

107TH CONGRESS
1ST SESSION

H. R. 2586

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2001

Mr. STUMP (for himself and Mr. SKELTON) (both by request) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 2002 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2002, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 2002”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PROCUREMENT

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense health program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

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- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
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- Sec. 304. Contract authority for Defense Working Capital Funds.

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- Sec. 310. Reimburse EPA for certain costs in connection with Hooper Sands site, in South Berwick, Maine.
- Sec. 311. Elimination of report on contractor reimbursement costs.

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- Sec. 315. Costs payable to the Department of Defense and other Federal agencies for services provided to the Defense Commissary Agency.
- Sec. 316. Reimbursement for non-commissary use of commissary facilities.
- Sec. 317. Commissary contracts and other agencies and instrumentalities.
- Sec. 318. Operation of commissary stores.

Subtitle D—Other Matters

- Sec. 320. Reimbursement, for reserve intelligence support.
- Sec. 321. Disposal of obsolete and excess materials contained in the national defense stockpile.

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- Sec. 401. End Strengths for active forces.

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- Sec. 405. End strengths for selected reserve.
- Sec. 406. End strengths for reserves on active duty in support of the reserves.
- Sec. 407. End strengths for military technicians (dual status).
- Sec. 408. Fiscal year 2002 limitation on number of non-dual status technicians.
- Sec. 409. Authorized strengths: reserve officers and senior enlisted members on active duty or full-time National Guard duty for administration of the reserves or National Guard.
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Subtitle B—Reserve Component Personnel Policy

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- Sec. 512. Amendment to reserve PERSTEMPO definition.
- Sec. 513. Individual ready reserve physical examination requirement.
- Sec. 514. Funeral honors duty performed by members of the National Guard.
- Sec. 515. Strength and grade ceiling accounting for reserve component members on active duty in support of a contingency operation.
- Sec. 516. Reserve health professionals stipend program expansion.
- Sec. 517. Reserve officers on active duty for a period of three years or less.
- Sec. 518. Active duty end strength exemption for National Guard and reserve personnel performing funeral honors functions.
- Sec. 519. Clarification of functions that may be assigned to active guard and reserve personnel on full-time National Guard duty.
- Sec. 520. Authority for temporary waiver of the requirement for a baccalaureate degree for promotion of certain reserve officers of the Army.
- Sec. 521. Authority of the President to suspend certain laws relating to promotion, retirement and separation; duties.

Subtitle C—Education and Training

- Sec. 531. Authority for the Marine Corps University to award the degree of master of strategic studies.
- Sec. 532. Reserve component distributed learning.
- Sec. 533. Repeal of limitation on number of junior reserve officers' training corps (JROTC) units.
- Sec. 534. Modification of the Nurse Officer Candidate Accession Program restriction on students attending civilian educational institutions with Senior Reserve Officers' Training Programs.
- Sec. 535. Defense Language Institute Foreign Language Center.

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- Sec. 541. Authority for award of the Medal of Honor to Humbert R. Versace for valor during the Vietnam War.
- Sec. 542. Issuance of duplicate Medal of Honor.
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- Sec. 615. Extension of special and incentive pays.
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- Sec. 621. Funded student travel: exchange programs.
- Sec. 622. Payment of vehicle storage costs in advance.
- Sec. 623. Travel and transportation allowances for family members to attend the burial of a deceased member of the Armed Forces.
- Sec. 624. Shipment of privately owned vehicles when executing CONUS permanent change of station moves.

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- Sec. 631. Montgomery G I Bill—selected reserve eligibility period.
- Sec. 632. Improved disability benefits for certain reserve component members.
- Sec. 633. Acceptance of scholarships by officers participating in the funded legal education program.

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- Sec. 701. Acquisition milestone changes.
- Sec. 702. Clarification of inapplicability of the requirement for core logistics capabilities standards to the nuclear refueling of an aircraft carrier.
- Sec. 703. Depot maintenance utilization waiver.

Subtitle B—Acquisition Workforce

Sec. 705. Tenure requirement for critical acquisition positions.

Subtitle C—General Contracting Procedures and Limitations

Sec. 710. Amendment of law applicable to contracts for architectural and engineering services and construction design.

Sec. 711. Streamlining procedures for the purchase of certain goods.

Sec. 712. Repeal of the requirement for the limitations on the use of Air Force civil engineering supply function contracts.

Sec. 713. Modification of limitation on retirement or dismantlement of strategic nuclear delivery systems.

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Sec. 716. Increase of overseas minor construction threshold using operations and maintenance funds.

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Sec. 719. Annual report to congress on design and construction.

TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND POSITIONS

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Sec. 801. Organizational alignment change for director for expeditionary warfare.

Sec. 802. Change of name for Air Mobility Command.

Sec. 803. Transfer of intelligence positions in support of the National Imagery and Mapping Agency.

Subtitle B—Reports

Sec. 811. Amendment to National Guard and reserve component equipment: annual report to Congress.

Sec. 812. Elimination of triennial report on the roles and missions of the Armed Forces.

Sec. 813. Change in due date of commercial activities report.

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Sec. 821. Documents, historical artifacts, and obsolete or surplus materiel: loan, donation, or exchange.

Sec. 822. Charter air transportation of members of the Armed Forces.

TITLE IX—GENERAL PROVISIONS

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Subtitle B—Department of Defense Civilian Personnel

Sec. 911. Authority for designated civilian employees abroad to act as a notary.

Sec. 912. Inapplicability of requirement for studies and reports when all directly affected Department of Defense civilian employees are reassigned to comparable federal positions.

Sec. 913. Pilot program for payment of retraining expenses.

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Sec. 921. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.

Sec. 922. Department of Defense gift initiatives.

Sec. 923. Repeal of the joint requirements oversight council semi-annual report.

1 **TITLE I—PROCUREMENT**

2 **SEC. 101. ARMY.**

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

5 (1) For aircraft, \$1,925,491,000.

6 (2) For missiles, \$1,859,634,000.

7 (3) For weapons and tracked combat vehicles,
8 \$2,276,746,000.

9 (4) For ammunition, \$1,193,365,000.

10 (5) For other procurement, \$3,961,737,000.

11 (6) For chemical agents and munitions destruc-
12 tion, \$1,153,557,000 for—

13 (A) the destruction of lethal chemical
14 weapons in accordance with section 1412 of the
15 Department of Defense Authorization Act,
16 1986 (50 U.S.C. 1521) and

17 (B) the destruction of chemical warfare
18 material of the United States that is not cov-
19 ered by section 1412 of such Act.

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

2 (a) NAVY.—Funds are hereby authorized to be ap-
3 propriated for fiscal year 2002 for procurement for the
4 Navy as follows:

5 (1) For aircraft, \$8,252,543,000.

6 (2) For weapons, including missiles and tor-
7 pedoes, \$1,433,475,000.

8 (3) For shipbuilding and conversion,
9 \$9,344,121,000.

10 (4) For other procurement, \$4,097,576,000.

11 (b) MARINE CORPS.—Funds are hereby authorized to
12 be appropriated for fiscal year 2002 for procurement for
13 the Marine Corps in the amount of \$981,724,000.

14 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds
15 are hereby authorized to be appropriated for fiscal year
16 2002 for procurement of ammunition for the Navy and
17 Marine Corps in the amount of \$457,099,000.

18 **SEC. 103. AIR FORCE.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2002 for procurement for the Air Force as fol-
21 lows:

22 (1) For aircraft, \$10,744,458,000.

23 (2) For missiles, \$3,233,536,000.

24 (3) For procurement of ammunition,
25 \$865,344,000.

26 (4) For other procurement, \$8,158,521,000.

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

2 Funds are hereby authorized to be appropriated for
3 fiscal year 2002 for defense-wide procurement in the
4 amount of \$1,603,927,000.

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 2002 for procurement for the Defense Inspec-
8 tor General in the amount of \$1,800,000.

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

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2002 for the Department of Defense for pro-
12 curement for carrying out health care programs, projects,
13 and activities of the Department of Defense in the total
14 amount of \$267,915,000.

15 **TITLE II—RESEARCH, DEVELOP-**
16 **MENT, TEST, AND EVALUA-**
17 **TION**

18 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 2002 for the use of the Armed Forces for re-
21 search, development, test, and evaluation, as follows:

22 (1) For the Army, \$6,693,920,000.

23 (2) For the Navy, \$11,123,389,000.

24 (3) For the Air Force, \$14,343,982,000.

25 (4) For Defense-wide research, development,
26 test, and evaluation, \$15,268,142,000, of which

1 \$217,355,000 is authorized for the Director of Oper-
2 ational Test and Evaluation.

3 (5) For the Defense Health Program,
4 \$65,304,000.

5 **TITLE III—OPERATION AND**
6 **MAINTENANCE**

7 **Subtitle A—Authorization of**
8 **Appropriations**

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

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2002 for the use of the Armed Forces of the
12 United States and other activities and agencies of the De-
13 partment of Defense, for expenses, not otherwise provided
14 for, for operation and maintenance, in amounts as follows:

15 (1) For the Army, \$21,191,680,000.

16 (2) For the Navy, \$26,961,382,000.

17 (3) For the Marine Corps, \$2,892,314,000.

18 (4) For the Air Force, \$26,146,770,000.

19 (5) For the Defense-wide activities,
20 \$12,518,631,000.

21 (6) For the Army Reserve, \$1,787,246,000.

22 (7) For the Naval Reserve, \$1,003,690,000.

23 (8) For the Marine Corps Reserve,
24 \$144,023,000.

25 (9) For the Air Force Reserve, \$2,029,866,000.

1 (10) For the Army National Guard,
2 \$3,677,359,000.

3 (11) For the Air National Guard,
4 \$3,867,361,000.

5 (12) For the Defense Inspector General,
6 \$150,221,000.

7 (13) For the United States Court of Appeals
8 for the Armed Forces, \$9,096,000.

9 (14) For Environmental Restoration, Army,
10 \$389,800,000.

11 (15) For Environmental Restoration, Navy,
12 \$257,517,000.

13 (16) For Environmental Restoration, Air Force,
14 \$385,437,000.

15 (17) For Environmental Restoration, Defense-
16 wide, \$23,492,000.

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

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

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

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

1 (22) For the Defense Health Program,
2 \$17,565,750,000.

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

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

7 (25) For Support for International Sporting
8 Competitions, Defense, \$15,800,000.

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

10 Funds are hereby authorized to be appropriated for
11 fiscal year 2002 for the use of the Armed Forces of the
12 United States and other activities and agencies of the De-
13 partment of Defense for providing capital for working cap-
14 ital and revolving funds in amounts as follows:

15 (1) For the Defense Working Capital Funds,
16 \$1,951,986,000.

17 (2) For the National Defense Sealift Fund,
18 \$506,408,000.

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

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

1 **SEC. 304. CONTRACT AUTHORITY FOR DEFENSE WORKING**
2 **CAPITAL FUNDS.**

3 Contract authority in the amount of \$427, 100,000,
4 to remain available until September 30, 2002, is hereby
5 authorized and appropriated to the Defense Working Cap-
6 ital Fund for the procurement, lease-purchase with sub-
7 stantial private sector risk, capital or operating multiple-
8 year lease, of a capital asset, multiple-year time charter
9 of a commercial craft or vessel and associated services.

10 **Subtitle B—Environmental**
11 **Provisions**

12 **SEC. 310. REIMBURSE EPA FOR CERTAIN COSTS IN CON-**
13 **NECTION WITH HOOPER SANDS SITE, IN**
14 **SOUTH BERWICK, MAINE.**

15 (a) **AUTHORITY TO REIMBURSE EPA.**—Using funds
16 described in subsection (b), the Secretary of the Navy may
17 pay \$1,005,478.00 to the Hooper Sands Special Account
18 within the Hazardous Substance Superfund established by
19 section 9507 of the Internal Revenue Code of 1986 (26
20 U.S.C. 9507) to reimburse the Environmental Protection
21 Agency in full for the Remaining Past Response Costs in-
22 curred by the agency for actions taken pursuant to the
23 Comprehensive Environmental Response, Compensation
24 and Liability Act of 1980 (42 U.S.C. 9601, et seq.) at
25 the Hooper Sands site in South Berwick, Maine, pursuant
26 to an Interagency Agreement entered into by the Depart-

1 ment of the Navy and the Environmental Protection Agen-
2 cy in January 2001.

3 (b) SOURCE OF FUNDS.—Any payment under sub-
4 section (a) shall be made using the amounts authorized
5 to be appropriated by paragraph (15) of section 301 to
6 the Environmental Restoration, Navy account, established
7 by section 2703(a)(3) of title 10, United States Code.

8 **SEC. 311. ELIMINATION OF REPORT ON CONTRACTOR RE-**
9 **IMBURSEMENT COSTS.**

10 Section 2706 of title 10, United States Code, is
11 amended by striking subsection (c) and redesignating sub-
12 sections (d) and (e) as subsections (c) and (d), respec-
13 tively.

14 **Subtitle C—Commissaries and Non-**
15 **appropriated Fund Instrumen-**
16 **talities**

17 **SEC. 315. COSTS PAYABLE TO THE DEPARTMENT OF DE-**
18 **FENSE AND OTHER FEDERAL AGENCIES FOR**
19 **SERVICES PROVIDED TO THE DEFENSE COM-**
20 **MISSARY AGENCY.**

21 Section 2482(b)(1) of title 10, United States Code,
22 is amended by striking “However, the Defense Com-
23 missary Agency may not pay for any such service provided
24 by the United States Transportation Command any
25 amount that exceeds the price at which the service could

1 be procured through full and open competition, as such
2 term is defined in section 4(6) of the Office of Federal
3 Procurement Policy Act (41 U.S.C. 403(6)).” and insert-
4 ing “The Defense Commissary Agency may not pay for
5 any service provided by a Defense working capital fund
6 activity which exceeds the price at which the service could
7 be procured through full and open competition by the De-
8 fense Commissary Agency, as such term is defined in sec-
9 tion 4(6) of the Office of Federal Procurement Policy Act
10 (41 U.S.C. 403(6)). In determining the cost for providing
11 such service the Defense Commissary Agency may pay a
12 Defense working capital fund activity those administrative
13 and handling costs it would be required to pay for the
14 provision of such services had the Defense Commissary
15 Agency acquired them under full and open competition.
16 Under no circumstances will any costs associated with mo-
17 bilization requirements, maintenance of readiness, or es-
18 tablishment or maintenance of infrastructure to support
19 such mobilization or readiness requirements, be included
20 in rates charged the Defense Commissary Agency.”.

21 **SEC. 316. REIMBURSEMENT FOR NON-COMMISSARY USE OF**
22 **COMMISSARY FACILITIES.**

23 (a) IN GENERAL.—Chapter 147 of title 10, United
24 States Code, is amended by inserting at the beginning of
25 the chapter the following new section:

1 **“§ 2481. Reimbursement for non-commissary use of**
 2 **commissary facilities**

3 “If a commissary facility acquired, constructed or im-
 4 proved (in whole or in part) with commissary surcharge
 5 revenues is used for non-commissary purposes, the Sec-
 6 retary of the military department concerned shall reim-
 7 burse the commissary surcharge revenues for the com-
 8 missary’s share of the depreciated value of the facility.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 at the beginning of such chapter 147 is amended by insert-
 11 ing before the item relating to section 2482 the following
 12 new item:

“2481. Reimbursement for non-commissary use of commissary facilities.”.

13 **SEC. 317. COMMISSARY CONTRACTS AND OTHER AGENCIES**
 14 **AND INSTRUMENTALITIES.**

15 Section 2482(b) of title 10, United States Code, is
 16 amended—

17 (1) by redesignating paragraph (2) as para-
 18 graph (3); and

19 (2) by inserting after paragraph (1) the fol-
 20 lowing new paragraph (2):

21 “(2) Where the Secretary of Defense authorizes
 22 the Defense Commissary Agency to sell limited ex-
 23 change merchandise as commissary store inventory
 24 under section 2486(b)(11) of this title, the Defense
 25 Commissary Agency shall enter into a contract or

1 other agreement to obtain such merchandise avail-
2 able from the Armed Service Exchanges, provided
3 that such merchandise shall be obtained at a cost of
4 no more than the exchange retail price less the
5 amount of commissary surcharge authorized to be
6 collected by section 2486 of this title. If such mer-
7 chandise is procured by the Defense Commissary
8 Agency from other than the Armed Service Ex-
9 changes, the limitations provided in section 2486(e)
10 of this title apply.”.

11 **SEC. 318. OPERATION OF COMMISSARY STORES.**

12 Section 2482(a) of title 10, United States Code, is
13 amended by striking “A contract with a private person”
14 and all that remains to the end of the subsection.

15 **Subtitle D—Other Matters**

16 **SEC. 320. REIMBURSEMENT FOR RESERVE INTELLIGENCE**
17 **SUPPORT.**

18 (a) Appropriations available to the Department of
19 Defense for operations and maintenance may be used to
20 reimburse National Guard and Reserve units or organiza-
21 tions for the pay, allowances and other expenses which are
22 incurred by such National Guard and Reserve units or or-
23 ganizations when members of the National Guard or Re-
24 serve provide intelligence, including counterintelligence,
25 support to Combatant Commands, Defense Agencies and

1 Joint Intelligence Activities, including the activities and
2 programs included within the National Foreign Intel-
3 ligence Program, the Joint Military Intelligence Program,
4 and the Tactical Intelligence and Related Activities aggre-
5 gate.

6 (b) Nothing in this section authorizes deviation from
7 established Reserve and National Guard personnel and
8 training procedures.

9 **SEC. 321. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS**
10 **CONTAINED IN THE NATIONAL DEFENSE**
11 **STOCKPILE.**

12 Subject to the conditions specified in section 10(c)
13 of the Strategic and Critical Materials Stock Piling Act
14 (50 U.S.C. 98h-1(c)), the President may dispose of the
15 following obsolete and excess materials contained in the
16 National Defense Stockpile in the following quantities:

17 Bauxite, Refractory, 40,000 short tons.

18 Chromium Metal, 3,512 short tons.

19 Iridium, 25,140 troy ounces.

20 Jewel Bearings, 30,273,221 pieces.

21 Manganese, Ferro HC, 209,074 short tons.

22 Palladium, 11 troy ounces.

23 Quartz Crystal, 216,648 pounds.

24 Tantalum Metal Ingot, 120,228 pounds con-
25 tained tantalum.

1 Tantalum Metal Powder, 36,020 pounds con-
2 tained tantalum.

3 Thorium Nitrate, 600,000 pounds.

4 **TITLE IV—MILITARY**
5 **PERSONNEL AUTHORIZATIONS**
6 **Subtitle A—Active Forces**

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

8 The Armed Forces are authorized strengths for active
9 duty personnel as of September 30, 2002, as follows:

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

14 **Subtitle B—Reserve Forces**

15 **SEC. 405. END STRENGTHS FOR SELECTED RESERVE.**

16 (a) IN GENERAL.—The Armed Forces are authorized
17 strengths for Selected Reserve personnel of the reserve
18 components as of September 30, 2002, as follows:

- 19 (1) The Army National Guard of the United
20 States, 350,000.
21 (2) The Army Reserve, 205,000.
22 (3) The Naval Reserve, 87,000.
23 (4) The Marine Corps Reserve, 39,558.
24 (5) The Air National Guard of the United
25 States, 108,400.

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

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

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

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

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

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

22 **SEC. 406. END STRENGTHS FOR RESERVES ON ACTIVE**
23 **DUTY IN SUPPORT OF THE RESERVES.**

24 Within the end strengths prescribed in section
25 411(a), the reserve components of the Armed Forces are

1 authorized, as of September 30, 2002, the following num-
2 ber of Reserves to be serving on full-time active duty or,
3 in the case of members of the National Guard, full-time
4 National Guard duty for the purpose of organizing, ad-
5 ministering, recruiting, instructing, or training the reserve
6 components:

7 (1) The Army National Guard of the United
8 States, 22,974.

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

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

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

12 (5) The Air National Guard of the United
13 States, 11,591.

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

15 **SEC. 407. END STRENGTHS FOR MILITARY TECHNICIANS**
16 **(DUAL STATUS).**

17 The Reserve Components of the Army and the Air
18 Force are authorized strengths for military technicians
19 (dual status) as of September 30, 2002, as follows:

20 (1) For the Army Reserve, 5,999.

21 (2) For the Army National Guard of the United
22 States, 23,128.

23 (3) For the Air Force Reserve, 9,818.

24 (4) For the Air National Guard of the United
25 States, 22,422.

1 **SEC. 408. FISCAL YEAR 2002 LIMITATION ON NUMBER OF**
2 **NON-DUAL STATUS TECHNICIANS.**

3 The number of civilian employees who are non-dual
4 status technicians of a reserve component of the Army or
5 Air Force as of September 30, 2002, may not exceed the
6 following:

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

8 (2) For the Army National Guard of the United
9 States, 1,600.

10 (3) For the Air Force Reserve, 0.

11 (4) For the Air National Guard of the United
12 States, 350.

13 **SEC. 409. AUTHORIZED STRENGTHS: RESERVE OFFICERS**
14 **AND SENIOR ENLISTED MEMBERS ON ACTIVE**
15 **DUTY OR FULL-TIME NATIONAL GUARD DUTY**
16 **FOR ADMINISTRATION OF THE RESERVES OR**
17 **NATIONAL GUARD.**

18 (a) IN GENERAL.—Section 12011 of title 10, United
19 States Code, is amended by amending the body of the sec-
20 tion to read as follows:

21 “(a) CEILINGS FOR FULL-TIME RESERVE COMPO-
22 NENT FIELD GRADE OFFICERS.—The number of reserve
23 officers of the reserve components of the Army, Navy, Air
24 Force, and Marine Corps who may be on active duty in
25 the pay grades of O–4, O–5, O–6 for duty described in
26 sections 10211, 10302 through 10305, 123 10, or 12402

1 of this title, or full-time National Guard duty (other than
 2 for training) under section 502(f) of title 32, or section
 3 708 of title 32, may not, at the end of any fiscal year,
 4 exceed a number for that grade and reserve component
 5 in accordance with the following tables:

“Army National Guard

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
20,000	1,500	850	325
22,000	1,650	930	350
24,000	1,790	1,010	370
26,000	1,930	1,085	385
28,000	2,070	1,160	400
30,000	2,200	1,235	405
32,000	2,330	1,305	408
34,000	2,450	1,375	411
36,000	2,570	1,445	411
38,000	2,670	1,515	411
40,000	2,770	1,580	411
42,000	2,837	1,644	411

“U.S. Army Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
10,000	1,390	740	230
11,000	1,529	803	242
12,000	1,668	864	252
13,000	1,804	924	262
14,000	1,940	984	272
15,000	2,075	1,044	282
16,000	2,210	1,104	291
17,000	2,345	1,164	300
18,000	2,479	1,223	309
19,000	2,613	1,282	318
20,000	2,747	1,341	327
21,000	2,877	1,400	336

“U.S. Naval Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
10,000	807	447	141
11,000	867	467	153
12,000	924	485	163

“U.S. Naval Reserve—Continued

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
13,000	980	503	173
14,000	1,035	521	183
15,000	1,088	538	193
16,000	1,142	555	203
17,000	1,195	565	213
18,000	1,246	575	223
19,000	1,291	585	233
20,000	1,334	595	242
21,000	1,364	603	250
22,000	1,384	610	258
23,000	1,400	615	265
24,000	1,410	620	270

“U.S. Marine Corps Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
1,100	106	56	20
1,200	110	60	21
1,300	114	63	22
1,400	118	66	23
1,500	121	69	24
1,600	124	72	25
1,700	127	75	26
1,800	130	78	27
1,900	133	81	28
2,000	136	84	29
2,100	139	87	30
2,200	141	90	31
2,300	143	92	32
2,400	145	94	33
2,500	147	96	34
2,600	149	98	35

“Air National Guard

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
5,000	333	335	251
6,000	403	394	260
7,000	472	453	269
8,000	539	512	278
9,000	606	571	287
10,000	673	630	296
11,000	740	688	305
12,000	807	742	314
13,000	873	795	323
14,000	939	848	332

“Air National Guard—Continued

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
15,000	1,005	898	341
16,000	1,067	948	350
17,000	1,126	998	359
18,000	1,185	1,048	368
19,000	1,235	1,098	377
20,000	1,283	1,148	380

“U.S. Air Force Reserve

AGR Popu- lation	O-4 (MAJ)	O-5 (LTC)	O-6 (COL)
500	83	85	50
1,000	155	165	95
1,500	220	240	135
2,000	285	310	170
2,500	350	369	203
3,000	413	420	220
3,500	473	464	230
4,000	530	500	240
4,500	585	529	247
5,000	638	550	254
5,500	688	565	261
6,000	735	575	268
7,000	770	595	280
8,000	805	615	290
10,000	835	635	300

1 “(b) GRADE SUBSTITUTIONS FOR LOWER GRADE
2 CEILINGS.—Whenever the number of officers serving in
3 any grade for duty described in subsection (a) is less than
4 the number authorized for that grade under this section,
5 the difference between the two numbers may be applied
6 to increase the number authorized under this section for
7 any lower grade.

8 “(c) DETERMINATION OF AUTHORIZED CEILINGS.—
9 If the total number of members serving in the grades pre-
10 scribed in the above tables is between any two consecutive

1 numbers in the first column of the appropriate table, the
2 corresponding authorized strengths for each of the grades
3 shown in that table, for that component, are determined
4 by mathematical interpolation between the respective
5 numbers of the two strengths. If the total numbers of
6 members serving on AGR duty in the first column are
7 greater or less than the figures listed in the first column
8 of the appropriate table, the Secretary concerned shall fix
9 the corresponding strengths for the grades shown in that
10 table at the same proportion as reflected in the nearest
11 limit shown in the table.

12 “(d) SECRETARIAL WAIVER.—Upon determination
13 by the Secretary of Defense that such action is in the na-
14 tional interest, the Secretary may increase the number of
15 reserve officers that may be on active duty or full-time
16 National Guard duty in a controlled grade authorized pur-
17 suant to subsection (a) for the current fiscal year for any
18 of the Reserve components by a number equal to not more
19 than 5 percent of the authorized strength in that con-
20 trolled grade.”.

21 (b) IN GENERAL.—Section 12012 of title 10, United
22 States Code, is amended by amending the body of the sec-
23 tion to read as follows:

24 “(a) CEILINGS FOR FULL-TIME RESERVE COMPO-
25 NENT SENIOR ENLISTED MEMBERS.—The number of en-

1 listed members in pay grades of E-8 and E-9 for who
 2 may be on active duty under section 10211 or 12310, or
 3 on full-time National Guard duty under the authority of
 4 section 502(f) of title 32 (other than for training) in con-
 5 nection with organizing, administering, recruiting, in-
 6 structing, or training the reserve components or the Na-
 7 tional Guard may not, at the end of any fiscal year, exceed
 8 a number determined in accordance with the following ta-
 9 bles:

“Army National Guard

AGR Population	E-8 (MSG)	E-9 (SGM)
20,000	1,650	550
22,000	1,775	615
24,000	1,900	645
26,000	1,945	675
28,000	1,945	705
30,000	1,945	725
32,000	1,945	730
34,000	1,945	735
36,000	1,945	738
38,000	1,945	741
40,000	1,945	743
42,000	1,945	743

“U.S. Army Reserve

AGR Population	E-8 (MSG)	E-9 (SGM)
10,000	1,052	154
11,000	1,126	168
12,000	1,195	180
13,000	1,261	191
14,000	1,327	202
15,000	1,391	213
16,000	1,455	224
17,000	1,519	235
18,000	1,583	246
19,000	1,647	257
20,000	1,711	268
21,000	1,775	278

“U.S. Naval Reserve

AGR Population	E-8 (SCPO)	E-9 (MCPO)
10,000	340	143
11,000	364	156
12,000	386	169
13,000	407	182
14,000	423	195
15,000	435	208
16,000	447	221
17,000	459	234
18,000	471	247
19,000	483	260
20,000	495	273
21,000	507	286
22,000	519	299
23,000	531	312
24,000	540	325

“U.S. Marine Corps Reserve

AGR Population	E-8 (IST SGT)	E-9 (SGTMAJ)
1,100	50	11
1,200	55	12
1,300	60	13
1,400	65	14
1,500	70	15
1,600	75	16
1,700	80	17
1,800	85	18
1,900	89	19
2,000	93	20
2,100	96	21
2,200	99	22
2,300	101	23
2,400	103	24
2,500	105	25
2,600	107	26

“Air National Guard

AGR Population	E-8 (SMSGT)	E-9 (CMSGT)
5,000	1,020	405
6,000	1,070	435
7,000	1,120	465
8,000	1,170	490,
9,000	1,220	510
10,000	1,270	530
11,000	1,320	550
12,000	1,370	570
13,000	1,420	589
14,000	1,470	608

“Air National Guard—Continued

AGR Population	E-8 (SMSGT)	E-9 (CMSGT)
15,000	1,520	626
16,000	1,570	644
17,000	1,620	661
18,000	1,670	678
19,000	1,720	695
20,000	1,770	712

“U.S. Air Force Reserve

AGR Population	E-8 (SMSGT)	F-9 (CMSGT)
500	75	40
1,000	145	75
1,500	208	105
2,000	270	130
2,500	325	150
3,000	375	170
3,500	420	190
4,000	460	210
4,500	495	230
5,000	530	250
5,500	565	270
6,000	600	290
7,000	670	330
8,000	740	370
10,000	800	400

1 “(b) GRADE SUBSTITUTION FOR LOWER GRADE
2 CEILINGS.—Whenever the number of members serving in
3 pay grade E-9 for duty described in subsection (a) is less
4 than the number authorized for that grade under this sec-
5 tion, the difference between the two numbers may be ap-
6 plied to increase the number authorized under this section
7 for pay grade E-8.

8 “(c) DETERMINATION OF AUTHORIZED CEILINGS.—
9 If the total number of members serving in the grades pre-
10 scribed in the above tables is between, any two consecutive

1 numbers in the first column of the appropriate table, the
2 corresponding authorized strengths for each of the grades
3 shown in that table, for that component, are determined
4 by mathematical interpolation between the respective
5 numbers of the two strengths. If the total numbers of
6 members serving on AGR duty in the first column are
7 greater or less than the figures listed in the first column
8 of the appropriate table, the Secretary concerned shall fix
9 the corresponding strengths for the grades shown in that
10 table at the same proportion as reflected in the nearest
11 limit shown in the table.

12 “(d) SECRETARIAL WAIVER.—Upon determination
13 by the Secretary of Defense that such action is in the na-
14 tional interest, the Secretary may increase the number of
15 senior reserve enlisted members that may be on active
16 duty or full-time National Guard duty in a controlled
17 grade authorized pursuant to subsection (a) for the cur-
18 rent fiscal year for any of the Reserve components by a
19 number equal to not more than 5 percent of the authorized
20 strength in that controlled grade.”.

21 **SEC. 410. INCREASE IN AUTHORIZED STRENGTHS FOR AIR**
22 **FORCE OFFICERS ON ACTIVE DUTY IN THE**
23 **GRADE OF MAJOR.**

24 The table in section 523(a)(1) of title 10, United
25 States Code, is amended by striking the figures under the

1 heading “Major” relating to the Air Force and inserting
 2 the following:

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

3 **TITLE V—MILITARY PERSONNEL**
 4 **POLICY**
 5 **Subtitle A—Officer Personnel**
 6 **Policy**

7 **SEC. 501. ELIMINATION OF CERTAIN MEDICAL AND DENTAL**
 8 **REQUIREMENTS FOR ARMY EARLY-**
 9 **DEPLOYERS.**

10 Section 1074a of title 10, United States Code, is
 11 amended—

12 (1) by striking subsection (d); and

13 (2) by redesignating subsection (e) as sub-
 14 section (d).

1 **SEC. 502. MEDICAL DEFERMENT OF MANDATORY RETIRE-**
2 **MENT OR SEPARATION.**

3 Section 640 of title 10, United States Code, is
4 amended—

5 (1) by inserting “(a)” at the beginning of the
6 paragraph;

7 (2) by striking “cannot” and inserting “may
8 not”; and

9 (3) by adding at the end the following new sub-
10 paragraph (b):

11 “(b) An officer whose mandatory retirement or sepa-
12 ration under this chapter or chapter 63 of this title is sub-
13 ject to deferral under this section, may be extended for
14 a period not to exceed 30 days following completion of the
15 evaluation requiring hospitalization or medical observa-
16 tion.”.

17 **SEC. 503. OFFICER IN CHARGE; UNITED STATES NAVY**
18 **BAND.**

19 (a) **DETAIL AND GRADE.**—Chapter 565 of title 10,
20 United States Code, is amended by inserting after section
21 6221 the following new section:

22 **“§ 6221a. United States Navy Band: officer in charge**

23 “An officer serving in a grade not below lieutenant
24 commander may be detailed as Officer in Charge of the
25 United States Navy Band. While so serving, an officer who
26 holds a grade lower than captain shall hold the grade of

1 captain if he is appointed to that grade by the President,
2 by and with the advice and consent of the Senate. Such
3 appointment may occur notwithstanding the limitation of
4 subsection 5596(d) of this title.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of such chapter 565 is amended by insert-
7 ing after the item referring to section 6221 the following
8 new item:

“6221a. United States Navy Band: officer in charge.”.

9 **SEC. 504. REMOVAL OF REQUIREMENT FOR CERTIFI-**
10 **CATION FOR CERTAIN FLAG OFFICERS TO**
11 **RETIRE IN THEIR HIGHEST GRADE.**

12 Section 1370(e)(1) of title 10, United States Code,
13 is amended—

14 (1) by striking “certifies in writing to the Presi-
15 dent and Congress” and inserting “determines in
16 writing”; and

17 (2) by adding at the end of the paragraph the
18 following new sentence: “The Secretary of Defense
19 shall issue regulations to implement this para-
20 graph.”.

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

3 **SEC. 511. RETIREMENT OF RESERVE PERSONNEL.**

4 (a) **RETIRED RESERVE.**—Section 10154(2) of title
5 10, United States Code, is amended by striking “upon
6 their request”.

7 (b) **RETIREMENT FOR FAILURE OF SELECTION OF**
8 **PROMOTION.**—(1) Section 14513 of such title 10 is
9 amended—

10 (A) in the heading, by inserting “or retirement”
11 after “Separation”; and

12 (B) in paragraph (2), by striking “and applies”
13 and inserting “unless the officer requests not to be
14 transferred to the Retired Reserve” before the semi-
15 colon.

16 (2) The table of sections at the beginning of chapter
17 1407 of such title 10 is amended by striking the item re-
18 lating to section 14513 and inserting the following new
19 item:

“14513. Separation or retirement for failure of selection for promotion.”.

20 (c) **RETIREMENT FOR YEARS OF SERVICE OR AFTER**
21 **SELECTION FOR EARLY REMOVAL.**—Section 14514 of
22 such title 10 is amended—

23 (1) in paragraph (1), by striking “and applies”
24 and inserting “ unless the officer requests not to be

1 transferred to the Retired Reserve” before the semi-
2 colon; and

3 (2) in paragraph (2), by striking “does not
4 apply for such transfer” and inserting “has re-
5 quested not to be transferred to the Retired Re-
6 serve” after “is not qualified or”.

7 (d) RETIREMENT FOR AGE.—Section 14515 of such
8 title 10 is amended—

9 (1) in paragraph (1), by striking “and applies”
10 and inserting “unless the officer requests not to be
11 transferred to the Retired Reserve” before the semi-
12 colon; and

13 (2) in paragraph (2), by striking “does not
14 apply for transfer” and inserting “has requested not
15 to be transferred” following “is riot qualified or”.

16 (e) DISCHARGE OR RETIREMENT OF WARRANT OFFI-
17 CERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter
18 1207 of such title 10 is amended by adding at the end
19 the following new section:

20 **“12244. Warrant officers: discharge or retirement for**
21 **years of service or for age**

22 “Each reserve warrant officer of the Army, Navy, Air
23 Force, or Marine Corps who is in an active status and
24 has reached the maximum years of service or age pre-
25 scribed by the Secretary concerned shall—

1 “(1) be transferred to the Retired Reserve, if
2 the warrant officer is so qualified for such transfer,
3 unless the warrant officer requests not to be trans-
4 ferred to the Retired Reserve; or

5 “(2) if the warrant officer is not qualified for
6 such transfer or requests not to be 42 transferred to
7 the Retired Reserve, be discharged.”.

8 (2) The table of sections at the beginning of such
9 chapter 1207 of title 10 is amended by adding at the end
10 the following new item:

“12244. Warrant officers: discharge or retirement for years of service or for
age.”.

11 (f) DISCHARGE, OR RETIREMENT OF ENLISTED
12 MEMBERS FOR YEARS OF SERVICE OR AGE.—(1) Chapter
13 1203 of such title 10 is amended by adding, at the end
14 the following new section:

15 **“12108. Enlisted members: discharge or retirement**
16 **for years of service or for age**

17 “Each reserve enlisted member of the Army, Navy,
18 Air Force, or Marine Corps who is in an active status and
19 has reached the maximum years of service or age pre-
20 scribed by the Secretary concerned shall—

21 “(1) be transferred to the Retired Reserve, if
22 the member is so qualified for such transfer, unless
23 the member requests not to be transferred to the
24 Retired Reserve; or

1 **SEC. 513. INDIVIDUAL READY RESERVE PHYSICAL EXAM-**
2 **INATION REQUIREMENT.**

3 Section 10206 of title 10, United States Code, is
4 amended—

5 (1) in subsection (a), by striking “Ready Re-
6 serve” and inserting “Selected Reserve”;

7 (2) by redesignating subsection (b) as sub-
8 section (c); and

9 (3) by inserting after subsection (a) the fol-
10 lowing new subsection:

11 “(b) As determined by the Secretary concerned, each
12 member of the Individual Ready Reserve or Inactive Na-
13 tional Guard shall be provided a physical examination, if
14 required—

15 “(1) to determine the member’s fitness for mili-
16 tary duty; or

17 “(2) for promotion, attendance at a military
18 school or other career progression requirements.”.

19 **SEC. 514. FUNERAL HONORS DUTY PERFORMED BY MEM-**
20 **BERS OF THE NATIONAL GUARD.**

21 Section 1491 (b) of title 10, United States Code, is
22 amended by inserting after paragraph (2) the following
23 new paragraph:

24 “(3) A member of the Army National Guard of the
25 United States or Air National Guard of the United States
26 who serves as a member of a funeral honors detail while

1 serving in a duty status authorized under state law shall
 2 be considered to be a member of the armed forces for the
 3 purpose of fulfilling the two member funeral honors detail
 4 requirement in paragraph (2).”.

5 **SEC. 515. STRENGTH AND GRADE CEILING ACCOUNTING**
 6 **FOR RESERVE COMPONENT MEMBERS ON AC-**
 7 **TIVE DUTY IN SUPPORT OF A CONTINGENCY**
 8 **OPERATION.**

9 (a) ACTIVE DUTY STRENGTH ACCOUNTING—Section
 10 11 5(c) of title 10, United States Code is amended—

11 (1) in subparagraph (1), by striking “and” at
 12 the end of the subparagraph;

13 (2) in subparagraph (2), by striking the period
 14 and adding “; and” at the end of the subparagraph;
 15 and

16 (3) by adding the following new subparagraph:

17 “(3) increase the end strength authorized pur-
 18 suant to subsection (a)(1)(A) for a fiscal year for
 19 any of the armed forces by a number equal to the
 20 number of members of the reserve components on
 21 active duty under section 12301(d) of this title in
 22 support of a contingency operation as defined in sec-
 23 tion 101(a)(13) of this title.”.

24 (b) INCREASE IN AUTHORIZED DAILY AVERAGE FOR
 25 MEMBERS IN PAY GRADES E-8 AND E-9 ON ACTIVE

1 DUTY UNDER CERTAIN CIRCUMSTANCES.—Section 517
2 of such title 10 is amended at the end by adding the fol-
3 lowing new paragraph:

4 “(d) The Secretary of Defense may increase the au-
5 thorized daily average number of enlisted members on ac-
6 tive duty in an armed force in pay grades E–8 and E–
7 9 in a fiscal year pursuant to subsection (a) by the number
8 of enlisted members of a reserve component in that armed
9 force in the pay grades of E–8 and E–9 on active duty
10 under section 12301(d) of this title in support of a contin-
11 ugency operation as defined in section 101(a)(13) of this
12 title.”

13 (c) INCREASE IN AUTHORIZED STRENGTHS FOR
14 COMMISSIONED OFFICERS IN PAY GRADES O–4, O–5 AND
15 O–6 ON ACTIVE DUTY UNDER CERTAIN CIR-
16 CUMSTANCES.—Section 523 of such title 10 is amended—

17 (1) in paragraphs (a)(1) and (a)(2), by striking
18 “subsection (c)” and inserting “subsections (c) and
19 (e)”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(e) The Secretary of Defense may increase the au-
23 thorized total number of commissioned officers serving on
24 active duty at the end of any fiscal year pursuant to sub-
25 section (a) by the number of commissioned officers of a

1 reserve component of the Army, Navy, Air Force, or Ma-
2 rine Corps on active duty under section 12301(d) of this
3 title in support of a contingency operation as defined in
4 section 101(a)(13) of this title.”.

5 (d) INCREASE, IN AUTHORIZED STRENGTHS FOR
6 GENERAL AND FLAG OFFICERS ON ACTIVE DUTY UNDER
7 CERTAIN CIRCUMSTANCES.—Section 526(a) of such title
8 10 is amended by—

9 (1) striking “the” the first time it appears;

10 (2) inserting “(1) Except as provided in para-
11 graph (2), the” following “Limitations.—”;

12 (3) redesignating paragraphs (1), (2), (3) and
13 (4) as subparagraphs (A), (B), (C) and (D), respec-
14 tively; and

15 (4) inserting after subparagraph (D) (as redesi-
16 gnated by section (d)(3)) the following new para-
17 graph:

18 “(2) The Secretary of Defense may increase the
19 number of general and flag officers on active duty
20 pursuant to paragraph (1) by the number of reserve
21 component general and flag officers on active duty
22 under section 12301(d) of this title in support of a
23 contingency operation as defined in section
24 101(a)(13) of this title.”.

1 **SEC. 516. RESERVE HEALTH PROFESSIONALS STIPEND**
2 **PROGRAM EXPANSION.**

3 (a) PURPOSE OF PROGRAM.—Section 16201(a) of
4 title 10, United States Code, is amended to read as fol-
5 lows:

6 “(a) ESTABLISHMENT OF PROGRAM.—For the pur-
7 poses of obtaining adequate numbers of commissioned offi-
8 cers in the reserve components who are qualified in health
9 professions, the Secretary of each military department
10 may establish and maintain a program to provide financial
11 assistance under this chapter to persons engaged in train-
12 ing that leads to a degree in medicine or dentistry, and
13 to a health professions specialty critically needed in war-
14 time. Under such a program, the Secretary concerned may
15 agree to pay a financial stipend to persons engaged in
16 health care education and training in return for a commit-
17 ment to subsequent service in the Ready Reserve.”.

18 (b) MEDICAL AND DENTAL STUDENT STIPEND.—
19 Section 16201 of such title 10 is amended by—

20 (1) redesignating subsections (b), (c), (d) and
21 (e) as subsections (c), (d), (e) and (f);

22 (2) inserting the following new subsection:

23 “(b) MEDICAL AND DENTAL SCHOOL STUDENTS.—

24 (1) Under the stipend program under this chapter, the
25 Secretary of the military department concerned may enter
26 into an agreement with a person who—

1 “(A) is eligible to be appointed as an officer in
2 a Reserve component;

3 “(B) is enrolled or has been accepted for enroll-
4 ment in an institution in a course of study that re-
5 sults in a degree in medicine or dentistry;

6 “(C) signs an agreement that, unless sooner
7 separated, the person will—

8 “(i) complete the educational phase of the
9 program;

10 “(ii) accept a reappointment or redesigna-
11 tion within his reserve component, if tendered,
12 based upon his health profession, following sat-
13 isfactory completion of the educational and in-
14 tern programs; and

15 “(iii) participate in a residency program;
16 and

17 “(D) if required by regulations prescribed by
18 the Secretary of Defense, agrees to apply for, if eli-
19 gible, and accept, if offered, residency training in a
20 health profession skill which has been designated by
21 the Secretary of Defense as a critically needed war-
22 time skill.

23 “(2) Under the agreement—

24 “(A) the Secretary of the military department
25 concerned shall agree to pay the participant a sti-

1 pend, in the amount determined under subsection
2 (f), for the period or the remainder of the period the
3 student is satisfactorily progressing toward a degree
4 in medicine or dentistry while enrolled in an accred-
5 ited medical or dental school;

6 “(B) the participant shall not be eligible to re-
7 ceive such stipend before appointment, designation,
8 or assignment as an officer for service in the Ready
9 Reserve;

10 “(C) the participant shall be subject to such ac-
11 tive duty requirements as may be specified in the
12 agreement and to active duty in time of war or na-
13 tional emergency as provided by law for members of
14 the Ready Reserve; and

15 “(D) the participant shall agree to serve, upon
16 successful completion of the program, one year in
17 the Selected Reserve for each six months, or part
18 thereof, for which the stipend is provided. In the
19 case of a participant who enters into a subsequent
20 agreement under subsection (c) and successfully
21 completes residency training in a specialty des-
22 ignated by the Secretary of Defense as a specialty
23 critically needed by the military department in war-
24 time, the requirement to serve in the Selected Re-
25 serve may be reduced to one year for each year, or

1 part thereof, for which the stipend was provided
2 while enrolled in medical or dental school.”.

3 (c) WARTIME CRITICAL SKILLS.—Section 16201(c)
4 (as redesignated by section (b)) is amended—

5 (1) by inserting “WARTIME” following “CRIT-
6 ICAL” in the heading; and

7 (2) in paragraph (1)(B), by inserting “or has
8 been appointed as a medical or dental officer in the
9 Reserve of the armed force concerned” before the
10 semicolon at the end.

11 (d) SERVICE OBLIGATION REQUIREMENT.—Subpara-
12 graph (2)(D) of subsection (c) (as redesignated by section
13 (b)) and subparagraph (2)(D) of subsection (d) (as redesi-
14 gnated by section (b)) are amended by striking “two years
15 in the Ready Reserve for each year,” and inserting “one
16 year in the Ready Reserve for each six months,”.

17 (e) CLERICAL AMENDMENTS.—Subparagraphs
18 (2)(A) of subsection (c) (as redesignated by section (b))
19 and subparagraph (2)(A) of subsection (d) (as redesi-
20 gnated by section (b)) are amended by striking “subsection
21 (e)” and inserting “subsection (f)”.

1 **SEC. 517. RESERVE OFFICERS ON ACTIVE DUTY FOR A PE-**
2 **RIOD OF THREE YEARS OR LESS.**

3 (a) CLARIFICATION OF EXEMPTION.—Section
4 641(1)(D) of title 10, United States Code, is amended to
5 read as follows:

6 “(D) on active duty under section 12301(d) of
7 this title, other than as provided under subpara-
8 graph (C), provided the call or order to active duty,
9 as prescribed in regulations of the Secretary con-
10 cerned, specifies a period of three years or less and
11 continued placement on the reserve active-status
12 list;”.

13 (b) RETROACTIVE APPLICATION.—(1) Officers who
14 were placed on the reserve active status list under section
15 641(1)(D), as amended by section 521 of the Floyd D.
16 Spence National Defense Authorization Act for Fiscal
17 Year 2001 (Public Law 106–398; 114 Stat. 1654A–108),
18 may be considered, as determined by the Secretary con-
19 cerned, to have been on the active-duty list during the pe-
20 riod beginning on the date of enactment of Public Law
21 106–398 through the date of enactment of this Act.

22 “(2) Officers who were placed on the active duty list
23 on or after October 30, 1997, may, at the discretion of
24 the Secretary concerned, be placed on the reserve active-
25 status list upon enactment of this Act, provided they oth-

1 erwise meet the conditions specified in section 641(1)(D)
2 as amended by this Act.

3 **SEC. 518. ACTIVE DUTY END STRENGTH EXEMPTION FOR**
4 **NATIONAL GUARD AND RESERVE PER-**
5 **SONNEL PERFORMING FUNERAL HONORS**
6 **FUNCTIONS.**

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

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

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

18 **SEC. 519. CLARIFICATION OF FUNCTIONS THAT MAY BE AS-**
19 **SIGNED TO ACTIVE GUARD AND RESERVE**
20 **PERSONNEL ON FULL-TIME NATIONAL**
21 **GUARD DUTY.**

22 Section 12310(b) of title 10, United States Code, is
23 amended by inserting “, or a Reserve who is a member
24 of the National Guard serving on full-time National Guard
25 duty under section 502(f) of title 32 in connection with

1 functions referred to in subsection (a),” after “on active
2 duty as described in subsection (a)”.

3 **SEC. 520. AUTHORITY FOR TEMPORARY WAIVER OF THE**
4 **REQUIREMENT FOR A BACCALAUREATE DE-**
5 **GREE FOR PROMOTION OF CERTAIN RE-**
6 **SERVE OFFICERS OF THE ARMY.**

7 Section 516 of the Strom Thurmond National De-
8 fense Authorization Act for Fiscal Year 1999 (Public Law
9 105–261; 112 Stat. 1920, 2008) is amended—

10 (1) in subsection (a), by striking “(a) WAIVER
11 AUTHORITY FOR ARMY OCS GRADUATES.—” and
12 “before the date of the enactment of this Act”; and

13 (2) in subsection (b), by striking “2000” and
14 inserting “2003”.

15 **SEC. 521. AUTHORITY OF THE PRESIDENT TO SUSPEND**
16 **CERTAIN LAWS RELATING TO PROMOTION,**
17 **RETIREMENT AND SEPARATION; DUTIES.**

18 Section 12305 of title 10, United States Code, is
19 amended by adding at the end the following new sub-
20 section (c):

21 “(c) Active duty members whose mandatory separa-
22 tions or retirements incident to section 1251 or sections
23 632–637 of this title are delayed pursuant to invocation
24 of this section, will be afforded up to 90 days following

1 termination of the suspension before being separated of
2 retired.”.

3 **Subtitle C—Education and**
4 **Training**

5 **SEC. 531. AUTHORITY FOR THE MARINE CORPS UNIVER-**
6 **SITY TO AWARD THE DEGREE OF MASTER OF**
7 **STRATEGIC STUDIES.**

8 (a) **AUTHORITY TO CONFER DEGREE.**—Upon the
9 recommendation of the Director and faculty of the Marine
10 Corps War College of the Marine Corps University, the
11 President of the Marine Corps University may confer the
12 degree of master of strategic studies upon graduates of
13 the college who fulfill the requirements for the degree.

14 (b) **REGULATION.**—The Secretary of the Navy shall
15 promulgate regulations under which the Director of the
16 faculty of the Marine Corps War College of the Marine
17 Corps University shall administer the authority in sub-
18 section (a).

19 (e) **EFFECTIVE DATE.**—The authority to award de-
20 grees provided by subsection (a) shall become effective on
21 the date on which the Secretary of Education determines
22 that the requirements established by the Marine Corps
23 War College of the Marine Corps University for the degree
24 of master of strategic studies are in accordance with gen-

1 erally applicable requirements for a degree of master of
2 arts.

3 **SEC. 532. RESERVE COMPONENT DISTRIBUTED LEARNING.**

4 (a) COMPENSATION FOR DISTRIBUTED LEARNING.—
5 Section 206(d) of title 37, United States Code, is amended
6 to read as follows:

7 “(d) A member of a Reserve Component may be paid
8 compensation under this section for the successful comple-
9 tion of courses of instruction undertaken by electronic,
10 paper-based, or other distributed learning. Distributed
11 Learning is structured learning that takes place without
12 55 requiring the physical presence of an instructor. To
13 be compensable, the instruction must be required by law,
14 Department of Defense policy, or service regulation and
15 may be accomplished either independently or as part of
16 a group.”.

17 (b) DEFINITION OF INACTIVE-DUTY TRAINING.—
18 Section 101(22) of title 37, United States Code, is amend-
19 ed by striking “, but does not include work or study in
20 connection with a correspondence course of a uniformed
21 service”.

1 **SEC. 533. REPEAL OF LIMITATION ON NUMBER OF JUNIOR**
2 **RESERVE OFFICERS' TRAINING CORPS**
3 **(JROTC) UNITS.**

4 Section 2031(a)(1) of title 10, United States Code,
5 is amended by striking the second sentence.

6 **SEC. 534. MODIFICATION OF THE NURSE OFFICER CAN-**
7 **DIDATE ACCESSION PROGRAM RESTRICTION**
8 **ON STUDENTS ATTENDING CIVILIAN EDU-**
9 **CATIONAL INSTITUTIONS WITH SENIOR RE-**
10 **SERVE OFFICERS' TRAINING PROGRAMS.**

11 Section 2130a of title 10, United States Code, is
12 amended—

13 (1) in paragraph (a)(2), by striking “that does
14 not have a Senior Reserve Officers” Training Pro-
15 gram established under section 2102 of this title;”
16 and

17 (2) in paragraph (b)(1), by adding at the end
18 “or that has a Senior Reserve Officers” Training
19 Program for which the student is ineligible.”.

20 **SEC. 535. DEFENSE LANGUAGE INSTITUTE FOREIGN LAN-**
21 **GUAGE CENTER.**

22 (a) Subject to subsection (b), the Commandant of the
23 Defense Language Institute Foreign Language Center
24 (Institute) may confer an Associate of Arts degree in For-
25 eign Language upon graduates of the Institute who fulfill
26 the requirements for the degree.

1 (b) No degree may be conferred upon any student
2 under this section unless the Provost certifies to the Com-
3 mandant of the Institute that the student has satisfied
4 all the requirements prescribed for such degree.

5 (c) The authority provided by subsection (a) shall be
6 exercised under regulations prescribed by the Secretary of
7 Defense.

8 **Subtitle D—Decorations, Awards,**
9 **and Commendations**

10 **SEC. 541. AUTHORITY FOR AWARD OF THE MEDAL OF**
11 **HONOR TO HUMBERT R. VERSACE FOR**
12 **VALOR DURING THE VIETNAM WAR.**

13 (a) **WAIVER OF TIME LIMITATIONS.**—Notwith-
14 standing the time limitations specified in section 3744 of
15 title 10, United States Code, or any other time limitation
16 with respect to the awarding of certain medals to persons
17 who served in the military service, the President may
18 award the Medal of Honor under section 3741 of that title
19 to Humbert R. Versace for the acts of valor referred to
20 in subsection (b).

21 (b) **ACTION DESCRIBED.**—The acts of valor referred
22 to in subsection (a) are the actions of Humbert R. Versace
23 between October 29, 1963, and September 26, 1965, while
24 interned as a prisoner of war by the Vietnamese Com-

1 communist National Liberation Front (Viet Cong) in the Re-
2 public of Vietnam.

3 **SEC. 542. ISSUANCE OF DUPLICATE MEDAL OF HONOR.**

4 (a) Section 3747 of title 10, United States
5 Code, is amended—

6 (1) in the section heading, by adding at the end
7 **“; issuance of duplicate medal of honor”**;

8 (2) by striking “Any medal of honor” and in-
9 serting “(a) REPLACEMENT OF MEDALS.—Any
10 medal of honor”;

11 (3) by inserting “stolen,” before “lost or de-
12 stroyed,”; and

13 (4) by adding at the end the following new sub-
14 section:

15 **“(b) ISSUANCE OF DUPLICATE MEDAL OF HONOR.—**

16 Upon written application by a person to whom a medal
17 of honor has been awarded under this chapter, the Sec-
18 retary of the Army may issue such person, without charge,
19 one duplicate medal of honor, with ribbons and appur-
20 tenances. Such duplicate shall be marked, in a manner the
21 Secretary may determine, as a duplicate or for display
22 purposes only. The issuance of a duplicate medal of honor
23 under the authority of this subsection shall not constitute
24 the award of more than one medal of honor within the
25 meaning of section 3744(a) of this title.”.

1 (b) Section 6253 of such title is amended—

2 (1) in the section heading, by adding at the end

3 **“; issuance of duplicate medal of honor”;**

4 (2) by striking “The Secretary of the Navy may
5 replace” and inserting “(a) REPLACEMENT OF MED-
6 ALS.—The Secretary of the Navy may replace”;

7 (3) by inserting “stolen,” before “lost or de-
8 stroyed”; and

9 (4) by adding at the end the following new sub-
10 section:

11 **“(b) ISSUANCE OF DUPLICATE MEDAL OF HONOR.—**

12 Upon written application by a person to whom a medal
13 of honor has been awarded under this chapter, the Sec-
14 retary of the Navy may issue such person, without charge,
15 one duplicate medal of honor, with ribbons and appur-
16 tenances. Such duplicate shall be marked, in a manner the
17 Secretary may determine, as a duplicate or for display
18 purposes only. The issuance of a duplicate medal of honor
19 under the authority of this subsection shall not constitute
20 the award of more than one medal of honor within the
21 meaning of section 6247 of this title.”.

22 (c) Section 8747 of such title is amended—

23 (1) in the section heading, by adding at the end

24 **“; issuance of duplicate medal of honor”;**

1 (2) by striking “Any medal of honor” and in-
2 serting “(a) REPLACEMENT OF MEDALS.—Any
3 medal of honor”;

4 (3) by inserting “stolen,” before “lost or de-
5 stroyed,”; and

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

8 “(b) ISSUANCE OF DUPLICATE MEDAL OF HONOR.—
9 Upon written application by a person to whom a medal
10 of honor has been awarded under this chapter, the Sec-
11 retary of the Air Force may issue such person, without
12 charge, one duplicate medal of honor, with ribbons and
13 appurtenances. Such duplicate shall be marked, in a man-
14 ner the Secretary may determine, as a duplicate or for
15 display purposes only. The issuance of a duplicate medal
16 of honor under the authority of this subsection shall not
17 constitute the award of more than one medal of honor
18 within the meaning of section 8744(a) of this title.”.

19 (d) CLERICAL AMENDMENTS.—(1) The item relating
20 to section 3747 of such title in the table of sections at
21 the beginning of chapter 357 of such title is amended to
22 read as follows:

“3747. Medal of honor; distinguished-service cross; distinguished-service medal;
silver star: replacement; issuance of duplicate medal of honor.”;

1 (2) The item relating to section 6253 of such title
 2 in the table of sections at the beginning of chapter 567
 3 of such title is amended to read as follows:

“6253. Replacement; issuance of duplicate medal of honor.”; and

4 (3) The item relating to section 8747 of such title
 5 in the table of sections at the beginning of chapter 857
 6 of such title is amended to read as follows:

“8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: replacement; issuance of duplicate medal of honor.”.

7 **SEC. 543. REPEAL OF LIMITATION ON AWARD OF BRONZE**
 8 **STAR TO MEMBERS IN RECEIPT OF SPECIAL**
 9 **PAY.**

10 Section 1133 of title 10, United States Code, is re-
 11 pealed.

12 **Subtitle E—Uniform Code of**
 13 **Military Justice**

14 **SEC. 551. REVISION OF PUNITIVE UCMJ ARTICLE REGARD-**
 15 **ING DRUNKEN OPERATION OF VEHICLE, AIR-**
 16 **CRAFT, OR VESSEL.**

17 (a) STANDARD FOR DRUNKEN OPERATION OF VEHI-
 18 CLE, AIRCRAFT, OR VESSEL.—Paragraph (2) of section
 19 911 of title 10, United States Code (article 111 of the
 20 Uniform Code of Military Justice), is amended by striking
 21 “0.10 grams or more of alcohol” and inserting “0.08
 22 grams or more of alcohol” both places such term appears.

1 (b) EFFECTIVE DATE.—The amendments made by
 2 subsection (a) shall take effect on the date of the enact-
 3 ment of this Act and shall apply to offenses committed
 4 on or after that date.

5 **TITLE VI—COMPENSATION AND**
 6 **OTHER PERSONNEL BENEFITS**

7 **Subtitle A—Pay and Allowances**

8 **SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2002.**

9 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—The
 10 adjustment to become effective during fiscal year 2002 re-
 11 quired by section 1009 of title 37, United States Code,
 12 in the rates of monthly basic pay authorized members of
 13 the uniformed services shall not be made.

14 (b) INCREASE IN BASIC PAY.—Effective on January
 15 1, 2002, the rates of monthly basic pay for members of
 16 the uniformed services shall be as follows:

MONTHLY BASIC PAY*,,*****

Pay grade	Years of service (computed under 37 U.S.C. 205)						
	<2	2	3	4	6	8	10
COMMISSIONED OFFICERS							
0-10	0	0	0	0	0	0	0
0-9	0	0	0	0	0	0	0
0-8	7180.20	7415.40	7571.10	7614.90	7809.30	8135.10	8210.70
0-7	5966.40	6371.70	6371.70	6418.20	6657.90	6840.30	7051.20
0-6	4422.00	4857.90	5176.80	5176.80	5196.60	5418.90	5448.60
0-5	3537.00	4152.60	4440.30	4494.30	4673.10	4673.10	4813.50
0-4	3023.70	3681.90	3927.60	3982.50	4210.50	4395.90	4696.20
0-3	2796.60	3170.40	3421.80	3698.70	3875.70	4070.10	4232.40
0-2	2416.20	2751.90	3169.50	3276.30	3344.10	3344.10	3344.10
0-1	2097.60	2183.10	2638.50	2638.50	2638.50	2638.50	2638.50
12	14	16	18	20	22	24	26

MONTHLY BASIC PAY*,**,***—Continued

Pay grade	Years of service (computed under 37 U.S.C. 205)						
	<2	2	3	4	6	8	10
COMMISSIONED OFFICERS							
0	0	0	0	11601.90	11659.20	11901.30	12324.00
0	0	0	0	10147.50	10293.60	10504.80	10873.80
8519.70	8608.50	8874.30	9259.50	9614.70	9852.00	9852.00	9852.00
7261.80	7472.70	8135.10	8694.90	8694.90	8694.90	8694.90	8738.70
5448.60	5628.60	6305.70	6627.00	6948.30	7131.00	7316.10	7675.20
5073.30	5413.50	5755.80	5919.00	6079.80	6262.80	6262.80	6262.80
4930.20	5092.50	5255.70	5310.60	5310.60	5310.60	5310.60	5310.60
4441.20	4549.50	4549.50	4549.50	4549.50	4549.50	4549.50	4549.50
3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10	3344.10
2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50	2638.50

COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE

	<2	2	3	4	6	8	10
AS AN ENLISTED MEMBER OR WARRANT OFFICER							
0-3E	0.00	0.00	0.00	3698.70	3875.70	4070.10	4232.40
0-2E	0.00	0.00	0.00	3276.30	3344.10	3450.30	3630.00
0-1E	0.00	0.00	0.00	2638.50	2818.20	2922.30	3028.50
12	14	16	18	20	22	24	26
4441.20	4617.00	4717.50	4855.20	4855.20	4855.20	4855.20	4855.20
3768.90	3872.40	3872.40	3872.40	3872.40	3872.40	3872.40	3872.40
3133.20	3276.30	3276.30	3276.30	3276.30	3276.30	3276.30	3276.30

WARRANT OFFICERS

	<2	2	3	4	6	8	10
W-5	0.00	0.00	0.00	0.00	0.00	0.00	0.00
W-4	2889.60	3108.60	3198.00	3285.90	3437.10	3586.50	3737.70
W-3	2638.80	2862.00	2862.00	2898.90	3017.40	3152.40	3330.90
W-2	2321.40	2454.00	2569.80	2654.10	2726.40	2875.20	2984.40
W-1	2049.90	2217.60	2330.10	2402.70	2511.90	2624.70	2737.80
12	14	16	18	20	22	24	26
0.00	0.00	0.00	0.00	4965.60	5136.00	5307.00	5478.60
3885.30	4038.00	4184.40	4334.40	4480.80	4632.60	4782.00	4935.30
3439.50	3558.30	3693.90	3828.60	3963.60	4098.30	4233.30	4368.90
3093.90	3200.40	3318.00	3438.90	3559.80	3680.10	3801.30	3801.30
2850.00	2963.70	3077.10	3189.90	3275.10	3275.10	3275.10	3275.10

ENLISTED MEMBERS

	<2	2	3	4	6	8	10
E-9	0.00	0.00	0.00	0.00	0.00	0.00	3423.90
E-8	0.00	0.00	0.00	0.00	0.00	2858.10	2940.60
E-7	1986.90	2169.00	2251.50	2332.50	2417.40	2562.90	2645.10
E-6	1701.00	1870.80	1953.60	2033.70	2117.40	2254.50	2337.30
E-5	1561.50	1665.30	1745.70	1828.50	1912.80	2030.10	2110.20
E-4	1443.60	1517.70	1599.60	1680.30	1752.30	1752.30	1752.30
E-3	1303.50	1385.40	1468.50	1468.50	1468.50	1468.50	1468.50
E-2	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30
E-1 >4+	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50

**COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE
DUTY SERVICE—Continued**

	<2	2	3	4	6	8	10
E-1 <4++ ..	1022.70	0.00	0.00	0.00	0.00	0.00	0.00
	12	14	16	18	20	22	24
	26						
3501.30	3599.40	3714.60	3830.40	3944.10	4098.30	4251.30	4467.00
3017.70	3110.10	3210.30	3314.70	3420.30	3573.00	3724.80	3937.80
2726.40	2808.00	2892.60	2975.10	3057.30	3200.40	3292.80	3526.80
2417.40	2499.30	2558.10	2602.80	2602.80	2602.80	2602.80	2602.80
2193.30	2193.30	2193.30	2193.30	2193.30	2193.30	2193.30	2193.30
1752.30	1752.30	1752.30	1752.30	1752.30	1752.30	1752.30	1752.30
1468.50	1468.50	1468.50	1468.50	1468.50	1468.50	1468.50	1468.50
1239.30	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30	1239.30
1105.50	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50	1105.50
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

*Basic pay for 0–7 to 0–10 is limited to the rate of basic pay for level III of the Executive Schedule. Basic pay for 0–6 and below is limited to level V of the Executive Schedule.

**While serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, basic pay for this grade is \$13,598.10, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

***While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$5,382.90, regardless of cumulative years of service computed under section 205 of title 37, United States Code.

+Applies to personnel who have served 4 months or more on active duty.

++Applies to personnel who have served less than 4 months on active duty.

1 SEC. 602. PARTIAL DISLOCATION ALLOWANCE AUTHOR-
2 IZED UNDER CERTAIN CIRCUMSTANCES.

3 (a) AUTHORIZATION OF PARTIAL DISLOCATION AL-
4 LOWANCE.—Section 407 of title 37, United States Code
5 is amended—

6 (1) by redesignating subsections (c) through (g)
7 as subsections (d) through (h), respectively;

8 (2) in subsections (a)(1) and (b)(1), by striking
9 “subsection (c)” and inserting “subsection (d)”;

10 (3) by inserting after subsection (b) the fol-
11 lowing new subsection:

12 “(c) PARTIAL DISLOCATION ALLOWANCE.—(1)
13 Under regulations prescribed by the Secretary concerned,
14 a member ordered to occupy or to vacate Government fam-

1 ily housing for the convenience of the Government (includ-
2 ing pursuant to the privatization or renovation of hous-
3 ing), and not pursuant to a permanent change of station,
4 may be paid a partial dislocation allowance of \$500.

5 “(2) Effective on the same date that the monthly
6 rates of basic pay for members are increased for a subse-
7 quent calendar year, the Secretary of Defense shall adjust
8 the rate for the partial dislocation allowance for that cal-
9 endar year by the percentage equal to the percentage in-
10 crease in the rate of basic pay for that calendar year.

11 “(3) Payments made under this subsection are not
12 subject to the fiscal year limitations in subsection (e).”;
13 and

14 (4) in subsection (d)(1) as redesignated by
15 paragraph (1), by striking at the beginning “The
16 amount” and inserting “Except as provided in sub-
17 section (c), the amount”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section shall take effect on October 1, 2001.

20 **SEC. 603. FUNERAL HONORS DUTY ALLOWANCE FOR RETIR-**
21 **EES.**

22 Section 435 of title 37, United States Code, is
23 amended—

24 (1) in subsection (a), by inserting before the pe-
25 riod at the end “or a retired member of the armed

1 forces who performs at least two hours of duty pre-
2 paring for or performing honors at the funeral of a
3 veteran”; and

4 (2) by adding at the end the following new sub-
5 section:

6 “(d) CONCURRENT PAYMENT.—Notwithstanding any
7 other provision of law, the allowance paid to a retired
8 member of the armed forces under subsection (a) shall be
9 in addition to any other compensation authorized under
10 title 10, title 37, and title 38 to which the retired member
11 may be entitled.”.

12 **SEC. 604. BASIC PAY RATE FOR CERTAIN RESERVE COM-**
13 **MISSIONED OFFICERS WITH PRIOR SERVICE**
14 **AS AN ENLISTED MEMBER OR WARRANT OF-**
15 **FICER.**

16 Section 203(d) of title 37, United States Code, is
17 amended by inserting “, or who earns a total of more than
18 1,460 points credited under section 12732(a)(2) of title
19 10 while serving as a warrant officer or as a warrant offi-
20 cer and enlisted member” following “or as a warrant offi-
21 cer and enlisted member”.

22 **SEC. 605. FAMILY SEPARATION ALLOWANCE.**

23 Section 427(e) of title 37, United States Code, is
24 amended by amending the first sentence to read as follows:

1 “A member who elects to serve an unaccompanied
2 tour of duty because dependent movement to the perma-
3 nent station is denied for certified medical reasons is enti-
4 tled to an allowance under subsection (a)(1)(A). In all
5 other cases, a member who elects to serve a tour unaccom-
6 panied by his dependents at a permanent station to which
7 movement of his dependents is authorized at the expense
8 of the United States under section 406 of this title is not
9 entitled to an allowance under subsection (a)(1)(A).”.

10 **SEC. 606. HOUSING ALLOWANCE FOR THE CHAPLAIN FOR**

11 **THE CORPS OF CADETS, UNITED STATES**

12 **MILITARY ACADEMY.**

13 Section 4337 of title 10, United States Code, is
14 amended by striking the second sentence and inserting
15 “Notwithstanding any other provision of law, the chaplain
16 is entitled to the same basic allowance for housing allowed
17 to a lieutenant colonel, and to fuel and light for quarters
18 in kind.”.

19 **SEC. 607. CLARIFYING AMENDMENT THAT SPACE-RE-**

20 **QUIRED TRAVEL FOR ANNUAL TRAINING RE-**

21 **SERVE DUTY DOES NOT OBVIATE TRANSPOR-**

22 **TATION ALLOWANCES.**

23 Section 18505(a) of title 10, United States Code, is
24 amended by striking “annual training duty or” each time
25 such term appears.

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

3 **SEC. 611. AUTHORIZE THE SECRETARY OF THE NAVY TO**
4 **PRESCRIBE SUBMARINE DUTY INCENTIVE**
5 **PAY RATES.**

6 (a) IN GENERAL.—Section 301c of title 37, United
7 States Code, is amended by striking subsection (b) and
8 inserting the following:

9 “(b) A member who meets the requirements pre-
10 scribed in subsection (a) is entitled to monthly submarine
11 duty incentive pay in an amount prescribed by the Sec-
12 retary of the Navy, but not more than \$1,000 per
13 month.”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a) shall take effect on October 1, 2002.

16 **SEC. 612. EXTENSION OF AUTHORITIES RELATING TO PAY-**
17 **MENT OF OTHER BONUSES AND SPECIAL**
18 **PAYS.**

19 (a) AVIATION OFFICER RETENTION BONUS.—Sec-
20 tion 301b(a) of title 37, United States Code, is amended
21 by striking “December 31, 2001” and inserting “Sep-
22 tember 30, 2003”.

23 (b) REENLISTMENT BONUS FOR ACTIVE MEM-
24 BERS.—Section 308(g) of such title 37 is amended by

1 striking “December 31, 2001” and inserting “September
2 30, 2003”.

3 (c) ENLISTMENT BONUS.—Section 309(e) of such
4 title 37 is amended by striking “December 31, 2001” and
5 inserting “September 30, 2003”.

6 (d) RETENTION BONUS FOR MEMBERS QUALIFIED
7 IN A CRITICAL MILITARY SKILL.—Section 323(i) of such
8 title 37 is amended by striking “December 31, 2001” and
9 inserting “September 30, 2003”.

10 **SEC. 613. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
11 **PAY AUTHORITIES FOR NURSE OFFICER CAN-**
12 **DIDATES, REGISTERED NURSES, NURSE AN-**
13 **ESTHETISTS, AND DENTAL OFFICERS.**

14 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
15 GRAM.—Section 2130a(a)(1) of title 10, United States
16 Code, is amended by striking “December 31, 2001” and
17 inserting “September 30, 2003”.

18 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
19 Section 302d(a)(1) of title 37, United States Code, is
20 amended by striking “December 31, 2001” and inserting
21 “September 30, 2003”.

22 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
23 THETISTS.—Section 302e(a)(1) of such title 37 is amend-
24 ed by striking “December 31, 2001” and inserting “Sep-
25 tember 30, 2003”.

1 (d) ACCESSION BONUS FOR DENTAL OFFICERS.—
2 Section 302h(a)(1) of such title 37 is amended by striking
3 “September 30, 2002” and inserting “September 30,
4 2003”.

5 **SEC. 614. EXTENSION OF AUTHORITIES RELATING TO NU-**
6 **CLEAR OFFICER SPECIAL PAYS.**

7 (a) SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFI-
8 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
9 312(e) of title 37, United States Code, is amended by
10 striking “December 31, 2001” and inserting “December
11 31, 2003”.

12 (b) NUCLEAR CAREER ACCESSION BONUS.—Section
13 312b(c) of such title 37 is amended by striking “December
14 31, 2001” and inserting “December 31, 2003”.

15 (c) NUCLEAR CAREER ANNUAL INCENTIVE
16 BONUS.—Section 312c(d) of such title 37 is amended by
17 striking “December 31, 2001” and inserting “December
18 31, 2003”.

19 **SEC. 615. EXTENSION OF SPECIAL AND INCENTIVE PAYS.**

20 (a) SPECIAL PAY FOR RESERVE HEALTH PROFES-
21 SIONALS IN CRITICALLY SHORT WARTIME SPECIAL-
22 TIES.—Section 302g(f) of title 37, United States Code,
23 is amended by striking “December 31, 2001” and insert-
24 ing “December 31, 2002”.

1 (b) SELECTED RESERVE REENLISTMENT BONUS.—
2 Section 308b(f) of such title is amended by striking “De-
3 cember 31, 2001” and inserting “December 31, 2002”.

4 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
5 tion 308c(e) of such title is amended by striking “Decem-
6 ber 31, 2001” and inserting “December 31, 2002”.

7 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
8 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
9 308d(e) of such title is amended by striking “December
10 31, 2001” and inserting “December 31, 2002”.

11 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
12 tion 308e(e) of such title is amended by striking “Decem-
13 ber 31, 2001” and inserting “December 31, 2002”.

14 (f) READY RESERVE ENLISTMENT AND REENLIST-
15 MENT BONUS.—Section of 308h(g) of such title is amend-
16 ed by striking “December 31, 2001” and inserting “De-
17 cember 31, 2002”.

18 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
19 308i(f) of such title is amended by striking “December
20 31, 2001” and inserting “December 31, 2002”.

21 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
22 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
23 LECTED RESERVE.—Section 16302(d) of title 10, United
24 States Code, is amended by striking “January 1, 2002”
25 and inserting “January 1, 2003”.

1 **SEC. 616. ACCESSION BONUS FOR OFFICERS IN CRITICAL**
2 **SKILLS.**

3 (a) IN GENERAL.—Chapter 5 of title 37, United
4 States Code, is amended by inserting after section 323 the
5 following new section:

6 **“§ 324. Special Pay: officer critical skills accession**
7 **bonus**

8 “(a) ACCESSION BONUS AUTHORIZED.—Under regu-
9 lations prescribed by the Secretary of Defense and the
10 Secretary of Transportation with respect to the Coast
11 Guard when it is not operated as a service in the Navy,
12 and subject to the limitations in subsection (b), an indi-
13 vidual who executes a written agreement to accept a com-
14 mission as an officer of an armed force and serve on active
15 duty in an officer critical skill for the period specified in
16 the agreement may be paid an accession bonus not to ex-
17 ceed \$20,000 upon acceptance of the written agreement
18 by the Secretary concerned.

19 “(b) LIMITATION ON ELIGIBILITY FOR BONUS.—An
20 individual may not be paid a bonus under subsection (a)
21 if the individual has received, or is receiving, an accession
22 bonus for the same period of service under subsections
23 302d, 302h, or 312b.

24 “(c) PRORATION.—The term of an agreement and
25 the amount of the payment under subsection (a) may be
26 prorated.

1 “(d) PAYMENT METHOD.—Upon acceptance of the
2 written agreement by the Secretary concerned, the total
3 amount payable pursuant to the agreement under sub-
4 section (a) becomes fixed and may be paid by the Sec-
5 retary in either a lump sum or installments.

6 “(e) REPAYMENT.—(1) If an individual who has en-
7 tered into an agreement under subsection (a) has received
8 all or part of a bonus under this section fails to accept
9 an appointment or to commence or complete the total pe-
10 riod of active duty in the designated critical skill specified
11 in the agreement, the Secretary concerned may require the
12 individual to repay the United States, on a pro rata basis
13 and to the extent that the Secretary determines conditions
14 and circumstances warrant, any or all sums paid to the
15 individual under this section.

16 “(2) An obligation to repay the United States im-
17 posed under paragraph (1) is for all purposes a debt owed
18 to the United States.

19 “(3) A discharge in bankruptcy under title 11 that
20 is entered less than five years after the termination of a
21 written agreement entered into. under subsection (a) does
22 not discharge the individual signing the agreement from
23 a debt arising under such agreement or under paragraph
24 (1).

1 “(f) DEFINITION.—In this section, the term “officer
2 critical skill” means a skill designated as critical with re-
3 spect to accession of officers to the skill by the Secretary
4 of Defense, or by the Secretary of Transportation with re-
5 spect to the Coast Guard when it is not operating as a
6 service in the Navy.

7 “(g) TERMINATION OF BONUS AUTHORITY.—No
8 bonus may be paid under this section with respect to any
9 agreement to continue on active duty in the armed forces
10 entered into after September 30, 2003, and no agreement
11 under this section may be entered into after that date.”.

12 (b) CLERICAL AMENDMENT.—The table of sections
13 at the beginning of chapter 5 of such title 37 is amended
14 by inserting after the item relating to section 323 the fol-
15 lowing new item:

“324. Special Pay: officer critical skills accession bonus.”

16 **SEC. 617. CRITICAL WARTIME SKILL REQUIREMENT FOR**
17 **ELIGIBILITY FOR THE INDIVIDUAL READY**
18 **RESERVE BONUS.**

19 Section 308h(a)(1) of title 37, United States Code,
20 is amended—

21 (1) by striking “a combat or combat support
22 skill of”; and

23 (2) by inserting “is qualified in a skill or spe-
24 cialty designated by the Secretary concerned as criti-

1 cally short to meet wartime requirements and” after
2 “and who”.

3 **SEC. 618. HAZARDOUS DUTY INCENTIVE PAY: MARITIME**
4 **BOARD AND SEARCH.**

5 Section 301(a) of title 37, United States Code, is
6 amended by inserting after paragraph (11) the following
7 new paragraph:

8 “(12) involving regular participation as a mem-
9 ber of a team conducting visit, board, search, and
10 seizure operations as defined by the Secretary con-
11 cerned, aboard vessels in support of maritime inter-
12 diction operations as designated by such Secretary.

13 **Subtitle C—Travel and**
14 **Transportation Allowances**

15 **SEC. 621. FUNDED STUDENT TRAVEL: EXCHANGE PRO-**
16 **GRAMS.**

17 Section 430 of title 37, United States Code, is
18 amended—

19 (1) in subsection (a)(3), by inserting “(or a
20 school outside the United States if the dependent is
21 attending that school for less than one year under
22 a program approved by the school in the continental
23 United States at which the dependent is enrolled)”
24 after “United States”; and

25 (2) in subsection (b)—

1 (A) in paragraph (1), by inserting “(or a
2 school outside the United States if the depend-
3 ent is attending that school for less than one
4 year under a program approved by the school in
5 the continental United States at which the de-
6 pendent is enrolled)” after “United States” the
7 first place it appears; and

8 (B) by adding at the end the following new
9 subparagraph:

10 “(3) The transportation allowance under para-
11 graph (1) for a dependent child who is attending a
12 school outside the United States for less than one
13 year under a program approved by the school in the
14 continental United States at which the dependent is
15 enrolled shall not exceed the allowance the member
16 would be paid for a trip between the school in the
17 continental United States and the member’s duty
18 station outside the continental United States and re-
19 turn.”.

20 **SEC. 622. PAYMENT OF VEHICLE STORAGE COSTS IN AD-**
21 **VANCE.**

22 Section 2634(b) of title 10, United States Code, is
23 amended by adding at the end the following new para-
24 graph:

1 “(4) Storage costs payable under this sub-
2 section may be paid in advance.”.

3 **SEC. 623. TRAVEL AND TRANSPORTATION ALLOWANCES**
4 **FOR FAMILY MEMBERS TO ATTEND THE BUR-**
5 **IAL OF A DECEASED MEMBER OF THE ARMED**
6 **FORCES.**

7 (a) CONSOLIDATION OF AUTHORITIES.—Section 411f
8 of title 37, United States Code, is amended—

9 (1) in subsection (a)—

10 (A) by inserting “ALLOWANCES AUTHOR-
11 IZED.—(1)” after “(a)”; and

12 (B) by inserting at the end following new
13 paragraph:

14 “(2) If a dependent of a deceased member who
15 is authorized travel and transportation allowances
16 under this section is unable to travel unattended to
17 the burial ceremonies of the deceased member—

18 “(A) because of—

19 “(i) age;

20 “(ii) physical condition; or

21 “(iii) other justifiable reason, as de-
22 termined under uniform regulations pre-
23 scribed by the Secretaries concerned; and

24 “(B) there is no other dependent qualified
25 for travel and transportation allowances under

1 this section available and qualified to serve as
2 an attendant for the dependent while traveling
3 to and attending the burial ceremonies, an at-
4 tendant may be paid round trip travel and
5 transportation allowances under this section.”;

6 (2) in subsection (b)(1)—

7 (A) by striking “(b)(1) Except as provided
8 in paragraph (2)” and inserting

9 “(b) LIMITATION ON ALLOWANCES.—(1) Except as
10 provided in paragraphs (2) and (3)”;

11 (B) by inserting before the period at the
12 end the following: “and the time necessary for
13 such travel”; and

14 (3) in subsection (b)(2), by striking “be ex-
15 tended to accommodate” and inserting “not exceed
16 the rates for two days and”;

17 (4) by adding at the end of subsection (b) the
18 following new paragraph:

19 “(3) If a deceased member is interred in a cem-
20 etry maintained by the American Battle Monu-
21 ments Commission, the allowances authorized under
22 this section may be provided to and from such ceme-
23 tery and may not exceed the rates for two days and
24 time necessary for such travel.”; and

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

3 “(c) DEFINITIONS.—(1) In this section, the term ‘de-
4 pendents’ means—

5 “(A) the surviving spouse (including a remar-
6 ried surviving spouse) of the deceased member and
7 any child of the deceased member as defined in sec-
8 tion 401(a)(2) of this title;

9 “(B) if no person described in subparagraph
10 (A) is paid travel and transportation allowances
11 under this section, the parents (as defined in section
12 401(b)(2)) of the deceased member; or

13 “(C) if no person described in subparagraph
14 (A) or (B) is paid travel and transportation allow-
15 ances under this section, then—

16 “(i) the person who directs the disposition
17 of the remains of the deceased member under
18 section 1482(c) or chapter 74 of title 10 and
19 two additional persons selected by that person
20 who are closely related to the deceased member;
21 or

22 “(ii) in the case of a deceased member
23 whose remains are commingled and buried in a
24 common grave in a national cemetery, the per-
25 son who would have been designated under sec-

1 tion 1482(c) of such title to direct the disposi-
2 tion of the remains if individual identification
3 had been made and two additional persons se-
4 lected by that person who are closely related to
5 the deceased member.

6 “(2) In this section, the term ‘burial ceremonies’
7 includes—

8 “(A) an interment of casketed or cremated re-
9 mains;

10 “(B) a placement of cremated remains in a col-
11 umbarium:

12 “(C) a memorial service for which reimburse-
13 ment is authorized under section 1482(e)(2) of title
14 10; and

15 “(D) a burial of commingled remains that can-
16 not be individually identified in a common grave in
17 a national cemetery.”.

18 (b) CONFORMING AMENDMENTS.—(1) Section 1482
19 of title 10, United States Code, is amended by striking
20 subsection (d) and redesignating subsections (e), (f), and
21 (g) as subsections (d), (e), and (f), respectively.

22 (2) The Funeral Transportation and Living Expense
23 Benefits Act of 1974 (37 U.S.C. 406 note; Public Law
24 93–257) is repealed.

1 **SEC. 624. SHIPMENT OF PRIVATELY OWNED VEHICLES**
2 **WHEN EXECUTING CONUS PERMANENT**
3 **CHANGE OF STATION MOVES.**

4 Section 2634(h)(1) of title 10, United States Code,
5 is amended by inserting before the period at the end “,
6 or when the Secretary concerned determines that the
7 transport of a vehicle upon transfer is advantageous and
8 cost-effective to the Government”.

9 **Subtitle D—Other**

10 **SEC. 631. MONTGOMERY GI BILL—SELECTED RESERVE ELI-**
11 **GIBILITY PERIOD.**

12 Section 16133(a) of title 10, United States Code, is
13 amended by striking “10-year” and inserting “14-year”.

14 **SEC. 632. IMPROVED DISABILITY BENEFITS FOR CERTAIN**
15 **RESERVE COMPONENT MEMBERS.**

16 (a) **MEDICAL AND DENTAL CARE FOR MEMBERS.—**
17 Section 1074a(a)(3) of title 10, United States Code, is
18 amended by inserting before the period: “, or if otherwise
19 authorized under applicable regulations”.

20 (b) **MEDICAL AND DENTAL CARE FOR DEPEND-**
21 **ENTS.—**Section 1076(a)(2)(C) of such title is amended by
22 inserting before the period: “, or if otherwise authorized
23 under applicable regulations”.

24 (c) **ELIGIBILITY FOR DISABILITY RETIREMENT OR**
25 **SEPARATION.—**(1) Section 1204(2)(B)(iii) of such title is

1 amended by inserting before the semicolon: “, or if other-
2 wise authorized under applicable regulations”.

3 (2) Section 1206(2)(C) of such title is amended by
4 inserting before the semicolon: “, or if otherwise author-
5 ized under applicable regulations”.

6 (d) RECOVERY, CARE, AND DISPOSITION OF RE-
7 MAINS.—Section 1481(a)(2)(D) of such title is amended
8 by inserting before the semicolon: “, or if otherwise au-
9 thorized under applicable regulations”.

10 (e) ENTITLEMENT TO BASIC PAY.—(1) Section
11 204(g)(1)(D) of title 37, United States Code, is amended
12 by inserting before the period: “, or if otherwise authorized
13 under applicable regulations”.

14 (2) Section 204(h)(1)(D) of such title is amended by
15 inserting before the period: “, or if otherwise authorized
16 under applicable regulations”.

17 (f) COMPENSATION FOR INACTIVE-DUTY TRAIN-
18 ING.—Section 206(a)(3)(C) of such title is amended by
19 inserting before the period: “, or if otherwise authorized
20 under applicable regulations”.

1 **SEC. 633. ACCEPTANCE OF SCHOLARSHIPS BY OFFICERS**
2 **PARTICIPATING IN THE FUNDED LEGAL EDU-**
3 **CATION PROGRAM.**

4 (a) ACCEPTANCE OF SCHOLARSHIP.—Section 2004
5 of title 10, United States Code, is amended by adding at
6 the end the following new subsection:

7 “(g) An officer detailed at a law school under this
8 section also may accept a fellowship, scholarship, or grant
9 under section 2603 of this title. Any service obligation in-
10 curred under section 2603 shall be served consecutively
11 with the service obligation incurred under subsection
12 (b)(2)(C).”.

13 (b) CONFORMING AMENDMENT.—Section 2603 of
14 such title 10 is amended by adding at the end the fol-
15 lowing new subsection:

16 “(c) A member who accepts a fellowship, scholarship,
17 or grant in accordance with subsection (a) also may be
18 detailed at a law school under section 2004 of this title.
19 Any service obligation incurred under section 2004 shall
20 be served consecutively with the service obligation incurred
21 under subsection (b).”.

1 **TITLE VII—ACQUISITION POLICY**
2 **AND ACQUISITION MANAGE-**
3 **MENT**

4 **Subtitle A—Acquisition Policy**

5 **SEC. 701. ACQUISITION MILESTONE CHANGES.**

6 (a) SYSTEM DEVELOPMENT AND DEMONSTRA-
7 TION.—Section 2366(c) of title 10, United States Code,
8 is amended—

9 (1) in paragraph (1) by striking “engineering
10 and manufacturing development” and inserting “sys-
11 tem development and demonstration”; and

12 (2) in paragraph (2) by striking “engineering
13 and manufacturing development” and inserting “sys-
14 tem development and demonstration”.

15 (b) MILESTONE B.—Section 2400 of title 10, United
16 States Code, is amended—

17 (1) in subsections (a)(1)(A), (a)(2), (a)(4) and
18 (a)(5), by striking “milestone II” each place it ap-
19 pears and inserting “milestone B”; and

20 (2) in subsection (a)(2), by striking “engineer-
21 ing and manufacturing development” and inserting
22 “system development and demonstration”.

23 (c) SYSTEM DEVELOPMENT AND DEMONSTRA-
24 TION.—Section 2432 of title 10, United States Code, is
25 amended in subsections (b)(3)(A), (c)(3)(A), and (h)(1)

1 by striking “engineering and manufacturing development”
2 each place it appears and inserting “system development
3 and demonstration”.

4 (d) Section 2434 of title 10, United States Code, is
5 amended in subsection (a) by striking “engineering and
6 manufacturing development” and inserting “system devel-
7 opment and demonstration”.

8 (e) SYSTEM DEVELOPMENT AND DEMONSTRATION
9 AND FULL RATE PRODUCTION.—Section 2435 of title 10,
10 United States Code, is amended—

11 (1) in subsection (b), by striking “engineering
12 and manufacturing development” and inserting “sys-
13 tem development and demonstration”;

14 (2) in subsection (c)(1), by striking “dem-
15 onstration and validation” and inserting “system de-
16 velopment and demonstration”;

17 (3) in subsection (c)(2), by striking “engineer-
18 ing and manufacturing development” and inserting
19 “production and deployment”; and

20 (4) in subsection (c)(3), by striking “production
21 and deployment” and inserting “full rate produc-
22 tion”.

23 (f) MILESTONE DESIGNATORS.—Section 8102(b) of
24 Public Law 106–259 is amended—

1 (1) by striking “milestone I” and inserting
2 “milestone B”;

3 (2) by striking “milestone II” and inserting
4 “milestone C”; and

5 (3) by striking “milestone III” and inserting
6 “full rate production”.

7 (g) MILESTONE DESIGNATORS.—Section 811(c) of
8 Public Law 106–398 is amended—

9 (1) by striking “Milestone I” and inserting
10 “Milestone B”;

11 (2) by striking “Milestone II” and inserting
12 “Milestone C”; and

13 (3) by striking “Milestone III” and inserting
14 “full rate production”.

15 **SEC. 702. CLARIFICATION OF INAPPLICABILITY OF THE RE-**
16 **QUIREMENT FOR CORE LOGISTICS CAPABILI-**
17 **TIES STANDARDS TO THE NUCLEAR REFUEL-**
18 **ING OF AN AIRCRAFT CARRIER.**

19 Section 2464(a)(3) of title 10, United States Code,
20 is amended—

21 (1) by striking “nuclear aircraft carriers,”; and

22 (2) by adding at the end the following new sen-
23 tence: “Core logistics capabilities identified under
24 paragraphs (1) and (2) shall not include nuclear re-
25 fueling of an aircraft carrier.”.

1 **SEC. 703. DEPOT MAINTENANCE UTILIZATION WAIVER.**

2 Section 2466(c) of title 10, United States Code, is
3 amended by striking “the waiver is” and inserting “a
4 depot is fully utilized within existing resources and, where
5 multiple depots are capable of performing the same main-
6 tenance activities that the utilization of another such
7 depot is uneconomical, or that the waiver is otherwise”.

8 **Subtitle B—Acquisition Workforce**

9 **SEC. 705. TENURE REQUIREMENT FOR CRITICAL ACQUI-
10 TION POSITIONS.**

11 Section 1734 of title 10, United States Code, is
12 amended—

13 (1) in paragraph (a)(1), by inserting “as a pro-
14 gram manager, deputy program manager, or senior
15 contracting official of a major system, as that term
16 is defined in section 2302(5) of this title, and any
17 person assigned to such other critical acquisition po-
18 sition as the Secretary of Defense may prescribe by
19 regulation,” after “critical acquisition position”.

20 (2) in paragraph (a)(2), by inserting “as a pro-
21 gram manager, deputy program manager, or senior
22 contracting official of a major system, as that term
23 is defined in section 2302(5) of this title, and any
24 person assigned to such other critical acquisition po-
25 sition as the Secretary of Defense may prescribe by
26 regulation,” after “critical acquisition position”.

1 **Subtitle C—General Contracting**
2 **Procedures and Limitations**

3 **SEC. 710. AMENDMENT OF LAW APPLICABLE TO CON-**
4 **TRACTS FOR ARCHITECTURAL AND ENGI-**
5 **NEERING SERVICES AND CONSTRUCTION DE-**
6 **SIGN.**

7 Section 2855 of title 10, United States Code, is
8 amended—

9 (1) in subsection (a) by striking “(a)”; and

10 (2) by striking subsection (b).

11 **SEC. 711. STREAMLINING PROCEDURES FOR THE PUR-**
12 **CHASE OF CERTAIN GOODS.**

13 Section 2534(g)(2) of title 10, United States Code,
14 is amended by inserting before the period at the end: “un-
15 less the head of a contracting activity determines—

16 “(A) that the amount of the purchase is
17 \$25,000 or less;

18 “(B) the precision level of the ball or roller
19 bearings is rated lower than Annual Bearing
20 Engineering Committee (ABEC) 5 or Roller
21 Bearing Engineering Committee (RBEC) 5, or
22 their equivalent;

23 “(C) at least two manufacturers in the na-
24 tional technology and industrial base capable of
25 producing the ball or roller bearings decline to

1 respond to a request for quotation for the re-
2 quired items; and

3 “(D) the bearings are neither miniature
4 nor instrument ball bearings, i.e. rolling contact
5 ball bearings with a basic outside diameter (ex-
6 clusive of flange diameters) of 30 millimeters or
7 less.”.

8 **SEC. 712. REPEAL OF THE REQUIREMENT FOR LIMITA-**
9 **TIONS ON THE USE OF AIR FORCE CIVIL EN-**
10 **GINEERING SUPPLY FUNCTION CONTRACTS.**

11 Section 345 of the National Defense Authorization
12 Act for Fiscal Year 1999 (Public Law 105–261, 112 Stat.
13 1978) is repealed.

14 **SEC. 713. MODIFICATION OF LIMITATION ON RETIREMENT**
15 **OR DISMANTLEMENT OF STRATEGIC NU-**
16 **CLEAR DELIVERY SYSTEMS.**

17 Section 1302(a) of the National Defense Authoriza-
18 tion Act for Fiscal Year 1998 (Public Law 105–85; 111
19 Stat. 1948), as amended by section 1501 (a) of the Na-
20 tional Defense Authorization Act for Fiscal Year 2000
21 (Public Law 106–65; 113 Stat. 806), is further amended
22 by striking paragraph (1)(D).

1 **Subtitle D—Military Construction**
2 **General Provisions**

3 **SEC. 715. EXCLUSION OF UNFORESEEN ENVIRONMENTAL**
4 **HAZARD REMEDIATION FROM THE LIMITA-**
5 **TION ON COST INCREASES FOR MILITARY**
6 **CONSTRUCTION AND FAMILY HOUSING CON-**
7 **STRUCTION PROJECTS.**

8 Section 2853(d) of title 10, United States Code, is
9 amended—

10 (1) by inserting “(1)” immediately following
11 “apply to”; and

12 (2) by inserting immediately before the period
13 at the end “; or (2) the costs associated with envi-
14 ronmental hazard remediation such as asbestos re-
15 moval, radon abatement, lead-based paint removal or
16 abatement, and any other legally required environ-
17 mental hazard remediation, provided that such reme-
18 diation requirements could not be reasonably antici-
19 pated at the time of budget submission”.

20 **SEC. 716. INCREASE OF OVERSEAS MINOR CONSTRUCTION**
21 **THRESHOLD USING OPERATIONS AND MAIN-**
22 **TENANCE FUNDS.**

23 Section 2805 of title 10, United States Code,
24 amended—

1 (1) in subsection (b)(1), by striking “\$500,000”
2 and inserting “\$750,000”;

3 (2) in subsection (c)(1)(A), by striking
4 “\$1,000,000” and inserting “\$1,500,000”; and

5 (3) in subsection (c)(1)(B), by striking
6 “\$500,000” and inserting “\$750,000”.

7 **SEC. 717. LEASEBACKS OF BASE CLOSURE PROPERTY.**

8 (a) 1990 LAW.—Section 2905(b)(4)(E) of the De-
9 fense Base Closure and Realignment Act of 1990 (part
10 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687
11 note) is amended as follows:

12 (1) in clause (iii), by striking “A” and inserting
13 “Except as provided in clause (v) below, a”

14 (2) by adding at the end the following new
15 clause (v):

16 “(v) Notwithstanding clause (iii) or
17 chapter 137 of title 10, United States
18 Code, where the department or agency con-
19 cerned leases a substantial portion of the
20 installation, the department or agency may
21 obtain, at a rate no higher than that
22 charged to non-Federal tenants, facility
23 services for the leased property and com-
24 mon area maintenance from the redevelop-
25 ment authority or the redevelopment

1 authority's assignee as a provision of a
2 lease under clause (i). Facility services and
3 common area maintenance shall not in-
4 clude municipal services that the state or
5 local government is required by law to pro-
6 vide to all landowners in its jurisdiction
7 without direct charge, or firefighting or se-
8 curity-guard functions.”.

9 (b) 1988 LAW.—Section 204(b)(4) of the Defense
10 Authorization Amendments and Base Closure and Re-
11 alignment Act of (Public Law 100–526; 10 U.S.C. 2687
12 note) is amended by adding at the end the following new
13 subparagraph (J):

14 “(J)(i) The Secretary may transfer real
15 property at an installation approved for closure
16 or realignment under this title (including prop-
17 erty at an installation approved for realignment
18 which will be retained by the Department of
19 Defense or another Federal agency after re-
20 alignment) to the redevelopment authority for
21 the installation if the redevelopment authority
22 agrees to lease, directly upon transfer, one or
23 more portions of the property transferred under
24 this subparagraph to the Secretary or to the
25 head of another department or agency of the

1 Federal Government. Subparagraph (B) shall
2 apply to a transfer under this subparagraph.

3 “(ii) A lease under clause (i) shall be for
4 a term of not to exceed 50 years, but may pro-
5 vide for options for renewal or extension of the
6 term by the department or agency concerned.

7 “(iii) Except as provided in clause (v)
8 below, a lease under clause (i) may not require
9 rental payments by the United States.

10 “(iv) A lease under clause (i) shall include
11 a provision specifying that if the department or
12 agency concerned ceases requiring the use of
13 the leased property before the expiration of the
14 term of the lease, the remainder of the lease
15 term may be satisfied by the same or another
16 department or agency of the Federal Govern-
17 ment using the property for a use similar to the
18 use under the lease. Exercise of the authority
19 provided by this clause shall be made in con-
20 sultation with the redevelopment authority con-
21 cerned.

22 “(v) Notwithstanding clause (iii) or chap-
23 ter 137 of title 10, United States Code, where
24 the department or agency concerned leases a
25 substantial portion of the installation, the de-

1 essary to offset additional housing allowance costs in-
 2 curred as a result of such initiative.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 at the beginning of such subchapter is amended by insert-
 5 ing after the item relating to section 2885 the following:

“2886. Reimbursement of funds related to the execution of military family hous-
 ing privatization projects.”.

6 **SEC. 719. ANNUAL REPORT TO CONGRESS ON DESIGN AND**
 7 **CONSTRUCTION.**

8 (a) IN GENERAL.—Section 2861 of title 10, United
 9 States Code, is repealed.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of subchapter III of chapter 169 of such
 12 title is amended by striking the item referring to section
 13 2861.

14 **TITLE VIII—DEPARTMENT OF**
 15 **DEFENSE ORGANIZATION**
 16 **AND POSITIONS**

17 **Subtitle A—Department of Defense**
 18 **Organizations and Positions**

19 **SEC. 801. ORGANIZATIONAL ALIGNMENT CHANGE FOR DI-**
 20 **RECTOR FOR EXPEDITIONARY WARFARE.**

21 Section 5038(a) of title 10, United States Code, is
 22 amended by striking “Office of the Deputy Chief of Naval
 23 Operations for Resources, Warfare Requirements, and As-
 24 sessments” and inserting “Office of the Deputy Chief of

1 Naval Operations for Warfare Requirements and Pro-
2 grams”.

3 **SEC. 802. CHANGE OF NAME FOR AIR MOBILITY COMMAND.**

4 (a) Section 2544(d) of title 10, United States Code,
5 is amended by striking “Military Airlift Command” and
6 inserting “Air Mobility Command”.

7 (b) Section 2545(a) of such title is amended by strik-
8 ing “Military Airlift Command” and inserting “Air Mobil-
9 ity Command”.

10 (c) Section 8074 of such title is amended by striking
11 subsection (e).

12 (d) Section 430(e) of title 37, United States Code,
13 is amended by striking “Military Airlift Command” and
14 inserting “Air Mobility Command”.

15 (e) Section 432(b) of such title is amended by strik-
16 ing “Military Airlift Command” and inserting “Air Mobil-
17 ity Command”.

18 **SEC. 803. TRANSFER OF INTELLIGENCE POSITIONS IN SUP-**
19 **PORT OF THE NATIONAL IMAGERY AND MAP-**
20 **PING AGENCY.**

21 Section 1606 of title 10, United States Code, is
22 amended by striking “517” and inserting “544”.

Subtitle B—Reports

**SEC. 811. AMENDMENT TO NATIONAL GUARD AND RESERVE
COMPONENT EQUIPMENT: ANNUAL REPORT
TO CONGRESS.**

Section 10541 of title 10, United States Code, is amended to read as follows:

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

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

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

“(2) Major items of equipment which are expected to be procured from commercial sources or transferred from the Active component to the Reserve components of each Service.

1 “(3) Major items of equipment in the inven-
2 tories of each Reserve component which are sub-
3 stitutes for a required major item of equipment.

4 “(4) A narrative explanation of the plan of the
5 Secretary concerned to equip each Reserve compo-
6 nent, including an explanation of the plan to equip
7 units of the Reserve components that are short
8 major items of equipment at the outset of war or a
9 contingency operation.

10 “(5) A narrative discussing the current status
11 of the compatibility and interoperability of equip-
12 ment between the Reserve components and the ac-
13 tive forces, the effect of that level of compatibility or
14 interoperability on combat effectiveness, and a plan
15 to achieve full equipment compatibility and inter-
16 operability.

17 “(6) A narrative discussing modernization
18 shortfalls and maintenance backlogs within the Re-
19 serve components and the effect of those shortfalls
20 on combat effectiveness.

21 “(7) A narrative discussing the overall age and
22 condition of equipment currently in the inventory of
23 each Reserve component.

24 “(c) Each report under this section shall be expressed
25 in the same format and with the same level of detail as

1 the information presented in the Future Years Defense
2 Program Procurement Annex prepared by the Department
3 of Defense.”.

4 **SEC. 812. ELIMINATION OF TRIENNIAL REPORT ON THE**
5 **ROLES AND MISSIONS OF THE ARMED**
6 **FORCES.**

7 (a) REPEAL OF REQUIREMENT FOR REPORT ON AS-
8 SIGNMENT OF ROLES AND MISSIONS.—Section 153 of
9 title 10, United States Code, is amended—

10 (1) in subsection (a), by striking the catchline
11 and section designator “(a) PLANNING; ADVICE;
12 POLICY FORMULATION.—”; and

13 (2) by striking subsection (b).

14 (b) ROLES AND MISSIONS AS PART OF DEFENSE
15 QUADRENNIAL REVIEW.—Subsection 118(e) of such title
16 is amended by inserting after the first sentence the fol-
17 lowing two new sentences: “The Chairman shall also in-
18 clude his assessment of the assignment of functions (or
19 roles and missions) to the Armed Forces and recommenda-
20 tions for change the Chairman considers necessary to
21 achieve the maximum efficiency of the Armed Forces. This
22 roles and missions assessment should consider the unnec-
23 essary duplication of effort among the armed forces and
24 changes in technology that can be applied effectively to
25 warfare.”.

1 **SEC. 813. CHANGE IN DUE DATE OF COMMERCIAL ACTIVI-**
2 **TIES REPORT.**

3 Section 2461(g) of title 10, United States Code, is
4 amended by striking “February 1” and inserting “June
5 30”.

6 **Subtitle C—Other Matters**

7 **SEC. 821. DOCUMENTS, HISTORICAL ARTIFACTS, AND OBSO-**
8 **LETE OR SURPLUS MATERIEL: LOAN, DONA-**
9 **TION, OR EXCHANGE.**

10 (a) IN GENERAL.—Section 2572 of title 10, United
11 States Code, is amended—

12 (1) in subsection (a), by striking “subsection
13 (c)” and inserting “subsection (c)(1)”;

14 (2) in subsection (b), by striking “subsection
15 (c)” and inserting “subsection (c)(2)”; and

16 (3) in subsection (c)—

17 (A) by striking “(c) This section” and in-
18 serting “(c)(1) Subsection (a)”;

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

21 “(2) Subsection (b) applies to the following
22 types of property held by a military department or
23 the Coast Guard: books, manuscripts, works of art,
24 historical artifacts, drawings, plans, models, and ob-
25 solete or surplus materiel.”.

1 (b) CONFORMING AMENDMENT.—The heading of
2 such section is amended by striking “condemned or obso-
3 lete combat” and inserting “obsolete or surplus”.

4 **SEC. 822. CHARTER AIR TRANSPORTATION OF MEMBERS**
5 **OF THE ARMED FORCES.**

6 Section 2640 of title 10, United States Code, is
7 amended—

8 (1) in subsection (a)(1)(A), by striking “an”
9 after “contract with” and inserting “a domestic or
10 foreign”;

11 (2) in subsection (b)(5), by striking “check-
12 rides” and inserting “cockpit safety observations”;

13 (3) in subsection (e), by striking “Military Air-
14 lift Command” and inserting “Air Mobility Com-
15 mand”;

16 (4) in subsection (g), by striking “in an emer-
17 gency”; and

18 (5) in subsection (j)(1), by striking “air car-
19 rier,”

1 **TITLE IX—GENERAL**
2 **PROVISIONS**
3 **Subtitle A—Matters Relating to**
4 **Other Nations**

5 **SEC. 901. RECOGNITION OF ASSISTANCE FROM FOREIGN**
6 **NATIONALS.**

7 (a) **IN GENERAL.**—Chapter 57 of title 10, United
8 States Code, is amended by inserting after section 1133
9 the following:

10 **“§ 1134. Recognition of assistance from foreign na-**
11 **tionals**

12 “The Secretary of Defense may issue regulations,
13 with the concurrence of the Secretary of State, authorizing
14 members of the armed forces or civilian officers or employ-
15 ees of the Department of Defense to present to foreign
16 nationals plaques, trophies, non-currency coins, certifi-
17 cates, and other suitable commemorative items or memen-
18 tos to recognize achievements or performance, not involv-
19 ing combat, that assists the armed forces of the United
20 States.”.

21 (b) **CLERICAL AMENDMENT.**—The table of sections
22 at the beginning of such chapter is amended by inserting
23 after the item relating to section 1133 the following new
24 item:

“1134. Recognition of assistance from foreign nationals.”.

1 **Subtitle B—Department of Defense**
2 **Civilian Personnel**

3 **SEC. 911. AUTHORITY FOR DESIGNATED CIVILIAN EMPLOY-**
4 **EES ABROAD TO ACT AS A NOTARY.**

5 (a) CLARIFICATION OF STATUS OF CIVILIAN ATTOR-
6 NEYS ACTING AS A NOTARY.—Section 1044a(b)(2) of title
7 10, United States Code, is amended by striking “legal as-
8 sistance officers” and inserting “legal assistance attor-
9 neys”.

10 (b) AUTHORITY FOR DESIGNATED CIVILIAN EM-
11 PLOYEES ABROAD TO ACT AS A NOTARY.—Subsection
12 (b)(4) of such section 1044a is amended by inserting
13 “and, when outside the United States, all civilian employ-
14 ees of the armed forces of suitable training,” after “duty
15 status”.

16 **SEC. 912. INAPPLICABILITY OF REQUIREMENT FOR STUD-**
17 **IES AND REPORTS WHEN ALL DIRECTLY AF-**
18 **FECTED DEPARTMENT OF DEFENSE CIVILIAN**
19 **EMPLOYEES ARE REASSIGNED TO COM-**
20 **PARABLE FEDERAL POSITIONS.**

21 Section 2461 of title 10, United States Code, is
22 amended by adding at the end the following new sub-
23 section:

24 “(i) INAPPLICABILITY WHEN ALL DIRECTLY AF-
25 FECTED DEPARTMENT OF DEFENSE CIVILIAN EMPLOY-

1 EES ARE REASSIGNED TO COMPARABLE FEDERAL POSI-
2 TIONS.—The provisions of this section shall not apply
3 when all directly affected Department of Defense civilian
4 employees serving on permanent appointments are reas-
5 signed to comparable Federal positions for which they are
6 qualified.”.

7 **SEC. 913. PILOT PROGRAM FOR PAYMENT OF RETRAINING**
8 **EXPENSES.**

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

12 **“§ 2410o. Pilot program for payment of retraining ex-**
13 **penses**

14 “(a) AUTHORITY.—The Secretary of Defense may es-
15 tablish a pilot program for the payment of retraining ex-
16 penses in accordance with this section to facilitate the re-
17 employment of eligible employees of the Department of
18 Defense who are being involuntarily separated due to a
19 reduction-in-force or due to relocation resulting from
20 transfer of function, realignment, or change of duty sta-
21 tion. Under the pilot program, the Secretary may pay re-
22 training incentives to encourage non-Federal employers to
23 hire and retain such employees.

24 “(b) ELIGIBLE EMPLOYEES.—For purposes of this
25 section, an eligible employee is an employee of the Depart-

1 ment of Defense, serving under an appointment without
2 time limitation, who has been employed by the Depart-
3 ment of Defense for a continuous period of at least 12
4 months and who has been given notice of separation pur-
5 suant to a reduction in force, except that such term does
6 not include—

7 “(1) a re-employed annuitant under subchapter
8 III of chapter 83 of title 5, chapter 84 of such title,
9 or another retirement system for employees of the
10 Government;

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

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

18 “(c) RETRAINING INCENTIVE.—(1) Under the pilot
19 program, the Secretary may enter into an agreement with
20 a non-Federal employer under which the non-Federal em-
21 ployer agrees—

22 “(A) to employ an eligible person referred to in
23 subsection (a) for at least 12 months for a salary
24 that is mutually agreeable to the employer and such
25 person; and

1 “(B) to certify to the Secretary the cost in-
2 curred by the employer for any necessary training,
3 as defined by the Secretary, provided to such eligible
4 employee in connection with the employment by that
5 employer.

6 “(2) The Secretary may pay a retraining incentive
7 to the non-Federal employer upon the employee’s comple-
8 tion of 12 months of continuous employment with that em-
9 ployer. Subject to this section, the Secretary shall pre-
10 scribe the amount of the incentive.

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

15 “(4) In no event may the amount of retraining incen-
16 tive paid for the training of any one person under the pilot
17 program exceed the amount certified for that person under
18 paragraph (1) or \$10,000, whichever is greater.

19 “(d) DURATION.—No incentive may be paid under
20 the pilot program for training commenced after September
21 30, 2005.

22 “(e) DEFINITIONS.—In this section:

23 “(1) The term ‘non-Federal employer’ means
24 an employer that is not an Executive agency, as de-

1 fined in section 105 of title 5, or the legislative or
2 judicial branch of the Federal Government.

3 “(2) The terms ‘reduction-in-force’ and ‘trans-
4 fer of function’ shall have the same meaning as in
5 chapter 35 of title 5.”.

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

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

9 **Subtitle C—Other Matters**

10 **SEC. 921. AUTHORITY TO ENSURE DEMILITARIZATION OF** 11 **SIGNIFICANT MILITARY EQUIPMENT FOR-** 12 **MERLY OWNED BY THE DEPARTMENT OF DE-** 13 **FENSE.**

14 (a) IN GENERAL.—Chapter 153 of title 10, United
15 States Code, is amended by inserting after section 2572
16 the following new section:

17 **“§ 2573. Continued authority to require demilitariza-** 18 **tion of significant military equipment** 19 **after disposal**

20 “(a) AUTHORITY TO REQUIRE DEMILITARIZA-
21 TION.—The Secretary of Defense may require any person
22 in possession of significant military equipment formerly
23 owned by the Department of Defense—

24 “(1) to demilitarize the equipment:

1 “(2) to have the equipment demilitarized by a
2 third party; or

3 “(3) to return the equipment to the Govern-
4 ment for demilitarization.

5 “(b) COST AND VALIDATION OF DEMILITARIZA-
6 TION.—When the demilitarization of significant military
7 equipment is carried out by the person in possession of
8 the equipment pursuant to paragraph (1) or (2) of sub-
9 section (a), the person shall be solely responsible for all
10 demilitarization costs, and the United States shall have
11 the right to validate that the equipment has been demili-
12 tarized.

13 “(c) RETURN OF EQUIPMENT TO GOVERNMENT.—
14 When the Secretary of Defense requires the return of sig-
15 nificant military equipment for demilitarization by the
16 Government, the Secretary shall bear all costs to transport
17 and demilitarize the equipment. If the person in possession
18 of the significant military equipment obtained the property
19 in the manner authorized by law or regulation and the
20 Secretary determines that the cost to demilitarize and re-
21 turn the property to the person is prohibitive, the Sec-
22 retary shall reimburse the person for the purchase cost
23 of the property and for the reasonable transportation costs
24 incurred by the person to purchase the equipment.

1 “(d) ESTABLISHMENT OF DEMILITARIZATION
2 STANDARDS.—The Secretary shall issue regulations to
3 prescribe what constitutes demilitarization for each type
4 of significant military equipment, with the objective of en-
5 suring that the equipment does not pose a significant risk
6 to public safety and does not provide a significant weapon
7 capability or military-unique capability and ensure that
8 any person from whom private property is taken for public
9 use under this section receives just compensation.

10 “(e) EXCEPTIONS.—This section does not apply—

11 “(1) when a person is in possession of signifi-
12 cant military equipment formerly owned by the De-
13 partment of Defense for the purpose of demili-
14 tarizing the equipment pursuant to a Government
15 contract.

16 “(2) to small arms weapons issued under the
17 Defense Civilian Marksmanship Program established
18 in Title 36, United States Code.

19 “(3) to issues by the Department of Defense to
20 museums where modified demilitarization has been
21 performed in accordance with the Department of
22 Defense Demilitarization Manual, DoD 4160.21–M–
23 1; or

24 “(4) to other issues and undemilitarized signifi-
25 cant military equipment under the provisions of the

1 provisions of the Department of Defense Demili-
2 tarization Manual, DoD 4160.21–M–1.

3 “(f) DEFINITION OF SIGNIFICANT MILITARY EQUIP-
4 MENT.—In this section, the term ‘significant military
5 equipment’ means—

6 “(1) an article for which special export controls
7 are warranted under the Arms Export Control Act
8 (22 U.S.C. 2751 et seq.) because of its capacity for
9 substantial military utility or capability, as identified
10 on the United States Munitions List maintained
11 under section 121.1 of title 22, Code of Federal
12 Regulations; and

13 (2) any other article designated by the Depart-
14 ment of Defense as requiring demilitarization before
15 its disposal.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of such chapter is amended by inserting
18 after the item relating to section 2572 the following new
19 item:

“2573. Continued authority to require demilitarization of significant military
equipment after disposal.”.

20 **SEC. 922. DEPARTMENT OF DEFENSE GIFT INITIATIVES.**

21 (a) LOAN OR GIFT OF OBSOLETE MATERIAL AND
22 ARTICLES OF HISTORICAL INTEREST.—Section 7545 of
23 title 10, United States Code, is amended—

24 (1) in subsection (a)—

1 (A) by inserting the following catchline
2 after the subsection designator: “ADDITIONAL
3 ITEMS TO BE DONATED BY THE SECRETARY
4 OF THE NAVY.—”;

5 (B) by striking “books, manuscripts, works
6 of art, drawings,” and all that follows to the
7 dash and inserting “obsolete combat or ship-
8 board material not needed by the Department
9 of the Navy, to”;

10 (C) in paragraph (5), by striking “World
11 War I or World War II” and inserting “a for-
12 eign war”;

13 (D) in paragraph (6), by striking “sol-
14 diers” and inserting “servicemen’s”; and

15 (E) in paragraph (8), by inserting “or me-
16 morial” after “a museum”; and

17 (2) in subsection (b), by inserting the following
18 catchline after the subsection designator: “MAINTENANCE OF THE RECORDS OF THE GOVERNMENT.—
19
20 ”;

21 (3) in subsection (c), by inserting the following
22 catchline after the subsection designator: “SECRETARIAL AUTHORITY TO MAKE GIFTS OR LOANS.—
23
24 ”; and

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

3 “(d) **AUTHORITY TO TRANSFER A PORTION OF A**
4 **VESSEL.**—The Secretary may lend, give or otherwise
5 transfer any portion of the hull or superstructure of a ves-
6 sel stricken from the Naval Vessel Register and designated
7 for scrapping to a qualified organization listed under sub-
8 section (a). The terms and conditions of any agreement
9 for the transfer of a portion of a vessel under this section
10 shall include a requirement that the transferee will main-
11 tain the material conveyed in a condition that will not di-
12 minish the historical value of the material or bring dis-
13 credit upon the Navy.”.

14 (b) **LOAN, GIFT, OR EXCHANGE OF DOCUMENTS,**
15 **HISTORICAL ARTIFACTS, AND CONDEMNED OR OBSO-**
16 **LETE, COMBAT MATERIAL.**—Section 2572(a)(1) of such
17 title 10 is amended by striking the period after “A munic-
18 ipal corporation” and inserting county or other political
19 subdivision of a state.”.

20 **SEC. 923. REPEAL OF THE JOINT REQUIREMENTS OVER-**
21 **SIGHT COUNCIL SEMI-ANNUAL REPORT.**

22 Section 916 of the Floyd D. Spence National Defense
23 Authorization Act for Fiscal Year 2001 (Public Law 106–
24 398; 114 Stat. 1654) is repealed.

○