the Inspector Gen-
17 eral of the Department of Defense, the Inspector
18 General may delegate that duty to the Inspector
19 General of the armed force concerned.”.

20 (b) MISMANAGEMENT COVERED BY PROTECTED
21 COMMUNICATIONS.—Subsection (c)(2)(B) of such section
22 is amended by striking out “Mismanagement” and insert-
23 ing in lieu thereof “Gross mismanagement”.

1 (c) SIMPLIFIED REPORTING AND NOTICE REQUIRE-
2 MENTS.—(1) Paragraph (1) of subsection (e) of such sec-
3 tion is amended—

4 (A) by striking out “the Inspector General shall
5 submit a report on” and inserting in lieu thereof
6 “the Inspector General conducting the investigation
7 shall provide”; and

8 (B) inserting “shall transmit a copy of the re-
9 port on the results of the investigation to” before
10 “the member of the armed forces”.

11 (2) Paragraph (2) of such subsection is amended by
12 adding at the end the following: “However, the copy need
13 not include summaries of interviews conducted, nor any
14 document acquired, during the course of the investigation.
15 Such items shall be transmitted to the member if the
16 member requests the items, whether before or after the
17 copy of the report is transmitted to the member.”.

18 (3) Paragraph (3) of such subsection is amended by
19 striking out “90 days” and inserting in lieu thereof “120
20 days”.

21 (d) REPEAL OF POST-INVESTIGATION INTERVIEW
22 REQUIREMENT.—Subsection (h) of such section is re-
23 pealed.

24 (e) INSPECTOR GENERAL DEFINED.—Subsection
25 (j)(2) of such section is amended—

1 (1) by redesignating subparagraph (B) as sub-
2 paragraph (G) and, in that subparagraph, by strik-
3 ing out “an officer” and inserting in lieu thereof
4 “An officer”;

5 (2) by striking out subparagraph (A) and in-
6 serting in lieu thereof the following:

7 “(A) The Inspector General of the Depart-
8 ment of Defense.

9 “(B) The Inspector General of the Depart-
10 ment of Transportation, in the case of a mem-
11 ber of the Coast Guard when the Coast Guard
12 is not operating as a service in the Navy.

13 “(C) The Inspector General of the Army,
14 in the case of a member of the Army.

15 “(D) The Naval Inspector General, in the
16 case of a member of the Navy.

17 “(E) The Inspector General of the Air
18 Force, in the case of a member of the Air
19 Force.

20 “(F) The Deputy Naval Inspector General
21 for Marine Corps Matters, in the case of a
22 member of the Marine Corps.”; and

23 (3) in the matter preceding subparagraph (A),
24 by striking out “means—” and inserting in lieu
25 thereof “means the following:”.

1 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

2 (1) Subsections (i) and (j) of such section are redesignated
3 as subsections (h) and (i), respectively.

4 (2) Subsection (b)(1)(B)(ii) of such section is amend-
5 ed by striking out “subsection (j))” and inserting in lieu
6 thereof “subsection (i)) or any other Inspector General ap-
7 pointed under the Inspector General Act of 1978”.

8 **SEC. 1054. AMOUNTS RECOVERED FROM CLAIMS AGAINST**
9 **THIRD PARTIES FOR LOSS OR DAMAGE TO**
10 **PERSONAL PROPERTY SHIPPED OR STORED**
11 **AT GOVERNMENT EXPENSE.**

12 (a) IN GENERAL.—Chapter 163 of title 10, United
13 States Code, is amended by adding at the end the follow-
14 ing new section:

15 **“§ 2739. Amounts recovered from claims against third**
16 **parties for loss or damage to personal**
17 **property shipped or stored at Govern-**
18 **ment expense**

19 “(a) CREDITING OF COLLECTIONS.—Amounts col-
20 lected as described in subsection (b) by or for a military
21 department in any fiscal year shall be credited to the ap-
22 propriation that is available for that fiscal year for the
23 military department for the payment of claims for loss or
24 damage of personal property shipped or stored at Govern-
25 ment expense. Amounts so credited shall be merged with

1 the funds in the appropriation and shall be available for
 2 the same period and purposes as the funds with which
 3 merged.

4 “(b) COLLECTIONS COVERED.—An amount author-
 5 ized for crediting in accordance with subsection (a) is any
 6 amount that a military department collects under sections
 7 3711, 3716, 3717 and 3721 of title 31 from a third party
 8 for a loss or damage to personal property that occurred
 9 during shipment or storage of the property at Government
 10 expense and for which the Secretary of the military de-
 11 partment paid the owner in settlement of a claim.”.

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

“2739. Amounts recovered from claims against third parties for loss or damage
 to personal property shipped or stored at government ex-
 pense.”.

15 **SEC. 1055. ELIGIBILITY FOR ATTENDANCE AT DEPART-**
 16 **MENT OF DEFENSE DOMESTIC DEPENDENT**
 17 **ELEMENTARY AND SECONDARY SCHOOLS.**

18 (a) MILITARY DEPENDENTS.—Subsection (a) of sec-
 19 tion 2164 of title 10, United States Code, is amended—

20 (1) by designating the first sentence as para-
 21 graph (1);

22 (2) by designating the second sentence as para-
 23 graph (2); and

1 (3) by adding at the end of paragraph (2), as
2 so designated, the following: “The Secretary may
3 also permit a dependent of a member of the armed
4 forces to enroll in such a program if the dependent
5 is residing in such a jurisdiction, whether on or off
6 a military installation, while the member is assigned
7 away from that jurisdiction on a remote or unaccom-
8 panied assignment under permanent change of sta-
9 tion orders.”.

10 (b) EMPLOYEE DEPENDENTS.—Subsection (c)(2) of
11 such section is amended by striking out subparagraph (B)
12 and inserting in lieu thereof the following:

13 “(B) The Secretary may extend the enrollment of a
14 dependent referred to in subparagraph (A) in the program
15 for more than five consecutive school years if the Secretary
16 determines that the dependent is eligible under paragraph
17 (1), space is available in the program, and adequate ar-
18 rangements are made for reimbursement of the Secretary
19 for the costs to the Secretary of the educational services
20 provided for the dependent. An extension shall be for only
21 one school year, but the Secretary may authorize a succes-
22 sive extension each year for the next school year upon
23 making the determinations required under the preceding
24 sentence for that next school year.”.

1 **SEC. 1056. FEES FOR PROVIDING HISTORICAL INFORMA-**
2 **TION TO THE PUBLIC.**

3 (a) ARMY.—(1) Chapter 437 of title 10, United
4 States Code, is amended by adding at the end the follow-
5 ing:

6 **“§ 4595. Army Military History Institute: fee for pro-**
7 **viding historical information to the pub-**
8 **lic**

9 “(a) AUTHORITY.—Except as provided in subsection
10 (b), the Secretary of the Army may charge a person a fee
11 for providing the person with information requested by the
12 person that is provided from the United States Army Mili-
13 tary History Institute.

14 “(b) EXCEPTIONS.—A fee may not be charged under
15 this section—

16 “(1) to a person for information that the person
17 requests to carry out a duty as a member of the
18 armed forces or an officer or employee of the United
19 States; or

20 “(2) for a release of information under section
21 552 of title 5.

22 “(c) LIMITATION ON AMOUNT OF FEE.—The amount
23 of the fee charged under this section for providing infor-
24 mation may not exceed the cost of providing the informa-
25 tion.

1 “(d) RETENTION OF FEES.—Amounts received under
2 subsection (a) for providing information in any fiscal year
3 shall be credited to the appropriation or appropriations
4 charged the costs of providing information to the public
5 from the United States Army Military History Institute
6 during that fiscal year.

7 “(e) DEFINITIONS.—In this section:

8 “(1) The term ‘United States Army Military
9 History Institute’ means the archive for historical
10 records and materials of the Army that the Sec-
11 retary of the Army designates as the primary ar-
12 chive for such records and materials.

13 “(2) The terms ‘officer of the United States’
14 and ‘employee of the United States’ have the mean-
15 ings given those terms in sections 2104 and 2105,
16 respectively, of title 5.”.

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

“4595. Army Military History Institute: fee for providing historical information
to the public.”.

19 (b) NAVY.—(1) Chapter 649 of such title 10 is
20 amended by adding at the end the following new section:

1 **“§ 7582. Naval and Marine Corps Historical Centers:**
2 **fee for providing historical information**
3 **to the public**

4 “(a) **AUTHORITY.**—Except as provided in subsection
5 (b), the Secretary of the Navy may charge a person a fee
6 for providing the person with information requested by the
7 person that is provided from the United States Naval His-
8 torical Center or the Marine Corps Historical Center.

9 “(b) **EXCEPTIONS.**—A fee may not be charged under
10 this section—

11 “(1) to a person for information that the person
12 requests to carry out a duty as a member of the
13 armed forces or an officer or employee of the United
14 States; or

15 “(2) for a release of information under section
16 552 of title 5.

17 “(c) **LIMITATION ON AMOUNT OF FEE.**—The amount
18 of the fee charged under this section for providing infor-
19 mation may not exceed the cost of providing the informa-
20 tion.

21 “(d) **RETENTION OF FEES.**—Amounts received under
22 subsection (a) for providing information from the United
23 States Naval Historical Center or the Marine Corps His-
24 torical Center in any fiscal year shall be credited to the
25 appropriation or appropriations charged the costs of pro-

1 viding information to the public from that historical center
2 during that fiscal year.

3 “(e) DEFINITIONS.—In this section:

4 “(1) The term ‘United States Naval Historical
5 Center’ means the archive for historical records and
6 materials of the Navy that the Secretary of the Navy
7 designates as the primary archive for such records
8 and materials.

9 “(2) The term ‘Marine Corps Historical Center’
10 means the archive for historical records and mate-
11 rials of the Marine Corps that the Secretary of the
12 Navy designates as the primary archive for such
13 records and materials.

14 “(3) The terms ‘officer of the United States’
15 and ‘employee of the United States’ have the mean-
16 ings given those terms in sections 2104 and 2105,
17 respectively, of title 5.”.

18 (2) The heading of such chapter is amended by strik-
19 ing out “**RELATED**”.

20 (3)(A) The table of sections at the beginning of such
21 chapter is amended by adding at the end the following
22 new item:

“7582. Naval and Marine Corps Historical Centers: fee for providing historical
information to the public.”.

23 (B) The item relating to such chapter in the tables
24 of chapters at the beginning of subtitle C of title 10,

1 United States Code, and the beginning of part IV of such
2 subtitle is amended by striking out “Related”.

3 (c) AIR FORCE.—(1) Chapter 937 of title 10, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 9594. Air Force Military History Institute: fee for**
7 **providing historical information to the**
8 **public**

9 “(a) AUTHORITY.—Except as provided in subsection
10 (b), the Secretary of the Air Force may charge a person
11 a fee for providing the person with information requested
12 by the person that is provided from the United States Air
13 Force Military History Institute.

14 “(b) EXCEPTIONS.—A fee may not be charged under
15 this section—

16 “(1) to a person for information that the person
17 requests to carry out a duty as a member of the
18 armed forces or an officer or employee of the United
19 States; or

20 “(2) for a release of information under section
21 552 of title 5.

22 “(c) LIMITATION ON AMOUNT OF FEE.—The amount
23 of the fee charged under this section for providing infor-
24 mation may not exceed the cost of providing the informa-
25 tion.

1 “(d) **RETENTION OF FEES.**—Amounts received under
2 subsection (a) for providing information in any fiscal year
3 shall be credited to the appropriation or appropriations
4 charged the costs of providing information to the public
5 from the United States Air Force Military History Insti-
6 tute during that fiscal year.

7 “(e) **DEFINITIONS.**—In this section:

8 “(1) The term ‘United States Air Force Mili-
9 tary History Institute’ means the archive for histori-
10 cal records and materials of the Air Force that the
11 Secretary of the Air Force designates as the primary
12 archive for such records and materials.

13 “(2) The terms ‘officer of the United States’
14 and ‘employee of the United States’ have the mean-
15 ings given those terms in sections 2104 and 2105,
16 respectively, of title 5.”.

17 (2) The table of sections at the beginning of such
18 chapter 937 is amended by adding at the end the following
19 new item:

“9594. Air Force Military History Institute: fee for providing historical informa-
tion to the public.”.

20 **SEC. 1057. PERIODIC INSPECTION OF THE ARMED FORCES**

21 **RETIREMENT HOME.**

22 (a) **INSPECTION BY INSPECTORS GENERAL OF THE**
23 **ARMED FORCES.**—Section 1518 of the Armed Forces Re-

1 tirement Home Act of 1991 (24 U.S.C. 418) is amended
2 to read as follows:

3 **“SEC. 1518. INSPECTION OF RETIREMENT HOME.**

4 “(a) TRIENNIAL INSPECTION.—Every three years the
5 Inspector General of an armed force shall inspect the Re-
6 tirement Home, including the records of the Retirement
7 Home.

8 “(b) ALTERNATING DUTY AMONG INSPECTORS GEN-
9 ERAL.—The duty to inspect the Retirement Home shall
10 alternate among the Inspector General of the Army, the
11 Naval Inspector General, and the Inspector General of the
12 Air Force on such schedule as the Secretary of Defense
13 shall direct.

14 “(c) REPORTS.—Not later than 45 days after com-
15 pleting an inspection under subsection (a), the Inspector
16 General carrying out the inspection shall submit to the
17 Retirement Home Board, the Secretary of Defense, and
18 Congress a report describing the results of the inspection
19 and containing such recommendations as the Inspector
20 General considers appropriate.”.

21 (b) FIRST INSPECTION.—The first inspection under
22 section 1518 of the Armed Forces Retirement Home Act
23 of 1991, as amended by subsection (a), shall be carried
24 out during fiscal year 1999.

1 **SEC. 1058. TRANSFER OF F-4 PHANTOM II AIRCRAFT TO**
2 **FOUNDATION.**

3 (a) **AUTHORITY.**—The Secretary of the Air Force
4 may convey, without consideration to the Collings Founda-
5 tion, Stow, Massachusetts (in this section referred to as
6 the “foundation”), all right, title, and interest of the
7 United States in and to one surplus F-4 Phantom II air-
8 craft. The conveyance shall be made by means of a condi-
9 tional deed of gift.

10 (b) **CONDITION OF AIRCRAFT.**—The Secretary may
11 not convey ownership of the aircraft under subsection (a)
12 until the Secretary determines that the foundation has al-
13 tered the aircraft in such manner as the Secretary deter-
14 mines necessary to ensure that the aircraft does not have
15 any capability for use as a platform for launching or re-
16 leasing munitions or any other combat capability that it
17 was designed to have. The Secretary is not required to
18 repair or alter the condition of the aircraft before convey-
19 ing ownership of the aircraft.

20 (c) **REVERTER UPON BREACH OF CONDITIONS.**—
21 The Secretary shall include in the instrument of convey-
22 ance of the aircraft—

23 (1) a condition that the foundation not convey
24 any ownership interest in, or transfer possession of,
25 the aircraft to any other party without the prior ap-
26 proval of the Secretary of the Air Force;

1 (2) a condition that the operation and mainte-
2 nance of the aircraft comply with all applicable limi-
3 tations and maintenance requirements imposed by
4 the Administrator of the Federal Aviation Adminis-
5 tration; and

6 (3) a condition that if the Secretary of the Air
7 Force determines at any time that the foundation
8 has conveyed an ownership interest in, or trans-
9 ferred possession of, the aircraft to any other party
10 without the prior approval of the Secretary, or has
11 failed to comply with the condition set forth in para-
12 graph (2), all right, title, and interest in and to the
13 aircraft, including any repair or alteration of the air-
14 craft, shall revert to the United States, and the
15 United States shall have the right of immediate pos-
16 session of the aircraft.

17 (d) CONVEYANCE AT NO COST TO THE UNITED
18 STATES.—The conveyance of an aircraft authorized by
19 this section shall be made at no cost to the United States.
20 Any costs associated with such conveyance, costs of deter-
21 mining compliance with subsection (b), and costs of oper-
22 ation and maintenance of the aircraft conveyed shall be
23 borne by the foundation.

24 (e) ADDITIONAL TERMS AND CONDITIONS.—The
25 Secretary of the Air Force may require such additional

1 terms and conditions in connection with the conveyance
2 under this section as the Secretary considers appropriate
3 to protect the interests of the United States.

4 (f) CLARIFICATION OF LIABILITY.—Notwithstanding
5 any other provision of law, upon the conveyance of owner-
6 ship of the F-4 Phantom II aircraft to the foundation
7 under subsection (a), the United States shall not be liable
8 for any death, injury, loss, or damage that results from
9 any use of that aircraft by any person other than the
10 United States.

11 **SEC. 1059. ACT CONSTITUTING PRESIDENTIAL APPROVAL**
12 **OF VESSEL WAR RISK INSURANCE RE-**
13 **QUESTED BY THE SECRETARY OF DEFENSE.**

14 Section 1205(b) of the Merchant Marine Act of 1936
15 (46 U.S.C. App. 1285(b)) is amended by adding at the
16 end the following: “The signature of the President (or of
17 an official designated by the President) on the agreement
18 shall be treated as an expression of the approval required
19 under section 1202(a) to provide the insurance.”.

20 **SEC. 1060. COMMENDATION AND MEMORIALIZATION OF**
21 **THE UNITED STATES NAVY ASIATIC FLEET.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

1 (1) The United States established the Asiatic
2 Fleet of the Navy in 1910 to protect American na-
3 tionals, policies, and possessions in the Far East.

4 (2) The sailors and Marines of the Asiatic Fleet
5 ensured the safety of United States citizens and for-
6 eign nationals, and provided humanitarian assist-
7 ance, in that region during the Chinese civil war, the
8 Yangtze Flood of 1931, and the outbreak of Sino-
9 Japanese hostilities.

10 (3) In 1940, due to deteriorating political rela-
11 tions and increasing tensions between the United
12 States and Japan, a reinforced Asiatic Fleet began
13 concentrating on the defense of the Philippines and
14 engaged in extensive training to ensure maximum
15 operational readiness for any eventuality.

16 (4) Following the declaration of war against
17 Japan, the warships, submarines, and aircraft of the
18 Asiatic Fleet singly or in task forces courageously
19 fought many naval battles against a superior Japa-
20 nese armada.

21 (5) The Asiatic Fleet directly suffered the loss
22 of 22 ships, 1,826 men killed or missing in action,
23 and 518 men captured and imprisoned under the
24 worst of conditions with many of them dying while
25 held as prisoners of war.

1 (b) COMMENDATION.—Congress—

2 (1) commends the personnel who served in the
3 Asiatic Fleet of the United States Navy during the
4 period 1910 to 1942; and

5 (2) honors those who gave their lives in the line
6 of duty while serving in the Asiatic Fleet.

7 (c) UNITED STATES NAVY ASIATIC FLEET MEMO-
8 RIAL DAY.—The President is authorized and requested to
9 issue a proclamation designating March 1, 1999 as
10 “United States Navy Asiatic Fleet Memorial Day” and
11 calling upon the people of the United States to observe
12 United States Navy Asiatic Fleet Memorial Day with ap-
13 propriate programs, ceremonies, and activities.

14 **SEC. 1061. PROGRAM TO COMMEMORATE 50TH ANNIVER-**
15 **SARY OF THE KOREAN WAR.**

16 (a) REFERENCE TO KOREAN WAR.—Section 1083 of
17 the National Defense Authorization Act for Fiscal Year
18 1998 (Public Law 105–85; 111 Stat. 1918; 10 U.S.C. 113
19 note) is amended—

20 (1) in the section heading, by striking out “**KO-**
21 **REAN CONFLICT**” and inserting in lieu thereof
22 “**KOREAN WAR**”;

23 (2) by striking out “Korean conflict” each place
24 it appears and inserting in lieu thereof “Korean
25 War”; and

1 (3) in subsections (c) and (d)(1), by striking
2 out “Korean Conflict” and inserting in lieu thereof
3 “Korean War”.

4 (b) LIMITATION ON EXPENDITURES.—Subsection (f)
5 of such section is amended to read as follows:

6 “(f) LIMITATION ON EXPENDITURES.—The total
7 amount expended for the commemorative program for fis-
8 cal years 1998 through 2004 by the Department of De-
9 fense 50th Anniversary of the Korean War Commemora-
10 tive Committee established by the Secretary of Defense
11 may not exceed \$10,000,000.”.

12 **SEC. 1062. DEPARTMENT OF DEFENSE USE OF FREQUENCY**
13 **SPECTRUM.**

14 (a) FINDING.—Congress finds that the report sub-
15 mitted to Congress by the Secretary of Defense on April
16 2, 1998, regarding the reallocation of the frequency spec-
17 trum used or dedicated to the Department of Defense and
18 the intelligence community, does not include a discussion
19 of the costs to the Department of Defense that are associ-
20 ated with past and potential future reallocations of the
21 frequency spectrum, although such a discussion was to be
22 included in the report as directed in connection with the
23 enactment of the National Defense Authorization Act for
24 Fiscal Year 1998.

1 (b) ADDITIONAL REPORT.—The Secretary of Defense
2 shall, not later than October 31, 1998, submit to the Com-
3 mittee on Armed Services of the Senate and the Commit-
4 tee on National Security of the House of Representatives
5 a report that discusses the costs referred to in subsection
6 (a).

7 (c) RELOCATION OF FEDERAL FREQUENCIES.—Sec-
8 tion 113(g)(1) of the National Telecommunications and
9 Information Administration Organization Act (47 U.S.C.
10 923(g)(1)) is amended—

11 (1) by striking out “(1) IN GENERAL.—In
12 order” and inserting in lieu thereof the following:

13 “(1) IN GENERAL.—

14 “(A) AUTHORITY OF FEDERAL ENTITIES
15 TO ACCEPT COMPENSATION.—In order”;

16 (2) in subparagraph (A), as so designated, by
17 striking out the second, third and fourth sentences;
18 and

19 (3) by adding at the end the following:

20 “(B) REQUIREMENT TO COMPENSATE FED-
21 ERAL ENTITIES.—Any person on whose behalf a
22 Federal entity incurs costs under subparagraph
23 (A) shall compensate the Federal entity in ad-
24 vance for such costs. Such compensation may

1 take the form of a cash payment or in-kind
2 compensation.

3 “(C) DISPOSITION OF PAYMENTS.—

4 “(i) PAYMENT BY ELECTRONIC FUNDS
5 TRANSFER.—A person making a cash pay-
6 ment under this paragraph shall make the
7 cash payment by depositing the amount of
8 the payment by electronic funds transfer in
9 the account of the Federal entity con-
10 cerned in the Treasury of the United
11 States or in another account as authorized
12 by law.

13 “(ii) AVAILABILITY.—Subject to the
14 provisions of authorization Acts and appro-
15 priations Acts, amounts deposited under
16 this subparagraph shall be available to the
17 Federal entity concerned to pay directly
18 the costs of relocation under this para-
19 graph, to repay or make advances to ap-
20 propriations or funds which do or will ini-
21 tially bear all or part of such costs, or to
22 refund excess sums when necessary.

23 “(D) APPLICATION TO CERTAIN OTHER
24 RELOCATIONS.—The provisions of this para-
25 graph also apply to any Federal entity that op-

1 erates a Federal Government station assigned
2 to used electromagnetic spectrum identified for
3 reallocation under subsection (a) if before Au-
4 gust 5, 1997, the Commission has not identified
5 that spectrum for service or assigned licenses or
6 otherwise authorized service for that spec-
7 trum.”.

8 **SEC. 1063. TECHNICAL AND CLERICAL AMENDMENTS.**

9 (a) TITLE 10, UNITED STATES CODE.—Title 10,
10 United States Code, is amended as follows:

11 (1) The item relating to section 484 in the table
12 of sections at the beginning of chapter 23 is amend-
13 ed to read as follows:

“484. Annual report on aircraft inventory.”.

14 (2) Section 517(a) is amended by striking out
15 “Except as provided in section 307 of title 37, the”
16 and inserting in lieu thereof “The”.

17 (3) The item relating to section 2302c in the
18 table of sections at the beginning of chapter 137 is
19 amended to read as follows:

“2302c. Implementation of electronic commerce capability.”.

20 (4) The table of subchapters at the beginning
21 of chapter 148 is amended by striking out “2491”
22 in the item relating to subchapter I and inserting in
23 lieu thereof “2500”.

1 (5) Section 7045(c) is amended by striking out
2 “the” after “are subject to”.

3 (6) Section 7572(b) is repealed.

4 (7) Section 12683(b)(2) is amended by striking
5 out “; or” at the end and inserting in lieu thereof
6 a period.

7 (b) PUBLIC LAW 105–85.—Effective as of November
8 18, 1997, and as if included therein as enacted, the Na-
9 tional Defense Authorization Act for Fiscal Year 1998
10 (Public Law 105–85) is amended as follows:

11 (1) Section 1006(a) (111 Stat. 1869) is amend-
12 ed by striking out “or” in the quoted matter and in-
13 serting in lieu thereof “and”.

14 (2) Section 3133(b)(3) (111 Stat. 2036) is
15 amended by striking out “III” and inserting in lieu
16 thereof “XIV”.

17 (c) OTHER ACTS.—

18 (1) Section 18(c)(1) of the Office of Federal
19 Procurement Policy Act (41 U.S.C. 416(c)(1)) is
20 amended by striking out the period at the end of
21 subparagraph (A) and inserting in lieu thereof a
22 semicolon.

23 (2) Section 3(c)(2) of Public Law 101–533 (22
24 U.S.C. 3142(c)(2)) is amended by striking out “in-
25 cluded in the most recent plan submitted to the Con-

1 gress under section 2506 of title 10” and inserting
 2 in lieu thereof “identified in the most recent assess-
 3 ment prepared under section 2505 of title 10”.

4 (d) COORDINATION WITH OTHER AMENDMENTS.—
 5 For purposes of applying amendments made by provisions
 6 of this Act other than provisions of this section, this sec-
 7 tion shall be treated as having been enacted immediately
 8 before the other provisions of this Act.

9 **TITLE XI—DEPARTMENT OF**
 10 **DEFENSE CIVILIAN PERSONNEL**

11 **SEC. 1101. REPEAL OF EMPLOYMENT PREFERENCE NOT**
 12 **NEEDED FOR RECRUITMENT AND RETEN-**
 13 **TION OF QUALIFIED CHILD CARE PROVID-**
 14 **ERS.**

15 Section 1792 of title 10, United States Code, is
 16 amended—

17 (1) by striking out subsection (d); and

18 **SEC. 1102. MAXIMUM PAY RATE COMPARABILITY FOR FAC-**
 19 **ULTY MEMBERS OF THE UNITED STATES AIR**
 20 **FORCE INSTITUTE OF TECHNOLOGY.**

21 Section 9314(b)(2)(B) of title 10, United States
 22 Code, is amended by striking out “section 5306(e)” and
 23 inserting in lieu thereof “section 5373”.

24 (2) by redesignating subsection (e) as sub-
 25 section (d).

1 **SEC. 1103. FOUR-YEAR EXTENSION OF VOLUNTARY SEPA-**
2 **RATION INCENTIVE PAY AUTHORITY.**

3 Section 5597(e) of title 5, United States Code, is
4 amended by striking out “September 30, 2001” and in-
5 serting in lieu thereof “September 30, 2003”.

6 **SEC. 1104. DEPARTMENT OF DEFENSE EMPLOYEE VOL-**
7 **UNTARY EARLY RETIREMENT AUTHORITY.**

8 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
9 8336 of title 5, United States Code, is amended—

10 (1) in subsection (d)(2), by inserting “except in
11 the case of an employee described in subsection
12 (o)(1),” after “(2)”; and

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

14 “(o)(1) An employee of the Department of Defense
15 who is separated from the service under conditions de-
16 scribed in paragraph (2) after completing 25 years of serv-
17 ice or after becoming 50 years of age and completing 20
18 years of service is entitled to an annuity.

19 “(2) Paragraph (1) applies to an employee who—

20 “(A) has been employed continuously by the
21 Department of Defense for more than 30 days be-
22 fore the date on which the Secretary concerned re-
23 quests the determinations required under in sub-
24 paragraph (D)(i);

25 “(B) is serving under an appointment that is
26 not limited by time;

1 “(C) has not received a decision notice of invol-
2 untary separation for misconduct or unacceptable
3 performance that is pending decision; and

4 “(D) is separated from the service voluntarily
5 during a period in which—

6 “(i) the Department of Defense or the
7 military department or subordinate organization
8 within the Department of Defense or military
9 department in which the employee is serving is
10 undergoing a major reorganization, a major re-
11 duction in force, or a major transfer of func-
12 tion, and employees comprising a significant
13 percentage of the employees serving in that de-
14 partment or organization are to be separated or
15 subject to an immediate reduction in the rate of
16 basic pay (without regard to subchapter VI of
17 chapter 53, or comparable provisions of law), as
18 determined by the Office of Personnel Manage-
19 ment (under regulations prescribed by the Of-
20 fice) upon the request of the Secretary con-
21 cerned; and

22 “(ii) the employee is within the scope of an
23 offer of voluntary early retirement (as defined
24 by organizational unit, occupational series or
25 level, geographical location, any other similar

1 factor that the Office of Personnel Management
2 determines appropriate, or any combination of
3 such definitions of scope), as determined by the
4 Secretary concerned under regulations pre-
5 scribed by the Office.

6 “(3) In this subsection, the term ‘Secretary con-
7 cerned’ means—

8 “(A) the Secretary of Defense, with respect to
9 an employee of the Department of Defense not em-
10 ployed in a position in a military department;

11 “(B) the Secretary of the Army, with respect to
12 an employee of the Department of the Army;

13 “(C) the Secretary of the Navy, with respect to
14 an employee of the Department of the Navy;

15 “(D) the Secretary of the Air Force, with re-
16 spect to an employee of the Department of the Air
17 Force.”.

18 (b) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—

19 Section 8414 of such title is amended—

20 (1) in subsection (b)(1)(B), inserting “except in
21 the case of an employee described in subsection
22 (d)(1),” after “(B)”; and

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

24 “(d)(1) An employee of the Department of Defense
25 who is separated from the service under conditions de-

1 scribed in paragraph (2) after completing 25 years of serv-
2 ice or after becoming 50 years of age and completing 20
3 years of service is entitled to an annuity.

4 “(2) Paragraph (1) applies to an employee who—

5 “(A) has been employed continuously by the
6 Department of Defense for more than 30 days be-
7 fore the date on which the Secretary concerned re-
8 quests the determinations required under subpara-
9 graph (D)(i);

10 “(B) is serving under an appointment that is
11 not limited by time;

12 “(C) has not received a decision notice of invol-
13 untary separation for misconduct or unacceptable
14 performance that is pending decision; and

15 “(D) is separated from the service voluntarily
16 during a period in which—

17 “(i) the Department of Defense or the
18 military department or subordinate organization
19 within the Department of Defense or military
20 department in which the employee is serving is
21 undergoing a major reorganization, a major re-
22 duction in force, or a major transfer of func-
23 tion, and employees comprising a significant
24 percentage of the employees serving in that de-
25 partment or organization are to be separated or

1 subject to an immediate reduction in the rate of
2 basic pay (without regard to subchapter VI of
3 chapter 53, or comparable provisions of law), as
4 determined by the Office of Personnel Manage-
5 ment (under regulations prescribed by the Of-
6 fice) upon the request of the Secretary con-
7 cerned; and

8 “(ii) the employee is within the scope of an
9 offer of voluntary early retirement (as defined
10 by organizational unit, occupational series or
11 level, geographical location, any other similar
12 factor that the Office of Personnel Management
13 determines appropriate, or any combination of
14 such definitions of scope), as determined by the
15 Secretary concerned under regulations pre-
16 scribed by the Office.

17 “(3) In this subsection, the term ‘Secretary con-
18 cerned’ means—

19 “(A) the Secretary of Defense, with respect to
20 an employee of the Department of Defense not em-
21 ployed in a position in a military department;

22 “(B) the Secretary of the Army, with respect to
23 an employee of the Department of the Army;

24 “(C) the Secretary of the Navy, with respect to
25 an employee of the Department of the Navy;

1 “(D) the Secretary of the Air Force, with re-
2 spect to an employee of the Department of the Air
3 Force.”.

4 (c) CONFORMING AMENDMENTS.—(1) Section
5 8339(h) of such title is amended by striking out “or (j)”
6 in the first sentence and inserting in lieu thereof “(j), or
7 (o)”.

8 (2) Section 8464(a)(1)(A)(i) of such title is amended
9 by striking out “or (b)(1)(B)” and inserting in lieu thereof
10 “, (b)(1)(B), or (d)”.

11 **SEC. 1105. DEFENSE ADVANCED RESEARCH PROJECTS**
12 **AGENCY EXPERIMENTAL PERSONNEL MAN-**
13 **AGEMENT PROGRAM FOR TECHNICAL PER-**
14 **SONNEL.**

15 (a) PROGRAM AUTHORIZED.—During the 5-year pe-
16 riod beginning on the date of the enactment of this Act,
17 the Secretary of Defense may carry out a program of ex-
18 perimental use of special personnel management authority
19 provided in this section in order to facilitate the recruit-
20 ment of eminent experts in science or engineering for re-
21 search and development projects administered by the De-
22 fense Advanced Research Projects Agency.

23 (b) SPECIAL PERSONNEL MANAGEMENT AUTHOR-
24 ITY.—Under the program, the Secretary may—

1 (1) appoint scientists and engineers from out-
2 side the civil service and uniformed services (as such
3 terms are defined in section 2101 of title 5, United
4 States Code) to not more than 20 scientific and en-
5 gineering positions in the Defense Advanced Re-
6 search Projects Agency without regard to any provi-
7 sion of title 5, United States Code, governing the
8 appointment of employees in the civil service;

9 (2) prescribe the rates of basic pay for positions
10 to which employees are appointed under paragraph
11 (1) at rates not in excess of the maximum rate of
12 basic pay authorized for senior-level positions under
13 section 5376 of title 5, United States Code, notwith-
14 standing any provision of such title governing the
15 rates of pay or classification of employees in the ex-
16 ecutive branch; and

17 (3) pay any employee appointed under para-
18 graph (1) payments in addition to basic pay within
19 the limit applicable to the employee under subsection
20 (d)(1).

21 (c) LIMITATION ON TERM OF APPOINTMENT.—(1)
22 Except as provided in paragraph (2), the service of an em-
23 ployee under an appointment under subsection (b)(1) may
24 not exceed four years.

1 (2) The Secretary may, in the case of a particular
2 employee, extend the period to which service is limited
3 under paragraph (1) by up to two years if the Secretary
4 determines that such action is necessary to promote the
5 efficiency of the Defense Advanced Research Projects
6 Agency.

7 (d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1)
8 The total amount of the additional payments paid to an
9 employee under subsection (b)(3) for any 12-month period
10 may not exceed the least of the following amounts:

11 (A) \$25,000.

12 (B) The amount equal to 25 percent of the em-
13 ployee's annual rate of basic pay.

14 (C) The amount of the limitation that is appli-
15 cable for a calendar year under section 5307(a)(1)
16 of title 5, United States Code.

17 (2) An employee appointed under subsection (b)(1)
18 is not eligible for any bonus, monetary award, or other
19 monetary incentive for service except for payments author-
20 ized under subsection (b)(3).

21 (e) PERIOD OF PROGRAM.—(1) The program author-
22 ized under this section shall terminate at the end of the
23 5-year period referred to in subsection (a).

24 (2) After the termination of the program—

1 (A) no appointment may be made under para-
2 graph (1) of subsection (b);

3 (B) a rate of basic pay prescribed under para-
4 graph (2) of that subsection may not take effect for
5 a position; and

6 (C) no period of service may be extended under
7 subsection (c)(1).

8 (f) SAVINGS PROVISIONS.—In the case of an em-
9 ployee who, on the day before the termination of the pro-
10 gram, is serving in a position pursuant to an appointment
11 under subsection (b)(1)—

12 (1) the termination of the program does not
13 terminate the employee's employment in that posi-
14 tion before the expiration of the lesser of—

15 (A) the period for which the employee was
16 appointed; or

17 (B) the period to which the employee's
18 service is limited under subsection (c), including
19 any extension made under paragraph (2) of
20 that subsection before the termination of the
21 program; and

22 (2) the rate of basic pay prescribed for the posi-
23 tion under subsection (b)(2) may not be reduced for
24 so long (within the period applicable to the employee

1 under paragraph (1)) as the employee continues to
2 serve in the position without a break in service.

3 (g) ANNUAL REPORT.—(1) Not later than October
4 15 of each year, beginning in 1999, the Secretary of De-
5 fense shall submit a report on the program to the Commit-
6 tee on Armed Services of the Senate and the Committee
7 on National Security of the House of Representatives. The
8 report submitted in a year shall cover the 12-month period
9 ending on the day before the anniversary, in that year,
10 of the date of the enactment of this Act.

11 (2) The annual report shall contain, for the period
12 covered by the report, the following:

13 (A) A detailed discussion of the exercise of au-
14 thority under this section.

15 (B) The sources from which appointees were re-
16 cruited.

17 (C) The methodology used for identifying and
18 selecting appointees.

19 (D) Any additional information that the Sec-
20 retary considers helpful for assessing the utility of
21 the authority under this section.

22 **TITLE XII—JOINT WARFIGHTING** 23 **EXPERIMENTATION**

24 **SEC. 1201. FINDINGS.**

25 Congress makes the following findings:

1 (1) The collapse of the Soviet Union in 1991
2 and the unprecedented explosion of technological ad-
3 vances that could fundamentally redefine military
4 threats and military capabilities in the future have
5 generated a need to assess the defense policy, strat-
6 egy, and force structure necessary to meet future de-
7 fense requirements of the United States.

8 (2) The assessment conducted by the adminis-
9 tration of President Bush (known as the “Base
10 Force” assessment) and the assessment conducted
11 by the administration of President Clinton (known
12 as the “Bottom-Up Review”) were important at-
13 tempts to redefine the defense strategy of the United
14 States and the force structure of the Armed Forces
15 necessary to execute that strategy.

16 (3) Those assessments have become inadequate
17 as a result of the pace of global geopolitical change
18 and the speed of technological change, which have
19 been greater than expected.

20 (4) The Chairman of the Joint Chiefs of Staff
21 reacted to the changing environment by developing
22 and publishing in May 1996 a vision statement,
23 known as “Joint Vision 2010”, to be a basis for the
24 transformation of United States military capabilities.
25 The vision statement embodies the improved intel-

1 ligence and command and control that is available in
2 the information age and sets forth the operational
3 concepts of dominant maneuver, precision engage-
4 ment, full-dimensional protection, and focused logis-
5 tics to achieve the objective of full spectrum domi-
6 nance.

7 (5) In 1996 Congress, concerned about the
8 shortcomings in defense policies and programs de-
9 rived from the Base-Force Review and the Bottom-
10 Up Review, determined that there was a need for a
11 new, comprehensive assessment of the defense strat-
12 egy of the United States and the force structure of
13 the Armed Forces necessary for meeting the threats
14 to the United States in the 21st century.

15 (6) As a result of that determination, Congress
16 passed the Military Force Structure Review Act of
17 1996 (subtitle B of title IX of the National Defense
18 Authorization Act for Fiscal Year 1997), which re-
19 quired the Secretary of Defense to complete in 1997
20 a quadrennial defense review of the defense program
21 of the United States. The review was required to in-
22 clude a comprehensive examination of the defense
23 strategy, force structure, force modernization plans,
24 infrastructure, and other elements of the defense
25 program and policies with a view toward determining

1 and expressing the defense strategy of the United
2 States and establishing a revised defense program
3 through 2005. The Act also established a National
4 Defense Panel to assess the Quadrennial Defense
5 Review and to conduct an independent, nonpartisan
6 review of the strategy, force structure, and funding
7 required to meet anticipated threats to the national
8 security of the United States through 2010 and be-
9 yond.

10 (7) The Quadrennial Defense Review, com-
11 pleted by the Secretary of Defense in May 1997, de-
12 fined the defense strategy in terms of “Shape, Re-
13 spond, and Prepare Now”. The Quadrennial Defense
14 Review placed greater emphasis on the need to pre-
15 pare now for an uncertain future by exploiting the
16 revolution in technology and transforming the force
17 toward Joint Vision 2010. It concluded that our fu-
18 ture force will be different in character than our cur-
19 rent force.

20 (8) The National Defense Panel Report, pub-
21 lished in December 1997, concluded that “the De-
22 partment of Defense should accord the highest prior-
23 ity to executing a transformation strategy for the
24 United States military, starting now.” The panel
25 recommended the establishment of a Joint Forces

1 Command with the responsibility to be the joint
2 force integrator and provider and the responsibility
3 for driving the process for transforming United
4 States forces, including the conduct of joint experi-
5 mentation, and to have the budget for carrying out
6 those responsibilities.

7 (9) The assessments of both the Quadrennial
8 Defense Review and the National Defense Panel
9 provide Congress with a compelling argument that
10 the future security environment and the military
11 challenges to be faced by the United States in the
12 future will be fundamentally different than the cur-
13 rent environment and challenges. The assessments
14 also reinforce the foundational premise of the Gold-
15 water-Nichols Department of Defense Reorganiza-
16 tion Act of 1986 that warfare, in all of its varieties,
17 will be joint warfare requiring the execution of devel-
18 oped joint operational concepts.

19 (10) A process of joint experimentation is nec-
20 essary for—

21 (A) integrating advances in technology
22 with changes in the organizational structure of
23 the Armed Forces and the development of joint
24 operational concepts that will be effective

1 against national security threats anticipated for
2 the future; and

3 (B) identifying and assessing the inter-
4 dependent aspects of joint warfare that are key
5 for transforming the conduct of military oper-
6 ations by the United States to meet those an-
7 ticipated threats successfully.

8 (11) It is critical for future readiness that the
9 Armed Forces of the United States innovatively in-
10 vestigate and test technologies, forces, and joint
11 operational concepts in simulations, wargames, and
12 virtual settings, as well as in field environments
13 under realistic conditions against the full range of
14 future challenges. It is essential that an energetic
15 and innovative organization be established and em-
16 powered to design and implement a process of joint
17 experimentation to develop and validate new joint
18 warfighting concepts, along with experimentation by
19 the Armed Forces, that is directed at transforming
20 the Armed Forces to meet the threats to the na-
21 tional security that are anticipated for the early 21st
22 century. That process will drive changes in doctrine,
23 organization, training and education, materiel, lead-
24 ership, and personnel.

1 (12) The Department of Defense is committed
2 to conducting aggressive experimentation as a key
3 component of its transformation strategy.

4 (13) The competition of ideas is critical for
5 achieving effective transformation. Experimentation
6 by each of the Armed Forces has been, and will con-
7 tinue to be, a vital aspect of the pursuit of effective
8 transformation. Joint experimentation leverages the
9 effectiveness of each of the Armed Forces and the
10 Defense Agencies.

11 **SEC. 1202. SENSE OF CONGRESS.**

12 (a) DESIGNATION OF COMMANDER TO HAVE JOINT
13 WARFIGHTING EXPERIMENTATION MISSION.—It is the
14 sense of Congress that Congress supports the initiative of
15 the Secretary of Defense and the Chairman of the Joint
16 Chiefs of Staff to designate a commander of a combatant
17 command to have the mission for joint warfighting experi-
18 mentation, consistent with the understanding of Congress
19 that the Chairman of the Joint Chiefs of Staff will assign
20 the designated commander the tasks to develop and vali-
21 date new joint warfighting concepts and capabilities, and
22 to determine the implications, for doctrine, organization,
23 training and education, materiel, leadership, and person-
24 nel, of the Department of Defense strategy for transform-

1 ing the Armed Forces to meet the national security threats
2 of the future.

3 (b) RESOURCES OF COMMANDER.—It is, further, the
4 sense of Congress that the commander designated to have
5 the joint warfighting experimentation mission should—

6 (1) have sufficient freedom of action and au-
7 thority over the necessary forces to successfully es-
8 tablish and conduct the process of joint warfighting
9 experimentation;

10 (2) be provided resources adequate for the joint
11 warfighting experimentation process; and

12 (3) have authority over the use of the resources
13 for the planning, preparation, conduct, and assess-
14 ment of joint warfighting experimentation.

15 (c) AUTHORITY AND RESPONSIBILITIES OF COM-
16 MANDER.—It is, further, the sense of Congress that, for
17 the conduct of joint warfighting experimentation to be ef-
18 fective, it is necessary that the commander designated to
19 have the joint warfighting experimentation mission also
20 have the authority and responsibility for the following:

21 (1) Developing and implementing a process of
22 joint experimentation to formulate and validate con-
23 cepts critical for joint warfighting in the future, in-
24 cluding (in such process) analyses, simulations,
25 wargames, information superiority and other experi-

1 ments, advanced concept technology demonstrations,
2 and joint exercises conducted in virtual and actual
3 field environments.

4 (2) Planning, preparing, and conducting the
5 program of joint warfighting experimentation.

6 (3) Assessing the effectiveness of organizational
7 structures, operational concepts, and technologies
8 employed in joint experimentation, investigating op-
9 portunities for coordinating the evolution of the or-
10 ganizational structure of the Armed Forces compat-
11 ibly with the concurrent evolution of advanced tech-
12 nologies, and investigating new concepts for trans-
13 forming joint warfighting capabilities to meet the
14 operational challenges expected to be encountered by
15 the Armed Forces in the early 21st century.

16 (4) Coordinating with each of the Armed
17 Forces and the Defense Agencies regarding the de-
18 velopment of the equipment (including surrogate or
19 real technologies, platforms, and systems) necessary
20 for the conduct of joint experimentation, or, if nec-
21 essary, developing such equipment directly.

22 (5) Coordinating with each of the Armed
23 Forces and the Defense Agencies regarding the ac-
24 quisition of the materiel, supplies, services, and sur-
25 rogate or real technology resources necessary for the

1 conduct of joint experimentation, or, if necessary,
2 acquiring such items and services directly.

3 (6) Developing scenarios and measures of effec-
4 tiveness for joint experimentation.

5 (7) Conducting so-called “red team” vulner-
6 ability assessments as part of joint experimentation.

7 (8) Assessing the interoperability of equipment
8 and forces.

9 (9) Providing the Secretary of Defense and the
10 Chairman of the Joint Chiefs of Staff with the com-
11 mander’s recommendations (developed on the basis
12 of joint experimentation) for reducing unnecessary
13 redundancy of equipment and forces.

14 (10) Providing the Secretary of Defense and
15 the Chairman of the Joint Chiefs of Staff with the
16 commander’s recommendations (developed on the
17 basis of joint experimentation) regarding synchroni-
18 zation of the fielding of advanced technologies
19 among the Armed Forces to enable the development
20 and execution of joint operational concepts.

21 (11) Submitting, reviewing, and making rec-
22 ommendations (in conjunction with the joint experi-
23 mentation and evaluation process) to the Chairman
24 of the Joint Chiefs of Staff on mission needs state-
25 ments and operational requirements documents.

1 (12) Exploring new operational concepts (in-
2 cluding those developed within the Office of the Sec-
3 retary of Defense and Defense Agencies, other uni-
4 fied commands, the Armed Forces, and the Joint
5 Staff), and integrating and testing in joint experi-
6 mentation the systems and concepts that result from
7 warfighting experimentation by the Armed Forces
8 and the Defense Agencies.

9 (13) Developing, planning, refining, assessing,
10 and recommending to the Secretary of Defense and
11 the Chairman of the Joint Chiefs of Staff the most
12 promising joint concepts and capabilities for experi-
13 mentation and assessment.

14 (14) Assisting the Secretary of Defense and the
15 Chairman of the Joint Chiefs of Staff to prioritize
16 joint requirements and acquisition programs on the
17 basis of joint warfighting experimentation.

18 (d) CONTINUED EXPERIMENTATION BY OTHER DE-
19 FENSE ORGANIZATIONS.—It is, further, the sense of Con-
20 gress that—

21 (1) the Armed Forces are expected to continue
22 to develop concepts and conduct intraservice and
23 multiservice warfighting experimentation within their
24 core competencies; and

1 (2) the commander of United States Special
2 Operations Command is expected to continue to de-
3 velop concepts and conduct joint experimentation as-
4 sociated with special operations forces.

5 (e) CONGRESSIONAL REVIEW.—It is, further, the
6 sense of Congress that—

7 (1) Congress will carefully review the initial re-
8 port and annual reports on joint warfighting experi-
9 mentation required under section 1203 to determine
10 the adequacy of the scope and pace of the trans-
11 formation of the Armed Forces to meet future chal-
12 lenges to the national security; and

13 (2) if the progress is inadequate, Congress will
14 consider legislation to establish a unified combatant
15 command with the mission, forces, budget, respon-
16 sibilities, and authority described in the preceding
17 provisions of this section.

18 **SEC. 1203. REPORTS ON JOINT WARFIGHTING EXPERIMEN-**
19 **TATION.**

20 (a) INITIAL REPORT.—(1) On such schedule as the
21 Secretary of Defense shall direct, the commander of the
22 combatant command assigned the mission for joint
23 warfighting experimentation shall submit to the Secretary
24 an initial report on the implementation of joint experimen-
25 tation. Not later than April 1, 1999, the Secretary shall

1 submit the report, together with any comments that the
2 Secretary considers appropriate and any comments that
3 the Chairman of the Joint Chiefs of Staff considers appro-
4 priate, to the Chairmen of the Committee on Armed Serv-
5 ices of the Senate and the Committee on National Security
6 of the House of Representatives.

7 (2) The initial report of the commander shall include
8 the following:

9 (A) The commander's understanding of the
10 commander's specific authority and responsibilities
11 and of the commander's relationship to the Sec-
12 retary of Defense, the Chairman of the Joint Chiefs
13 of Staff, the Joint Staff, the commanders of other
14 combatant commands, the Armed Forces, and the
15 Defense Agencies and activities.

16 (B) The organization of the commander's com-
17 batant command, and of its staff, for carrying out
18 the joint warfighting experimentation mission.

19 (C) The process established for tasking forces
20 to participate in joint warfighting experimentation
21 and the commander's specific authority over the
22 forces.

23 (D) Any forces designated or made available as
24 joint experimentation forces.

1 (E) The resources provided for joint
2 warfighting experimentation, including the personnel
3 and funding for the initial implementation of joint
4 experimentation, the process for providing the re-
5 sources to the commander, the categories of the
6 funding, and the authority of the commander for
7 budget execution.

8 (F) The authority of the commander, and the
9 process established, for the development and acquisi-
10 tion of the material, supplies, services, and equip-
11 ment necessary for the conduct of joint warfighting
12 experimentation, including the authority and process
13 for development and acquisition by the Armed
14 Forces and the Defense Agencies and the authority
15 and process for development and acquisition by the
16 commander directly.

17 (G) The authority of the commander to design,
18 prepare, and conduct joint experiments (including
19 the scenarios and measures of effectiveness used) for
20 assessing operational concepts for meeting future
21 challenges to the national security.

22 (H) The role assigned the commander for—

23 (i) integrating and testing in joint
24 warfighting experimentation the systems that

1 emerge from warfighting experimentation by
2 the Armed Forces or the Defense Agencies;

3 (ii) assessing the effectiveness of organiza-
4 tional structures, operational concepts, and
5 technologies employed in joint warfighting ex-
6 perimentation; and

7 (iii) assisting the Secretary of Defense and
8 the Chairman of the Joint Chiefs of Staff in
9 prioritizing acquisition programs in relationship
10 to future joint warfighting capabilities.

11 (I) Any other comments that the commander
12 considers appropriate.

13 (b) ANNUAL REPORT.—(1) On such schedule as the
14 Secretary of Defense shall direct, the commander of the
15 combatant command assigned the mission for joint
16 warfighting experimentation shall submit to the Secretary
17 an annual report on the conduct of joint experimentation
18 activities for the fiscal year ending in the year of the re-
19 port. Not later than December 1 of each year, the Sec-
20 retary shall submit the report, together with any com-
21 ments that the Secretary considers appropriate and any
22 comments that the Chairman of the Joint Chiefs of Staff
23 considers appropriate, to the Chairmen of the Committee
24 on Armed Services of the Senate and the Committee on

1 National Security of the House of Representatives. The
2 first annual report shall be submitted in 1999.

3 (2) The annual report of the commander shall in-
4 clude, for the fiscal year covered by the report, the follow-
5 ing:

6 (A) Any changes in—

7 (i) the commander's authority and respon-
8 sibilities for joint warfighting experimentation;

9 (ii) the commander's relationship to the
10 Secretary of Defense, the Chairman of the
11 Joint Chiefs of Staff, the Joint Staff, the com-
12 manders of the other combatant commands, the
13 Armed Forces, or the Defense Agencies or ac-
14 tivities;

15 (iii) the organization of the commander's
16 command and staff for joint warfighting experi-
17 mentation;

18 (iv) any forces designated or made avail-
19 able as joint experimentation forces;

20 (v) the process established for tasking
21 forces to participate in joint experimentation
22 activities or the commander's specific authority
23 over the tasked forces;

24 (vi) the procedures for providing funding
25 for the commander, the categories of funding,

1 or the commander's authority for budget execu-
2 tion;

3 (vii) the authority of the commander, and
4 the process established, for the development
5 and acquisition of the material, supplies, serv-
6 ices, and equipment necessary for the conduct
7 of joint warfighting experimentation;

8 (viii) the commander's authority to design,
9 prepare, and conduct joint experiments (includ-
10 ing the scenarios and measures of effectiveness
11 used) for assessing operational concepts for
12 meeting future challenges to the national secu-
13 rity; or

14 (ix) any role described in subsection
15 (a)(2)(H).

16 (B) The conduct of joint warfighting experi-
17 mentation activities, including the number of activi-
18 ties, the forces involved, the national security chal-
19 lenges addressed, the operational concepts assessed,
20 and the scenarios and measures of effectiveness
21 used.

22 (C) An assessment of the results of warfighting
23 experimentation within the Department of Defense.

1 (D) The effect of warfighting experimentation
2 on the process for transforming the Armed Forces
3 to meet future challenges to the national security.

4 (E) Any recommendations that the commander
5 considers appropriate regarding—

6 (i) the development or acquisition of ad-
7 vanced technologies; or

8 (ii) changes in organizational structure,
9 operational concepts, or joint doctrine.

10 (F) An assessment of the adequacy of re-
11 sources, and any recommended changes for the proc-
12 ess of providing resources, for joint warfighting ex-
13 perimentation.

14 (G) Any recommended changes in the authority
15 or responsibilities of the commander.

16 (H) Any additional comments that the com-
17 mander considers appropriate.

18 **DIVISION B—MILITARY CON-**
19 **STRUCTION AUTHORIZA-**
20 **TIONS**

21 **SEC. 2001. SHORT TITLE.**

22 This division may be cited as the “Military Construc-
23 tion Authorization Act for Fiscal Year 1999”.

TITLE XXI—ARMY

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

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

Army: Inside the United States

State	Installation or location	Amount
Alabama	Anniston Army Depot	\$3,550,000
	Fort Rucker	\$10,000,000
Alaska	Fort Wainwright	\$22,600,000
California	Fort Irwin	\$7,000,000
Georgia	Fort Benning	\$28,600,000
	Fort Stewart	\$17,000,000
Hawaii	Schofield Barracks	\$67,500,000
Illinois	Rock Island Arsenal	\$5,300,000
Indiana	Crane Army Ammunition Activity	\$7,100,000
Kentucky	Bluegrass Army Depot	\$5,300,000
	Fort Campbell	\$41,000,000
Louisiana	Fort Polk	\$8,300,000
Maryland	Fort Detrick	\$3,550,000
	Fort Meade	\$5,300,000
Missouri	Fort Leonard Wood	\$5,200,000
New Jersey	Fort Dix	\$8,731,000
New York	Fort Drum	\$4,650,000
	United States Military Academy, West Point.	\$85,000,000
North Carolina	Fort Bragg	\$85,300,000
Oklahoma	Fort Sill	\$13,800,000
	McAlester Army Ammunition Plant	\$10,800,000
Texas	Fort Bliss	\$4,100,000
	Fort Hood	\$32,500,000
	Fort Sam Houston	\$21,800,000
Utah	Tooele Army Depot	\$3,900,000
Virginia	Charlottesville	\$46,200,000
	Fort Eustis	\$36,531,000
Washington	Fort Lewis	\$18,200,000
West Virginia	Camp Dawson	\$13,595,000
CONUS Classified	Classified Locations	\$4,600,000
Total:		\$627,007,000

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
Belgium	80th Area Support Group	\$6,300,000
Germany	Schweinfurt	\$18,000,000
	Wuerzburg	\$4,250,000
Korea	Camp Casey	\$13,400,000
	Camp Castle	\$18,226,000
	Camp Humphreys	\$8,500,000
	Camp Stanley	\$5,800,000
Kwajalein	Kwajalein Atoll	\$48,600,000
	Total:	\$123,076,000

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)(5)(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	Installation or loca- tion	Purpose	Amount
Alabama	Redstone Arsenal	118 Units	\$14,000,000
Hawaii	Schofield Barracks	64 Units	\$14,700,000
North Carolina	Fort Bragg	170 Units	\$19,800,000
Texas	Fort Hood	154 Units	\$21,600,000
		Total:	\$70,100,000

14 (b) PLANNING AND DESIGN.—Using amounts appro-
 15 priated pursuant to the authorization of appropriations in

1 section 2104(a)(5)(A), the Secretary of the Army may
2 carry out architectural and engineering services and con-
3 struction design activities with respect to the construction
4 or improvement of family housing units in an amount not
5 to exceed \$7,490,000.

6 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
7 **UNITS.**

8 Subject to section 2825 of title 10, United States
9 Code, and using amounts appropriated pursuant to the
10 authorization of appropriations in section 2104(a)(5)(A),
11 the Secretary of the Army may improve existing military
12 family housing units in an amount not to exceed
13 \$46,029,000.

14 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

15 (a) IN GENERAL.—Funds are hereby authorized to
16 be appropriated for fiscal years beginning after September
17 30, 1998, for military construction, land acquisition, and
18 military family housing functions of the Department of the
19 Army in the total amount of \$2,005,630,000 as follows:

20 (1) For military construction projects inside the
21 United States authorized by section 2101(a),
22 \$539,007,000.

23 (2) For military construction projects outside
24 the United States authorized by section 2101(b),
25 \$87,076,000.

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

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$65,295,000.

7 (5) For military family housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$123,619,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$1,104,733,000.

15 (6) For the Homeowners Assistance Program
16 as authorized by section 2832 of title 10, United
17 States Code, \$12,800,000.

18 (7) For the construction of the missile software
19 engineering annex, phase II, Redstone Arsenal, Ala-
20 bama, authorized by section 2101(a) of the Military
21 Construction Authorization Act for Fiscal Year 1998
22 (division B of Public Law 105–85; 111 Stat. 1966),
23 \$13,600,000.

24 (8) For the construction of a disciplinary bar-
25 racks, phase II, Fort Leavenworth, Kansas, author-

1 ized by section 2101(a) of the Military Construction
2 Authorization Act for Fiscal Year 1998,
3 \$29,000,000.

4 (9) For the construction of the whole barracks
5 complex renewal, Fort Sill, Oklahoma, authorized by
6 section 2101(a) of the Military Construction Author-
7 ization Act for Fiscal Year 1998, \$20,500,000.

8 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
9 PROJECTS.—Notwithstanding the cost variations author-
10 ized by section 2853 of title 10, United States Code, and
11 any other cost variation authorized by law, the total cost
12 of all projects carried out under section 2101 of this Act
13 may not exceed—

14 (1) the total amount authorized to be appro-
15 priated under paragraphs (1) and (2) of subsection
16 (a);

17 (2) \$73,000,000 (the balance of the amount au-
18 thorized to be appropriated under section 2101(a) of
19 this Act for the construction of the Cadet Physical
20 Development project at the United States Military
21 Academy, West Point, New York);

22 (3) \$15,000,000 (the balance of the amount au-
23 thorized to be appropriated under section 2101(a) of
24 this Act for the construction of a rail head facility
25 at Fort Hood, Texas); and

1 (b) CONFORMING AMENDMENTS.—(1) The table in
 2 section 2101(a) of that Act is amended in the item relat-
 3 ing to the total by striking out “\$598,750,000” in the
 4 amount column and inserting in lieu thereof
 5 “\$602,250,000”.

6 (2) Section 2104 of that Act (111 Stat. 1968) is
 7 amended—

8 (A) in the matter preceding paragraph (1), by
 9 striking out “\$2,010,466,000” and inserting in lieu
 10 thereof “\$2,013,966,000”; and

11 (B) in paragraph (1), by striking out
 12 “\$435,350,000” and inserting in lieu thereof
 13 “\$438,850,000”.

14 **TITLE XXII—NAVY**

15 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 16 **ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts
 18 appropriated pursuant to the authorization of appropria-
 19 tions in section 2204(a)(1), the Secretary of the Navy may
 20 acquire real property and carry out military construction
 21 projects for the installations and locations inside the
 22 United States, and in the amounts, set forth in the follow-
 23 ing table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Marine Corps Air Station, Yuma Naval Observatory Detachment, Flag- staff.	\$11,010,000 \$990,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
California	Marine Corps Air Station, Miramar	\$29,570,000
	Marine Corps Base, Camp Pendleton	\$28,240,000
	Naval Air Station, Lemoore	\$20,640,000
	Naval Air Warfare Center Weapons Division, China Lake.	\$3,240,000
	Naval Facility, San Clemente Island	\$8,350,000
	Naval Submarine Base, San Diego	\$11,400,000
Connecticut	Naval Submarine Base, New London	\$12,510,000
District of Columbia	Naval District, Washington	\$790,000
Florida	Naval Air Station, Key West	\$3,730,000
	Naval Air Station, Whiting Field	\$1,400,000
Georgia	Naval Air Station, Atlanta	\$4,100,000
	Naval Submarine Base, Kings Bay	\$2,550,000
Hawaii	Marine Corps Air Station, Kaneohe Bay	\$27,410,000
	Marine Corps Base, Hawaii	\$23,570,000
	Naval Communications & Telecommunications Area Master Station Eastern Pacific, Wahiawa.	\$1,970,000
	Naval Shipyard, Pearl Harbor	\$39,310,000
	Naval Submarine Base, Pearl Harbor	\$8,060,000
	Navy Public Works Center, Pearl Harbor	\$28,967,000
Illinois	Naval Training Center, Great Lakes	\$5,750,000
	Naval Training Center, Great Lakes	\$7,410,000
Maryland	Naval Surface Warfare Center, Indian Head Division, Indian Head.	\$6,680,000
	United States Naval Academy	\$4,300,000
Mississippi	Naval Construction Battalion Center, Gulfport.	\$10,670,000
North Carolina	Marine Corps Air Station, Cherry Point	\$6,040,000
	Marine Corps Base, Camp LeJeune	\$30,300,000
Rhode Island	Naval Education and Training Center, Newport.	\$5,630,000
	Naval Undersea Warfare Center Division, Newport.	\$9,140,000
South Carolina	Marine Corps Air Station, Beaufort	\$1,770,000
	Marine Corps Recruit Depot, Parris Island.	\$7,960,000
Virginia	Naval Weapons Station, Charleston	\$9,737,000
	Fleet and Industrial Supply Center, Norfolk (Craney Island).	\$1,770,000
	Fleet Training Center, Norfolk	\$5,700,000
	Naval Shipyard, Norfolk, Portsmouth	\$6,180,000
	Naval Station, Norfolk	\$45,530,000
	Naval Surface Warfare Center, Dahlgren	\$5,130,000
Washington	Tactical Training Group Atlantic, Dam Neck.	\$2,430,000
	Strategic Weapons Facility Pacific, Bremerton.	\$2,750,000
	Naval Shipyard, Puget Sound, Bremerton.	\$4,300,000
	Total:	\$446,984,000

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

1 projects for the installations and locations outside the
 2 United States, and in the amounts, set forth in the follow-
 3 ing table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Naval Support Activity, Souda Bay	\$5,260,000
Guam	Naval Activities, Guam	\$10,310,000
Italy	Naval Support Activity, Naples	\$18,270,000
United Kingdom	Joint Maritime Communications Center, St. Mawgan.	\$2,010,000
	Total:	\$35,850,000

4 **SEC. 2202. FAMILY HOUSING.**

5 (a) CONSTRUCTION AND ACQUISITION.—Using
 6 amounts appropriated pursuant to the authorization of ap-
 7 propriations in section 2204(a)(5)(A), the Secretary of the
 8 Navy may construct or acquire family housing units (in-
 9 cluding land acquisition) at the installations, for the pur-
 10 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation or loca- tion	Purpose	Amount
California	Naval Air Station, Lemoore.	162 Units	\$30,379,000
Hawaii	Navy Public Works Center, Pearl Harbor.	150 Units	\$29,125,000
		Total:	\$59,504,000

11 (b) PLANNING AND DESIGN.—Using amounts appro-
 12 priated pursuant to the authorization of appropriations in
 13 section 2204(a)(5)(A), the Secretary of the Navy 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 \$15,618,000.

3 **SEC. 2203. 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 2204(a)(5)(A),
8 the Secretary of the Navy may improve existing military
9 family housing units in an amount not to exceed
10 \$211,991,000.

11 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

12 (a) IN GENERAL.—Funds are hereby authorized to
13 be appropriated for fiscal years beginning after September
14 30, 1998, for military construction, land acquisition, and
15 military family housing functions of the Department of the
16 Navy in the total amount of \$1,741,121,000 as follows:

17 (1) For military construction projects inside the
18 United States authorized by section 2201(a),
19 \$433,484,000.

20 (2) For military construction projects outside
21 the United States authorized by section 2201(b),
22 \$35,850,000.

23 (3) For unspecified minor construction projects
24 authorized by section 2805 of title 10, United States
25 Code, \$8,900,000.

1 (4) For architectural and engineering services
2 and construction design under section 2807 of title
3 10, United States Code, \$60,481,000.

4 (5) For military family housing functions:

5 (A) For construction and acquisition, plan-
6 ning and design, and improvement of military
7 family housing and facilities, \$287,113,000.

8 (B) For support of military housing (in-
9 cluding functions described in section 2833 of
10 title 10, United States Code), \$915,293,000.

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

17 (1) the total amount authorized to be appro-
18 priated under paragraphs (1) and (2) of subsection
19 (a); and

20 (2) \$13,500,000 (the balance of the amount au-
21 thorized under section 2201(a) of this Act for the
22 construction of a berthing pier at Naval Station,
23 Norfolk, Virginia).

24 (c) ADJUSTMENT.—The total amount authorized to
25 be appropriated pursuant to paragraphs (1) through (5)

1 of subsection (a) is the sum of the amounts authorized
 2 to be appropriated in such paragraphs reduced by
 3 \$6,323,000, which represents the combination of project
 4 savings in military construction resulting from favorable
 5 bids, reduced overhead costs, and cancellations due to
 6 force structure changes.

7 **TITLE XXIII—AIR FORCE**

8 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 9 **LAND ACQUISITION PROJECTS.**

10 (a) INSIDE THE UNITED STATES.—Using amounts
 11 appropriated pursuant to the authorization of appropria-
 12 tions in section 2304(a)(1), the Secretary of the Air Force
 13 may acquire real property and carry out military construc-
 14 tion projects for the installations and locations inside the
 15 United States, and in the amounts, set forth in the follow-
 16 ing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$19,398,000
Alaska	Eielson Air Force Base	\$10,552,000
Arkansas	Little Rock Air Force Base	\$1,500,000
California	Edwards Air Force Base	\$10,361,000
	Travis Air Force Base	\$4,250,000
	Vandenberg Air Force Base	\$18,709,000
Colorado	Falcon Air Force Station	\$9,601,000
	United States Air Force Academy ...	\$4,413,000
Delaware	Dover Air Force Base	\$1,600,000
District of Columbia	Bolling Air Force Base	\$2,948,000
Florida	Eglin Air Force Base	\$20,437,000
	Eglin Auxiliary Field 9	\$3,837,000
	MacDill Air Force Base	\$5,008,000
Georgia	Robins Air Force Base	\$11,894,000
Hawaii	Hickam Air Force Base	\$5,890,000
Idaho	Mountain Home Air Force Base	\$17,897,000
Kansas	McConnell Air Force Base	\$2,900,000
Maryland	Andrews Air Force Base	\$4,448,000
Massachusetts	Hanscom Air Force Base	\$10,000,000
Mississippi	Keesler Air Force Base	\$35,526,000
	Columbus Air Force Base	\$8,200,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Montana	Malmstrom Air Force Base	\$13,200,000
Nevada	Indian Springs	\$15,013,000
	Nellis Air Force Base	\$6,378,000
New Jersey	McGuire Air Force Base	\$6,044,000
New Mexico	Cannon Air Force Base	\$6,500,000
	Kirtland Air Force Base	\$8,574,000
North Carolina	Seymour Johnson Air Force Base ...	\$6,100,000
North Dakota	Grand Forks Air Force Base	\$2,686,000
	Minot Air Force Base	\$8,500,000
Ohio	Wright-Patterson Air Force Base	\$22,000,000
Oklahoma	Altus Air Force Base	\$4,000,000
	Tinker Air Force Base	\$24,985,000
	Vance Air Force Base	\$6,223,000
South Carolina	Charleston Air Force Base	\$24,330,000
	Shaw Air Force Base	\$8,500,000
South Dakota	Ellsworth Air Force Base	\$6,500,000
Texas	Dyess Air Force Base	\$1,400,000
	Lackland Air Force Base	\$6,800,000
	Lackland Training Annex	\$8,130,000
	Randolph Air Force Base	\$3,166,000
Utah	Hill Air Force Base	\$4,100,000
Washington	Fairchild Air Force Base	\$11,520,000
	McChord Air Force Base	\$55,247,000
	Total:	\$469,265,000

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 follow-
7 ing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	\$13,967,000
Korea	Kunsan Air Base	\$5,958,000
	Osan Air Base	\$7,496,000
Turkey	Incirlik Air Base	\$2,949,000
United Kingdom	Royal Air Force, Lakenheath	\$15,838,000
	Royal Air Force, Mildenhall	\$24,960,000
	Total:	\$71,168,000

8 SEC. 2302. FAMILY HOUSING.

9 (a) CONSTRUCTION AND ACQUISITION.—Using
10 amounts appropriated pursuant to the authorization of ap-

1 appropriations in section 2304(a)(5)(A), the Secretary of the
 2 Air Force may construct or acquire family housing units
 3 (including land acquisition) at the installations, for the
 4 purposes, and in the amounts set forth in the following
 5 table:

Air Force: Family Housing

State	Installation or location	Purpose	Amount
Alabama	Maxwell Air Force Base.	143 Units	\$16,300,000
Alaska	Eielson Air Force Base	46 Units	\$12,932,000
California	Edwards Air Force Base.	48 Units	\$12,580,000
	Vandenberg Air Force Base.	95 Units	\$18,499,000
Delaware	Dover Air Force Base	55 Units	\$8,998,000
Florida	MacDill Air Force Base	48 Units	\$7,609,000
	Patrick Air Force Base	46 Units	\$9,692,000
	Tyndall Air Force Base	122 Units	\$14,500,000
Mississippi	Columbus Air Force Base.	52 Units	\$6,800,000
	Keesler Air Force Base	52 Units	\$6,800,000
Nebraska	Offutt Air Force Base	Housing Maintenance Facility.	\$900,000
	Offutt Air Force Base	Housing Office	\$870,000
	Offutt Air Force Base	90 Units	\$12,212,000
New Mexico	Kirtland Air Force Base.	37 Units	\$6,400,000
Ohio	Wright-Patterson Air Force Base.	40 Units	\$5,600,000
Texas	Dyess Air Force Base ..	64 Units	\$9,415,000
	Sheppard Air Force Base.	115 Units	\$12,800,000
Washington	Fairchild Air Force Base.	Housing Office and Maintenance Facility.	\$1,692,000
	Fairchild Air Force Base.	14 Units	\$2,300,000
		Total:	\$166,899,000

6 (b) PLANNING AND DESIGN.—Using amounts appro-
 7 priated pursuant to the authorization of appropriations in
 8 section 2304(a)(5)(A), the Secretary of the Air Force may
 9 carry out architectural and engineering services and con-
 10 struction design activities with respect to the construction

1 or improvement of military family housing units in an
2 amount not to exceed \$12,622,000.

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)(5)(A),
8 the Secretary of the Air Force may improve existing mili-
9 tary family housing units in an amount not to exceed
10 \$90,888,000.

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, 1998, for military construction, land acquisition, and
16 military family housing functions of the Department of the
17 Air Force in the total amount of \$1,652,734,000 as fol-
18 lows:

19 (1) For military construction projects inside the
20 United States authorized by section 2301(a),
21 \$469,265,000.

22 (2) For military construction projects outside
23 the United States authorized by section 2301(b),
24 \$71,168,000.

1 (3) For unspecified minor construction projects
2 authorized by section 2805 of title 10, United States
3 Code, \$7,135,000.

4 (4) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$44,762,000.

7 (5) For military housing functions:

8 (A) For construction and acquisition, plan-
9 ning and design, and improvement of military
10 family housing and facilities, \$270,409,000.

11 (B) For support of military family housing
12 (including the functions described in section
13 2833 of title 10, United States Code),
14 \$789,995,000.

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

22 (c) ADJUSTMENT.—The total amount authorized to
23 be appropriated pursuant to paragraphs (1) through (5)
24 of subsection (a) is the sum of the amounts authorized
25 to be appropriated in such paragraphs reduced by

1 \$7,584,000, which represents the combination of project
 2 savings in military construction resulting from favorable
 3 bids, overhead costs, and cancellations due to force struc-
 4 ture changes.

5 **TITLE XXIV—DEFENSE** 6 **AGENCIES**

7 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRU-** 8 **CTION AND LAND ACQUISITION PROJECTS.**

9 (a) INSIDE THE UNITED STATES.—Using amounts
 10 appropriated pursuant to the authorization of appropria-
 11 tions in section 2404(a)(1), the Secretary of Defense may
 12 acquire real property and carry out military construction
 13 projects for the installations and locations inside the
 14 United States, and in the amounts, set forth in the follow-
 15 ing table:

Defense Agencies: Inside the United States

Agency	Installation or location	Amount	
Chemical Demilitarization Program.	Aberdeen Proving Ground, Maryland	\$186,350,000	
	Newport Army Depot, Indiana	\$191,550,000	
Defense Logistics Agency	Defense Fuel Support Point, Fort Sill, Oklahoma	\$3,500,000	
	Defense Fuel Support Point, Jacksonville Annex, Mayport, Florida	\$11,020,000	
	Defense Fuel Support Point, Jacksonville, Florida	\$11,000,000	
	Defense General Supply Center, Richmond (DLA), Virginia	\$10,500,000	
	Defense Fuel Supply Center, Camp Shelby, Mississippi	\$5,300,000	
	Defense Fuel Supply Center, Elmendorf Air Force Base, Alaska	\$19,500,000	
	Defense Fuel Supply Center, Pope Air Force Base, North Carolina ...	\$4,100,000	
	Various Locations	\$1,300,000	
	Defense Medical Facilities Office.	Barksdale Air Force Base, Louisiana	\$3,450,000
		Beale Air Force Base, California	\$3,500,000
Carlisle Barracks, Pennsylvania		\$4,678,000	
Cheatham Annex, Virginia		\$11,300,000	
	Edwards Air Force Base, California	\$6,000,000	

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
	Eglin Air Force Base, Florida	\$9,200,000
	Fort Bragg, North Carolina	\$6,500,000
	Fort Hood, Texas	\$14,100,000
	Fort Stewart/Hunter Army Air Field, Georgia	\$10,400,000
	Grand Forks Air Force Base, North Dakota	\$5,600,000
	Holloman Air Force Base, New Mexico	\$1,300,000
	Keesler Air Force Base, Mississippi	\$700,000
	Marine Corps Air Station, Camp Pendleton, California	\$6,300,000
	McChord Air Force Base, Washington	\$20,000,000
	Moody Air Force Base, Georgia	\$11,000,000
	Naval Air Station, Pensacola, Florida	\$25,400,000
	Naval Hospital, Bremerton, Washington	\$28,000,000
	Naval Hospital, Great Lakes, Illinois	\$7,100,000
	Naval Station, San Diego, California	\$1,350,000
	Naval Submarine Base, Bangor, Washington	\$5,700,000
	Travis Air Force Base, California	\$1,700,000
Defense Education Activity ...	Marine Corps Base, Camp LeJeune, North Carolina	\$16,900,000
	United States Military Academy, West Point, New York	\$2,840,000
National Security Agency	Fort Meade, Maryland	\$668,000
Special Operations Command	Eglin Auxiliary Field 3, Florida	\$2,210,000
	Eglin Auxiliary Field 9, Florida	\$2,400,000
	Fort Campbell, Kentucky	\$15,000,000
	MacDill Air Force Base, Florida	\$8,400,000
	Mississippi Army Ammunition Plant/Stennis Space Center, Mississippi	\$5,500,000
	Naval Amphibious Base, Coronado, California	\$3,600,000
	Total:	\$684,916,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropri-
3 ations in section 2404(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization.	Kwajalein Atoll, Kwajalein	\$4,600,000
Defense Logistics Agency	Lajes Field, Azores, Portugal	\$7,700,000
Defense Medical Facilities Office.	Naval Air Station, Sigonella, Italy ...	\$5,300,000
	Royal Air Force, Lakenheath, United Kingdom	\$10,800,000
Defense Education Activity ...	Fort Buchanan, Puerto Rico	\$8,805,000
	Naval Activities, Guam	\$13,100,000
Special Operations Command	Naval Station, Roosevelt Roads, Puerto Rico	\$9,600,000
	Total:	\$59,905,000

1 SEC. 2402. IMPROVEMENTS TO MILITARY FAMILY HOUSING**2 UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriation in section 2404(a)(11)(A),
6 the Secretary of Defense may improve existing military
7 family housing units in an amount not to exceed
8 \$345,000.

9 SEC. 2403. ENERGY CONSERVATION PROJECTS.

10 Using amounts appropriated pursuant to the author-
11 ization of appropriations in section 2404(a)(9), the Sec-
12 retary of Defense may carry out energy conservation
13 projects under section 2865 of title 10, United States
14 Code.

**15 SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DE-
16 FENSE AGENCIES.**

17 (a) IN GENERAL.—Funds are hereby authorized to
18 be appropriated for fiscal years beginning after September

1 30, 1998, for military construction, land acquisition, and
2 military family housing functions of the Department of
3 Defense (other than the military departments), in the total
4 amount of \$2,346,923,000 as follows:

5 (1) For military construction projects inside the
6 United States authorized by section 2401(a),
7 \$340,866,000.

8 (2) For military construction projects outside
9 the United States authorized by section 2401(b),
10 \$59,905,000.

11 (3) For military construction projects at Ports-
12 mouth Naval Hospital, Virginia, hospital replace-
13 ment, authorized by section 2401(a) of the Military
14 Construction Authorization Act for Fiscal Years
15 1990 and 1991 (division B of Public Law 101-189;
16 106 Stat. 1640), as amended by section 2406 of this
17 Act, \$17,954,000.

18 (4) For construction of the Ammunition Demili-
19 tarization Facility, Pine Bluff Arsenal, Arkansas,
20 authorized by section 2401 of the Military Construc-
21 tion Authorization Act for Fiscal Year 1995 (divi-
22 sion B of Public Law 103-337; 108 Stat. 3040), as
23 amended by section 2407 of the Military Construc-
24 tion Authorization Act for Fiscal Year 1996 (divi-
25 sion B of Public Law 104-106; 110 Stat. 539), sec-

1 tion 2408 of the Military Construction Authorization
2 Act for Fiscal Year 1998 (111 Stat. 1982), and sec-
3 tion 2405 of this Act, \$10,000,000.

4 (5) For construction of the Ammunition Demili-
5 tarization Facility, Umatilla Army Depot, Oregon,
6 authorized by section 2401 of the Military Construc-
7 tion Authorization Act for Fiscal Year 1995, as
8 amended by section 2407 of the Military Construc-
9 tion Authorization Act for Fiscal Year 1996, section
10 2408 of the Military Construction Authorization Act
11 for Fiscal Year 1998, and section 2405 of this Act,
12 \$30,950,000.

13 (6) For unspecified minor construction projects
14 under section 2805 of title 10, United States Code,
15 \$13,394,000.

16 (7) For contingency construction projects of the
17 Secretary of Defense under section 2804 of title 10,
18 United States Code, \$9,390,000.

19 (8) For architectural and engineering services
20 and construction design under section 2807 of title
21 10, United States Code, \$42,566,000.

22 (9) For energy conservation projects authorized
23 by section 2404, \$46,950,000.

24 (10) For base closure and realignment activities
25 as authorized by the Defense Base Closure and Re-

1 alignment Act of 1990 (part A of title XXIX of
2 Public Law 101–510; 10 U.S.C. 2687 note),
3 \$1,730,704,000.

4 (11) For military family housing functions:

5 (A) For improvement of military family
6 housing and facilities, \$345,000.

7 (B) For support of military housing (in-
8 cluding functions described in section 2833 of
9 title 10, United States Code), \$36,899,000 of
10 which not more than \$31,139,000 may be obli-
11 gated or expended for the leasing of military
12 family housing units worldwide.

13 (C) For credit to the Department of De-
14 fense Family Housing Improvement Fund es-
15 tablished by section 2883(a)(1) of title 10,
16 United States Code, \$7,000,000.

17 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION
18 PROJECTS.—Notwithstanding the cost variations author-
19 ized by section 2853 of title 10, United States Code, and
20 any other cost variations authorized by law, the total cost
21 of all projects carried out under section 2401 of this Act
22 may not exceed—

23 (1) the total amount authorized to be appro-
24 priated under paragraphs (1) and (2) of subsection

25 (a);

1 (2) \$174,550,000 (the balance of the amount
2 authorized under section 2401(a) of this Act for the
3 construction of a chemical demilitarization facility at
4 Newport Army Depot, Indiana); and

5 (3) \$169,500,000 (the balance of the amount
6 authorized under section 2401(a) of this Act for the
7 construction of a chemical demilitarization facility at
8 Aberdeen Proving Ground, Maryland).

9 **SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT**
10 **CERTAIN FISCAL YEAR 1995 PROJECTS.**

11 The table in section 2401 of the Military Construc-
12 tion Authorization Act for Fiscal Year 1995 (division B
13 of Public Law 103–337; 108 Stat. 3040), as amended by
14 section 2407 of the Military Construction Authorization
15 Act for Fiscal Year 1996 (division B of Public Law 104–
16 106; 110 Stat. 539) and section 2408 of the Military Con-
17 struction Authorization Act for Fiscal Year 1998 (division
18 B of Public Law 105–85; 111 Stat. 1982), under the
19 agency heading relating to Chemical Weapons and Muni-
20 tions Destruction, is amended—

21 (1) in the item relating to Pine Bluff Arsenal,
22 Arkansas, by striking out “\$134,000,000” in the
23 amount column and inserting in lieu thereof
24 “\$154,400,000”; and

1 (2) in the item relating to Umatilla Army
2 Depot, Oregon, by striking out “\$187,000,000” in
3 the amount column and inserting in lieu thereof
4 “\$193,377,000”.

5 **SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT**
6 **FISCAL YEAR 1990 PROJECT.**

7 The table in section 2401(a) of the Military Construc-
8 tion Authorization Act for Fiscal Years 1990 and 1991
9 (division B of Public Law 100–189; 103 Stat. 1640) is
10 amended in the item relating to Portsmouth Naval Hos-
11 pital, Virginia, by striking out “\$330,000,000” and insert-
12 ing in lieu thereof “\$351,354,000”.

13 **TITLE XXV—NORTH ATLANTIC**
14 **TREATY ORGANIZATION SE-**
15 **CURITY INVESTMENT PRO-**
16 **GRAM**

17 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
18 **ACQUISITION PROJECTS.**

19 The Secretary of Defense may make contributions for
20 the North Atlantic Treaty Organization Security Invest-
21 ment program as provided in section 2806 of title 10,
22 United States Code, in an amount not to exceed the sum
23 of the amount authorized to be appropriated for this pur-
24 pose in section 2502 and the amount collected from the

1 North Atlantic Treaty Organization as a result of con-
2 struction previously financed by the United States.

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 Funds are hereby authorized to be appropriated for
5 fiscal years beginning after September 30, 1998, for con-
6 tributions by the Secretary of Defense under section 2806
7 of title 10, United States Code, for the share of the United
8 States of the cost of projects for the North Atlantic Treaty
9 Organization Security Investment program authorized by
10 section 2501, in the amount of \$159,000,000.

11 **TITLE XXVI—GUARD AND**
12 **RESERVE FORCES FACILITIES**

13 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
14 **TION AND LAND ACQUISITION PROJECTS.**

15 There are authorized to be appropriated for fiscal
16 years beginning after September 30, 1998, for the costs
17 of acquisition, architectural and engineering services, and
18 construction of facilities for the Guard and Reserve
19 Forces, and for contributions therefor, under chapter
20 1803 of title 10, United States Code (including the cost
21 of acquisition of land for those facilities), the following
22 amounts:

23 (1) For the Department of the Army—

24 (A) for the Army National Guard of the
25 United States, \$95,395,000; and

1 (B) for the Army Reserve, \$107,378,000.

2 (2) For the Department of the Navy, for the
3 Naval and Marine Corps Reserve, \$15,271,000.

4 (3) For the Department of the Air Force—

5 (A) for the Air National Guard of the
6 United States, \$161,932,000; and

7 (B) for the Air Force Reserve,
8 \$20,225,000.

9 **SEC. 2602. REDUCTION IN FISCAL YEAR 1998 AUTHORIZA-**
10 **TION OF APPROPRIATIONS FOR ARMY RE-**
11 **SERVE MILITARY CONSTRUCTION.**

12 Section 2601(a)(1)(B) of the Military Construction
13 Authorization Act for Fiscal Year 1998 (division B of
14 Public Law 105–85; 111 Stat. 1983) is amended by strik-
15 ing out “\$66,267,000” and inserting in lieu thereof
16 “\$53,553,000”.

17 **TITLE XXVII—EXPIRATION AND**
18 **EXTENSION OF AUTHORIZA-**
19 **TIONS**

20 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
21 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
22 **LAW.**

23 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
24 YEARS.—Except as provided in subsection (b), all author-
25 izations contained in titles XXI through XXVI for military

1 construction projects, land acquisition, family housing
2 projects and facilities, and contributions to the North At-
3 lantic Treaty Organization Security Investment program
4 (and authorizations of appropriations therefor) shall ex-
5 pire on the later of—

6 (1) October 1, 2001; or

7 (2) the date of enactment of an Act authorizing
8 funds for military construction for fiscal year 2002.

9 (b) EXCEPTION.—Subsection (a) shall not apply to
10 authorizations for military construction projects, land ac-
11 quisition, family housing projects and facilities, and con-
12 tributions to the North Atlantic Treaty Organization Se-
13 curity Investment program (and authorizations of appro-
14 priations therefor), for which appropriated funds have
15 been obligated before the later of—

16 (1) October 1, 2001; or

17 (2) the date of enactment of an Act authorizing
18 funds for fiscal year 2002 for military construction
19 projects, land acquisition, family housing projects
20 and facilities, or contributions to the North Atlantic
21 Treaty Organization Security Investment program.

22 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
23 **FISCAL YEAR 1996 PROJECTS.**

24 (a) EXTENSIONS.—Notwithstanding section 2701 of
25 the Military Construction Authorization Act for Fiscal

1 Year 1996 (division B of Public Law 104–106; 110 Stat.
 2 541), authorizations for the projects set forth in the tables
 3 in subsection (b), as provided in sections 2201, 2302, or
 4 2601 of that Act, shall remain in effect until October 1,
 5 1999, or the date of enactment of an Act authorizing
 6 funds for military construction for fiscal year 2000, which-
 7 ever is later.

8 (b) TABLES.—The tables referred to in subsection (a)
 9 are as follows:

Navy: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Puerto Rico	Naval Station Roosevelt Roads.	Housing Office	\$710,000

Air Force: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Texas	Lackland Air Force Base.	Family Housing (67 units).	\$6,200,000

Army National Guard: Extension of 1996 Project Authorization

State	Installation or location	Project	Amount
Mississippi	Camp Shelby	Multipurpose Range Complex (Phase I).	\$5,000,000

10 **SEC. 2703. EXTENSION OF AUTHORIZATION OF FISCAL**
 11 **YEAR 1995 PROJECT.**

12 (a) EXTENSION.—Notwithstanding section 2701 of
 13 the Military Construction Authorization Act for Fiscal
 14 Year 1995 (division B of Public Law 103–337; 108 Stat.
 15 3046), the authorization for the project set forth in the

1 table in subsection (b), as provided in section 2201 of that
 2 Act and extended by section 2702 of the Military Con-
 3 struction Authorization Act for Fiscal Year 1998 (division
 4 B of Public Law 105–85; 111 Stat. 1985), shall remain
 5 in effect until October 1, 1999, or the date of enactment
 6 of an Act authorizing funds for military construction for
 7 fiscal year 2000, whichever is later.

8 (b) TABLE.—The table referred to in subsection (a)
 9 is as follows:

Navy: Extension of 1995 Project Authorization

State	Installation or loca- tion	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center.	Denitrification/ Acid Mixing Facility.	\$6,400,000

10 **SEC. 2704. EFFECTIVE DATE.**

11 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
 12 shall take effect on the later of—

13 (1) October 1, 1998; or

14 (2) the date of 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. MODIFICATION OF AUTHORITY RELATING TO**
7 **ARCHITECTURAL AND ENGINEERING SERV-**
8 **ICES AND CONSTRUCTION DESIGN.**

9 (a) COVERED PROJECTS.—Subsection (a) of section
10 2807 of title 10, United States Code, is amended in the
11 first sentence by striking out “not otherwise authorized
12 by law.” and inserting in lieu thereof “without regard to
13 the authority under this chapter utilized in carrying out
14 the projects and without regard to whether the projects
15 are authorized by law.”.

16 (b) INCREASE IN THRESHOLD FOR NOTICE TO CON-
17 GRESS.—Subsection (b) of that section is amended by
18 striking out “\$300,000” and inserting in lieu thereof
19 “\$500,000”.

20 (c) AVAILABILITY OF APPROPRIATIONS.—Subsection
21 (d) of that section is amended by striking out “study,
22 planning, design, architectural, and engineering services”
23 and inserting in lieu thereof “architectural and engineer-
24 ing services and construction design”.

1 **SEC. 2802. EXPANSION OF ARMY OVERSEAS FAMILY HOUS-**
2 **ING LEASE AUTHORITY.**

3 (a) **ALTERNATIVE MAXIMUM UNIT AMOUNTS.**—Sec-
4 tion 2828(e) of title 10, United States Code, is amended—

5 (1) in paragraph (2), by inserting, “, and the
6 Secretary of the Army may lease not more than 500
7 units of family housing in Italy,” after “family hous-
8 ing in Italy”;

9 (2) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively; and

11 (3) by inserting after paragraph (2) the follow-
12 ing new paragraph (3):

13 “(3) In addition to the 450 units of family housing
14 referred to in paragraph (1) for which the maximum lease
15 amount is \$25,000 per unit per year, the Secretary of the
16 Army may lease not more than 800 units of family hous-
17 ing in Korea subject to that maximum lease amount.”.

18 (b) **CONFORMING AMENDMENT.**—Paragraph (4) of
19 that section, as redesignated by subsection (a)(2) of this
20 section, is amended by striking out “and (2)” and insert-
21 ing in lieu thereof “, (2), and (3)”.

1 **Subtitle B—Real Property and**
2 **Facilities Administration**

3 **SEC. 2811. INCREASE IN THRESHOLDS FOR REPORTING RE-**
4 **QUIREMENTS RELATING TO REAL PROPERTY**
5 **TRANSACTIONS.**

6 Section 2662 of title 10, United States Code, is
7 amended by striking out “\$200,000” each place it appears
8 in subsections (a), (b), and (e) and inserting in lieu thereof
9 “\$500,000”.

10 **SEC. 2812. EXCEPTIONS TO REAL PROPERTY TRANSACTION**
11 **REPORTING REQUIREMENTS FOR WAR AND**
12 **CERTAIN EMERGENCY AND OTHER OPER-**
13 **ATIONS.**

14 (a) EXCEPTIONS.—Section 2662 of title 10, United
15 States Code, as amended by section 2811 of this Act, is
16 further amended by adding at the end the following:

17 “(g) EXCEPTIONS FOR TRANSACTIONS FOR WAR AND
18 CERTAIN EMERGENCY AND OTHER OPERATIONS.—(1)
19 The reporting requirement set forth in subsection (a) shall
20 not apply with respect to a real property transaction other-
21 wise covered by that subsection, and the reporting require-
22 ment set forth in subsection (e) shall not apply with re-
23 spect to a real property transaction otherwise covered by
24 that subsection, if such transaction is made as a result
25 of the following:

1 “(A) A declaration of war.

2 “(B) A declaration of a national emergency by
3 the President pursuant to the National Emergencies
4 Act (Public Law 94–412; 50 U.S.C. 1601 et seq.).

5 “(C) A declaration of an emergency or major
6 disaster pursuant to the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C.
8 5121 et seq.).

9 “(D) The use of the militia or the armed forces
10 after a proclamation to disperse under section 334
11 of this title.

12 “(E) A contingency operation.

13 “(2) The reporting requirement set forth in sub-
14 section (a) shall not apply with respect to a real property
15 transaction otherwise covered by that subsection if the
16 Secretary concerned determines that—

17 “(A) an event listed in paragraph (1) is immi-
18 nent; and

19 “(B) the transaction is necessary for purposes
20 of preparation for such event.

21 “(3) Not later than 30 days after entering into a real
22 property transaction covered by paragraph (1) or (2), the
23 Secretary concerned shall submit to the committees named
24 in subsection (a) a report on the transaction. The report
25 shall set forth any facts or information which would other-

1 wise have been submitted in a report on the transaction
2 under subsection (a) or (e), as the case may be, but for
3 the operation of paragraph (1) or (2).”.

4 (b) AMENDMENTS FOR STYLISTIC UNIFORMITY.—
5 That section is further amended—

6 (1) in subsection (a), by inserting “GENERAL
7 NOTICE AND WAIT REQUIREMENTS.—” after “(a)”;

8 (2) in subsection (b), by inserting “ANNUAL
9 REPORTS ON CERTAIN MINOR TRANSACTIONS.—”
10 after “(b)”;

11 (3) in subsection (c), by inserting “GEO-
12 GRAPHIC SCOPE; EXCEPTED PROJECTS.—” after
13 “(c)”;

14 (4) in subsection (d), by inserting “STATE-
15 MENTS OF COMPLIANCE IN TRANSACTION INSTRU-
16 MENTS.—” after “(d)”;

17 (5) in subsection (e), by inserting “NOTICE AND
18 WAIT REGARDING LEASES OF SPACE FOR DoD BY
19 GSA.—” after “(e)”;

20 (6) in subsection (f), by inserting “REPORTS ON
21 TRANSACTIONS INVOLVING INTELLIGENCE COMPO-
22 NENTS.—” after “(f)”.

1 **SEC. 2813. WAIVER OF APPLICABILITY OF PROPERTY DIS-**
2 **POSAL LAWS TO LEASES AT INSTALLATIONS**
3 **TO BE CLOSED OR REALIGNED UNDER THE**
4 **BASE CLOSURE LAWS.**

5 Section 2667(f) of title 10, United States Code, is
6 amended—

7 (1) by redesignating paragraphs (2) through
8 (5) as paragraphs (3) through (6), respectively; and

9 (2) by inserting after paragraph (1) the follow-
10 ing new paragraph (2):

11 “(2) The Secretary of a military department may
12 waive the applicability of a provision of title II of the Fed-
13 eral Property and Administrative Services Act of 1949 (40
14 U.S.C. 481 et seq.) that is inconsistent with a provision
15 of this subsection if the waiver is required for purposes
16 of a lease of property under this subsection.”.

17 **SEC. 2814. RESTORATION OF DEPARTMENT OF DEFENSE**
18 **LANDS USED BY ANOTHER FEDERAL AGENCY.**

19 (a) RESTORATION AS TERM OF AGREEMENT.—Sec-
20 tion 2691 of title 10, United States Code, is amended by
21 adding at the end the following new subsection:

22 “(c)(1) As a condition of any lease, permit, license,
23 or other grant of access entered into by the Secretary of
24 a military department with another Federal agency au-
25 thorizing the agency to use lands under the control of the
26 Secretary, the Secretary may require the agency to agree

1 to remove any improvements and to take any other action
 2 necessary in the judgment of the Secretary to restore the
 3 land used by the agency to its condition before its use by
 4 the agency.

5 “(2) In lieu of performing any removal or restoration
 6 work under paragraph (1), a Federal agency may elect,
 7 with the consent of the Secretary, to reimburse the Sec-
 8 retary for the costs incurred by the military department
 9 in performing such removal and restoration work.”.

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

12 **“§ 2691. Restoration of land used by permit or lease”.**

13 (2) The table of sections at the beginning of chapter
 14 159 of title 10, United States Code, is amended by strik-
 15 ing the item relating to section 2691 and inserting in lieu
 16 thereof the following new item:

“2691. Restoration of land used by permit or lease.”.

17 **Subtitle C—Land Conveyances**

18 **SEC. 2821. LAND CONVEYANCE, INDIANA ARMY AMMUNI-** 19 **TION PLANT, CHARLESTOWN, INDIANA.**

20 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 21 the Army may convey to the Indiana Army Ammunition
 22 Plant Reuse Authority (in this section referred to as the
 23 “Reuse Authority”) all right, title, and interest of the
 24 United States in and to a parcel of real property, including
 25 improvements thereon, consisting of up to approximately

1 4660 acres located at the Indiana Army Ammunition
2 Plant, Charlestown, Indiana, for the purpose of developing
3 the parcel as an industrial park to replace all or part of
4 the economic activity lost at the inactivated plant.

5 (b) CONSIDERATION.—Except as provided in sub-
6 section (d), as consideration for the conveyance under sub-
7 section (a), the Reuse Authority shall pay to the Secretary
8 an amount equal to the fair market value of the conveyed
9 property as of the time of the conveyance, determined by
10 the Secretary in accordance with Federal appraisal stand-
11 ards and procedures.

12 (c) TIME FOR PAYMENT.—The consideration re-
13 quired under subsection (b) shall be paid by the Reuse
14 Authority at the end of the 10-year period beginning on
15 the date on which the conveyance under subsection (a) is
16 completed.

17 (d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If
18 the Reuse Authority reconveys all or any part of the con-
19 veyed property during the 10-year period specified in sub-
20 section (c), the Reuse Authority shall pay to the United
21 States an amount equal to the fair market value of the
22 reconveyed property as of the time of the reconveyance,
23 excluding the value of any improvements made to the
24 property by the Reuse Authority, determined by the Sec-

1 retary in accordance with Federal appraisal standards and
2 procedures.

3 (2) The Secretary may treat a lease of the property
4 within such 10-year period as a reconveyance if the Sec-
5 retary determines that the lease is being used to avoid ap-
6 plication of paragraph (1).

7 (e) DEPOSIT OF PROCEEDS.—The Secretary shall de-
8 posit any proceeds received under subsection (b) or (d)
9 in the special account established pursuant to section
10 204(h)(2) of the Federal Property and Administrative
11 Services Act of 1949 (40 U.S.C. 485(h)(2)).

12 (f) ADMINISTRATIVE EXPENSES.—In connection with
13 the conveyance under subsection (a), the Secretary may
14 accept amounts provided by the Reuse Authority or other
15 persons to cover administrative expenses incurred by the
16 Secretary in making the conveyance. Amounts received
17 under this subsection for administrative expenses shall be
18 credited to the appropriation, fund, or account from which
19 the expenses were paid. Amounts so credited shall be
20 merged with funds in such appropriation, fund, or account
21 and shall be available for the same purposes and subject
22 to the same limitations as the funds with which merged.

23 (g) DESCRIPTION OF PROPERTY.—The property to
24 be conveyed under subsection (a) includes the administra-
25 tive area of the Indiana Army Ammunition Plant as well

1 as open space in the southern end of the plant. The exact
2 acreage and legal description of the property to be con-
3 veyed shall be determined by a survey satisfactory to the
4 Secretary. The cost of the survey shall be borne by the
5 Reuse Authority.

6 (h) **ADDITIONAL TERMS AND CONDITIONS.**—The
7 Secretary may require such additional terms and condi-
8 tions in connection with the conveyance under subsection
9 (a) as the Secretary considers appropriate to protect the
10 interests of the United States.

11 **SEC. 2822. LAND CONVEYANCE, ARMY RESERVE CENTER,**
12 **BRIDGTON, MAINE.**

13 (a) **CONVEYANCE AUTHORIZED.**—(1) The Secretary
14 of the Army may convey, without consideration, to the
15 Town of Bridgton, Maine (in this section referred to as
16 the “Town”), all right, title, and interest of the United
17 States in and to a parcel of excess real property, including
18 improvements thereon, consisting of approximately 3.65
19 acres and located in Bridgton, Maine, the site of the Army
20 Reserve Center, Bridgton, Maine.

21 (2) The conveyance is for the public benefit and will
22 facilitate the expansion of the municipal office complex in
23 Bridgton, Maine.

24 (b) **REVERSION.**—If the Secretary determines at any
25 time that the real property conveyed under subsection (a)

1 is not being used by the Town for purposes of a municipal
2 office complex, all right, title, and interest in and to the
3 real property, including any improvements thereon, shall
4 revert to the United States, and the United States shall
5 have the right of immediate entry thereon.

6 (c) DESCRIPTION OF PROPERTY.—The exact acreage
7 and legal description of the real property to be conveyed
8 under subsection (a) shall be determined by a survey satis-
9 factory to the Secretary. The cost of the survey shall be
10 borne by the Town.

11 (d) ADDITIONAL TERMS AND CONDITIONS.—The
12 Secretary may require such additional terms and condi-
13 tions in connection with the conveyance under subsection
14 (a) as the Secretary considers appropriate to protect the
15 interest of the United States.

16 **SEC. 2823. LAND CONVEYANCE, VOLUNTEER ARMY AMMU-**
17 **NITION PLANT, CHATTANOOGA, TENNESSEE.**

18 (a) CONVEYANCE AUTHORIZED.—The Secretary of
19 the Army may convey to Hamilton County, Tennessee (in
20 this section referred to as the “County”), all right, title,
21 and interest of the United States in and to a parcel of
22 real property, including improvements thereon, consisting
23 of approximately 1033 acres located at the Volunteer
24 Army Ammunition Plant, Chattanooga, Tennessee, for the
25 purpose of developing the parcel as an industrial park to

1 replace all or part of the economic activity lost at the inac-
2 tivated plant.

3 (b) CONSIDERATION.—Except as provided in sub-
4 section (d), as consideration for the conveyance under sub-
5 section (a), the County shall pay to the Secretary an
6 amount equal to the fair market value of the conveyed
7 property as of the time of the conveyance, determined by
8 the Secretary in accordance with Federal appraisal stand-
9 ards and procedures.

10 (c) TIME FOR PAYMENT.—The consideration re-
11 quired under subsection (b) shall be paid by the County
12 at the end of the 10-year period beginning on the date
13 on which the conveyance under subsection (a) is com-
14 pleted.

15 (d) EFFECT OF RECONVEYANCE OR LEASE.—(1) If
16 the County reconveys all or any part of the conveyed prop-
17 erty during the 10-year period specified in subsection (c),
18 the County shall pay to the United States an amount
19 equal to the fair market value of the reconveyed property
20 as of the time of the reconveyance, excluding the value
21 of any improvements made to the property by the County,
22 determined by the Secretary in accordance with Federal
23 appraisal standards and procedures.

24 (2) The Secretary may treat a lease of the property
25 within such 10-year period as a reconveyance if the Sec-

1 retary determines that the lease is being used to avoid ap-
2 plication of paragraph (1).

3 (e) DEPOSIT OF PROCEEDS.—The Secretary shall de-
4 posit any proceeds received under subsection (b) or (d)
5 in the special account established pursuant to section
6 204(h)(2) of the Federal Property and Administrative
7 Services Act of 1949 (40 U.S.C. 485(h)(2)).

8 (f) EFFECT ON EXISTING LEASES.—The conveyance
9 of the real property under subsection (a) shall not affect
10 the terms or length of any contract entered into by the
11 Secretary before the date of the enactment of this Act with
12 regard to the property to be conveyed.

13 (g) ADMINISTRATIVE EXPENSES.—In connection
14 with the conveyance under subsection (a), the Secretary
15 may accept amounts provided by the County or other per-
16 sons to cover administrative expenses incurred by the Sec-
17 retary in making the conveyance. Amounts received under
18 this subsection for administrative expenses shall be cred-
19 ited to the appropriation, fund, or account from which the
20 expenses were paid. Amounts so credited shall be merged
21 with funds in such appropriation, fund, or account and
22 shall be available for the same purposes and subject to
23 the same limitations as the funds with which merged.

24 (h) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the property to be conveyed under

1 subsection (a) shall be determined by a survey satisfactory
2 to the Secretary. The cost of the survey shall be borne
3 by the County.

4 (i) **ADDITIONAL TERMS AND CONDITIONS.**—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the conveyance under subsection (a) as
7 the Secretary considers appropriate to protect the inter-
8 ests of the United States.

9 **SEC. 2824. RELEASE OF INTERESTS IN REAL PROPERTY,**
10 **FORMER KENNEBEC ARSENAL, AUGUSTA,**
11 **MAINE.**

12 (a) **AUTHORITY TO RELEASE.**—The Secretary of the
13 Army may release, without consideration, all right, title,
14 and interest of the United States in and to the real prop-
15 erty described in subsection (b).

16 (b) **COVERED PROPERTY.**—The real property re-
17 ferred to in subsection (a) is the parcel of real property
18 consisting of approximately 40 acres located in Augusta,
19 Maine, and formerly known as the Kennebec Arsenal,
20 which parcel was conveyed by the Secretary of War to the
21 State of Maine under the provisions of the Act entitled
22 “An Act Authorizing the Secretary of War to convey the
23 Kennebec Arsenal property, situated in Augusta, Maine,
24 to the State of Maine for public purposes”, approved
25 March 3, 1905 (33 Stat. 1270), as amended by section

1 771 of the Department of Defense Appropriations Act,
2 1981 (Public Law 96–527; 94 Stat. 3093).

3 (c) INSTRUMENT OF RELEASE.—The Secretary of
4 the Army shall execute and file in the appropriate office
5 a deed of release, amended deed, or other appropriate in-
6 strument effectuating the release of interests authorized
7 by this section.

8 **SEC. 2825. LAND EXCHANGE, NAVAL RESERVE READINESS**
9 **CENTER, PORTLAND, MAINE.**

10 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
11 of the Navy may convey to the Gulf of Maine Aquarium
12 Development Corporation, Portland, Maine (in this section
13 referred to as the “Corporation”), all right, title, and in-
14 terest of the United States in and to a parcel of real prop-
15 erty, including improvements thereon, consisting of ap-
16 proximately 3.72 acres in Portland, Maine, the site of the
17 Naval Reserve Readiness Center, Portland, Maine.

18 (2) As part of the conveyance under paragraph (1),
19 the Secretary shall also convey to the Corporation any in-
20 terest of the United States in the submerged lands adja-
21 cent to the real property conveyed under that paragraph
22 that is appurtenant to the real property conveyed under
23 that paragraph.

24 (3) The purpose of the conveyance under this sub-
25 section is to facilitate economic development in accordance

1 with the plan of the Corporation for the construction of
2 an aquarium and marine research facility in Portland,
3 Maine.

4 (b) CONSIDERATION.—(1) As consideration for the
5 conveyance authorized by subsection (a), the Corporation
6 shall provide for such facilities as the Secretary deter-
7 mines appropriate for the Naval Reserve to replace the
8 facilities conveyed under that subsection—

9 (A) by—

10 (i) conveying to the United States all right,
11 title, and interest in and to a parcel of real
12 property determined by the Secretary to be an
13 appropriate location for such facilities; and

14 (ii) designing and constructing such facili-
15 ties on the parcel of real property conveyed
16 under clause (i); or

17 (B) by designing and constructing such facili-
18 ties on such parcel of real property under the juris-
19 diction of the Secretary as the Secretary shall speci-
20 fy.

21 (2) The Secretary shall select the form of consider-
22 ation under paragraph (1) for the conveyance under sub-
23 section (a).

24 (c) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the real property to be conveyed

1 under subsection (a)(1), of any interest to be conveyed
2 under subsection (a)(2), and of the real property, if any,
3 to be conveyed under subsection (b)(1)(A)(i), shall be de-
4 termined by surveys satisfactory to the Secretary. The cost
5 of the surveys shall be borne by the Corporation.

6 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
7 Secretary may require such additional terms and condi-
8 tions in connection with the conveyance under subsection
9 (a) as the Secretary considers appropriate to protect the
10 interest of the United States.

11 **SEC. 2826. LAND CONVEYANCE, AIR FORCE STATION, LAKE**
12 **CHARLES, LOUISIANA.**

13 (a) **CONVEYANCE AUTHORIZED.**—The Secretary of
14 the Air Force may convey, without consideration, to
15 McNeese State University in Lake Charles, Louisiana (in
16 this section referred to as the “University”), all right,
17 title, and interest of the United States in and to approxi-
18 mately 4.38 acres of real property, including improve-
19 ments thereon, located in Lake Charles, Louisiana, and
20 comprising the Lake Charles Air Force Station.

21 (b) **CONDITIONS OF CONVEYANCE.**—The conveyance
22 under subsection (a) shall be subject to the following con-
23 ditions:

1 (1) That the University accept the property
2 subject to such easements or rights of way as the
3 Secretary considers appropriate.

4 (2) That the University utilize the property as
5 the site of a research facility.

6 (c) REVERSION.—If the Secretary determines at any
7 time that the real property conveyed under subsection (a)
8 is not being used in accordance with subsection (b)(2), all
9 right, title, and interest in and to the real property, includ-
10 ing any improvements thereon, shall revert to the United
11 States, and the United States shall have the right of im-
12 mediate entry thereon.

13 (d) DESCRIPTION OF PROPERTY.—The exact acreage
14 and legal description of the real property to be conveyed
15 under subsection (a) shall be determined by a survey satis-
16 factory to the Secretary. The cost of the survey shall be
17 borne by the University.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance under subsection
21 (a) as the Secretary considers appropriate to protect the
22 interest of the United States.

1 **Subtitle D—Other Matters**

2 **SEC. 2831. PURCHASE OF BUILD-TO-LEASE FAMILY HOUS-**
3 **ING AT EIELSON AIR FORCE BASE, ALASKA.**

4 (a) **AUTHORITY TO PURCHASE.**—The Secretary of
5 the Air Force may purchase the entire interest of the de-
6 veloper in the military family housing project at Eielson
7 Air Force Base, Alaska, described in subsection (b) if the
8 Secretary determines that the purchase is in the best eco-
9 nomic interests of the Air Force.

10 (b) **DESCRIPTION OF PROJECT.**—The military family
11 housing project referred to in this section is the 366-unit
12 military family housing project at Eielson Air Force Base
13 that was constructed by the developer and is being leased
14 by the Secretary under the authority of former subsection
15 (g) of section 2828 of title 10, United States Code (now
16 section 2835 of such title), as added by section 801 of
17 the Military Construction Authorization Act, 1984 (Public
18 Law 98–115; 97 Stat. 782).

19 (c) **PURCHASE PRICE.**—The purchase price to be
20 paid by the Secretary under this section for the interest
21 of the developer in the military family housing project may
22 not exceed an amount equal to the amount of the out-
23 standing indebtedness of the developer to the lender for
24 the project that would have remained at the time of the
25 purchase under this section if the developer had paid down

1 its indebtedness to the lender for the project in accordance
2 with the original debt instruments for the project.

3 (d) TIME FOR PURCHASE.—(1) Subject to paragraph
4 (2), the Secretary may elect to make the purchase author-
5 ized by subsection (a) at any time during or after the term
6 of the lease for the military family housing project.

7 (2) The Secretary may not make the purchase until
8 30 days after the date on which the Secretary notifies the
9 congressional defense committees of the Secretary's elec-
10 tion to make the purchase under paragraph (1).

11 **SEC. 2832. BEACH REPLENISHMENT, SAN DIEGO, CALIFOR-**

12 **NIA.**

13 (a) PROJECT AUTHORIZED.—The Secretary of the
14 Navy may, using funds available under subsection (b),
15 carry out beach replenishment in and around San Diego,
16 California. The Secretary may use sand obtained from any
17 location for the replenishment.

18 (b) FUNDING.—Subject to subsection (c), the Sec-
19 retary shall carry out the beach replenishment authorized
20 by subsection (a) using the following:

21 (1) Amounts appropriated pursuant to the au-
22 thorization of appropriations in section 2204(a)(1)
23 of the Military Construction Authorization Act for
24 Fiscal Year 1997 (division B of Public Law 104-
25 201; 110 Stat. 2769) for the project authorized by

1 section 2201(a) of that Act (110 Stat. 2766) at
2 Naval Air Station North Island, California, that re-
3 main available for obligation and expenditure on the
4 date of enactment of this Act.

5 (2) Amounts contributed to the cost of such
6 project by the State of California and by local gov-
7 ernments under the agreement under section 2205
8 of that Act (110 Stat. 2770).

9 (c) LIMITATION ON UNITED STATES SHARE OF
10 COST.—The amount utilized by the Secretary under sub-
11 section (b)(1) for the beach replenishment authorized by
12 subsection (a) may not exceed \$9,630,000.

13 (d) TREATMENT OF CONTRIBUTIONS.—(1)(A) The
14 Secretary shall credit any contributions that the Secretary
15 receives from the State of California and local govern-
16 ments under the agreement referred to in subsection
17 (b)(2) to the account to which amounts were appropriated
18 pursuant to the authorization of appropriations referred
19 to in subsection (b)(1) for the project referred to in such
20 subsection (b)(1).

21 (B) Amounts credited under subparagraph (A) shall
22 be merged with funds in the account to which credited.

23 (2) The amount of contributions credited under para-
24 graph (1) may be applied only to costs of beach replenish-

1 ment under this section that are incurred after the date
2 of enactment of this Act.

3 (e) NOTICE AND WAIT.—The Secretary may not obli-
4 gate funds to carry out the beach replenishment author-
5 ized by subsection (a) until 30 days after the date on
6 which the Secretary submits to the congressional defense
7 committees a report setting forth the following:

8 (1) An explanation why the sand originally pro-
9 posed to be utilized for the purpose of beach replen-
10 ishment under the project relating to Naval Air Sta-
11 tion North Island authorized in section 2201(a)(1)
12 of the Military Construction Authorization Act for
13 Fiscal Year 1997 could not be utilized for that pur-
14 pose.

15 (2) A comprehensive explanation why the beach
16 replenishment plan at Naval Air Station North Is-
17 land covered by such project was abandoned.

18 (3) A description of any administrative action
19 taken against any agency or individual as a result of
20 the abandonment of the plan.

21 (4) A statement of the total amount of funds
22 available under subsection (b) for the beach replen-
23 ishment authorized by subsection (a).

24 (5) A statement of the amount of the contribu-
25 tions of the State of California and local govern-

1 ments under the agreement referred to in subsection
2 (b)(2).

3 (6) An estimate of the total cost of the beach
4 replenishment authorized by subsection (a).

5 (7) The total amount of financial aid the State
6 of California has received from the Federal Govern-
7 ment for the purpose of beach restoration and re-
8 plenishment during the 10-year period ending on the
9 date of enactment of this Act.

10 (8) The amount of financial aid the State of
11 California has requested from the Federal Govern-
12 ment for the purpose of beach restoration or replen-
13 ishment as a result of the 1997–1998 El Niño event.

14 (9) A current analysis that compares the costs
15 and benefits of homeporting the U.S.S. John C.
16 Stennis (CVN–74) at Naval Station North Island
17 with the costs and benefits of homeporting that ves-
18 sel at Naval Station Pearl Harbor, Hawaii, and the
19 costs and benefits of homeporting that vessel at
20 Naval Station Bremerton, Washington.

21 (f) REPEAL OF SUPERSEDED AUTHORITY.—Section
22 2205 of the Military Construction Authorization Act for
23 Fiscal Year 1997 is repealed.

1 **TITLE XXIX—JUNIPER BUTTE**
2 **RANGE LANDS WITHDRAWAL**

3 **SEC. 2901. SHORT TITLE.**

4 This title may be cited as the “Juniper Butte Range
5 Land Withdrawal Act”.

6 **SEC. 2902. WITHDRAWAL AND RESERVATION.**

7 (a) **WITHDRAWAL.**—Subject to valid existing rights
8 and except as otherwise provided in this title, the lands
9 and associated rights-of-way at the Juniper Butte Range,
10 Idaho, referred to in subsection (c), are withdrawn from
11 all forms of appropriation under the public land laws, in-
12 cluding the mining laws and the mineral and geothermal
13 leasing laws.

14 (b) **RESERVED USES.**—The lands and associated
15 rights-of-way withdrawn under subsection (a) are reserved
16 for use by the Secretary of the Air Force for—

17 (1) a high hazard training area;

18 (2) dropping training ordnance;

19 (3) electronic warfare and tactical maneuvering
20 and air support; and

21 (4) other defense-related purposes consistent
22 with the purposes specified in paragraphs (1), (2),
23 and (3).

24 (c) **GENERAL DESCRIPTION.**—The public lands and
25 rights-of-way withdrawn and reserved by this section com-

1 prise approximately 12,000 acres of land in Owyhee Coun-
2 ty, Idaho, as generally depicted on the map entitled “Juni-
3 per Butte Air Force Range Withdrawal–Proposed” and
4 filed in accordance with section 2905.

5 **SEC. 2903. MODIFICATIONS OF RESTRICTIONS ON USE OF**
6 **AIR SPACE.**

7 Notwithstanding any other provision of law, the Ad-
8 ministrator of the Federal Aviation Administration shall
9 modify current restrictions on the use of airspace over the
10 lands withdrawn and reserved by this title, and over relat-
11 ed lands, in accordance with the formal application that
12 the Secretary of the Air Force proposes to submit to the
13 Administrator in the record of decision of the Air Force
14 entitled “Enhanced Training in Idaho, Record of Deci-
15 sion”, dated March 10, 1998.

16 **SEC. 2904. COMPENSATION FOR DISRUPTION OF RANCHING**
17 **OPERATIONS.**

18 (a) REQUIREMENT.—The Secretary of the Air Force
19 shall, upon such terms and conditions as the Secretary
20 considers just and in the public interest, compensate per-
21 sons engaged in ranching operations on the lands with-
22 drawn and reserved by this title for disruption to and loss
23 of grazing on such lands and on lands not withdrawn and
24 reserved by this title that are associated with lands with-
25 drawn and reserved by this title.

1 (b) TYPES OF COMPENSATION.—Compensation
2 under subsection (a) shall consist of a combination of the
3 following:

4 (1) The purchase and transfer of grazing privi-
5 leges and leases.

6 (2) The payment of cash.

7 (3) The payment for fencing, and the relocation
8 of fencing, of lands associated with the grazing privi-
9 leges purchased and transferred under paragraph
10 (1).

11 (4) The relocation of fencing on the remaining
12 portions of the grazing land affected by the with-
13 drawal and reservation of lands by this title.

14 (5) The payment for the extension of existing
15 water pipelines onto the lands associated with the
16 grazing privileges purchased and transferred under
17 paragraph (1) and for the extension of existing
18 water pipelines to the grazing lands affected by the
19 withdrawal and reservation of lands by this title.

20 (6) The construction of an aboveground water
21 reservoir having an impoundment area of less than
22 one acre.

23 (7) The payment for completion of an allotment
24 management plan (including any environmental as-
25 sessment relating to such plan) for the remaining

1 portions of the grazing lands affected by the with-
2 drawal and reservation of lands by this title, the
3 lands covered by the grazing privileges and leases
4 purchased and transferred under paragraph (1), and
5 other lands being evaluated in the now-suspended in-
6 side desert allotment management plan that was dis-
7 rupted.

8 (c) VALUATION.—The monetary amount of com-
9 pensation for any disruption to or loss of a grazing privi-
10 lege under this section may not exceed an amount equal
11 to the fair market value (as determined by the Secretary
12 using an appraisal or other method selected by the Sec-
13 retary) of the grazing privilege subject to disruption or
14 loss.

15 (d) BLM SUPPORT.—(1) The Bureau of Land Man-
16 agement shall carry out such activities as the Secretary
17 of the Air Force and the Secretary of the Interior jointly
18 consider appropriate for the provision of compensation
19 under this section. The Bureau shall carry out such activi-
20 ties in a timely manner.

21 (2) Activities under paragraph (1) shall include the
22 following:

23 (A) The transfer by the Bureau of grazing
24 privileges purchased by the Secretary of the Air

1 Force to persons entitled to compensation under this
2 section.

3 (B) The issuance of such permits as are nec-
4 essary to permit fencing, water pipeline modifica-
5 tions and extensions, and the construction of above-
6 ground water reservoirs on lands under the jurisdic-
7 tion of the Bureau.

8 (e) GRAZING.—(1) The Secretary of the Air Force
9 shall permit the holder of any grazing permit for lands
10 withdrawn and reserved by this title to continue to graze
11 such lands in accordance with such permit until the Sec-
12 retary completes the provision of compensation to such
13 holder under this section.

14 (2)(A) The Secretary may outlease any or all of the
15 lands withdrawn and reserved by this title for purposes
16 of grazing.

17 (B) If the Secretary outleases any lands for grazing
18 under subparagraph (A), the Secretary shall permit the
19 holder of the grazing permit for such lands at their time
20 of the withdrawal and reservation by this title, or any heirs
21 or assigns of such holder, a right of first refusal for such
22 outlease.

23 (C) The fee associated with any lands outleased for
24 grazing under subparagraph (A) may not exceed the fee
25 for grazing lands under the jurisdiction of the Bureau of

1 Land Management that are nearest adjacent to the lands
2 withdrawn and reserved by this title.

3 (3) If the Secretary of the Air Force relinquishes any
4 land withdrawn and reserved by this title under section
5 2913, the Secretary of the Interior shall permit the holder
6 of the grazing permit for such land at the time of its with-
7 drawal and reservation by this title, or any heirs or assigns
8 of such holder, a right of first refusal for a permit for
9 grazing on such land.

10 (4) In the event of a continuation of the withdrawal
11 and reservation of lands under section 2913(d), the provi-
12 sions of this section shall continue to apply to any grazing
13 activities conducted on such lands during the continuation
14 of their withdrawal and reservation under that section.

15 **SEC. 2905. MAP AND LEGAL DESCRIPTION.**

16 (a) IN GENERAL.—As soon as practicable after the
17 date of enactment of this Act, the Secretary of the Air
18 Force shall—

19 (1) publish in the Federal Register a notice
20 containing the legal description of the lands with-
21 drawn and reserved by this title; and

22 (2) file a map or maps and the legal description
23 of the lands withdrawn and reserved by this title
24 with the Committee on Energy and Natural Re-

1 sources of the Senate and with the Committee on
2 Resources of the House of Representatives.

3 (b) INCORPORATION BY REFERENCE.—Such maps
4 and legal description shall have the same force and effect
5 as if included in this title.

6 (c) CORRECTION OF ERRORS.—The Secretary may
7 correct clerical and typographical errors in such map or
8 maps and legal description.

9 (d) AVAILABILITY.—Copies of such map or maps and
10 the legal description shall be available for public inspection
11 in the office of the Idaho State Director of the Bureau
12 of Land Management, the offices of the managers of the
13 Boise district, Bruneau district, and Jarbidge district of
14 the Bureau of Land Management, and the Office of the
15 Commander, Mountain Home Air Force Base, Idaho.

16 **SEC. 2906. MANAGEMENT OF WITHDRAWN AND RESERVED**
17 **LANDS.**

18 (a) IN GENERAL.—Except as provided in section
19 2914(e), during the withdrawal and reservation of any
20 lands under this title, the Secretary of the Air Force shall
21 manage such lands for purposes relating to the uses set
22 forth in section 2902(b).

23 (b) MANAGEMENT ACCORDING TO PLAN.—The lands
24 withdrawn and reserved by this title shall be managed in
25 accordance with the provisions of this title under the inte-

1 grated natural resources management plan prepared
2 under section 2907.

3 (c) AUTHORITY TO CLOSE LAND.—If the Secretary
4 determines that military operations, public safety, or the
5 interests of national security require the closure to public
6 use of any road, trail, or other portion of the lands with-
7 drawn and reserved by this title that are commonly in pub-
8 lic use, the Secretary may take such action.

9 (d) LEASE AUTHORITY.—The Secretary of the Air
10 Force may enter into leases with the State of Idaho in
11 support of the Juniper Butte Range and operations at the
12 Juniper Butte Range.

13 (e) PREVENTION AND SUPPRESSION OF FIRE.—(1)
14 The Secretary shall take appropriate precautions to pre-
15 vent and suppress brush fires and range fires that occur
16 within the boundaries of the Juniper Butte Range as a
17 result of Air Force operations on or over the lands with-
18 drawn and reserved by this title.

19 (2) Notwithstanding section 2465 of title 10, United
20 States Code, the Secretary may obligate funds appro-
21 priated or otherwise available to the Secretary to enter
22 into contracts to prevent and suppress fires described in
23 paragraph (1).

24 (3)(A) The memorandum of understanding under
25 section 2908 shall provide for the Bureau of Land Man-

1 agement to assist the Secretary in the suppression of the
2 fires described in paragraph (1).

3 (B) The memorandum of understanding shall provide
4 that the Secretary reimburse the Bureau for any costs in-
5 curred by the Bureau under this paragraph.

6 (f) USE OF CERTAIN MATERIALS.—Notwithstanding
7 any other provision of this title or the Act of July 31,
8 1947 (commonly known as the “Materials Act of 1947”)
9 (30 U.S.C. 601 et seq.), the Secretary may use, from the
10 lands withdrawn and reserved by this title, sand, gravel,
11 or similar mineral material resources of the type subject
12 to disposition under the Act of July 31, 1947, when the
13 use of such resources is required for the construction
14 needs of the Juniper Butte Range.

15 **SEC. 2907. INTEGRATED NATURAL RESOURCES MANAGE-**
16 **MENT PLAN.**

17 (a) REQUIREMENT.—(1) Not later than 2 years after
18 the date of enactment of this Act, the Secretary of the
19 Air Force shall, in cooperation with the Secretary of the
20 Interior and the State of Idaho, develop an integrated nat-
21 ural resources management plan to address the manage-
22 ment of the resources of the lands withdrawn and reserved
23 by this title during their withdrawal and reservation under
24 this title.

1 (2) Except as otherwise provided under this title, the
2 integrated natural resources management under this sec-
3 tion shall be developed in accordance with, and meet the
4 requirements of, section 101 of the Sikes Act (16 U.S.C.
5 670a).

6 (b) ELEMENTS.—The integrated natural resources
7 management plan under subsection (a) shall—

8 (1) include provisions for the proper manage-
9 ment and protection of the natural, cultural, and
10 other resources and values of the lands withdrawn
11 and reserved by this title and for the use of such re-
12 sources in a manner consistent with the uses set
13 forth in section 2902(b);

14 (2) permit livestock grazing at the discretion of
15 the Secretary of the Air Force in accordance with
16 section 2904(d) or any other authorities relating to
17 livestock grazing that are available to that Sec-
18 retary;

19 (3) permit the Secretary of the Air Force to
20 purchase grazing privileges from the Bureau of
21 Land Management for purposes of providing com-
22 pensation under section 2904;

23 (4) permit fencing, water pipeline modifications
24 and extensions, and the construction of aboveground
25 water reservoirs on the lands withdrawn and re-

1 served by this title, and on other lands under the ju-
2 risdiction of the Bureau of Land Management, for
3 purposes of providing such compensation; and

4 (5) otherwise provide for the management by
5 the Secretary of the Air Force of any lands with-
6 drawn and reserved by this title while retained under
7 the jurisdiction of that Secretary under this title.

8 (c) PERIODIC REVIEW.—The Secretary of the Air
9 Force shall, in cooperation with the Secretary of the Inte-
10 rior and the State of Idaho, review the adequacy of the
11 provisions of the integrated natural resources manage-
12 ment plan developed under this section at least once every
13 5 years after the effective date of the plan.

14 **SEC. 2908. MEMORANDUM OF UNDERSTANDING.**

15 (a) REQUIREMENT.—The Secretary of the Air Force,
16 the Secretary of the Interior, and the Governor of the
17 State of Idaho shall jointly enter into a memorandum of
18 understanding to implement the integrated natural re-
19 sources management plan required under section 2907.

20 (b) TERM.—The memorandum of understanding
21 under subsection (a) shall apply to any lands withdrawn
22 and reserved by this title until their relinquishment by the
23 Secretary of the Air Force under this title.

1 (c) MODIFICATION.—The memorandum of under-
2 standing under subsection (a) may be modified by agree-
3 ment of all the parties specified in that subsection.

4 **SEC. 2909. MAINTENANCE OF ROADS.**

5 The Secretary of the Air Force shall enter into agree-
6 ments with the Owyhee County Highway District, Idaho,
7 and the Three Creek Good Roads Highway District,
8 Idaho, under which the Secretary shall pay the costs of
9 road maintenance incurred by such districts that are at-
10 tributable to Air Force operations associated with the Ju-
11 niper Butte Range.

12 **SEC. 2910. MANAGEMENT OF WITHDRAWN AND ACQUIRED**
13 **MINERAL RESOURCES.**

14 Except as provided in section 2906(f), the Secretary
15 of the Interior shall manage all withdrawn and acquired
16 mineral resources within the boundaries of the Juniper
17 Butte Range in accordance with section 2913 of the Mili-
18 tary Lands Withdrawal Act of 1986 (Public Law 99–606;
19 100 Stat. 3466).

20 **SEC. 2911. HUNTING, FISHING, AND TRAPPING.**

21 All hunting, fishing, and trapping on the lands with-
22 drawn and reserved by this title shall be conducted in ac-
23 cordance with the provisions of section 2671 of title 10,
24 United States Code.

1 **SEC. 2912. WATER RIGHTS.**

2 (a) LIMITATION.—The Secretary of the Air Force
3 may not seek or obtain any water rights associated with
4 any water pipeline modified or extended, or aboveground
5 water reservoir constructed, for purposes of compensation
6 under section 2904.

7 (b) NEW RIGHTS.—(1) Nothing in this Act may be
8 construed to establish a reservation in favor of the United
9 States with respect to any water or water right on the
10 lands withdrawn and reserved by this title.

11 (2) Nothing in this Act may be construed to authorize
12 the appropriation of water on the lands withdrawn and
13 reserved by this title by the United States after the date
14 of enactment of this Act unless such appropriation is car-
15 ried out in accordance with the laws of the State of Idaho.

16 (c) APPLICABILITY.—This section may not be con-
17 strued to affect any water rights acquired by the United
18 States before the date of enactment of this Act.

19 **SEC. 2913. DURATION OF WITHDRAWAL.**

20 (a) TERMINATION.—Except as otherwise provided in
21 this section and section 2914, the withdrawal and reserva-
22 tion of lands by this title shall terminate 25 years after
23 the date of enactment of this Act.

24 (b) RELINQUISHMENT.—(1)(A) The Secretary of the
25 Air Force may, at any time during the period of the with-
26 drawal and reservation of lands by this title, seek to relin-

1 quish to the Secretary of the Interior jurisdiction over any
2 of the lands withdrawn and reserved by this title that were
3 not previously relinquished to the Secretary of the Interior
4 under this title.

5 (B) If the Secretary of the Air Force determines
6 under subsection (c) that the Air Force has no continuing
7 military need for any lands withdrawn and reserved by
8 this title, the Secretary of the Air Force shall seek to relin-
9 quish jurisdiction over the lands to the Secretary of the
10 Interior.

11 (2) Upon determining to relinquish jurisdiction over
12 any lands under paragraph (1), the Secretary of the Air
13 Force shall submit to the Secretary of the Interior a notice
14 of intent to relinquish jurisdiction over such lands.

15 (3) Notwithstanding any other provision of law and
16 subject to section 2914, the Secretary of the Interior may
17 accept jurisdiction over any lands covered by a notice of
18 intent to relinquish jurisdiction under paragraph (2) if the
19 Secretary determines that it is in the public interest to
20 accept jurisdiction over the lands.

21 (4) If the Secretary of the Interior accepts jurisdic-
22 tion over lands under paragraph (3), the Secretary of the
23 Interior shall publish in the Federal Register an appro-
24 priate order which shall—

1 (A) terminate the withdrawal and reservation of
2 such lands under this title;

3 (B) constitute official acceptance of full juris-
4 diction over such lands by the Secretary of the Inte-
5 rior; and

6 (C) state the date upon which such lands shall
7 be open to the operation of the public land laws, in-
8 cluding the mining laws and the mineral geothermal
9 leasing laws, if appropriate.

10 (5) The Secretary of the Interior shall manage any
11 lands relinquished under this subsection as multiple use
12 status lands.

13 (c) NOTICE OF NEED FOR CONTINUING WITH-
14 DRAWAL.—(1) Not later than 5 years before the termi-
15 nation of the withdrawal and reservation of lands by this
16 title under subsection (a), the Secretary of the Air Force
17 shall notify Congress and the Secretary of the Interior as
18 to whether or not the Air Force has a continuing military
19 need for any of the lands withdrawn and reserved by this
20 title, and not previously relinquished under this section,
21 after the termination date of the withdrawal and reserva-
22 tion under that subsection.

23 (2) In the case of any lands for which the Air Force
24 has a continuing military need, the Secretary of the Air
25 Force shall specify in the notice under paragraph (1) the

1 duration of any continuing withdrawal and reservation of
2 such lands under this title.

3 (d) CONTINUATION OF WITHDRAWAL.—(1) Subject
4 to paragraph (2), in the case of any lands withdrawn and
5 reserved by this title that are covered by a notice of con-
6 tinuing military need under subsection (c), the withdrawal
7 and reservation of such lands shall continue under the pro-
8 visions of this title after the termination date otherwise
9 provided for under subsection (a) for such period as is
10 specified in the notice under paragraph (2) of subsection
11 (c).

12 (2) Paragraph (1) shall not apply with respect to any
13 lands covered by a notice referred to in that paragraph
14 until 30 days after the date on which the notice with re-
15 spect to such lands is submitted to Congress under sub-
16 section (c).

17 **SEC. 2914. ENVIRONMENTAL REMEDIATION OF WITH-**
18 **DRAWN LANDS.**

19 (a) EVALUATION OF ENVIRONMENTAL EFFECTS OF
20 CONTINUING WITHDRAWAL AND RESERVATION.—(1) In
21 the case of any lands withdrawn and reserved by this title
22 covered by a notice of continuing military need under sec-
23 tion 2913(c), the Secretary of the Air Force shall—

1 (A) evaluate the environmental effects of the
2 continuation of the withdrawal and reservation of
3 such lands; and

4 (B) hold at least one public meeting in the
5 State of Idaho regarding that determination.

6 (b) ENVIRONMENTAL REVIEW REGARDING RELIN-
7 QUISHMENT.—(1) Before submitting under section 2913
8 a notice of an intent to relinquish jurisdiction over lands
9 withdrawn and reserved by this title, the Secretary of the
10 Air Force shall, in consultation with the Secretary of the
11 Interior, carry out a review of the environmental condi-
12 tions of such lands (including any water and air associated
13 with such lands) in order to identify any environmental
14 contamination on such lands.

15 (2) The Secretary of the Air Force shall submit a
16 copy of any review prepared with respect to lands under
17 paragraph (1) together with the notice of intent to relin-
18 quish jurisdiction over such lands under section 2913.

19 (3) The Secretary of the Air Force shall submit a
20 copy of any such review to Congress.

21 (c) ENVIRONMENTAL REMEDIATION OF LANDS TO
22 BE RELINQUISHED.—(1) In the case of any lands with-
23 drawn and reserved by this title that are to be relinquished
24 to the Secretary of the Interior by the Secretary of the
25 Air Force, the Secretary of the Air Force shall carry out

1 appropriate environmental remediation with respect to
2 such lands before relinquishing jurisdiction over such
3 lands to the Secretary of the Interior under section 2913.

4 (2) The Secretary of the Air Force shall carry out
5 any environmental remediation activities under this sub-
6 section in accordance with applicable Federal and State
7 law.

8 **SEC. 2915. DELEGATION OF AUTHORITY.**

9 (a) AIR FORCE FUNCTIONS.—The Secretary of the
10 Air Force may delegate that Secretary's functions under
11 this title.

12 (b) INTERIOR FUNCTIONS.—(1) Except as provided
13 in paragraph (2), the Secretary of the Interior may dele-
14 gate that Secretary's functions under this title.

15 (2) The order referred to in section 2913(b)(4) may
16 be approved and signed only by the Secretary of the Inte-
17 rior, the Deputy Secretary of the Interior, or an Assistant
18 Secretary of the Department of the Interior.

19 **SEC. 2916. SENSE OF SENATE REGARDING MONITORING OF**
20 **WITHDRAWN LANDS.**

21 (a) FINDING.—The Senate finds that there is a need
22 for the Secretary of the Air Force and the State of Idaho
23 to develop a cooperative effort to monitor the impact of
24 military activities on the natural, cultural, and other re-

1 sources and values of the lands withdrawn and reserved
2 by this title.

3 (b) SENSE OF SENATE.—It is the sense of the Senate
4 that the Secretary should ensure that the budgetary plan-
5 ning of the Department of the Air Force makes available
6 sufficient funds to assure Air Force participation in the
7 cooperative effort developed by the Secretary and the
8 State of Idaho to monitor the impact of military activities
9 on the natural, cultural, and other resources and values
10 of the lands withdrawn and reserved by this title.

11 **SEC. 2917. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated such sums
13 as may be necessary to carry out this title.

14 **DIVISION C—DEPARTMENT OF**
15 **ENERGY NATIONAL**
16 **SECURITY AUTHORIZATIONS**
17 **AND OTHER AUTHORIZATIONS**
18 **TITLE XXXI—DEPARTMENT OF**
19 **ENERGY NATIONAL SECURITY**
20 **PROGRAMS**

21 **Subtitle A—National Security**
22 **Programs Authorizations**

23 **SEC. 3101. WEAPONS ACTIVITIES.**

24 (a) IN GENERAL.—Funds are hereby authorized to
25 be appropriated to the Department of Energy for fiscal

1 year 1999 for weapons activities in carrying out programs
2 necessary for national security in the amount of
3 \$4,519,700,000, to be allocated as follows:

4 (1) STOCKPILE STEWARDSHIP.—Funds are
5 hereby authorized to be appropriated to the Depart-
6 ment of Energy for fiscal year 1999 for stockpile
7 stewardship in carrying out weapons activities nec-
8 essary for national security programs in the amount
9 of \$2,123,375,000, to be allocated as follows:

10 (A) For core stockpile stewardship,
11 \$1,556,375,000, to be allocated as follows:

12 (i) For operation and maintenance,
13 \$1,440,832,000.

14 (ii) For plant projects (including
15 maintenance, restoration, planning, con-
16 struction, acquisition, modification of fa-
17 cilities, and the continuation of projects
18 authorized in prior years, and land acquisi-
19 tion related thereto), \$115,543,000, to be
20 allocated as follows:

21 Project 99–D–102, rehabilitation
22 of maintenance facility, Lawrence
23 Livermore National Laboratory,
24 Livermore, California, \$6,500,000.

1 Project 99–D–103, isotope
2 sciences facilities, Lawrence Liver-
3 more National Laboratory, Livermore,
4 California, \$4,000,000.

5 Project 99–D–104, protection of
6 real property (roof replacement-Phase
7 II), Lawrence Livermore National
8 Laboratory, Livermore, California,
9 \$7,300,000.

10 Project 99–D–105, central health
11 physics calibration facility, TA–36,
12 Los Alamos National Laboratory, Los
13 Alamos, New Mexico, \$3,900,000.

14 Project 99–D–106, model valida-
15 tion and system certification test cen-
16 ter, Sandia National Laboratories, Al-
17 buquerque, New Mexico, \$1,600,000.

18 Project 99–D–107, Joint Com-
19 putational Engineering Laboratory,
20 Sandia National Laboratories, Albu-
21 querque, New Mexico, \$1,800,000.

22 Project 99–D–108, renovate ex-
23 isting roadways, Nevada Test Site,
24 Nevada, \$2,000,000.

1 Project 97–D–102, dual-axis ra-
2 diographic hydrotest facility
3 (DARHT), Los Alamos National Lab-
4 oratory, Los Alamos, New Mexico,
5 \$36,000,000.

6 Project 96–D–102, stockpile
7 stewardship facilities revitalization,
8 Phase VI, various locations,
9 \$20,423,000.

10 Project 96–D–103, ATLAS, Los
11 Alamos National Laboratory, Los Ala-
12 mos, New Mexico, \$6,400,000.

13 Project 96–D–104, processing
14 and environmental technology labora-
15 tory (PETL), Sandia National Lab-
16 oratories, Albuquerque, New Mexico,
17 \$18,920,000.

18 Project 96–D–105, contained fir-
19 ing facility (CFF) addition, Lawrence
20 Livermore National Laboratory,
21 Livermore, California, \$6,700,000.

22 (B) For inertial fusion, \$498,000,000, to
23 be allocated as follows:

24 (i) For operation and maintenance,
25 \$213,800,000.

1 (ii) For the following plant project
2 (including maintenance, restoration, plan-
3 ning, construction, acquisition, and modi-
4 fication of facilities, and land acquisition
5 related thereto), \$284,200,000, to be allo-
6 cated as follows:

7 Project 96–D–111, national igni-
8 tion facility (NIF), Lawrence Liver-
9 more National Laboratory, Livermore,
10 California, \$284,200,000.

11 (C) For technology partnerships and edu-
12 cation, \$69,000,000, to be allocated as follows:

13 (i) For technology partnerships,
14 \$60,000,000.

15 (ii) For education, \$9,000,000.

16 (2) STOCKPILE MANAGEMENT.—Funds are
17 hereby authorized to be appropriated to the Depart-
18 ment of Energy for fiscal year 1999 for stockpile
19 management in carrying out weapons activities nec-
20 essary for national security programs in the amount
21 of \$2,140,825,000, to be allocated as follows:

22 (A) For operation and maintenance,
23 \$2,040,803,000.

24 (B) For plant projects (including mainte-
25 nance, restoration, planning, construction, ac-

1 quisition, modification of facilities, and the con-
2 tinuation of projects authorized in prior years,
3 and land acquisition related thereto),
4 \$100,022,000, to be allocated as follows:

5 Project 99–D–122, rapid reactivation,
6 various locations, \$11,200,000.

7 Project 99–D–123, replace mechanical
8 utility systems, Y–12 Plant, Oak Ridge,
9 Tennessee, \$1,900,000.

10 Project 99–D–125, replace boilers and
11 controls, Kansas City Plant, Kansas City,
12 Missouri, \$1,000,000.

13 Project 99–D–127, stockpile manage-
14 ment restructuring initiative, Kansas City
15 Plant, Kansas City, Missouri,
16 \$13,700,000.

17 Project 99–D–128, stockpile manage-
18 ment restructuring initiative, Pantex
19 Plant, Amarillo, Texas, \$1,108,000.

20 Project 99–D–132, nuclear materials
21 safeguards and security upgrades project,
22 Los Alamos National Laboratory, Los Ala-
23 mos, New Mexico, \$9,700,000.

24 Project 98–D–123, stockpile manage-
25 ment restructuring initiative, tritium fac-

1 tory modernization and consolidation, Sa-
2 vannah River Site, Aiken, South Carolina,
3 \$27,500,000.

4 Project 98–D–124, stockpile manage-
5 ment restructuring initiative, Y–12 Plant
6 consolidation, Oak Ridge, Tennessee,
7 \$10,700,000.

8 Project 97–D–122, nuclear materials
9 storage facility renovation, Los Alamos
10 National Laboratory, Los Alamos, New
11 Mexico, \$4,864,000.

12 Project 97–D–123, structural up-
13 grades, Kansas City Plant, Kansas City,
14 Missouri, \$6,400,000.

15 Project 96–D–122, sewage treatment
16 quality upgrade (STQU), Pantex Plant,
17 Amarillo, Texas, \$3,700,000.

18 Project 95–D–102, chemistry and
19 metallurgy research building (CMR) up-
20 grades project, Los Alamos National Lab-
21 oratory, Los Alamos, New Mexico,
22 \$5,000,000.

23 Project 93–D–122, life safety up-
24 grades, Y–12 Plant, Oak Ridge, Ten-
25 nessee, \$3,250,000.

1 (3) PROGRAM DIRECTION.—Funds are hereby
2 authorized to be appropriated to the Department of
3 Energy for fiscal year 1999 for program direction in
4 carrying out weapons activities necessary for na-
5 tional security programs in the amount of
6 \$255,500,000.

7 (b) ADJUSTMENT.—The total amount authorized to
8 be appropriated in paragraphs (1), (2), and (3) of sub-
9 section (a) is the sum of the amounts authorized to be
10 appropriated by such paragraphs reduced by the sum of
11 \$145,000,000 for use of prior year balances.

12 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
13 **MANAGEMENT.**

14 (a) IN GENERAL.—Funds are hereby authorized to
15 be appropriated to the Department of Energy for fiscal
16 year 1999 for environmental restoration and waste man-
17 agement in carrying out programs necessary for national
18 security in the amount of \$5,323,143,000, to be allocated
19 as follows:

20 (1) SITE AND PROJECT COMPLETION.—Funds
21 are hereby authorized to be appropriated to the De-
22 partment of Energy for fiscal year 1999 for site
23 project and completion in carrying out environ-
24 mental restoration and waste management activities
25 necessary for national security programs in the

1 amount of \$1,047,253,000, to be allocated as fol-
2 lows:

3 (A) For operation and maintenance,
4 \$848,090,000.

5 (B) For plant projects (including mainte-
6 nance, restoration, planning, construction, ac-
7 quisition, modification of facilities, and the con-
8 tinuation of projects authorized in prior years,
9 and land acquisition related thereto),
10 \$199,163,000, to be allocated as follows:

11 Project 99–D–402, tank farm support
12 services, F&H area, Savannah River Site,
13 Aiken, South Carolina, \$2,745,000.

14 Project 99–D–404, health physics in-
15 strumentation laboratory, Idaho National
16 Engineering and Environmental Labora-
17 tory, Idaho Falls, Idaho, \$950,000.

18 Project 98–D–401, H-tank farm
19 storm water systems upgrade, Savannah
20 River Site, Aiken, South Carolina,
21 \$3,120,000.

22 Project 98–D–453, plutonium sta-
23 bilization and handling system for pluto-
24 nium finishing plant, Richland, Washing-
25 ton, \$26,814,000.

1 Project 98–D–700, road rehabilita-
2 tion, Idaho National Engineering and En-
3 vironmental Laboratory, Idaho Falls,
4 Idaho, \$7,710,000.

5 Project 97–D–450, actinide packaging
6 and storage facility, Savannah River Site,
7 Aiken, South Carolina, \$79,184,000.

8 Project 97–D–470, regulatory mon-
9 itoring and bioassay laboratory, Savannah
10 River Site, Aiken, South Carolina,
11 \$7,000,000.

12 Project 96–D–406, spent nuclear fuels
13 canister storage and stabilization facility,
14 Richland, Washington, \$38,680,000.

15 Project 96–D–408, waste manage-
16 ment upgrades, Kansas City Plant, Kansas
17 City, Missouri, and Savannah River Site,
18 Aiken, South Carolina, \$4,512,000.

19 Project 96–D–464, electrical and util-
20 ity systems upgrade, Idaho Chemical Proc-
21 essing Plant, Idaho National Engineering
22 and Environmental Laboratory, Idaho
23 Falls, Idaho, \$11,544,000.

24 Project 96–D–471, chlorofluorocarbon
25 heating, ventilation, and air conditioning

1 and chiller retrofit, Savannah River Site,
2 Aiken, South Carolina, \$8,000,000.

3 Project 95–D–456, security facilities
4 consolidation, Idaho Chemical Processing
5 Plant, Idaho National Engineering and
6 Environmental Laboratory, Idaho Falls,
7 Idaho, \$485,000.

8 Project 92–D–140, F-canyon and H-
9 canyon exhaust upgrades, Savannah River
10 Site, Aiken, South Carolina, \$3,667,000.

11 Project 86–D–103, decontamination
12 and waste treatment facility, Lawrence
13 Livermore National Laboratory, Liver-
14 more, California, \$4,752,000.

15 (2) POST 2006 COMPLETION.—Funds are hereby
16 authorized to be appropriated to the Department of
17 Energy for fiscal year 1999 for post 2006 project
18 completion in carrying out environmental restoration
19 and waste management activities necessary for na-
20 tional security programs in the amount of
21 \$2,683,451,000, to be allocated as follows:

22 (A) For operation and maintenance,
23 \$2,602,195,000.

24 (B) For plant projects (including mainte-
25 nance, restoration, planning, construction, ac-

1 quisition, modification of facilities, and the con-
2 tinuation of projects authorized in prior years,
3 and land acquisition related thereto),
4 \$81,256,000, to be allocated as follows:

5 Project 99–D–403, privatization
6 phase I infrastructure support, Richland,
7 Washington, \$14,800,000.

8 Project 97–D–402, tank farm restora-
9 tion and safe operations, Richland, Wash-
10 ington, \$22,723,000.

11 Project 96–D–408, waste manage-
12 ment upgrades, Richland, Washington,
13 \$171,000.

14 Project 94–D–407, initial tank re-
15 trieval systems, Richland, Washington,
16 \$32,860,000.

17 Project 93–D–187, high-level waste
18 removal from filled waste tanks, Savannah
19 River Site, Aiken, South Carolina,
20 \$10,702,000.

21 (3) CLOSURE PROJECTS.—Funds are hereby
22 authorized to be appropriated to the Department of
23 Energy for fiscal year 1999 for closure projects car-
24 ried out in accordance with section 3143 of the Na-
25 tional Defense Authorization Act for Fiscal Year

1 1997 (Public Law 104–201; 110 Stat. 2836; 42
2 U.S.C. 7274n) in the amount of \$1,006,240,000.

3 (4) TECHNOLOGY DEVELOPMENT.—Funds are
4 hereby authorized to be appropriated to the Depart-
5 ment of Energy for fiscal year 1999 for science and
6 technology in carrying out environmental restoration
7 and waste management activities necessary for na-
8 tional security programs in the amount of
9 \$250,000,000.

10 (5) PROGRAM DIRECTION.—Funds are hereby
11 authorized to be appropriated to the Department of
12 Energy for fiscal year 1999 for program direction in
13 carrying out environmental restoration and waste
14 management activities necessary for national secu-
15 rity programs in the amount of \$336,199,000.

16 (b) ADJUSTMENT.—The total amount authorized to
17 be appropriated in paragraphs (1), (2), (3), and (5) of
18 subsection (a) is the sum of the amounts authorized to
19 be appropriated by such paragraphs reduced by the sum
20 of \$21,000,000 for use of prior year balances.

21 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

22 Funds are hereby authorized to be appropriated to
23 the Department of Energy for fiscal year 1999 for other
24 defense activities in carrying out programs necessary for

1 national security in the amount of \$1,672,160,000, to be
2 allocated as follows:

3 (1) VERIFICATION AND CONTROL TECH-
4 NOLOGY.—For verification and control technology,
5 \$483,500,000, to be allocated as follows:

6 (A) For nonproliferation and verification
7 research and development, \$210,000,000.

8 (B) For arms control, \$236,900,000.

9 (C) For intelligence, \$36,600,000.

10 (2) NUCLEAR SAFEGUARDS AND SECURITY.—
11 For nuclear safeguards and security, \$53,200,000.

12 (3) SECURITY INVESTIGATIONS.—For security
13 investigations, \$30,000,000.

14 (4) EMERGENCY MANAGEMENT.—For emer-
15 gency management, \$23,700,000.

16 (5) PROGRAM DIRECTION.—For program direc-
17 tion, nonproliferation and national security,
18 \$84,900,000.

19 (6) WORKER AND COMMUNITY TRANSITION AS-
20 SISTANCE.—For worker and community transition
21 assistance, \$40,000,000, to be allocated as follows:

22 (A) For worker and community transition,
23 \$36,000,000.

24 (B) For program direction, worker and
25 community transition assistance, \$4,000,000.

1 (7) FISSILE MATERIALS CONTROL AND DISPOSI-
2 TION.—For fissile materials control and disposition,
3 \$168,960,000, to be allocated as follows:

4 (A) For operation and maintenance,
5 \$111,372,000.

6 (B) For program direction, fissile mate-
7 rials control and disposition, \$4,588,000.

8 (C) For plant projects (including mainte-
9 nance, restoration, planning, construction, ac-
10 quisition, modification of facilities, and land ac-
11 quisition related thereto), \$53,000,000, to be
12 allocated as follows:

13 Project 99–D–141, pit disassembly
14 and conversion facility, location to be de-
15 termined, \$25,000,000.

16 Project 99–D–143, mixed oxide fuel
17 fabrication facility, location to be deter-
18 mined, \$28,000,000.

19 (8) ENVIRONMENT, SAFETY, AND HEALTH.—
20 For environment, safety, and health, defense,
21 \$69,000,000, to be allocated as follows:

22 (A) For the Office of Environment, Safety,
23 and Health (Defense), \$64,231,000.

24 (B) For program direction, environment,
25 safety, and health (defense), \$4,769,000.

1 (9) OFFICE OF HEARINGS AND APPEALS.—For
2 the Office of Hearings and Appeals, \$2,400,000.

3 (10) INTERNATIONAL NUCLEAR SAFETY.—For
4 international nuclear safety, \$35,000,000.

5 (11) NAVAL REACTORS.—For naval reactors,
6 \$681,500,000, to be allocated as follows:

7 (A) For naval reactors development,
8 \$661,400,000, to be allocated as follows:

9 (i) For operation and maintenance,
10 \$639,600,000.

11 (ii) For plant projects (including
12 maintenance, restoration, planning, con-
13 struction, acquisition, modification of fa-
14 cilities, and the continuation of projects
15 authorized in prior years, and land acquisi-
16 tion related thereto), \$12,800,000, to be
17 allocated as follows:

18 Project 98–D–200, site labora-
19 tory/facility upgrade, various loca-
20 tions, \$7,000,000.

21 Project 90–N–102, expended core
22 facility dry cell project, Naval Reac-
23 tors facility, Idaho Falls, Idaho,
24 \$5,800,000.

1 (iii) For general plant projects,
2 \$9,000,000, to be allocated as follows:

3 Project GPN-101, general plant
4 projects, various locations,
5 \$9,000,000.

6 (B) For program direction, naval reactors,
7 \$20,100,000.

8 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

9 Funds are hereby authorized to be appropriated to
10 the Department of Energy for fiscal year 1999 for pay-
11 ment to the Nuclear Waste Fund established in section
12 302(c) of the Nuclear Waste Policy Act of 1982 (42
13 U.S.C. 10222(c)) in the amount of \$190,000,000.

14 **SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-
15 VATIZATION.**

16 (a) IN GENERAL.—Funds are hereby authorized to
17 be appropriated to the Department of Energy for fiscal
18 year 1999 for privatization initiatives in carrying out envi-
19 ronmental restoration and waste management activities
20 necessary for national security programs in the amount
21 of \$273,857,000, to be allocated as follows:

22 Project 99-PVT-1, remote handled transuranic
23 waste transportation, Carlsbad, New Mexico,
24 \$19,605,000.

1 Project 98–PVT–2, spent nuclear fuel dry stor-
2 age, Idaho Falls, Idaho, \$20,000,000.

3 Project 98–PVT–5, waste disposal, Oak Ridge,
4 Tennessee, \$33,500,000.

5 Project 97–PVT–1, tank waste remediation sys-
6 tem phase I, Hanford, Washington, \$113,500,000.

7 Project 97–PVT–2, advanced mixed waste
8 treatment facility, Idaho Falls, Idaho, \$87,252,000.

9 (b) ADJUSTMENT.—The amount authorized to be ap-
10 propriated in subsection (a) is the sum of the amounts
11 authorized to be appropriated for the projects set forth
12 in that subsection reduced by the sum of \$32,000,000 for
13 use of prior year balances of funds for defense environ-
14 mental management privatization.

15 **Subtitle B—Recurring General** 16 **Provisions**

17 **SEC. 3121. REPROGRAMMING.**

18 (a) IN GENERAL.—Until the Secretary of Energy
19 submits to the congressional defense committees the re-
20 port referred to in subsection (b) and a period of 30 days
21 has elapsed after the date on which such committees re-
22 ceive the report, the Secretary may not use amounts ap-
23 propriated pursuant to this title for any program—

24 (1) in amounts that exceed, in a fiscal year—

1 (A) 110 percent of the amount authorized
2 for that program by this title; or

3 (B) \$1,000,000 more than the amount au-
4 thorized for that program by this title; or

5 (2) which has not been presented to, or re-
6 quested of, Congress.

7 (b) REPORT.—(1) The report referred to in sub-
8 section (a) is a report containing a full and complete state-
9 ment of the action proposed to be taken and the facts and
10 circumstances relied upon in support of such proposed ac-
11 tion.

12 (2) In the computation of the 30-day period under
13 subsection (a), there shall be excluded any day on which
14 either House of Congress is not in session because of an
15 adjournment of more than 3 days to a day certain.

16 (c) LIMITATIONS.—(1) In no event may the total
17 amount of funds obligated pursuant to this title exceed
18 the total amount authorized to be appropriated by this
19 title.

20 (2) Funds appropriated pursuant to this title may not
21 be used for an item for which Congress has specifically
22 denied funds.

23 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

24 (a) IN GENERAL.—The Secretary of Energy may
25 carry out any construction project under the general plant

1 projects authorized by this title if the total estimated cost
2 of the construction project does not exceed \$5,000,000.

3 (b) REPORT TO CONGRESS.—If, at any time during
4 the construction of any general plant project authorized
5 by this title, the estimated cost of the project is revised
6 because of unforeseen cost variations and the revised cost
7 of the project exceeds \$5,000,000, the Secretary shall im-
8 mediately furnish a complete report to the congressional
9 defense committees explaining the reasons for the cost
10 variation.

11 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

12 (a) IN GENERAL.—(1) Except as provided in para-
13 graph (2), construction on a construction project may not
14 be started or additional obligations incurred in connection
15 with the project above the total estimated cost, whenever
16 the current estimated cost of the construction project,
17 which is authorized by section 3101, 3102, or 3103, or
18 which is in support of national security programs of the
19 Department of Energy and was authorized by any pre-
20 vious Act, exceeds by more than 25 percent the higher
21 of—

22 (A) the amount authorized for the project; or

23 (B) the amount of the total estimated cost for
24 the project as shown in the most recent budget jus-
25 tification data submitted to Congress.

1 (2) An action described in paragraph (1) may be
2 taken if—

3 (A) the Secretary of Energy has submitted to
4 the congressional defense committees a report on the
5 actions and the circumstances making such action
6 necessary; and

7 (B) a period of 30 days has elapsed after the
8 date on which the report is received by the commit-
9 tees.

10 (3) In the computation of the 30-day period under
11 paragraph (2), there shall be excluded any day on which
12 either House of Congress is not in session because of an
13 adjournment of more than 3 days to a day certain.

14 (b) EXCEPTION.—Subsection (a) shall not apply to
15 any construction project which has a current estimated
16 cost of less than \$5,000,000.

17 **SEC. 3124. FUND TRANSFER AUTHORITY.**

18 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
19 The Secretary of Energy may transfer funds authorized
20 to be appropriated to the Department of Energy pursuant
21 to this title to other Federal agencies for the performance
22 of work for which the funds were authorized. Funds so
23 transferred may be merged with and be available for the
24 same purposes and for the same period as the authoriza-

1 tions of the Federal agency to which the amounts are
2 transferred.

3 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY.—

4 (1) Subject to paragraph (2), the Secretary of Energy may
5 transfer funds authorized to be appropriated to the De-
6 partment of Energy pursuant to this title between any
7 such authorizations. Amounts of authorizations so trans-
8 ferred may be merged with and be available for the same
9 purposes and for the same period as the authorization to
10 which the amounts are transferred.

11 (2) Not more than five percent of any such authoriza-
12 tion may be transferred between authorizations under
13 paragraph (1). No such authorization may be increased
14 or decreased by more than five percent by a transfer under
15 such paragraph.

16 (c) LIMITATION.—The authority provided by this sec-
17 tion to transfer authorizations—

18 (1) may only be used to provide funds for items
19 relating to activities necessary for national security
20 programs that have a higher priority than the items
21 from which the funds are transferred; and

22 (2) may not be used to provide funds for an
23 item for which Congress has specifically denied
24 funds.

1 (d) NOTICE TO CONGRESS.—The Secretary of En-
2 ergy shall promptly notify the Committee on Armed Serv-
3 ices of the Senate and the Committee on National Security
4 of the House of Representatives of any transfer of funds
5 to or from authorizations under this title.

6 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
7 **TION DESIGN.**

8 (a) REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)
9 Subject to paragraph (2) and except as provided in para-
10 graph (3), before submitting to Congress a request for
11 funds for a construction project that is in support of a
12 national security program of the Department of Energy,
13 the Secretary of Energy shall complete a conceptual de-
14 sign for that project.

15 (2) If the estimated cost of completing a conceptual
16 design for a construction project exceeds \$3,000,000, the
17 Secretary shall submit to Congress a request for funds for
18 the conceptual design before submitting a request for
19 funds for the construction project.

20 (3) The requirement in paragraph (1) does not apply
21 to a request for funds—

22 (A) for a construction project the total esti-
23 mated cost of which is less than \$5,000,000; or

24 (B) for emergency planning, design, and con-
25 struction activities under section 3126.

1 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)
2 Within the amounts authorized by this title, the Secretary
3 of Energy may carry out construction design (including
4 architectural and engineering services) in connection with
5 any proposed construction project if the total estimated
6 cost for such design does not exceed \$600,000.

7 (2) If the total estimated cost for construction design
8 in connection with any construction project exceeds
9 \$600,000, funds for such design must be specifically au-
10 thorized by law.

11 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
12 **SIGN, AND CONSTRUCTION ACTIVITIES.**

13 (a) **AUTHORITY.**—The Secretary of Energy may use
14 any funds available to the Department of Energy pursuant
15 to an authorization in this title, including those funds au-
16 thorized to be appropriated for advance planning and con-
17 struction design under sections 3101, 3102, and 3103, to
18 perform planning, design, and construction activities for
19 any Department of Energy national security program con-
20 struction project that, as determined by the Secretary,
21 must proceed expeditiously in order to protect public
22 health and safety, to meet the needs of national defense,
23 or to protect property.

24 (b) **LIMITATION.**—The Secretary may not exercise
25 the authority under subsection (a) in the case of any con-

1 construction project until the Secretary has submitted to the
2 congressional defense committees a report on the activities
3 that the Secretary intends to carry out under this section
4 and the circumstances making such activities necessary.

5 (c) SPECIFIC AUTHORITY.—The requirement of sec-
6 tion 3125(b)(2) does not apply to emergency planning, de-
7 sign, and construction activities conducted under this sec-
8 tion.

9 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
10 **RITY PROGRAMS OF THE DEPARTMENT OF**
11 **ENERGY.**

12 Subject to the provisions of appropriations Acts and
13 section 3121, amounts appropriated pursuant to this title
14 for management and support activities and for general
15 plant projects are available for use, when necessary, in
16 connection with all national security programs of the De-
17 partment of Energy.

18 **SEC. 3128. AVAILABILITY OF FUNDS.**

19 (a) IN GENERAL.—Except as provided in subsection
20 (b), when so specified in an appropriations Act, amounts
21 appropriated for operation and maintenance or for plant
22 projects may remain available until expended.

23 (b) EXCEPTION FOR PROGRAM DIRECTION FUNDS.—
24 Amounts appropriated for program direction pursuant to
25 an authorization of appropriations in subtitle A shall re-

1 main available to be expended only until the end of fiscal
2 year 2001.

3 **SEC. 3129. TRANSFERS OF DEFENSE ENVIRONMENTAL**
4 **MANAGEMENT FUNDS.**

5 (a) TRANSFER AUTHORITY FOR DEFENSE ENVIRON-
6 MENTAL MANAGEMENT FUNDS.—The Secretary of En-
7 ergy shall provide the manager of each field office of the
8 Department of Energy with the authority to transfer de-
9 fense environmental management funds from a program
10 or project under the jurisdiction of the office to another
11 such program or project.

12 (b) LIMITATIONS.—(1) Only one transfer may be
13 made to or from any program or project under subsection
14 (a) in a fiscal year.

15 (2) The amount transferred to or from a program
16 or project under subsection (a) may not exceed \$5,000,000
17 in a fiscal year.

18 (3) A transfer may not be carried out by a manager
19 of a field office under subsection (a) unless the manager
20 determines that the transfer is necessary to address a risk
21 to health, safety, or the environment or to assure the most
22 efficient use of defense environmental management funds
23 at the field office.

24 (4) Funds transferred pursuant to subsection (a)
25 may not be used for an item for which Congress has spe-

1 cifically denied funds or for a new program or project that
2 has not been authorized by Congress.

3 (c) EXEMPTION FROM REPROGRAMMING REQUIRE-
4 MENTS.—The requirements of section 3121 shall not
5 apply to transfers of funds pursuant to subsection (a).

6 (d) NOTIFICATION.—The Secretary, acting through
7 the Assistant Secretary of Energy for Environmental
8 Management, shall notify Congress of any transfer of
9 funds pursuant to subsection (a) not later than 30 days
10 after such transfer occurs.

11 (e) DEFINITIONS.—In this section:

12 (1) The term “program or project” means, with
13 respect to a field office of the Department of En-
14 ergy, any of the following:

15 (A) An activity carried out pursuant to
16 paragraph (1), (2), or (3) of section 3102(a).

17 (B) A project or program not described in
18 subparagraph (A) that is for environmental res-
19 toration or waste management activities nec-
20 essary for national security programs of the De-
21 partment, that is being carried out by the of-
22 fice, and for which defense environmental man-
23 agement funds have been authorized and appro-
24 priated before the date of enactment of this
25 Act.

1 (2) The term “defense environmental manage-
2 ment funds” means funds appropriated to the De-
3 partment of Energy pursuant to an authorization for
4 carrying out environmental restoration and waste
5 management activities necessary for national secu-
6 rity programs.

7 (f) DURATION OF AUTHORITY.—The managers of the
8 field offices of the Department may exercise the authority
9 provided under subsection (a) during the period beginning
10 on October 1, 1998, and ending on September 30, 1999.

11 **Subtitle C—Program Authoriza-**
12 **tions, Restrictions, and Limita-**
13 **tions**

14 **SEC. 3131. INTERNATIONAL COOPERATIVE STOCKPILE**
15 **STEWARDSHIP.**

16 (a) FUNDING PROHIBITION.—No funds authorized to
17 be appropriated or otherwise available to the Department
18 of Energy for fiscal year 1999 may be obligated or ex-
19 pended to conduct any activities associated with inter-
20 national cooperative stockpile stewardship.

21 (b) EXCEPTIONS.—Subsection (a) does not apply to
22 the following:

23 (1) Activities conducted between the United
24 States and the United Kingdom.

1 (2) Activities conducted between the United
2 States and France.

3 (3) Activities carried out under title III of this
4 Act relating to cooperative threat reduction with
5 states of the former Soviet Union.

6 **SEC. 3132. PROHIBITION ON USE OF FUNDS FOR BALLISTIC**
7 **MISSILE DEFENSE AND THEATER MISSILE**
8 **DEFENSE.**

9 No funds authorized to be appropriated or otherwise
10 made available to the Department of Energy by this title
11 for fiscal year 1999 may be obligated or expended for any
12 activities (including research, development, test, and eval-
13 uation activities, demonstration activities, or studies) re-
14 lating to ballistic missile defense or theater missile de-
15 fense.

16 **SEC. 3133. LICENSING OF CERTAIN MIXED OXIDE FUEL**
17 **FABRICATION AND IRRADIATION FACILITIES.**

18 (a) LICENSE REQUIREMENT.—Notwithstanding sec-
19 tion 110 a. of the Atomic Energy Act of 1954 (42 U.S.C.
20 2140(a)), no person may construct or operate a facility
21 referred to in subsection (b) without obtaining a license
22 from the Nuclear Regulatory Commission.

23 (b) COVERED FACILITIES.—(1) Except as provided
24 in paragraph (2), subsection (a) applies to any facility
25 under a contract with and for the account of the Depart-

1 ment of Energy that fabricates mixed plutonium-uranium
2 oxide nuclear reactor fuel for use in a commercial nuclear
3 reactor.

4 (2) Subsection (a) does not apply to any such facility
5 that is utilized for research, development, demonstration,
6 testing, or analysis purposes.

7 (c) AVAILABILITY OF FUNDS FOR LICENSING BY
8 NRC.—Section 210 of the Department of Energy Na-
9 tional Security and Military Applications of Nuclear En-
10 ergy Authorization Act of 1981 (42 U.S.C. 7272) shall
11 not apply to any licensing activities required as a result
12 of subsection (a).

13 (d) APPLICABILITY OF OCCUPATIONAL SAFETY AND
14 HEALTH REQUIREMENTS TO ACTIVITIES UNDER LI-
15 CENSE.—Any activities carried out under a license re-
16 ferred to in subsection (a) shall be subject to regulation
17 under the Occupational Safety and Health Act of 1970
18 (29 U.S.C. 651 et seq.).

19 **SEC. 3134. CONTINUATION OF PROCESSING, TREATMENT,**
20 **AND DISPOSITION OF LEGACY NUCLEAR MA-**
21 **TERIALS.**

22 The Secretary of Energy shall continue operations
23 and maintain a high state of readiness at the F-canyon
24 and H-canyon facilities at the Savannah River site and

1 shall provide technical staff necessary to operate and so
2 maintain such facilities.

3 **SEC. 3135. AUTHORITY FOR DEPARTMENT OF ENERGY FED-**
4 **ERALLY FUNDED RESEARCH AND DEVELOP-**
5 **MENT CENTERS TO PARTICIPATE IN MERIT-**
6 **BASED TECHNOLOGY RESEARCH AND DEVEL-**
7 **OPMENT PROGRAMS.**

8 Section 217(f)(1) of the National Defense Authoriza-
9 tion Act for Fiscal Year 1995 (Public Law 103–337; 108
10 Stat. 2695) is amended by inserting “or of the Depart-
11 ment of Energy” after “the Department of Defense”.

12 **SEC. 3136. SUPPORT FOR PUBLIC EDUCATION IN THE VI-**
13 **CINITY OF LOS ALAMOS NATIONAL LABORA-**
14 **TORY, NEW MEXICO.**

15 (a) AVAILABILITY OF FUNDS.—Of the funds author-
16 ized to be appropriated or otherwise made available to the
17 Department of Energy by this title, \$5,000,000 shall be
18 available for payment by the Secretary of Energy to the
19 educational foundation chartered to enhance educational
20 activities in the public schools in the vicinity of Los Ala-
21 mos National Laboratory, New Mexico (in this section re-
22 ferred to as the “Foundation”).

23 (b) USE OF FUNDS.—(1) The Foundation shall uti-
24 lize funds provided under subsection (a) as a contribution
25 to an endowment fund for the Foundation.

1 (2) The Foundation shall use the income generated
2 from investments in the endowment fund that are attrib-
3 utable to the payment made under subsection (a) to fund
4 programs to support the educational needs of children in
5 public schools in the vicinity of Los Alamos National Lab-
6 oratory.

7 **Subtitle D—Other Matters**

8 **SEC. 3141. REPEAL OF FISCAL YEAR 1998 STATEMENT OF**
9 **POLICY ON STOCKPILE STEWARDSHIP PRO-**
10 **GRAM.**

11 Section 3156 of the National Defense Authorization
12 Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat.
13 2045; 42 U.S.C. 2121 note) is repealed.

14 **SEC. 3142. INCREASE IN MAXIMUM RATE OF PAY FOR SCI-**
15 **ENTIFIC, ENGINEERING, AND TECHNICAL**
16 **PERSONNEL RESPONSIBLE FOR SAFETY AT**
17 **DEFENSE NUCLEAR FACILITIES.**

18 Section 3161(a)(2) of the National Defense Author-
19 ization Act for Fiscal Year 1995 (42 U.S.C. 7231 note)
20 is amended by striking out “level IV of the Executive
21 Schedule under section 5315” and inserting in lieu thereof
22 “level III of the Executive Schedule under section 5314”.

1 **SEC. 3143. SENSE OF SENATE REGARDING TREATMENT OF**
 2 **FORMERLY UTILIZED SITES REMEDIAL AC-**
 3 **TION PROGRAM UNDER A NONDEFENSE DIS-**
 4 **CRETIONARY BUDGET FUNCTION.**

5 It is the sense of the Senate that the Office of Man-
 6 agement and Budget should, beginning with fiscal year
 7 2000, transfer the Formerly Utilized Sites Remedial Ac-
 8 tion Program from the 050 budget function to a non-
 9 defense discretionary budget function.

10 **TITLE XXXII—DEFENSE NU-**
 11 **CLEAR FACILITIES SAFETY**
 12 **BOARD**

13 **SEC. 3201. AUTHORIZATION.**

14 There are authorized to be appropriated for fiscal
 15 year 1999, \$17,500,000 for the operation of the Defense
 16 Nuclear Facilities Safety Board under chapter 21 of the
 17 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

18 **TITLE XXXIII—NATIONAL**
 19 **DEFENSE STOCKPILE**

20 **SEC. 3301. DEFINITIONS.**

21 In this title:

22 (1) The term “National Defense Stockpile”
 23 means the stockpile provided for in section 4 of the
 24 Strategic and Critical Materials Stock Piling Act (50
 25 U.S.C. 98c).

1 (2) The term “National Defense Stockpile
2 Transaction Fund” means the fund in the Treasury
3 of the United States established under section 9(a)
4 of the Strategic and Critical Materials Stock Piling
5 Act (50 U.S.C. 98h(a)).

6 **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

7 (a) OBLIGATION OF STOCKPILE FUNDS.—During fis-
8 cal year 1999, the National Defense Stockpile Manager
9 may obligate up to \$83,000,000 of the funds in the Na-
10 tional Defense Stockpile Transaction Fund for the author-
11 ized uses of such funds under section 9(b)(2) of the Stra-
12 tegic and Critical Materials Stock Piling Act (50 U.S.C.
13 98h(b)(2)), including the disposal of hazardous materials
14 that are environmentally sensitive.

15 (b) ADDITIONAL OBLIGATIONS.—The National De-
16 fense Stockpile Manager may obligate amounts in excess
17 of the amount specified in subsection (a) if the National
18 Defense Stockpile Manager notifies Congress that extraor-
19 dinary or emergency conditions necessitate the additional
20 obligations. The National Defense Stockpile Manager may
21 make the additional obligations described in the notifica-
22 tion after the end of the 45-day period beginning on the
23 date Congress receives the notification.

1 (c) LIMITATIONS.—The authorities provided by this
 2 section shall be subject to such limitations as may be pro-
 3 vided in appropriations Acts.

4 **SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
 5 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

6 (a) DISPOSAL REQUIRED.—Subject to subsection (c),
 7 the President shall dispose of materials contained in the
 8 National Defense Stockpile and specified in the table in
 9 subsection (b) so as to result in receipts to the United
 10 States in the amount of \$100,000,000 by the end of fiscal
 11 year 1999.

12 (b) LIMITATION ON DISPOSAL QUANTITY.—The total
 13 quantities of materials authorized for disposal by the
 14 President under subsection (a) may not exceed the
 15 amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Columbium Carbide Powder	21,372 pounds contained
Columbium Ferro High Carbon	249,395 pounds contained
Columbium Concentrates	1,733,454 pounds con- tained
Chromium Ferroalloy Low Carbons	92,000 short tons
Chromium Metal—EL	8,511 short tons
Diamond, Stones	3,000,000 carats
Germanium Metal	28,198 kilograms
Indium	14,248 troy ounces
Palladium	1,227,831 troy ounces
Platinum	439,887 troy ounces
Tantalum Carbide Powder	22,687 pounds contained
Tantalum Metal Powder	50,000 pounds contained
Tantalum Minerals	1,751,364 pounds con- tained
Tantalum Oxide	122,730 pounds contained
Tungsten Ferro	2,024,143 pounds
Tungsten Carbide Powder	2,024,143 pounds
Tungsten Metal Powder	1,898,009 pounds
Tungsten Ores & Concentrates	76,358,230 pounds.

1 (c) MINIMIZATION OF DISRUPTION AND LOSS.—The
2 President may not dispose of materials under subsection
3 (a) to the extent that the disposal will result in—

4 (1) undue disruption of the usual markets of
5 producers, processors, and consumers of the mate-
6 rials proposed for disposal; or

7 (2) avoidable loss to the United States.

8 (d) RELATIONSHIP TO OTHER DISPOSAL AUTHOR-
9 ITY.—The disposal authority provided in subsection (a) is
10 new disposal authority and is in addition to, and shall not
11 affect, any other disposal authority provided by law re-
12 garding the materials specified in such subsection.

13 **TITLE XXXIV—NAVAL**
14 **PETROLEUM RESERVES**

15 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) AMOUNT.—There is hereby authorized to be ap-
17 propriated to the Secretary of Energy \$117,000,000 for
18 fiscal year 1999 for the purposes of carrying out—

19 (1) activities under chapter 641 of title 10,
20 United States Code, relating to the naval petroleum
21 reserves (as defined in section 7420(2) of such title);
22 and

23 (2) activities necessary to terminate the admin-
24 istration of Naval Petroleum Reserve Numbered 1
25 by the Secretary after the sale of that reserve under

1 subtitle B of title XXXIV of the National Defense
2 Authorization Act for Fiscal Year 1996 (Public Law
3 104–106; 10 U.S.C. 7420 note).

4 (b) AVAILABILITY.—Funds appropriated pursuant to
5 the authorization in subsection (a) shall remain available
6 until expended.

7 **TITLE XXXV—PANAMA CANAL**
8 **COMMISSION**

9 **SEC. 3501. SHORT TITLE; REFERENCES TO PANAMA CANAL**
10 **ACT OF 1979.**

11 (a) SHORT TITLE.—This title may be cited as the
12 “Panama Canal Commission Authorization Act for Fiscal
13 Year 1999”.

14 (b) REFERENCES TO PANAMA CANAL ACT OF
15 1979.—Except as otherwise expressly provided, whenever
16 in this title an amendment or repeal is expressed in terms
17 of an amendment to, or repeal of, a section or other provi-
18 sion, the reference shall be considered to be made to a
19 section or other provision of the Panama Canal Act of
20 1979 (22 U.S.C. 3601 et seq.).

21 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

22 (a) IN GENERAL.—Subject to subsection (b), the
23 Panama Canal Commission is authorized to use amounts
24 in the Panama Canal Revolving Fund to make such ex-
25 penditures within the limits of funds and borrowing au-

1 thority available to it in accordance with law, and to make
2 such contracts and commitments, as may be necessary
3 under the Panama Canal Act of 1979 (22 U.S.C. 3601
4 et seq.) for the operation, maintenance, improvement, and
5 administration of the Panama Canal for fiscal year 1999.

6 (b) LIMITATIONS.—For fiscal year 1999, the Panama
7 Canal Commission may expend from funds in the Panama
8 Canal Revolving Fund not more than \$90,000 for official
9 reception and representation expenses, of which—

10 (1) not more than \$28,000 may be used for of-
11 ficial reception and representation expenses of the
12 Supervisory Board of the Commission;

13 (2) not more than \$14,000 may be used for of-
14 ficial reception and representation expenses of the
15 Secretary of the Commission; and

16 (3) not more than \$48,000 may be used for of-
17 ficial reception and representation expenses of the
18 Administrator of the Commission.

19 **SEC. 3503. PURCHASE OF VEHICLES.**

20 Notwithstanding any other provision of law, the
21 funds available to the Commission shall be available for
22 the purchase and transportation to the Republic of Pan-
23 ama of passenger motor vehicles, the purchase price of
24 which shall not exceed \$23,000 per vehicle.

1 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
2 **TREATIES.**

3 Expenditures authorized under this title may be made
4 only in accordance with the Panama Canal Treaties of
5 1977 and any law of the United States implementing
6 those treaties.

7 **SEC. 3505. DONATIONS TO THE COMMISSION.**

8 Section 1102b (22 U.S.C. 3612b) is amended by add-
9 ing at the end the following new subsection:

10 “(f)(1) The Commission may seek and accept dona-
11 tions of funds, property, and services from individuals,
12 foundations, corporations, and other private and public en-
13 tities for the purpose of carrying out its promotional ac-
14 tivities.

15 “(2) The Commission shall establish written guide-
16 lines setting forth the criteria to be used in determining
17 whether the acceptance of funds, property, or services au-
18 thorized by paragraph (1) would reflect unfavorably upon
19 the ability of the Commission (or any employee of the
20 Commission) to carry out its responsibilities or official du-
21 ties in a fair and objective manner or would compromise
22 the integrity or the appearance of the integrity of its pro-
23 grams or of any official in those programs.”.

1 **SEC. 3506. AGREEMENTS FOR UNITED STATES TO PROVIDE**
2 **POST-TRANSFER ADMINISTRATIVE SERVICES**
3 **FOR CERTAIN EMPLOYEE BENEFITS.**

4 Section 1110 (22 U.S.C. 3620) is amended by adding
5 at the end the following new subsection:

6 “(c)(1) The Secretary of State may enter into one
7 or more agreements to provide for the United States to
8 furnish administrative services relating to the benefits de-
9 scribed in paragraph (2) after December 31, 1999, and
10 to establish appropriate procedures for providing advance
11 funding for the services.

12 “(2) The benefits referred to in paragraph (1) are
13 the following:

14 “(A) Pension, disability, and medical benefits
15 provided by the Panama Canal Commission pursu-
16 ant to section 1245.

17 “(B) Compensation for work injuries covered by
18 chapter 81 of title 5, United States Code.”.

19 **SEC. 3507. SUNSET OF UNITED STATES OVERSEAS BENE-**
20 **FITS JUST BEFORE TRANSFER.**

21 (a) REPEALS.—Effective 11:59 p.m. (Eastern Stand-
22 ard Time), December 30, 1999, the following provisions
23 are repealed and any right or condition of employment
24 provided for in, or arising from, those provisions is termi-
25 nated: sections 1206 (22 U.S.C. 3646), 1207 (22 U.S.C.
26 3647), 1217(a), (22 U.S.C. 3657(a)), and 1224(11) (22

1 U.S.C. 3664(11)), subparagraphs (A), (B), (F), (G), and
2 (H) of section 1231(a)(2) (22 U.S.C. 3671(a)(2)) and sec-
3 tion 1321(e) (22 U.S.C. 3731(e)).

4 (b) SAVINGS PROVISION FOR BASIC PAY.—Notwith-
5 standing subsection (a), benefits based on basic pay, as
6 listed in paragraphs (1), (2), (3), (5), and (6) of section
7 1218 of the Panama Canal Act of 1979, shall be paid as
8 if sections 1217(a) and 1231(a)(2) (A) and (B) of that
9 Act had been repealed effective 12:00 p.m., December 31,
10 1999. The exception under the preceding sentence shall
11 not apply to any pay for hours of work performed on De-
12 cember 31, 1999.

13 (c) NONAPPLICABILITY TO AGENCIES IN PANAMA
14 OTHER THAN PANAMA CANAL COMMISSION.—Section
15 1212(b)(3) (22 U.S.C. 3652(b)(3)) is amended by striking
16 out “the Panama Canal Transition Facilitation Act of
17 1997” and inserting in lieu thereof “the Panama Canal
18 Transition Facilitation Act of 1997 (subtitle B of title
19 XXXV of Public Law 105–85; 110 Stat. 2062), or the
20 Panama Canal Commission Authorization Act for Fiscal
21 Year 1999”.

22 **SEC. 3508. CENTRAL EXAMINING OFFICE.**

23 Section 1223 (22 U.S.C. 3663) is repealed.

1 **SEC. 3509. LIABILITY FOR VESSEL ACCIDENTS.**

2 (a) COMMISSION LIABILITY SUBJECT TO CLAIMANT
3 INSURANCE.—(1) Section 1411(a) (22 U.S.C. 3771(a)) is
4 amended by inserting “to section 1419(b) of this Act and”
5 after “Subject” in the first sentence.

6 (2) Section 1412 (22 U.S.C. 3772) is amended by
7 striking out “The Commission” in the first sentence and
8 inserting in lieu thereof “Subject to section 1419(b) of this
9 Act, the Commission”.

10 (3) Section 1416 (22 U.S.C. 3776) is amended by
11 striking out “A claimant” in the first sentence and insert-
12 ing in lieu thereof “Subject to section 1419(b) of this Act,
13 a claimant”.

14 (b) LIMITATION ON LIABILITY.—Section 1419 (22
15 U.S.C. 3779) is amended by designating the text as sub-
16 section (a) and by adding at the end the following:

17 “(b) The Commission may not consider or pay any
18 claim under section 1411 or 1412 of this Act, nor may
19 an action for damages lie thereon, unless the claimant is
20 covered by one or more valid policies of insurance totalling
21 at least \$1,000,000 against the injuries specified in those
22 sections. The Commission’s liability on any such claim
23 shall be limited to damages in excess of all amounts recov-
24 ered or recoverable by the claimant from its insurers. The
25 Commission may not consider or pay any claim by an in-

1 surer or subrogee of a claimant under section 1411 or
2 1412 of this Act.”.

3 **SEC. 3510. PLACEMENT OF UNITED STATES CITIZENS IN**
4 **POSITIONS WITH THE UNITED STATES GOV-**
5 **ERNMENT.**

6 Section 1232 (22 U.S.C. 3672) is amended—

7 (1) by striking out subsection (d);

8 (2) by redesignating subsection (c) as sub-
9 section (d); and

10 (3) by inserting after subsection (b) the follow-
11 ing new subsection (c):

12 “(c)(1) Upon the request of an employee or former
13 employee of the Panama Canal Commission described in
14 paragraph (2), the employee shall be afforded eligibility
15 for appointment on a noncompetitive basis to vacant posi-
16 tions in the competitive service of the civil service within—

17 “(A) an area determined by the Director of the
18 Office of Personnel Management as being within a
19 reasonable commuting distance of the employee’s
20 residence; or

21 “(B) in the case of an employee in the Republic
22 of Panama who chooses to so designate, any Stand-
23 ard Federal Region designated by the employee.

24 “(2) Paragraph (1) applies to a person who—

25 “(A) is a citizen of the United States;

1 “(B) was an employee of the Panama Canal
2 Commission on or after July 1, 1998; and

3 “(C) is in receipt of a notice of separation by
4 reason of a reduction in force.

5 “(3) A person’s eligibility for a noncompetitive ap-
6 pointment under paragraph (1) expires one year after the
7 date of the separation of that person from employment
8 by the Panama Canal Commission.

9 “(4) For the purposes of paragraph (2)(B), an em-
10 ployee of the dissolution office established to manage Pan-
11 ama Canal Commission Dissolution Fund established by
12 section 1305 is an employee of the Panama Canal Com-
13 mission.

14 “(5) In this subsection, the terms ‘civil service’ and
15 ‘competitive service’ have the meanings given such terms
16 in sections 2101(1) and 2102, respectively, of title 5,
17 United States Code.”.

18 **SEC. 3511. PANAMA CANAL BOARD OF CONTRACT APPEALS.**

19 (a) ESTABLISHMENT AND PAY OF BOARD.—Section
20 3102(a) (22 U.S.C. 3862(a)) is amended—

21 (1) in paragraph (1), by striking out “shall” in
22 the first sentence and inserting in lieu thereof
23 “may”; and

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

1 “(3) Compensation for members of the Board of Con-
2 tract Appeals shall be established by the Commission’s su-
3 pervisory board. The annual compensation established for
4 members may not exceed the rate of basic pay established
5 for level IV of the Executive Schedule under section 5315
6 of title 5, United States Code. The compensation of a
7 member may not be reduced during the member’s term
8 of office from the level established at the time of the ap-
9 pointment of the member.”.

10 (b) DEADLINE FOR COMMENCEMENT OF BOARD.—
11 Section 3102(e) (22 U.S.C. 3862(e)) is amended by strik-
12 ing out “, but not later than January 1, 1999”.

13 **SEC. 3512. TECHNICAL AMENDMENTS.**

14 (a) PANAMA CANAL ACT OF 1979.—The Panama
15 Canal Act of 1979 is amended as follows:

16 (1) Section 1202(c) (22 U.S.C. 3642(c)) is
17 amended—

18 (A) by striking out “the day before the
19 date of the enactment of the Panama Canal
20 Transition Facilitation Act of 1997” and insert-
21 ing in lieu thereof “November 17, 1997,”;

22 (B) by striking out “on or after that
23 date”; and

1 (C) by striking out “the day before the
2 date of enactment” and inserting in lieu thereof
3 “that date”.

4 (2) Section 1212(b)(3) (22 U.S.C. 3652(b)(3))
5 is amended by inserting “the” after “by the head
6 of”.

7 (3) Section 1313 (22 U.S.C. 3723) is amended
8 by striking out “subsection (d)” in each of sub-
9 sections (a), (b), and (d) and inserting in lieu there-
10 of “subsection (c)”.

11 (4) Sections 1411(a) and 1412 (22 U.S.C.
12 3771(a), 3772) are amended by striking out “the
13 date of the enactment of the Panama Canal Transi-
14 tion Facilitation Act of 1997” and inserting in lieu
15 thereof “by November 18, 1998”.

16 (5) Section 1416 (22 U.S.C. 3776) is amended
17 by striking out “the date of the enactment of the
18 Panama Canal Transition Facilitation Act of 1997”
19 and inserting in lieu thereof “by May 17, 1998”.

20 (b) PUBLIC LAW 104–201.—Effective as of Septem-
21 ber 23, 1996, and as if included therein as enacted, section
22 3548(b)(3) of the Panama Canal Act Amendments of
23 1996 (subtitle B of title XXXV of Public Law 104–201;
24 110 Stat. 2869) is amended by striking out “section” in

- 1 both items of quoted matter and inserting in lieu thereof
- 2 “sections”.