

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2401

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IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 27), 1993

Received

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## AN ACT

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense  
5 Authorization Act for Fiscal Year 1994”.

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

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

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

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

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

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.

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## TITLE XXIII—AIR FORCE

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvements to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Relocation of Air Force activities from Sierra Army Depot, California, to Beale Air Force Base, California.
- Sec. 2306. Combat arms training and maintenance facility relocation from Wheeler Air Force Base, Hawaii, to United States Army Schofield Barracks Open Range, Hawaii.
- Sec. 2307. Authority to transfer funds as part of the improvement of Dysart Channel, Luke Air Force Base, Arizona.
- Sec. 2308. Authority to transfer funds for school construction for Lackland Air Force Base, Texas.
- Sec. 2309. Authority to transfer funds as part of the replacement family housing project at Scott Air Force Base, Illinois.

## TITLE XXIV—DEFENSE AGENCIES

- Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
- Sec. 2402. Energy conservation projects.
- Sec. 2403. Authorization of appropriations, Defense Agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION  
INFRASTRUCTURE

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

## TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.
- Sec. 2602. Termination of authority to carry out land acquisition for Army National Guard Training Area in Muskingum County, Ohio.

TITLE XXVII—EXPIRATION AND EXTENSION OF  
AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.
- Sec. 2702. Extension of authorizations of certain fiscal year 1991 projects.
- Sec. 2703. Extension of authorizations of certain fiscal year 1990 projects.

Sec. 2704. Effective date.

#### TITLE XXVIII—GENERAL PROVISIONS

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

- Sec. 2801. Increase in the maximum amount authorized to be obligated for emergency construction in a fiscal year.
- Sec. 2802. Military family housing leasing programs.
- Sec. 2803. Sale of electricity from alternate energy and cogeneration production facilities.
- Sec. 2804. Energy savings at military installations.
- Sec. 2805. Authorization to acquire existing facilities in lieu of carrying out construction authorized by law.
- Sec. 2806. Clarification of participation in Department of State housing pools.
- Sec. 2807. Navy housing investment agreements and Housing Investment Board.

##### Subtitle B—Defense Base Closure and Realignment

- Sec. 2811. Base closure account management flexibility.
- Sec. 2812. Authority to contract for certain functions at installations being closed or realigned.
- Sec. 2813. Increased funding sources for environmental restoration at military installations to be closed.
- Sec. 2814. Testimony before Defense Base Closure and Realignment Commission.
- Sec. 2815. Expansion of conveyance authority regarding financial facilities on closed military installations to include all depository institutions.
- Sec. 2816. Authority to transfer property at military installations to be closed to persons paying the cost of environmental restoration activities on the property.
- Sec. 2817. Authority to lease property pending final disposition.
- Sec. 2818. Electric power allocation and economic development at certain military installations to be closed in the State of California.
- Sec. 2819. Expansion of base closure law to include consideration of military installations outside the United States for closure and realignment.
- Sec. 2820. Limitations on the removal or disposal of personal property and equipment in connection with the closure or major realignment of military installations.
- Sec. 2821. Preference for local and small businesses.
- Sec. 2822. Pilot program to convey closed military installations to neighboring communities.
- Sec. 2823. Base disposal management cooperative agreement.

##### Subtitle C—Land Transactions

- Sec. 2824. Modification of land conveyance, New London, Connecticut.
- Sec. 2825. Land conveyance, Broward County, Florida.
- Sec. 2826. Land conveyance, Naval Air Station, Oceana, Virginia.
- Sec. 2827. Release of reversionary interest, Old Spanish Trail Armory, Harris County, Texas.
- Sec. 2828. Lease and joint use of certain real property, Marine Corps Base, Camp Pendleton, California.

- Sec. 2829. Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia.
- Sec. 2830. Land conveyance, Portsmouth, Virginia.
- Sec. 2831. Transfer of natural gas distribution system at Fort Belvoir, Virginia, to the Washington Gas Company.
- Sec. 2832. Transfer of water distribution system at Fort Lee, Virginia, to the American Water Company.
- Sec. 2833. Transfer of waste water treatment facility at Fort Pickett, Virginia, to Blackstone, Virginia.
- Sec. 2834. Transfer of water distribution system and reservoir at Stewart Army Subpost to New Windsor, New York.
- Sec. 2835. Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California.
- Sec. 2836. Modification of lease authority, Naval Supply Center, Oakland, California.
- Sec. 2837. Land conveyance, Iowa Army Ammunition Plant, Iowa.
- Sec. 2838. Transfer of electric power distribution system at Naval Air Station, Alameda, California, to the City of Alameda Bureau of Electricity.
- Sec. 2839. Conveyance of surplus real property, Fort Ord, California.

#### Subtitle D—Other Matters

- Sec. 2841. Flood control project.
- Sec. 2842. Use of Army Corps of Engineers to manage military construction projects in Hawaii.
- Sec. 2843. Special rule for military construction on certain lands in the State of Hawaii.

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

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

##### Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
- Sec. 3102. Environmental restoration and waste management.
- Sec. 3103. Nuclear materials support and other defense programs.
- Sec. 3104. Defense nuclear waste disposal.
- Sec. 3105. Funding uses and limitations.

##### Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for construction design.
- Sec. 3126. Authority for emergency planning, design, and construction activities.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.

##### Subtitle C—Other Provisions

- Sec. 3131. Improved congressional oversight of Department of Energy special access programs.
- Sec. 3132. Baseline environmental management reports.
- Sec. 3133. Expansion of authority to loan personnel and facilities.
- Sec. 3134. Modification of payment provision.
- Sec. 3135. Stockpile stewardship program.
- Sec. 3136. Counter-proliferation program.
- Sec. 3137. Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors.
- Sec. 3138. Contract goal for small disadvantaged businesses and certain institutions of higher education.
- Sec. 3139. Prohibition on conduct of Safeguard C program.
- Sec. 3140. Transfer or lease of property at Department of Energy weapon production facilities.
- Sec. 3141. Prohibition on use of funds for advanced liquid metal reactor.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD  
AUTHORIZATION

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Definitions.
- Sec. 3302. Disposal of obsolete and excess materials contained in the National Defense Stockpile.
- Sec. 3303. Modification of notice and wait requirements for deviations from annual materials plan.
- Sec. 3304. Continuation of limitations on the disposal of chromite and manganese ores and chromium and manganese ferro.
- Sec. 3305. Conversion of chromium ore to high purity electrolytic chromium metal.

TITLE XXXIV—CIVIL DEFENSE

- Sec. 3401. Authorization of appropriations.
- Sec. 3402. Modernization of the civil defense system.

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

2       For purposes of this Act, the term “congressional de-  
3 fense committees” means the Committees on Armed Serv-  
4 ices and the Committees on Appropriations of the Senate  
5 and House of Representatives.

1     **DIVISION A—DEPARTMENT OF**  
2     **DEFENSE AUTHORIZATIONS**  
3     **TITLE I—PROCUREMENT**  
4     **Subtitle A—Authorization of**  
5     **Appropriations**

6     **SEC. 101. ARMY.**

7         Funds are hereby authorized to be appropriated for  
8     fiscal year 1994 for procurement for the Army as follows:

9             (1) For aircraft, \$1,506,537,000.

10            (2) For missiles, \$1,084,315,000.

11            (3) For weapons and tracked combat vehicles,  
12     \$876,997,000.

13            (4) For ammunition, \$665,466,000.

14            (5) For other procurement, \$2,946,362,000.

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

16         (a) NAVY.—Funds are hereby authorized to be appro-  
17     priated for fiscal year 1994 for procurement for the Navy  
18     as follows:

19             (1) For aircraft, \$5,759,827,000.

20             (2) For weapons, including missiles and tor-  
21     pedoes, \$2,764,824,000.

22             (3) For shipbuilding and conversion,  
23     \$4,160,188,000.

24             (4) For other procurement, \$2,861,480,000.

1 (b) MARINE CORPS.—Funds are hereby authorized to  
2 be appropriated for fiscal year 1994 for procurement for  
3 the Marine Corps in the amount of \$471,021,000.

4 (c) ADDITIONAL AMOUNT FOR PRODUCTION DESIGN  
5 SUPPORT FOR DDG-51 PROGRAM.—Within the amount  
6 provided in subsection (a)(3) for shipbuilding and  
7 conversion—

8 (1) the amount available for Production Design  
9 Support for the DDG-51 program is hereby in-  
10 creased by \$38,459,000; and

11 (2) the amount available for Outfitting is here-  
12 by reduced by \$38,459,000.

13 **SEC. 103. AIR FORCE.**

14 Funds are hereby authorized to be appropriated for  
15 fiscal year 1994 for procurement for the Air Force as  
16 follows:

17 (1) For aircraft, \$7,223,502,000.

18 (2) For missiles, \$3,620,871,000.

19 (3) For other procurement, \$7,621,793,000.

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

21 Funds are hereby authorized to be appropriated for  
22 fiscal year 1994 for defense-wide procurement in the  
23 amount of \$2,177,082,000.

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

2 Funds are hereby authorized to be appropriated for  
3 fiscal year 1994 for procurement for the Defense Inspec-  
4 tor General in the amount of \$800,000.

5 **SEC. 106. DEFENSE HEALTH PROGRAM.**

6 Funds are hereby authorized to be appropriated for  
7 fiscal year 1994 for procurement for the Defense Health  
8 Program in the amount of \$272,762,000.

9 **SEC. 107. RESERVE COMPONENTS.**

10 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds  
11 are hereby authorized to be appropriated for fiscal year  
12 1994 for procurement of aircraft, vehicles, communica-  
13 tions equipment, and other equipment for the reserve com-  
14 ponents of the Armed Forces as follows:

15 (1) For the Army National Guard,  
16 \$289,675,000.

17 (2) For the Air National Guard, \$170,000,000.

18 (3) For the Army Reserve, \$81,300,000.

19 (4) For the Naval Reserve, \$156,800,000.

20 (5) For the Air Force Reserve, \$230,000,000.

21 (6) For the Marine Corps Reserve,  
22 \$65,500,000.

23 (b) MULTIPLE-LAUNCH ROCKET SYSTEM.—Of the  
24 total number of Multiple-Launch Rocket System units ac-  
25 quired with funds appropriated pursuant to the authoriza-  
26 tion of appropriations in section 101 for the Army, the

1 Secretary of the Army shall ensure that one battalion set  
2 shall be authorized for and made available to the Army  
3 National Guard.

4 **SEC. 108. CHEMICAL DEMILITARIZATION PROGRAM.**

5 Funds are hereby authorized to be appropriated for  
6 fiscal year 1994 for the destruction of lethal chemical  
7 weapons in accordance with section 1412 of the Depart-  
8 ment of Defense Authorization Act, 1986 (50 U.S.C.  
9 1521), and for the destruction of other chemical warfare  
10 materials that are not in the chemical weapons stockpile  
11 in the amount of \$114,500,000.

12 **SEC. 109. NATIONAL SHIPBUILDING INITIATIVE.**

13 Funds are hereby authorized to be appropriated for  
14 fiscal year 1994 for the National Shipbuilding Initiative  
15 under subtitle F of title XIII of this Act in the amount  
16 of \$200,000,000.

17 **SEC. 110. DENIAL OF MULTIYEAR PROCUREMENT AUTHOR-**  
18 **IZATION.**

19 The Secretary of the Navy may not enter into a  
20 multiyear procurement contract under section 2306(h) of  
21 title 10, United States Code, for the F/A-18C/D aircraft  
22 program.

## 1           **Subtitle B—Army Programs**

### 2   **SEC. 111. PROCUREMENT OF HELICOPTERS.**

3           (a) AH-64 AIRCRAFT.—The prohibition in section  
4 132(a)(2) of the National Defense Authorization Act for  
5 Fiscal Years 1990 and 1991 (Public Law 101-189; 103  
6 Stat. 1382) does not apply to the obligation of funds in  
7 amounts not to exceed \$150,000,000 for the procurement  
8 of not more than 10 AH-64 aircraft from funds appro-  
9 priated for fiscal year 1994 pursuant to section 101.

10          (b) OH-58D AHIP AIRCRAFT.—The prohibition in  
11 section 133(a)(2) of the National Defense Authorization  
12 Act for Fiscal Years 1990 and 1991 (Public Law 101-  
13 189; 103 Stat. 1383) does not apply to the obligation of  
14 funds in amounts not to exceed \$225,000,000 for the pro-  
15 curement of not more than 36 OH-58D AHIP Scout air-  
16 craft from funds appropriated for fiscal year 1994 pursu-  
17 ant to section 101.

### 18   **SEC. 112. TOW MISSILE PROGRAM.**

19          (a) IN GENERAL.—(1) The Secretary of Defense  
20 shall terminate the TOW missile program in accordance  
21 with this section.

22          (2) Except as provided in subsection (b), funds ap-  
23 propriated or otherwise made available to the Department  
24 of Defense pursuant to this or any other Act may not be  
25 obligated for the procurement of TOW missiles.

1 (b) EXCEPTIONS.—(1) The prohibition in subsection  
2 (a)(2) does not apply to—

3 (A) the modification of, or the acquisition of  
4 spare or repair parts for, TOW missiles described in  
5 paragraph (2);

6 (B) completion of new production missiles de-  
7 scribed in paragraph (2)(B); and

8 (C) the obligation of not more than  
9 \$75,282,000 from funds made available pursuant to  
10 section 101(2) for the procurement of not more than  
11 2,000 missiles and for payment of costs necessary to  
12 terminate the TOW program.

13 (2) The missiles referred to in paragraph (1)(A)  
14 are—

15 (A) TOW missiles acquired by the Department  
16 of Defense on or before the date of the enactment  
17 of this Act;

18 (B) TOW new production missiles for which  
19 funds, other than funds for the procurement of long  
20 lead items and other advance procurement, were ob-  
21 ligated before the date of the enactment of this Act  
22 and which are delivered to the Department of De-  
23 fense on or after that date; and

1 (C) 2,000 new production missiles for which  
2 funds are available in accordance with subsection  
3 (b)(1)(C).

## 4 **Subtitle C—Navy Programs**

### 5 **SEC. 121. DDG-51 DESTROYER AND FAST SEALIFT PRO-** 6 **GRAMS.**

7 None of the funds appropriated pursuant to section  
8 102 for shipbuilding and conversion for the Navy for fiscal  
9 year 1994 may be obligated for the DDG-51 guided mis-  
10 sile destroyer program until—

11 (1) contracts for conversion of seven cargo ves-  
12 sels specified under the National Sealift Program  
13 have been awarded; and

14 (2) the Secretary of the Navy has transmitted  
15 to the congressional defense committees notice that  
16 those contracts have been awarded.

### 17 **SEC. 122. ATTACK SUBMARINE PROGRAMS.**

18 (a) SEAWOLF SUBMARINE PROGRAM COSTS.—(1)  
19 None of the funds described in subsection (b) may be obli-  
20 gated until the Secretary of Defense submits to the con-  
21 gressional defense committees a report concerning the lat-  
22 est and best estimated cost of producing the SSN-21 and  
23 SSN-22 Seawolf attack submarines, determined as of the  
24 date of the enactment of this Act. The report shall state  
25 the full cost for production of each vessel and shall identify

1 the amount and source of funds available to the Navy for  
2 each such vessel from funds appropriated for fiscal years  
3 before fiscal year 1994.

4 (2) If the report under paragraph (1) discloses a  
5 shortfall of available funds for either or both of the SSN-  
6 21 and SSN-22 vessels that is not funded by another  
7 source identified by the Secretary of Defense, the Sec-  
8 retary of Defense shall, subject to the provisions of appro-  
9 priations Acts, use the funds described in subsection  
10 (b)(1) to the extent necessary to complete production of  
11 those two vessels.

12 (b) FUNDS SUBJECT TO LIMITATION.—Funds sub-  
13 ject to the limitation under subsection (a) are the follow-  
14 ing:

15 (1) Any unobligated funds remaining from the  
16 amount of \$540,200,000 originally appropriated for  
17 fiscal year 1992 for the SSN-21 program and made  
18 available under Public Law 102-298 for the pur-  
19 poses of preserving the industrial base for submarine  
20 construction (as specified at page 27 of the report  
21 of the committee of conference to accompany the  
22 conference report on H.R. 4990 of the 102d Con-  
23 gress (House Report 102-530)).

24 (2) Funds appropriated pursuant to section 201  
25 for research, development, test, and evaluation for

1 the Navy for fiscal year 1994 that are available for  
2 the new SSN (attack submarine) program for the  
3 research and development stages designated as 6.3  
4 and 6.4.

5 (c) NEW ATTACK SUBMARINE PROGRAM.—In addi-  
6 tion to the limitation under subsection (a)(1), the funds  
7 described in subsection (b)(2) may not be obligated until  
8 the Secretary of Defense submits to the congressional de-  
9 fense committees a certification that the Cost and Oper-  
10 ational Effectiveness Analysis (COEA) process for the new  
11 SSN (attack submarine) program has been completed.  
12 The Secretary shall include with such certification a copy  
13 of the analysis.

14 (d) REPORT ON PROPOSED USE OF FISCAL YEAR  
15 1992 FUNDS.—(1) In addition to the limitation under  
16 subsection (a)(1), funds described in subsection (b)(1)  
17 that remain available after any use of such funds under  
18 subsection (a)(2) may not be obligated until the Secretary  
19 of Defense submits to the congressional defense commit-  
20 tees a report describing the Secretary's plan for the use  
21 of those funds and 30 days of continuous session of Con-  
22 gress have expired following the date on which that report  
23 is transmitted to Congress.

24 (2) For purposes of paragraph (1), the continuity of  
25 a session of Congress is broken only by an adjournment

1 of the Congress sine die, and the days on which either  
2 House is not in session because of an adjournment of more  
3 than 3 days to a day certain are excluded in the computa-  
4 tion of such 30-day period.

5 (e) RETROACTIVE AUTHORIZATION.—The amount re-  
6 ferred to in subsection (b)(1) shall be treated for all pur-  
7 poses as having been authorized by law for fiscal year  
8 1992 in accordance with section 114(a) of title 10, United  
9 States Code.

10 **SEC. 123. LONG-TERM LEASE AUTHORITY FOR CERTAIN**  
11 **VESSELS.**

12 (a) AUTHORITY.—The Secretary of the Navy may  
13 enter into a long-term lease or charter for a vessel de-  
14 scribed in subsection (b) without regard to the provisions  
15 of section 2401 of title 10, United States Code, or section  
16 9081 of the Department of Defense Appropriations Act,  
17 1990 (10 U.S.C. 2401 note).

18 (b) COVERED VESSELS.—Subsection (a) applies to  
19 any double-hull tanker or oceanographic vessel constructed  
20 in a United States shipyard after the date of the enact-  
21 ment of this Act using assistance provided under the Na-  
22 tional Shipbuilding Initiative.

23 (c) CONDITIONS ON OBLIGATION OF FUNDS.—A con-  
24 tract entered into for a lease or charter pursuant to sub-  
25 section (a) shall include the following provisions:

1 (1) A statement that the obligation of the Unit-  
2 ed States to make payments under the contract in  
3 any fiscal year is subject to appropriations being  
4 provided specifically for that fiscal year and specifi-  
5 cally for that lease or project.

6 (2) A commitment to obligate the necessary  
7 amount for each fiscal year covered by the contract  
8 when and to the extent that funds are appropriated  
9 for that lease or charter for that fiscal year.

10 (3) A statement that such a commitment given  
11 under the authority of this section does not con-  
12 stitute an obligation of the United States.

13 (d) DEFINITION.—For purposes of subsection (a),  
14 the term “long-term lease or charter” has the meaning  
15 given that term in section 2401(d)(1)(A) of title 10, Unit-  
16 ed States Code (without regard to subparagraph (B) of  
17 that section).

18 **SEC. 124. LONG-TERM LEASE AUTHORITY FOR CERTAIN**

19 **ROLL-ON/ROLL-OFF VESSELS.**

20 (a) AUTHORITY.—The Secretary of the Navy may  
21 enter into a long-term lease or charter for not more than  
22 five vessels described in subsection (b) without regard to  
23 the provisions of section 2401 of title 10, United States  
24 Code, or section 9081 of the Department of Defense Ap-  
25 propriations Act, 1990 (10 U.S.C. 2401 note).

1 (b) COVERED VESSELS.—Subsection (a) applies to  
2 roll-on/roll-off (RO/RO) vessels which are required by the  
3 Department of Defense for prepositioning or related point-  
4 to-point service and which, in the case of vessels for which  
5 work is required to make the vessel eligible for such service  
6 and for documentation under the laws of the United  
7 States, have such work performed in a United States ship-  
8 yard.

9 (c) LIMITATION ON SOURCE OF FUNDS.—The Sec-  
10 retary may not use funds appropriated for the National  
11 Defense Sealift program that are available for construc-  
12 tion of vessels to enter into a contract for a lease or char-  
13 ter pursuant to subsection (a).

14 (d) CONDITIONS ON OBLIGATION OF FUNDS.—The  
15 Secretary may not enter into a contract for a lease or  
16 charter pursuant to subsection (a) unless the contract in-  
17 cludes the following provisions:

18 (1) A statement that the obligation of the Unit-  
19 ed States to make payments under the contract in  
20 any fiscal year is subject to appropriations being  
21 provided specifically for that fiscal year and specifi-  
22 cally for that lease or charter.

23 (2) A commitment to obligate the necessary  
24 amount for each fiscal year covered by the contract

1 when and to the extent that funds are appropriated  
2 for that lease or charter for that fiscal year.

3 (3) A statement that such a commitment given  
4 under paragraph (2) does not constitute an obliga-  
5 tion of the United States.

6 (e) DEFINITION.—For purposes of subsection (a), the  
7 term “long-term lease or charter” has the meaning given  
8 that term in section 2401(d)(1)(A) of title 10, United  
9 States Code (without regard to subparagraph (B) of that  
10 section).

11 **Subtitle D—Air Force Programs**  
12 **(Nonstrategic)**

13 **SEC. 131. INTERTHEATER AIRLIFT PROGRAM.**

14 (a) LIMITATION.—None of the funds appropriated  
15 pursuant to section 103 for procurement of airlift aircraft  
16 for the Air Force for fiscal year 1994 may be obligated  
17 until 45 days after the date on which the Secretary of  
18 Defense submits to the congressional defense committees  
19 the report referred to in subsection (b).

20 (b) REPORT REQUIREMENT.—A report under sub-  
21 section (a) is a report in which the Secretary of Defense  
22 provides—

23 (1) the Secretary’s recommendation for the air-  
24 craft or mix of aircraft to be procured for the  
25 intertheater airlift mission; and

1           (2) the results of the activities under sub-  
2 sections (c), (d), and (e).

3           (c) ESTABLISHMENT OF INTERTHEATER AIRLIFT  
4 REQUIREMENTS.—The Secretary of Defense, after the  
5 date of the enactment of this Act, shall establish the quali-  
6 tative and quantitative intertheater airlift requirements of  
7 the Department of Defense.

8           (d) COST AND OPERATIONAL EFFECTIVENESS ANAL-  
9 YSIS.—The Secretary of Defense, after the date of the en-  
10 actment of this Act, shall conduct a Cost and Operational  
11 Effectiveness Analysis to determine the most cost effective  
12 intertheater airlift alternative to satisfy the requirements  
13 established pursuant to subsection (c). In carrying out  
14 such analysis, the Secretary—

15           (1) shall consider all reasonable aircraft and  
16 mixes of aircraft for the intertheater airlift mission,  
17 including procurement of additional C-17 aircraft,  
18 procurement of additional C-5 aircraft, procurement  
19 of additional C-141 aircraft, carrying out a Service-  
20 Life Extension Program (SLEP) for existing C-141  
21 aircraft, and procurement of commercial wide-body  
22 aircraft; and

23           (2) for the C-17 program, shall include appro-  
24 priate restructure (or “work out”) costs and the ex-  
25 pected cost of claims against the Government.

1 (e) DAB REVIEW.—After the activities described in  
2 subsections (c) and (d) have been completed, the Secretary  
3 shall conduct a Defense Acquisition Board review based  
4 on the results under those subsections.

5 **SEC. 132. RC-135 AIRCRAFT PROGRAM.**

6 (a) FISCAL YEAR 1994 FUNDS.—Of the funds au-  
7 thorized to be appropriated in section 103 for procurement  
8 of aircraft for the Air Force for fiscal year 1994,  
9 \$93,200,000 shall be available for reengining and modify-  
10 ing two existing C-135 aircraft to the latest RC-135 Rivet  
11 Joint configuration plus improvements necessary to sup-  
12 port unique Navy requirements.

13 (b) FISCAL YEAR 1993 FUNDS.—(1) The amount of  
14 \$56,962,000 made available under section 141 of the Na-  
15 tional Defense Authorization Act for Fiscal Year 1993  
16 (Public Law 102-484; 106 Stat. 2338) for modernizing  
17 either Navy EP-3 aircraft or Air Force RC-135 aircraft  
18 shall be made available for improvements to existing RC-  
19 135 aircraft as though that aircraft had been selected by  
20 the Secretary of Defense under section 141(b)(2) of such  
21 Act.

22 (2) The amount of \$65,700,000 made available under  
23 section 131(3) of the National Defense Authorization Act  
24 for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
25 2334) to reengine three existing RC-135 aircraft, if the

1 RC-135 was selected by the Secretary of Defense under  
2 section 141(b)(2) of such Act, shall be made available for  
3 RC-135 reengining as though that aircraft had been so  
4 selected.

5 **SEC. 133. USE OF F-16 AIRCRAFT ADVANCE PROCUREMENT**  
6 **FUNDS FOR PROGRAM TERMINATION COSTS.**

7 (a) FUNDS FOR PROGRAM TERMINATION COSTS.—  
8 Of the amount provided in section 103 for procurment of  
9 aircraft for the Air Force, the amount of \$70,800,000  
10 shall be available only for program termination costs for  
11 the F-16 aircraft program.

12 (b) PROHIBITION OF FUNDS FOR ADVANCE PRO-  
13 CUREMENT.—None of the amount provided in section 103  
14 for procurement of aircraft for the Air Force shall be  
15 available for advance procurement of F-16 aircraft for fis-  
16 cal year 1995.

17 **SEC. 134. C-17 AIRCRAFT PROGRAM.**

18 (a) WITHHOLDING OF PAYMENTS FOR SOFTWARE  
19 NONCOMPLIANCE.—In accepting further delivery of C-17  
20 aircraft that in accordance with existing C-17 contracts  
21 require a waiver for software noncompliance, the Secretary  
22 of Defense shall withhold from the unliquidated portion  
23 of the progress payments for such aircraft an amount not  
24 less than 1 percent of the total cost of such aircraft. The  
25 withholding shall continue until the Secretary submits to

1 each of the congressional committees named in subsection  
2 (e) a report in which the Secretary certifies each of the  
3 following:

4 (1) That C-17 software testing and avionics in-  
5 tegration have been completed.

6 (2) That the costs of waivers for software non-  
7 compliance have been identified and are in accord-  
8 ance with the terms of existing C-17 contracts.

9 (b) CORRECTION OF WING DEFECTS.—Within 120  
10 days after the date of the enactment of this Act, the Sec-  
11 retary of Defense shall submit to each of the congressional  
12 committees named in subsection (e) a report in which the  
13 Secretary certifies that, in accordance with the terms of  
14 existing C-17 contracts, the contractor has identified and  
15 is bearing each of the following:

16 (1) The costs related to wing structural defi-  
17 ciencies (including the costs of redesign, static wing  
18 failure repair, and retrofit for existing wing sets).

19 (2) The costs for required redesign, retesting,  
20 and manufacture of C-17 slats and flaps to correct  
21 identified deficiencies.

22 (c) ANALYSIS OF RANGE/PAYLOAD DEFICIENCY.—  
23 Within 180 days after the date of the enactment of this  
24 Act, the Secretary of Defense shall submit to each of the

1 congressional committees named in subsection (e) a report  
2 containing the following:

3 (1) An analysis of the operational impacts  
4 caused by deficiencies in the range/payload specifica-  
5 tion, as defined by the C-17 Lot III production con-  
6 tract, including projected operational and mainte-  
7 nance costs, such as the costs of required airborne  
8 refueling due to range shortfalls.

9 (2) A schedule for securing from the contractor,  
10 in accordance with the terms of existing C-17 con-  
11 tracts, an equitable recovery for the operational im-  
12 pacts caused by deficiencies in the range/payload  
13 specification identified in the analysis required by  
14 this section.

15 (d) REPORT CONTENTS.—Each report required by  
16 this section shall include an itemization of the estimated  
17 effect on total production costs caused by software non-  
18 compliance, wing defects, or range/payload deficiency, as  
19 applicable.

20 (e) CONGRESSIONAL COMMITTEES.—The committees  
21 of Congress to which a report required by this section is  
22 to be submitted are the following:

23 (1) The Committees on Armed Services of the  
24 Senate and the House of Representatives.

1           (2) The Committees on Appropriations of the  
2           Senate and the House of Representatives.

3           (3) The Committee on Governmental Affairs of  
4           the Senate and the Committee on Government Oper-  
5           ations of the House of Representatives.

## 6           **Subtitle E—Strategic Programs**

### 7           **SEC. 151. B-2 BOMBER AIRCRAFT PROGRAM.**

8           (a) AMOUNT FOR PROGRAM.—Of the amount appro-  
9           priated pursuant to section 103 for the Air Force for fiscal  
10          year 1994 for procurement of aircraft, not more than  
11          \$911,300,000 may be obligated for procurement for the  
12          B-2 bomber aircraft program.

13          (b) B-2 BUYOUT AND TERMINATION.—The funds re-  
14          ferred to in subsection (a) may be obligated only for the  
15          purpose of procurement associated with closing out the B-  
16          2 bomber aircraft program, including amounts for pro-  
17          curement of spares and parts for that aircraft.

18          (c) REAFFIRMATION OF LIMITATION ON NUMBER OF  
19          B-2 AIRCRAFT.—As provided in section 151(c) of Public  
20          Law 102-484 (106 Stat. 2339), the Secretary of the Air  
21          Force may not procure more than 20 deployable B-2 air-  
22          craft (plus one test aircraft which may not be made oper-  
23          ational).

24          (d) LIMITATION ON OBLIGATION OF FY94 FUNDS.—  
25          None of the funds appropriated pursuant to section 103

1 for the Air Force for fiscal year 1994 may be obligated  
2 for the B-2 bomber aircraft program until each of the  
3 conditions specified in paragraphs (1), (2), and (3) of sec-  
4 tion 151(d) of Public Law 102-484 (106 Stat. 2339), in-  
5 cluding the condition requiring the enactment of an Act  
6 which permits the obligation of certain funds for the pro-  
7 curement of B-2 bomber aircraft, has been satisfied.

8 (e) DENIAL OF INTERIM NEAR-PRECISE MUNITIONS  
9 PROGRAM.—(1) The Secretary of the Air Force may not  
10 use any funds appropriated for fiscal year 1994 or any  
11 prior fiscal year for the development, integration, or acqui-  
12 sition of an interim near-precise munitions capability for  
13 the B-2 aircraft.

14 (2) For the purposes of paragraph (1):

15 (A) The term “near-precise munitions capabil-  
16 ity” means the capability that the Secretary of the  
17 Air Force has proposed for the B-2 aircraft to be  
18 produced by the Global Positioning System-aided  
19 targeting system and Global Positioning System-  
20 aided munitions.

21 (B) The term “interim”, with respect to a mu-  
22 nitions capability for the B-2 aircraft, means a ca-  
23 pability proposed for the period before the availabil-  
24 ity of the Joint Direct Attack Munition for that air-  
25 craft.

1 **SEC. 152. B-1 BOMBER AIRCRAFT PROGRAM.**

2 (a) INTERIM NEAR-PRECISE MUNITIONS PRO-  
3 GRAM.—The Secretary of the Air Force shall initiate a  
4 program for the production of Global Positioning System-  
5 aided munitions (GAM) for 10 B-1 bomber aircraft. It  
6 shall be the goal of the program to achieve an interim  
7 near-precise munitions capability on 10 B-1 aircraft by  
8 1996.

9 (b) AMOUNT FOR PROGRAM.—Of the amount author-  
10 ized to be appropriated pursuant to section 103 for the  
11 Air Force for fiscal year 1994 for procurement of aircraft,  
12 \$263,355,000 shall be available for procurement for B-  
13 1B aircraft, of which \$100,808,000 shall be available for  
14 modification of inservice aircraft. Of the amount available  
15 for modification of inservice aircraft, \$50,000,000 shall be  
16 available for the purchase of GAM kits to achieve the mu-  
17 nitions capability described in subsection (a).

18 **SEC. 153. TRIDENT II (D-5) MISSILE PROCUREMENT.**

19 (a) FINAL PRODUCTION.—Of amounts appropriated  
20 pursuant to section 102 for procurement of weapons (in-  
21 cluding missiles and torpedoes) for the Navy for fiscal year  
22 1994—

23 (1) not more than \$983,300,000 may be obli-  
24 gated for procurement of Trident II (D-5) missiles;  
25 and

1           (2) not more than \$145,251,000 may be obli-  
2           gated for advance procurement for production of D-  
3           5 missiles for a fiscal year after fiscal year 1994.

4           (b) **OPTIONS FOR ACHIEVING SLBM WARHEAD LIM-**  
5 **ITATIONS.**—Not later than April 1, 1994, the Secretary  
6 of Defense shall submit to Congress a report on options  
7 available for achieving the limitations on submarine-  
8 launched ballistic missile (SLBM) warheads imposed by  
9 the START II treaty at significantly reduced costs from  
10 the costs planned during fiscal year 1994. The report shall  
11 include an examination of the implications for those op-  
12 tions of further reductions in the number of such war-  
13 heads under further strategic arms reduction treaties.

14   **SEC. 154. STUDY OF TRIDENT MISSILE SUBMARINE PRO-**  
15                   **GRAM.**

16           The Secretary of Defense shall submit to the congres-  
17 sional defense committees, not later than April 1, 1994,  
18 a report comparing (1) modifying Trident I submarines  
19 to enable those submarines to be deployed with D-5 mis-  
20 siles, with (2) retaining the Trident I (C-4) missile on  
21 the Trident I submarine. In preparing the report, the Sec-  
22 retary shall include considerations of cost effectiveness,  
23 force structure requirements, and future strategic flexibil-  
24 ity of the Trident I and Trident II submarine programs.

1           **Subtitle F—Other Matters**

2   **SEC. 171. CHEMICAL MUNITIONS DISPOSAL FACILITIES,**  
3           **TOOELE ARMY DEPOT, UTAH.**

4           (a) LIMITATION PENDING CERTIFICATION.—After  
5 January 1, 1994, none of the funds appropriated to the  
6 Department of Defense for fiscal year 1993 or 1994 may  
7 be obligated for the systemization of chemical munitions  
8 disposal facilities at Tooele Army Depot, Utah, until the  
9 Secretary of Defense submits to Congress a certification  
10 described in subsection (b).

11           (b) CERTIFICATION REQUIREMENT.—A certification  
12 referred to in subsection (a) is a certification submitted  
13 by the Secretary of Defense to Congress that—

14               (1) the recommendations for the realignment of  
15 Tooele Army Depot contained in the recommenda-  
16 tions of the Defense Base Closure and Realignment  
17 Commission approved by the President on July 6,  
18 1993, will not jeopardize the health, safety, or wel-  
19 fare of the community surrounding Tooele Army  
20 Depot; and

21               (2) adequate base support, management, over-  
22 sight, and security personnel to ensure the public  
23 safety in the operation of chemical munitions dis-  
24 posal facilities constructed and operated at Tooele  
25 Army Depot will remain at that depot after the com-

1       pletion of the realignment of that depot in accord-  
2       ance with those recommendations.

3       (c) SUPPORTING REPORT.—The Secretary of Defense  
4 shall include with a certification under this section a re-  
5 port specifying by job title and category all base support,  
6 management, oversight, and security personnel to be re-  
7 tained at Tooele Army Depot after the realignment of that  
8 depot is completed in accordance with the recommenda-  
9 tions of the Defense Base Closure and Realignment Com-  
10 mission referred to in subsection (b)(1).

11       (d) EXCEPTION.—Subsection (a) shall not apply if  
12 the recommendations of the Defense Base Closure and Re-  
13 alignment Commission approved by the President on July  
14 6, 1993, are disapproved by law enacted in accordance  
15 with section 2904(b) of the Defense Base Closure and Re-  
16 alignment Act of 1990 (part A of title XXIX of Public  
17 Law 101–510; 10 U.S.C. 2687 note).

18 **SEC. 172. AUTHORITY TO CONVEY LOS ALAMOS DRY DOCK.**

19       (a) AUTHORITY.—The Secretary of the Navy may  
20 convey to the Brownsville Navigation District of Browns-  
21 ville, Texas, all right, title, and interest of the United  
22 States in and to the dry dock designated as Los Alamos  
23 (AFDB7).

1 (b) CONSIDERATION.—As consideration for the con-  
2 veyance under subsection (a), the Brownsville Navigation  
3 District shall permit the Secretary of the Navy—

4 (1) to use real property which is (A) located on  
5 and near a ship channel, (B) under the ownership  
6 or control of the Brownsville Navigation District,  
7 and (C) not used by the Brownsville Navigation Dis-  
8 trict, except that such use shall be only for training  
9 purposes and shall be permitted for a five-year pe-  
10 riod beginning on the date of the transfer;

11 (2) to use such property under paragraph (1)  
12 without reimbursement from the Secretary of the  
13 Navy; and

14 (3) to use the dock for dockage services, with-  
15 out reimbursement from the Secretary of the Navy,  
16 except that such use shall be for not more than 45  
17 days each year during the period referred to in para-  
18 graph (1) and shall be subject to all applicable Fed-  
19 eral and State laws, including laws on maintenance  
20 and dredging.

21 (c) EXTENSION OF USE.—At the end of the five-year  
22 period referred to in subsection (b)(1), the Secretary of  
23 the Navy and the chief executive officer of the Brownsville  
24 Navigation District may enter into an agreement to extend

1 the period during which the Secretary may use real prop-  
2 erty and dockage under subsection (b).

3 (d) CONDITION.—As a condition of the conveyance  
4 authorized by subsection (a), the Secretary shall enter into  
5 an agreement with the Brownsville Navigation District  
6 under which the Brownsville Navigation District agrees to  
7 hold the United States harmless for any claim arising with  
8 respect to the drydock after the conveyance of the drydock  
9 other than as a result of use of the dock by the Navy  
10 pursuant to subsection (b) or an agreement under sub-  
11 section (c).

12 **SEC. 173. SALES AUTHORITY OF CERTAIN WORKING-CAP-**  
13 **ITAL FUNDED INDUSTRIAL FACILITIES OF**  
14 **THE ARMY.**

15 (a) IN GENERAL.—(1) Chapter 433 of title 10, Unit-  
16 ed States Code, is amended by adding at the end the fol-  
17 lowing new section:

18 **“§4543. Army industrial facilities: sales of manufac-**  
19 **tured articles or services outside Depart-**  
20 **ment of Defense**

21 “(a) AUTHORITY TO SELL OUTSIDE DOD.—Regula-  
22 tions under section 2208(h) of this title shall authorize  
23 a working-capital funded Army industrial facility (includ-  
24 ing a Department of the Army arsenal) that manufactures  
25 large caliber cannons, gun mounts, recoil mechanisms,

1 ammunition, munitions, or components thereof to sell  
2 manufactured nondefense-related commercial articles or  
3 services to a person outside the Department of Defense  
4 if—

5           “(1) in the case of an article, the article is sold  
6 to a United States manufacturer, assembler, devel-  
7 oper, or other concern—

8                   “(A) for use in developing new products;

9                   “(B) for incorporation into items to be sold  
10 to, or to be used in a contract with, an agency  
11 of the United States;

12                   “(C) for incorporation into items to be sold  
13 to, or to be used in a contract with, or to be  
14 used for purposes of soliciting a contract with,  
15 a friendly foreign government; or

16                   “(D) for use in commercial products;

17           “(2) in the case of an article, the purchaser is  
18 determined by the Department of Defense to be  
19 qualified to carry out the proposed work involving  
20 the article to be purchased;

21           “(3) the sale is to be made on a basis that does  
22 not interfere with performance of work by the facil-  
23 ity for the Department of Defense or for a contrac-  
24 tor of the Department of Defense; and

1           “(4) in the case of services, the services are re-  
2           lated to an article authorized to be sold under this  
3           section and are to be performed in the United States  
4           for the purchaser.

5           “(b) ADDITIONAL REQUIREMENTS.—The regulations  
6 shall also—

7           “(1) require that the authority to sell articles or  
8           services under the regulations be exercised at the  
9           level of the commander of the major subordinate  
10          command of the Army with responsibility over the  
11          facility concerned;

12          “(2) authorize a purchaser of articles or serv-  
13          ices to use advance incremental funding to pay for  
14          the articles or services; and

15          “(3) in the case of a sale of commercial articles  
16          or commercial services in accordance with subsection  
17          (a) by a facility that manufactures large caliber can-  
18          nons, gun mounts, or recoil mechanisms, or compo-  
19          nents thereof, authorize such facility—

20                  “(A) to charge the buyer, at a minimum,  
21                  the variable costs that are associated with the  
22                  commercial articles or commercial services sold;

23                  “(B) to enter into a firm, fixed-price con-  
24                  tract or, if agreed by the buyer, a cost reim-  
25                  bursement contract for the sale; and

1           “(C) to develop and maintain (from  
2 sources other than appropriated funds) working  
3 capital to be available for paying design costs,  
4 planning costs, procurement costs, and other  
5 costs associated with the commercial articles or  
6 commercial services sold.

7           “(c) RELATIONSHIP TO ARMS EXPORT CONTROL  
8 ACT.—Nothing in this section shall be construed to affect  
9 the application of the export controls provided for in sec-  
10 tion 38 of the Arms Export Control Act (22 U.S.C. 2778)  
11 to items which incorporate or are produced through the  
12 use of an article sold under this section.

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

14           “(1) The term ‘commercial article’ means an  
15 article that is usable for a nondefense purpose.

16           “(2) The term ‘commercial service’ means a  
17 service that is usable for a nondefense purpose.

18           “(3) The term ‘advance incremental funding’,  
19 with respect to a sale of articles or services, means  
20 a series of partial payments for the articles or serv-  
21 ices that includes—

22           “(A) one or more partial payments before  
23 the commencement of work or the incurring of  
24 costs in connection with the production of the

1 articles or the performance of the services, as  
2 the case may be; and

3 “(B) subsequent progress payments that  
4 result in full payment being completed as the  
5 required work is being completed.

6 “(4) The term ‘variable costs’, with respect to  
7 sales of articles or services, means the costs that are  
8 expected to fluctuate directly with the volume of  
9 sales and—

10 “(A) in the case of articles, the volume of  
11 production necessary to satisfy the sales orders;

12 or

13 “(B) in the case of services, the extent of  
14 the services sold.”.

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

“4543. Army industrial facilities: sales of manufactured articles or services outside Department of Defense.”.

18 (b) CONFORMING AMENDMENT.—Subsection (i) of  
19 section 2208 of such title is amended to read as follows:

20 “(i) For provisions relating to sales outside the De-  
21 partment of Defense of manufactured articles and services  
22 by a working-capital funded Army industrial facility (in-  
23 cluding a Department of the Army arsenal) that manufac-  
24 tures large caliber cannons, gun mounts, recoil mecha-

1 nisms, ammunition, munitions, or components thereof, see  
2 section 4543 of this title.”.

3 (c) DEADLINE FOR REGULATIONS.—Regulations  
4 under subsection (b) of section 4543 of title 10, United  
5 States Code, as added by subsection (a), shall be pre-  
6 scribed not later than 30 days after the date of the enact-  
7 ment of this Act.

8 **SEC. 174. CONVEYANCE OF OBSERVATION AIRCRAFT.**

9 (a) AUTHORITY TO CONVEY.—(1) The Secretary of  
10 Defense may convey without consideration all right, title,  
11 and interest of the United States in not more than four  
12 light observation aircraft to the organization known as  
13 Hermanos al Rescate, a nonprofit organization in the  
14 State of Florida consisting of volunteer pilots who fly  
15 search and rescue missions from southern Florida over the  
16 Florida Straits (hereinafter in this section referred to as  
17 the “recipient”).

18 (2) For purposes of paragraph (1), light observation  
19 aircraft are the OV-2, the OV-10, or any comparable ob-  
20 servation aircraft.

21 (b) CONDITION.—As a condition of conveying an air-  
22 craft to the recipient pursuant to the authority provided  
23 in subsection (a), the Secretary shall enter into an agree-  
24 ment with the recipient under which the recipient agrees—

1           (1) to use that aircraft solely for search and  
2 rescue missions and related activities;

3           (2) to use that aircraft solely for nonprofit ac-  
4 tivities; and

5           (3) to hold the United States harmless for any  
6 claim arising with respect to that aircraft after the  
7 conveyance of that aircraft.

8           (c) LIMITATION ON FUTURE TRANSFERS.—In the  
9 case of an aircraft conveyed under the authority provided  
10 in subsection (a), the instruments provided for the convey-  
11 ance shall require that any further conveyance of an inter-  
12 est in that aircraft may not be made without the approval  
13 in advance of the Secretary of Defense. If the Secretary  
14 determines that an interest in an aircraft was conveyed  
15 without such approval, then all right, title, and interest  
16 in that aircraft shall revert to the United States and the  
17 United States shall have the right to immediate possession  
18 of the aircraft. The recipient shall pay the United States  
19 for its costs incurred in recovering the aircraft for such  
20 a violation.

21           (d) FORFEITURE UPON VIOLATION OF TERMS.—If  
22 the Secretary determines that the recipient violated sub-  
23 section (b)(1) or (b)(2) with respect to any aircraft con-  
24 veyed under subsection (a), then all right, title, and inter-  
25 est in each such aircraft shall revert to the United States

1 and the United States shall have the right to immediate  
2 possession of all of the aircraft. The recipient shall pay  
3 the United States for its costs incurred in recovering the  
4 aircraft for a violation of those conditions.

5 (e) DELIVERY OF AIRCRAFT.—The Secretary shall  
6 deliver each aircraft conveyed under subsection (a)—

7 (1) at the place where the aircraft is located on  
8 the date of the conveyance;

9 (2) in its condition on that date; and

10 (3) without cost to the United States.

11 (f) EXPIRATION OF AUTHORITY TO CONVEY.—The  
12 authority of the Secretary under subsection (a) to convey  
13 aircraft shall expire on the date that is two years after  
14 the date of the enactment of this Act.

15 **SEC. 175. CHEMICAL DEMILITARIZATION PROGRAM.**

16 (a) SUBMISSION OF REPORTS ON ALTERNATIVE  
17 TECHNOLOGIES.—Section 173(b)(1) of the National De-  
18 fense Authorization Act for Fiscal Year 1993 (Public Law  
19 102–484; 106 Stat. 2343) is amended by striking out the  
20 period at the end and inserting in lieu thereof “and a pe-  
21 riod of 90 days has passed following the submission of  
22 the report. During such 90-day period, each Chemical De-  
23 militarization Citizens’ Advisory Commission in existence  
24 on the date of the enactment of the National Defense Au-  
25 thorization Act for Fiscal Year 1994 may submit such

1 comments on the report as it considers appropriate to the  
2 Committees on Armed Services of the Senate and House  
3 of Representatives.”.

4 (b) EXTENSION OF DEADLINE FOR SUBMISSION OF  
5 REVISED CONCEPT PLAN.—Section 175(d) of such Act  
6 (106 Stat. 2344) is amended by striking out “not later  
7 than 180 days” and all that follows and inserting in lieu  
8 thereof “during the 180-day period beginning at the end  
9 of the 90-day period following the submission of the report  
10 of the Secretary required under section 173.”.

11 **TITLE II—RESEARCH, DEVELOP-**  
12 **MENT, TEST, AND EVALUA-**  
13 **TION**

14 **Subtitle A—Authorizations**

15 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

16 Funds are hereby authorized to be appropriated for  
17 fiscal year 1994 for the use of the Department of Defense  
18 for research, development, test, and evaluation, as follows:

19 (1) For the Army, \$5,417,141,000.

20 (2) For the Navy, \$8,736,970,000.

21 (3) For the Air Force, \$13,446,635,000.

22 (4) For Defense-wide activities,  
23 \$10,284,652,000, of which—

1 (A) \$232,592,000 is authorized for the ac-  
2 tivities of the Director, Test and Evaluation;  
3 and

4 (B) \$12,650,000 is authorized for the Di-  
5 rector of Operational Test and Evaluation.

6 **SEC. 202. MANUFACTURING TECHNOLOGY DEVELOPMENT.**

7 (a) FISCAL YEAR 1994.—Of the amounts authorized  
8 to be appropriated by section 201, \$315,000,000 shall be  
9 available for, and may be obligated only for, manufactur-  
10 ing technology development as follows:

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

12 (2) For the Navy, \$120,000,000.

13 (3) For the Air Force, \$110,000,000.

14 (4) For the Defense Logistics Agency,  
15 \$35,000,000, of which \$15,000,000 is available only  
16 for the establishment of a pilot program for the  
17 metalcasting industry.

18 (b) INDUSTRIAL MODERNIZATION IMPROVEMENT  
19 PROGRAM.—The Secretary shall reestablish the Industrial  
20 Modernization Improvement Program (IMIP) of the De-  
21 partment of Defense carried out through the Manufactur-  
22 ing Technology programs and shall provide sufficient  
23 funding for that program for fiscal year 1994 from funds  
24 referred to in subsection (a).

1 (c) WORKER SKILLS.—Manufacturing technology de-  
2 velopment programs conducted by or for the Department  
3 of Defense, including those programs for which funds are  
4 made available pursuant to subsection (a), shall include  
5 a focus on production technologies designed to build on  
6 and expand existing worker skills and experience in manu-  
7 facturing production.

8 **SEC. 203. REENTRY VEHICLE INDUSTRIAL BASE.**

9 Of the amount authorized to be appropriated pursu-  
10 ant to section 201 for the Navy, \$5,000,000 shall be avail-  
11 able for the contribution of the Navy for fiscal year 1994  
12 to the Reentry Vehicle industrial base.

13 **SEC. 204. REALLOCATION OF CERTAIN R&D FUNDS.**

14 (a) INCREASE IN AMOUNT FOR ARMY.—The amount  
15 provided in section 201 for the Army is hereby increased  
16 by \$10,000,000, of which—

17 (1) \$2,000,000 is for a study of the require-  
18 ments for the incorporation of an electronics soft-  
19 ware upgrade into the M1A2 tank; and

20 (2) \$8,000,000 is for Horizontal Battlefield In-  
21 tegration to expand the demonstration of technology  
22 interfaces needed to verify the compatibility of digi-  
23 tal electronics in various Army Combat Systems.

24 (b) LIMITATION.—None of the funds described in  
25 subsection (a)(2) or otherwise made available to the De-

1 partment of Defense for fiscal year 1994 may be obligated  
2 for Horizontal Battlefield Integration until the Secretary  
3 of the Army submits to the congressional defense commit-  
4 tees a report containing a revised demonstration plan for  
5 that program. The revised plan shall include program  
6 milestones and funding requirements.

7 (c) REDUCTION IN AMOUNT FOR DEFENSE-WIDE  
8 ACTIVITIES.—The amount provided in section 201 for De-  
9 fense-wide activities is hereby reduced by \$10,000,000, to  
10 be derived from amounts for acquisition of foreign equip-  
11 ment for test and analysis purposes.

12 **Subtitle B—Program Requirements, Restrictions, and Limita-**  
13 **ments, Restrictions, and Limita-**  
14 **tions**

15 **SEC. 211. DEMONSTRATION PROGRAM FOR BALLISTIC MIS-**  
16 **SILE POST-LAUNCH DESTRUCT MECHANISM.**

17 (a) DEMONSTRATION PROGRAM.—The Secretary of  
18 Defense shall conduct a demonstration program to develop  
19 and test a ballistic missile post-launch destruct mecha-  
20 nism. The program shall be carried out through the Ad-  
21 vanced Research Projects Agency.

22 (b) FUNDING.—The amount expended for the dem-  
23 onstration program may not exceed \$15,000,000. Subject  
24 to the provisions of appropriations Acts, the Secretary  
25 may provide \$5,000,000 for the program from unexpended

1 balances remaining available for obligation from funds ap-  
2 propriated to the Department of Defense for fiscal year  
3 1993.

4 **SEC. 212. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE**  
5 **PROGRAMS.**

6 (a) AUTHORIZATION.—Of the funds appropriated  
7 pursuant to section 201 for Defense-wide activities,  
8 \$288,518,000 shall be available for airborne reconnais-  
9 sance programs.

10 (b) LIMITATION.—None of the funds referred to in  
11 subsection (a) or funds appropriated for fiscal year 1994  
12 for the Navy for research, development, test, and evalua-  
13 tion may be obligated for Navy EP-3 aircraft modifica-  
14 tions.

15 **SEC. 213. FEDERALLY FUNDED RESEARCH AND DEVELOP-**  
16 **MENT CENTERS.**

17 (a) LIMITATION.—During each of fiscal year 1994  
18 and fiscal year 1995, the Secretary of Defense may not  
19 obligate funds for expenditure at a federally funded re-  
20 search and development center described in subsection (b)  
21 in excess of 90 percent of the amount obligated by the  
22 Secretary for expenditure at that center during fiscal year  
23 1993.

24 (b) COVERED ENTITIES.—Subsection (a) applies  
25 with respect to any federally funded research and develop-

1 ment center (other than a center that performs applied  
2 scientific research under laboratory conditions) that dur-  
3 ing fiscal years 1991 through 1993 had average annual  
4 expenditures of funds derived from the Department of De-  
5 fense in excess of \$25,000,000.

6 **SEC. 214. HIGH PERFORMANCE COMPUTER MODERNIZA-**  
7 **TION PROGRAM.**

8 Funds made available for fiscal year 1994 for the De-  
9 partment of Defense High Performance Computer (HPC)  
10 Modernization Program for Department of Defense re-  
11 search centers and laboratories may be used only for—

12 (1) the execution of upgrade options under an  
13 existing contract for installed supercomputer facili-  
14 ties that have not kept technically current; or

15 (2) the conduct of competitive procurement for  
16 supercomputers that are architecturally stable and  
17 production compatible and that can be successfully  
18 demonstrated using statistically valid samples of the  
19 current workloads of the research centers and lab-  
20 oratories that will be using the supercomputers with-  
21 out substantive reprogramming or program conver-  
22 sion.

1 **SEC. 215. HIGH PERFORMANCE COMPUTING AND COMMU-**  
2 **NICATION INITIATIVE.**

3 (a) INDEPENDENT STUDY.—The Secretary of De-  
4 fense shall request the National Research Council (NRC)  
5 of the National Academy of Sciences to conduct a com-  
6 prehensive study of the inter-agency High Performance  
7 Computing and Communications Initiative (HPCCI), with  
8 emphasis on the elements of the program supported by  
9 the Department of Defense and the relationship of those  
10 elements to other elements of the program.

11 (b) MATTERS TO BE INCLUDED.—The study shall  
12 address (at a minimum) the following aspects of the High  
13 Performance Computing and Communications Initiative:

14 (1) The basic underlying rationale for the ini-  
15 tiative.

16 (2) The appropriateness of the goals and direc-  
17 tions of the initiative.

18 (3) The balance between various elements of  
19 the initiative.

20 (4) The likelihood that the various goals of the  
21 initiative will be achieved.

22 (5) The management and coordination of the  
23 initiative.

24 (c) COOPERATION WITH STUDY.—The Secretary of  
25 Defense shall direct all relevant defense agencies to co-  
26 operate fully with the National Research Council in all as-

1 pects of this study, and shall request similar cooperation  
2 from the heads of all other appropriate Federal agencies.

3 (d) FUNDING.—The sum of \$800,000 shall be made  
4 available from the Department’s High Performance Com-  
5 puting and Communications Program to provide funds for  
6 the National Research Council to conduct the study under  
7 subsection (a).

8 (e) REPORT.—A report on the results of the study  
9 under subsection (a) shall be submitted to the Secretary  
10 of Defense not later than July 1, 1995. The Secretary  
11 shall promptly submit the report of the study to the Com-  
12 mittees on Armed Services of the Senate and House of  
13 Representatives. The report shall be submitted to the com-  
14 mittees in unclassified form with classified annexes as nec-  
15 essary.

16 **SEC. 216. SUPERCONDUCTING MAGNETIC ENERGY STOR-**  
17 **AGE (SMES) PROGRAM.**

18 (a) PROGRAM OFFICE.—The Secretary of Defense  
19 shall establish within the Department of the Navy a pro-  
20 gram office to facilitate research and design studies lead-  
21 ing to possible construction of Superconducting Magnetic  
22 Energy Storage (SMES) test models.

23 (b) SCIENCE ADVISORY GROUP.—(1) The Secretary  
24 of Defense shall establish an advisory committee in the  
25 Department of Defense for Superconducting Magnetic En-

1 ergy Storage activities. The advisory committee shall be  
2 established as a science advisory group and shall be inde-  
3 pendent of the Department of the Navy.

4 (2) The membership of the advisory committee shall  
5 include representatives from the President's Office of  
6 Science and Technology Policy, the Department of De-  
7 fense, the Department of Energy, the Environmental Pro-  
8 tection Agency, the Army Corps of Engineers, and private  
9 industry.

10 (3) The advisory committee shall conduct a review  
11 every two years of the progress of the Department of De-  
12 fense program for Superconducting Magnetic Energy  
13 Storage development. The advisory committee shall submit  
14 a report on each such review to the Secretary as directed  
15 by the Secretary. Such report shall include the advisory  
16 committee's recommendations for outyear program op-  
17 tions and funding. The Secretary shall transmit each such  
18 report to Congress.

19 (4) The advisory committee shall continue in exist-  
20 ence until terminated by law.

21 (c) FUNDING.—Immediately upon enactment of this  
22 Act, the Secretary of Defense shall transfer from the De-  
23 fense Nuclear Agency to the Department of the Navy any  
24 funds appropriated for fiscal years before fiscal year 1994  
25 that were designated for the Superconducting Magnetic

1 Energy Storage Project that remain available for obliga-  
2 tion. Those funds shall be obligated for (1) continued ex-  
3 perimental work (as defined in section 218(b)(4) of the  
4 National Defense Authorization Act of 1993 (Public Law  
5 102-484; 106 Stat. 2353)), (2) operation of the advisory  
6 group, and (3) study of alternative SMES designs.

7 (d) DEADLINE.—The office referred to in subsection  
8 (a) shall be created and staffed not later than 30 days  
9 after the date of the enactment of this Act.

10 **SEC. 217. SINGLE STAGE ROCKET TECHNOLOGY.**

11 (a) PROGRAM FUNDING.—The Secretary of Defense  
12 shall establish a Single Stage Rocket Technology program  
13 and shall provide funds for that program within funds  
14 available for the Advanced Research Projects Agency.  
15 That program shall be managed within the Office of the  
16 Under Secretary of Defense for Acquisition.

17 (b) FUNDING.—Of the amount appropriated pursu-  
18 ant to section 201 for Defense-wide activities,  
19 \$79,880,000 shall be available for, and may be obligated  
20 only for, Single Stage Rocket Technology.

21 **SEC. 218. ADVANCED ANTI-RADIATION GUIDED MISSILE.**

22 Of the funds appropriated for research, development,  
23 test, and evaluation for the Department of the Navy for  
24 fiscal year 1993 that remain available for obligation for  
25 Air Systems Advanced Technology Development pro-

1 grams, \$10,077,000 shall be obligated and expended only  
2 for testing, design, and fabrication of a dual-mode seeker  
3 for the Advanced Anti-Radiation Guided Missile using  
4 technology that is derived from work done with funding  
5 provided through the Small Business Innovative Research  
6 (SBIR) program.

7 **SEC. 219. DP-2 VECTORED THRUST TECHNOLOGY DEM-**  
8 **ONSTRATION PROJECT.**

9 Of the funds appropriated for research, development,  
10 test, and evaluation for the Defense Agencies for fiscal  
11 year 1993 that remain available for obligation for Tactical  
12 Technology programs within the Advanced Research  
13 Projects Agency, \$15,000,000 shall be obligated and ex-  
14 pended only for testing of the DP-2 Vectored Thrust  
15 Technology Demonstration project for Special Operations  
16 Forces (SOF) applications.

17 **SEC. 220. ADVANCED SELF PROTECTION JAMMER (ASPJ)**  
18 **PROGRAM.**

19 Notwithstanding section 122 of the National Defense  
20 Authorization Act for Fiscal Year 1993 (Public Law 102-  
21 484; 106 Stat. 2334), the Secretary of Defense may carry  
22 out material procurement, logistics support, and integra-  
23 tion of existing Advanced Self Protection Jammer systems  
24 from Department of Defense inventory into the F-14D  
25 aircraft for testing and evaluation using funds appro-

1 priated to the Department of Defense for fiscal year 1993  
2 and prior years.

3 **SEC. 221. ELECTRONIC COMBAT SYSTEMS TESTING.**

4 (a) DETAILED TEST AND EVALUATION BEFORE INI-  
5 TIAL LOW-RATE PRODUCTION.—The Secretary of De-  
6 fense shall ensure that any electronic combat system and  
7 any command, control, and communications counter-  
8 measure system is authorized to proceed into the low-rate  
9 initial production stage only upon the completion of an  
10 appropriate, rigorous, and structured test and evaluation  
11 regime. Such a regime shall include testing and evaluation  
12 at each of the following types of facilities: computer sim-  
13 ulation and modeling facilities, measurement facilities,  
14 system integration laboratories, simulated threat hard-  
15 ware-in-the-loop test facilities, installed system test facili-  
16 ties, and open air ranges.

17 (b) TIMELY TEST AND EVALUATION REQUIRED.—  
18 The Secretary shall ensure that test and evaluation of a  
19 system as required by subsection (a) is conducted suffi-  
20 ciently early in the development phase to allow (1) a cor-  
21 rection-of-deficiency plan to be developed and in place for  
22 deficiencies identified by the testing before the system pro-  
23 ceeds into low-rate initial production; and (2) the defi-  
24 ciencies identified by test and evaluation be corrected be-  
25 fore the system leaves low-rate initial production.

1 (c) ANNUAL REPORT ON COMPLIANCE.—The Sec-  
2 retary of Defense shall include in the annual Department  
3 of Defense Electronic Warfare Plan report a description  
4 of compliance with this section during the preceding year.  
5 Such a report shall include a description of the test and  
6 evaluation process applied to each system, the results of  
7 that process, and the adequacy of test and evaluation re-  
8 sources to carry out that process.

9 (d) FUNDS USED FOR TESTING.—The costs of the  
10 testing necessary to carry out this section with respect to  
11 any system shall be paid from funds available for that sys-  
12 tem.

13 (e) APPLICABILITY.—The provisions of subsections  
14 (a) and (b) shall apply to any electronic combat system  
15 program and any command, control, and communications  
16 countermeasure system program that is initiated after the  
17 date of the enactment of this Act.

18 **SEC. 222. LIMITATION ON DEPARTMENT OF DEFENSE MIS-**  
19 **SILE LAUNCHES FOR TEST PURPOSES.**

20 (a) LIMITATION.—The Secretary of Defense may not  
21 conduct a launch of a missile as part of a test program  
22 in any case in which an anticipated result of the launch  
23 would be the release of debris in an area over land of the  
24 United States outside a designated Department of De-  
25 fense test range.

1 (b) DEFINITION OF DEBRIS.—For purposes of sub-  
2 section (a), the term “debris” does not include particulate  
3 matter that is regulated for considerations of air quality.

4 **SEC. 223. B-1 BOMBER AIRCRAFT PROGRAM.**

5 (a) INTERIM NEAR PRECISE MUNITIONS AND  
6 TARGETING PROGRAM.—The Secretary of the Air Force  
7 shall initiate a program for the development and produc-  
8 tion of a Global Positioning System-aided relative  
9 targeting (GATS) system and Global Positioning System-  
10 aided munitions (GAM) for 10 B-1 bomber aircraft. It  
11 shall be the goal of the program to achieve an interim near  
12 precise weapons capability on 10 B-1 aircraft by 1996.

13 (b) DEFENSIVE AVIONICS UPGRADE PROGRAM.—  
14 The Secretary of the Air Force shall continue efforts asso-  
15 ciated with upgrades to the defensive avionics system of  
16 the B-1B aircraft, including studies, analyses, and tests  
17 required for a risk reduction program for a minimum of  
18 three, and up to four, defensive avionics participants.

19 (c) AMOUNT FOR PROGRAM.—Of the amount author-  
20 ized to be appropriated pursuant to section 201 for the  
21 Air Force for fiscal year 1994, \$180,543,000 shall be  
22 available for the B-1B aircraft program, of which—

23 (1) \$57,000,000 shall be made available for de-  
24 velopment and integration of a GPS-aided relative

1 targeting system and development of GPS-aided mu-  
2 nitions as provided in subsection (a); and

3 (2) \$37,200,000 shall be made available for up-  
4 grades to the B-1 defensive avionics system as pro-  
5 vided in subsection (b).

## 6 **Subtitle C—Missile Defense** 7 **Programs**

### 8 **SEC. 231. FUNDING FOR FISCAL YEAR 1994.**

9 Of the amounts appropriated pursuant to section 201  
10 or otherwise made available to the Department of Defense  
11 for research, development, test, and evaluation for fiscal  
12 year 1994, not more than a total of \$2,617,448,000 may  
13 be obligated for ballistic missile defense. None of such  
14 amount is available for the Brilliant Pebbles program.

### 15 **SEC. 232. REPORT ON ALLOCATION OF FUNDS.**

16 When the President's budget for fiscal year 1995 is  
17 submitted to Congress pursuant to section 1105 of title  
18 31, United States Code, the Secretary of Defense shall  
19 submit to the congressional defense committees a report—

20 (1) setting forth the allocation by the Secretary  
21 of funds appropriated for ballistic missile defense for  
22 fiscal year 1994, and the proposed allocation of  
23 funds for ballistic missile defense for fiscal year  
24 1995, shown for Theater Missile Defense, Limited  
25 Defense System, Other Follow-On Systems, Re-

1 search and Support, and the Small Business Innova-  
2 tion Research and Small Business Technology  
3 Transfer programs of the Small Business Adminis-  
4 tration, for each program, project, and activity; and

5 (2) describing an updated master plan for the  
6 Theater Missile Defense Initiative that includes (A)  
7 a detailed consideration of plans for theater and tac-  
8 tical missile defense doctrine, training, tactics, and  
9 force structure, and (B) a detailed acquisition strat-  
10 egy which includes a consideration of acquisition and  
11 life-cycle costs through the year 2006 for the pro-  
12 grams, projects, and activities associated with the  
13 Theater Missile Defense Initiative.

14 **SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE**  
15 **DEFENSE.**

16 (a) IN GENERAL.—After the submission of the report  
17 required under section 232, the Secretary of Defense may  
18 transfer funds among the ballistic missile defense program  
19 elements named in section 232 of this Act.

20 (b) LIMITATION.—The total amount that may be  
21 transferred to or from any program element named in sec-  
22 tion 232—

23 (1) may not exceed 10 percent of the amount  
24 provided in the report for the program element from  
25 which the transfer is made; and

1           (2) may not result in an increase of more than  
2           10 percent of the amount provided in the report for  
3           the program element to which the transfer is made.

4           (c) RESTRICTION.—Transfer authority under sub-  
5           section (a) may not be used for a decrease in funds identi-  
6           fied in section 231(a) for the Theater Missile Defense Ini-  
7           tiative.

8           (d) MERGER AND AVAILABILITY.—Amounts trans-  
9           ferred pursuant to subsection (a) shall be merged with and  
10          be available for the same purposes as the amounts to  
11          which transferred.

12       **SEC. 234. REVISIONS TO MISSILE DEFENSE ACT OF 1991.**

13          The Missile Defense Act of 1991 (part C of title II  
14          of Public Law 102–190; 10 U.S.C. 2431 note) is amended  
15          as follows:

16               (1) Section 232(a) is amended—

17                       (A) in paragraph (1), by striking out  
18                       “while deploying” and inserting in lieu thereof  
19                       “while developing the option to deploy”; and

20                       (B) in paragraph (3), by inserting “, as  
21                       appropriate,” before “to friends and allies of  
22                       the United States”.

23               (2) Section 232(b) is amended—

1 (A) in paragraphs (1) and (2), by striking  
2 out “the Soviet Union” and inserting in lieu  
3 thereof “Russia”; and

4 (B) in paragraph (2), by striking out  
5 “Treaty, to include the down-loading of mul-  
6 tiple warhead ballistic missiles” and inserting in  
7 lieu thereof “Treaties, to include the down-load-  
8 ing of multiple warhead ballistic missiles, as ap-  
9 propriate”.

10 (3) Section 233(b) is amended—

11 (A) in paragraph (1), by inserting “in  
12 compliance with the ABM Treaty” after “for  
13 deployment”;

14 (B) by striking out paragraph (2) and in-  
15 serting in lieu thereof the following:

16 “(2) INITIAL ABM DEPLOYMENT.—The Sec-  
17 retary shall develop, at an appropriate pace, a cost-  
18 effective, operationally effective, and ABM Treaty-  
19 compliant anti-ballistic missile system for potential  
20 deployment at a single site. The Secretary shall en-  
21 sure that components of such system are themselves  
22 in compliance with the ABM Treaty.”; and

23 (C) by striking out paragraph (3).

24 (4) Subsection (c) of section 233 is amended to  
25 read as follows:

1       “(c) PRESIDENTIAL ACTIONS.—Congress urges the  
2 President to pursue immediate discussions with Russia on  
3 the feasibility and mutual interest of amendments to the  
4 ABM Treaty to permit clarification of the distinctions for  
5 the purposes of the ABM Treaty between theater missile  
6 defenses and anti-ballistic missile defenses, including  
7 interceptors and radars.”.

8           (5) Section 234 is amended to read as follows:

9       **“SEC. 234. MANAGEMENT RESPONSIBILITY FOR RESEARCH**  
10                           **AND DEVELOPMENT OF FAR-TERM FOLLOW-**  
11                           **ON TECHNOLOGIES.**

12       “(a) MANAGEMENT RESPONSIBILITY.—The Sec-  
13 retary of Defense shall provide that management and  
14 budget responsibility for research and development of any  
15 far-term follow-on technology relating to ballistic missile  
16 defense shall be provided through the Advanced Research  
17 Projects Agency or the appropriate military department.

18       “(b) WAIVER AUTHORITY.—The Secretary may  
19 waive the provisions of subsection (a) in the case of a par-  
20 ticular far-term follow-on technology that on December 5,  
21 1991, was under the Strategic Defense Initiative Organi-  
22 zation and provide that management and budget respon-  
23 sibility for research and development of that technology  
24 shall be provided through the Ballistic Missile Defense Or-  
25 ganization if the Secretary determines, and certifies to the

1 congressional defense committees, that providing manage-  
2 ment and budget responsibility for research and develop-  
3 ment of that technology as provided in subsection (a)  
4 would not be in the national security interests of the  
5 United States.

6 “(c) DEFINITION.—For purposes of this section, the  
7 term ‘far-term follow-on technology’ means a technology  
8 that is not likely to be incorporated into a weapon system  
9 before 2008.”.

10 (6) Section 235 is amended—

11 (A) by striking out “Strategic Defense Ini-  
12 tiative” in subsections (a) and (b) and inserting  
13 in lieu thereof “Ballistic Missile Defense pro-  
14 gram”; and

15 (B) by striking out the section heading and  
16 inserting in lieu thereof the following:

17 **“SEC. 235. PROGRAM ELEMENTS FOR BALLISTIC MISSILE**  
18 **DEFENSE PROGRAM.”.**

19 (7) Section 236(c) is amended by striking out  
20 “Strategic Defense Initiative Organization” and in-  
21 sserting in lieu thereof “Ballistic Missile Defense Or-  
22 ganization”.

23 (8) Section 238 is amended—

24 (A) by striking out “As deployment” and  
25 inserting in lieu thereof “As time for a decision

1 concerning exercising the option for deploy-  
2 ment”; and

3 (B) by striking out “to the deployment  
4 date”.

5 **SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER**  
6 **MISSILE DEFENSE SYSTEM.**

7 (a) COMPETITION FOR MISSILE SELECTION.—The  
8 Secretary of Defense shall continue the strategy being car-  
9 ried out by the Ballistic Missile Defense Organization as  
10 of July 1, 1993, for selection of the best technology (in  
11 terms of cost, schedule, risk, and performance) to meet  
12 the missile requirements for the Patriot Advanced Capa-  
13 bility-3 (PAC-3) theater missile defense system. That  
14 strategy, consisting of flight testing, ground testing, sim-  
15 ulations, and other analyses of the two competing missiles  
16 (the Patriot Multimode Missile and the Extended Range  
17 Interceptor (ERINT) missile), shall be continued until the  
18 Secretary determines that the Ballistic Missile Defense  
19 Organization has adequate information upon which to  
20 base a decision as to which missile will be selected to pro-  
21 ceed into the Engineering and Manufacturing Develop-  
22 ment stage.

23 (b) FUNDS FOR DEMONSTRATION AND VALIDA-  
24 TION.—Of the funds authorized to be appropriated by sec-  
25 tion 201 for the Ballistic Missile Defense Organization—

1           (1) not less than \$44,100,000 shall be available  
2 for demonstration and validation purposes for the  
3 Patriot Multimode Missile program;

4           (2) not less than \$55,900,000 shall be available  
5 for demonstration and validation purposes for the  
6 Extended Range Interceptor program; and

7           (3) not less than \$52,700,000 shall be available  
8 for demonstration and validation and for the Engi-  
9 neering and Manufacturing Development stage for  
10 the system selected and for appropriate risk mitiga-  
11 tion activities.

12       (c) IMPLICATIONS OF DELAY.—If there is a delay  
13 (based upon the schedule in effect in mid-1993) in the  
14 selection described in subsection (a) of the missile for the  
15 Patriot Advanced Capability-3 system, the Secretary of  
16 Defense shall ensure that demonstration and validation of  
17 both competing systems can continue as needed to support  
18 an informed decision for such selection.

19 **SEC. 236. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC**  
20                   **MISSILE SYSTEMS OR COMPONENTS TO BE**  
21                   **CARRIED OUT IN ACCORDANCE WITH TRADI-**  
22                   **TIONAL INTERPRETATION OF ANTI-BALLIS-**  
23                   **TIC MISSILE TREATY.**

24       (a) LIMITATION.—Funds appropriated to the Depart-  
25 ment of Defense for fiscal year 1994, or otherwise made

1 available to the Department of Defense from any funds  
2 appropriated for fiscal year 1994 or for any fiscal year  
3 before 1994, may not be obligated or expended—

4 (1) for any development or testing of anti-bal-  
5 listic missile systems or components except for devel-  
6 opment and testing consistent with the interpreta-  
7 tion of the 1972 ABM Treaty set forth in the enclo-  
8 sure to the July 13, 1993, ACDA letter; or

9 (2) for the acquisition of any material or equip-  
10 ment (including any long lead materials, compo-  
11 nents, piece parts, test equipment, or any modified  
12 space launch vehicle) required or to be used for the  
13 development or testing of anti-ballistic missile sys-  
14 tems or components, except for material or equip-  
15 ment required for development or testing consistent  
16 with the interpretation of the 1972 ABM Treaty set  
17 forth in the enclosure to the July 13, 1993, ACDA  
18 letter.

19 (b) EXCEPTION.—The limitation under subsection  
20 (a) shall not apply to funds transferred to or for the use  
21 of the Ballistic Missile Defense Organization for fiscal  
22 year 1994 if the transfer is made in accordance with sec-  
23 tion 1001 of this Act.

24 (c) DEFINITION.—In this section, the term “July 13,  
25 1993, ACDA letter” means the letter dated July 13, 1993,

1 from the Acting Director of the Arms Control and Disar-  
2 mament Agency to the chairman of the Committee on For-  
3 eign Relations of the Senate relating to the correct inter-  
4 pretation of the 1972 ABM Treaty and accompanied by  
5 an enclosure setting forth such interpretation.

6 **SEC. 237. THEATER MISSILE DEFENSE ROAD MAP.**

7 (a) INTEGRATION AND COMPATIBILITY.—In carrying  
8 out the Theater Missile Defense Initiative, the Secretary  
9 of Defense shall—

10 (1) seek to maximize the use of existing sys-  
11 tems and technologies; and

12 (2) seek to promote joint use by the military  
13 departments of existing and future ballistic missile  
14 defense equipment (rather than each military de-  
15 partment developing its own systems that would  
16 largely overlap in their capabilities).

17 The Secretaries of the military departments shall seek the  
18 maximum integration and compatibility of their ballistic  
19 missile defense systems as well as of the respective roles  
20 and missions of those systems.

21 (b) TMD ANALYSIS.—The Secretary of Defense shall  
22 submit to Congress a report containing a thorough and  
23 complete analysis of the future of theater missile defense  
24 programs. The analysis shall include the following:

1           (1) A description of the mission and scope of  
2 Theater Missile Defense.

3           (2) A description of the role of each of the  
4 Armed Forces in Theater Missile Defense.

5           (3) A description of how those roles interact  
6 and complement each other.

7           (4) An evaluation of the cost and relative effec-  
8 tiveness of each interceptor and sensor under devel-  
9 opment as part of a Theater Missile Defense system  
10 by the Ballistic Missile Defense Organization.

11           (5) An analysis and comparison of the projected  
12 life-cycle costs of each Theater Missile Defense sys-  
13 tem intended for production (shown separately for  
14 research, development, test, and evaluation, for pro-  
15 curement, for operation and maintenance, and for  
16 personnel costs for each element).

17           (6) Specification of the baseline production rate  
18 for each year of the program through completion of  
19 procurement.

20           (7) Estimation of the unit cost and capabilities  
21 of each element.

22           (c) DESCRIPTION OF TESTING PROGRAM.—The Sec-  
23 retary of Defense shall include in the report under sub-  
24 section (b) a description of the current and projected test-  
25 ing program for theater missile defense systems and major

1 components. The report shall include an evaluation of the  
2 adequacy of the testing program to simulate conditions  
3 similar to those the systems and components would actu-  
4 ally be expected to encounter if and when deployed (such  
5 as the ability to track and engage multiple targets with  
6 multiple interceptors, to discriminate targets from decoys  
7 and other incoming objects, and to be employed in a shoot-  
8 look-shoot firing mode).

9 (d) RELATIONSHIP TO ARMS CONTROL TREATIES.—  
10 The Secretary shall include in the report under subsection  
11 (b) a statement of how production and deployment of any  
12 projected Theater Missile Program will conform to exist-  
13 ing Anti-Ballistic Missile Treaty and Intermediate Nuclear  
14 Forces Treaty Regimes. The report shall describe any po-  
15 tential noncompliance with either Regime, when such non-  
16 compliance is expected to occur, and whether provisions  
17 need to be renegotiated within that Regime to address fu-  
18 ture contingencies.

19 (e) SUBMISSION OF REPORT.—The report required  
20 by subsection (b) shall be submitted as part of the next  
21 annual report of the Secretary submitted to Congress  
22 under section 224 of Public Law 101-189 (10 U.S.C.  
23 2431 note).

1 **SEC. 238. ADDITIONAL BMD PROGRAMS.**

2 (a) NAVAL THEATER MISSILE DEFENSE.—Of the  
3 amount provided under section 201 for Theater Missile  
4 Defense, \$102,000,000 shall be available to support the  
5 aggressive exploration of the Navy Upper Tier concept for  
6 Naval Theater Missile Defense, including cost-effective  
7 systems and upgrades to existing systems that can be  
8 fielded more quickly than new systems.

9 (b) ACCELERATED ADVANCED TECHNOLOGY DEM-  
10 ONSTRATION PROGRAM.—The Secretary of Defense, act-  
11 ing through the Director of the Theater Missile Defense  
12 Initiative, shall initiate during fiscal year 1994 an acceler-  
13 ated Advanced Technology Demonstration program to  
14 demonstrate the technical feasibility of using the Navy's  
15 Standard Missile combined with a kickstage rocket motor  
16 and Lightweight Exoatmospheric Projectile (LEAP) as a  
17 near-term option for cost-effective wide-area Theater Mis-  
18 sile Defense.

19 **SEC. 239. REPORT ON NATIONAL MISSILE DEFENSE COST.**

20 (a) REPORT REQUIRED.—The Secretary of Defense  
21 shall submit to Congress a report setting forth a full and  
22 thorough estimation of the cost of deploying a National  
23 Defense System at Grand Forks, North Dakota. The Sec-  
24 retary shall include in the report—

25 (1) the projected life-cycle costs of each system  
26 intended for production as part of such National De-

1       fense System, including a ground-based radar sys-  
2       tem, the system known as “Brilliant Eyes”, and a  
3       ground-based interceptor system; and

4             (2) with respect to each such system, a separate  
5       statement of those costs for (A) research, develop-  
6       ment, test, and evaluation, (B) procurement, (C) de-  
7       ployment and launch activities, (D) operation and  
8       maintenance, and (E) personnel.

9       (b) SUBMISSION.—The report required under sub-  
10      section (a) shall be submitted as part of the next annual  
11      report of the Secretary submitted to Congress under sec-  
12      tion 224 of Public Law 101–189 (10 U.S.C. 2431 note).

13      **SEC. 240. THEATER MISSILE DEFENSE INTERCEPTOR TEST-**  
14             **ING.**

15       The Secretary of Defense may not approve a theater  
16      missile defense interceptor program proceeding into the  
17      Low-Rate Initial Production (Milestone III) acquisition  
18      stage until the Secretary certifies to the congressional de-  
19      fense committees in writing that the Secretary has con-  
20      ducted more than two realistic live-fire tests, consistent  
21      with section 2366 of title 10, United States Code, involv-  
22      ing multiple interceptors and multiple targets in the pres-  
23      ence of realistic countermeasures the results of which dem-  
24      onstrate the achievement by the interceptors of the single-  
25      shot probability-of-kill specified in the system baseline de-

1 scription established pursuant to section 2435(a)(1)(A) of  
2 title 10, United States Code, before the program entered  
3 full-scale engineering development.

4 **SEC. 241. ARROW TACTICAL ANTI-MISSILE PROGRAM.**

5 (a) ENDORSEMENT OF COOPERATIVE RESEARCH  
6 AND DEVELOPMENT.—Congress reiterates its endorse-  
7 ment (previously stated in section 225(a)(5) of Public Law  
8 101–510 (104 Stat. 1515) and section 241(a) of Public  
9 Law 102–190 (105 Stat. 1326)) of a continuing program  
10 of cooperative research and development, jointly funded by  
11 the United States and Israel, on the Arrow Tactical Anti-  
12 Missile program.

13 (b) PROGRAM GOAL.—The goal of the cooperative  
14 program is to demonstrate the feasibility and practicality  
15 of the Arrow system and to permit the government of Is-  
16 rael to make a decision on its own initiative regarding de-  
17 ployment of that system without financial participation by  
18 the United States beyond the research and development  
19 stage.

20 (c) ARROW CONTINUING EXPERIMENTS.—The Sec-  
21 retary of Defense, from amounts appropriated to the De-  
22 partment of Defense pursuant to section 201 for Defense-  
23 wide activities and available for the Ballistic Missile De-  
24 fense Organization, shall fully fund the United States con-

1 tribution to the fiscal year 1994 Arrow Continuing Experi-  
2 ments program at the level of \$56,400,000.

3 (d) ARROW DEPLOYABILITY INITIATIVE.—(1) Sub-  
4 ject to paragraph (2), the Secretary of Defense may obli-  
5 gate from funds appropriated pursuant to section 201 up  
6 to \$25,000,000 for the purpose of research and develop-  
7 ment of technologies associated with deploying the Arrow  
8 missile in the future (including technologies associated  
9 with battle management, lethality, system integration, and  
10 test bed systems).

11 (2) Funds may not be obligated for the purpose stat-  
12 ed in paragraph (1) unless the President certifies to Con-  
13 gress that—

14 (A) the United States and the government of  
15 Israel have entered into an agreement governing the  
16 conduct and funding of research and development  
17 projects for the purpose stated in paragraph (1);

18 (B) each project in which the United States will  
19 join under that agreement (i) will have a benefit for  
20 the United States, and (ii) has not been barred by  
21 other congressional direction;

22 (C) the Arrow missile has successfully com-  
23 pleted a flight test in which it intercepted a target  
24 missile under realistic test conditions; and

1 (D) the government of Israel is continuing, in  
2 accordance with its previous public commitments, to  
3 adhere to export controls pursuant to the Guidelines  
4 and Annex of the Missile Technology Control Re-  
5 gime.

6 (e) SENSE OF CONGRESS ON EXPEDITING TEST PRO-  
7 GRAM.—It is the sense of Congress that, in order to expe-  
8 dite the test program for the Arrow missile, the United  
9 States should seek to initiate with the government of Is-  
10 rael discussions on the agreement referred to in subsection  
11 (d)(2)(A) without waiting for the condition specified in  
12 subsection (d)(2)(C) to be met first.

13 **SEC. 242. EXTENSION OF PROHIBITION ON TESTING MID-IN-**  
14 **FRARED ADVANCED CHEMICAL LASER**  
15 **AGAINST AN OBJECT IN SPACE.**

16 The Secretary of Defense may not carry out a test  
17 of the Mid-Infrared Advanced Chemical Laser (MIRACL)  
18 transmitter and associated optics against an object in  
19 space during 1994 unless such testing is specifically au-  
20 thorized by law.

1 **SEC. 243. TECHNICAL AMENDMENTS TO REFLECT REDESIG-**  
2 **NATION OF STRATEGIC DEFENSE INITIATIVE**  
3 **ORGANIZATION.**

4 Section 224 of the National Defense Authorization  
5 Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431  
6 note) is amended—

7 (1) by striking out “Strategic Defense Initia-  
8 tive” each place it appears (other than in subsection  
9 (b)(5)) and inserting in lieu thereof “Ballistic Mis-  
10 sile Defense program”;

11 (2) by striking out “Strategic Defense Initia-  
12 tive” in subsection (b)(5) and inserting in lieu there-  
13 of “Ballistic Missile Defense”;

14 (3) by striking out “SDI” each place it appears  
15 and inserting in lieu thereof “BMD”; and

16 (4) by striking out the section heading and in-  
17 serting in lieu thereof the following:

18 **“SEC. 224. ANNUAL REPORT ON BALLISTIC MISSILE DE-**  
19 **FENSE PROGRAM.”.**

20 **SEC. 244. CLEMENTINE SATELLITE PROGRAM.**

21 (a) FINDING.—The Congress finds that the program  
22 of the Ballistic Missile Defense Organization within the  
23 Follow-on programs program element that is known as the  
24 “Clementine” program, consisting of a satellite space  
25 project that will, among other matters, provide valuable  
26 information about asteroids in the vicinity of Earth, rep-

1 resents an important opportunity for transfer of Depart-  
2 ment of Defense technology for civilian purposes and  
3 should be supported.

4 (b) CONGRESSIONAL VIEWS.—The Congress urges  
5 the Secretary of Defense—

6 (1) to consider funding for the Clementine pro-  
7 gram to be a priority within the Ballistic Missile De-  
8 fense Organization Follow-on programs program ele-  
9 ment and to provide funds for that program at ap-  
10 propriate levels; and

11 (2) to identify an appropriate management  
12 structure within either the Advanced Research  
13 Projects Agency or one of the military departments  
14 to which the Clementine program and related pro-  
15 grams of general applicability to civilian, commer-  
16 cial, and military space programs might be trans-  
17 ferred.

18 **SEC. 245. TACTICAL AND THEATER MISSILE DEFENSES.**

19 (a) FINDINGS.—Congress makes the following find-  
20 ings:

21 (1) Systems to provide effective defense against  
22 theater and tactical ballistic missiles that may be de-  
23 veloped and deployed by the United States have the  
24 potential to make equal or greater contributions to  
25 the national security interests of nations that are al-

1 lies of the United States as they do to the national  
2 security interests of the United States.

3 (2) The cost of developing and deploying a  
4 broad spectrum of such systems will be several tens  
5 of billions of dollars.

6 (3) A truly cooperative approach to the develop-  
7 ment and deployment of such systems could substan-  
8 tially reduce the financial burden of such an under-  
9 taking to any one country and would tap additional  
10 sources of technological expertise.

11 (4) While recent statements of nations that are  
12 allies of the United States have expressed a desire  
13 for greater involvement in United States tactical  
14 missile defense efforts, those nations are unlikely to  
15 support programs for theater missile defense devel-  
16 opment and deployment unless, at a minimum, they  
17 can play a meaningful role in the planning and exe-  
18 cution of such programs, including active participa-  
19 tion in research and development and production of  
20 the systems involved.

21 (5) Given the high cost of developing theater  
22 ballistic missile defense systems, allied participation  
23 in tactical missile defense efforts would result in  
24 substantial savings to the United States.

1 (b) PLAN AND REPORTS.—(1) The Secretary of De-  
2 fense shall develop a plan to coordinate development and  
3 implementation of Theater Missile Defense programs of  
4 the United States with that of its allies, in order to avoid  
5 duplication of effort, to increase interoperability, and to  
6 reduce costs. The plan shall set forth in detail any finan-  
7 cial, in-kind, or other form of participation in cooperative  
8 efforts to plan, develop, produce, and deploy theater ballis-  
9 tic missile defenses for the mutual benefit of the countries  
10 involved.

11 (2) The Secretary shall submit to Congress a report  
12 on the plan developed under paragraph (1). The report  
13 shall be submitted in both classified and unclassified ver-  
14 sions, as appropriate, and may be submitted as a compo-  
15 nent of the next annual Ballistic Missile Defense Organi-  
16 zation report to Congress.

17 (3) The Secretary shall include in each annual Ballis-  
18 tic Missile Defense Organization report to Congress a re-  
19 port on steps taken to implement the plan developed under  
20 paragraph (1). Each such report shall set forth the status  
21 of discussions with United States allies for the purposes  
22 stated in that paragraph and the status of contributions  
23 by those allies to the Theater Missile Defense Cooperation  
24 Account, shown separately for each allied country covered  
25 by the plan.

1 (c) RESTRICTION ON FUNDS.—Of the total amount  
2 appropriated pursuant to authorizations in this Act for  
3 theater ballistic missile defenses programs, not more than  
4 80 percent may be obligated until—

5 (1) the report under subsection (b)(2) is sub-  
6 mitted to Congress; and

7 (2) the President certifies in writing to Con-  
8 gress that each of the NATO allies, Japan, Israel,  
9 South Korea, and any other country that the Presi-  
10 dent considers appropriate have been formally con-  
11 tacted concerning the matters described in the re-  
12 port.

13 (d) SENSE OF CONGRESS.—It is the sense of Con-  
14 gress that, whenever the United States deploys theater  
15 ballistic missile defenses to protect another country, or the  
16 military forces of another country, that has not provided  
17 financial or in-kind support for development of theater  
18 ballistic missile defenses, the United States should con-  
19 sider whether it is appropriate to seek reimbursement  
20 from that country to cover at least the incremental cost  
21 of such deployment.

22 (e) REQUIREMENT TO ESTABLISH ANNUAL TMD  
23 LEVEL.—The Congress shall establish by law for each fis-  
24 cal year (beginning with fiscal year 1995) the level of new  
25 obligational authority (stated as a single dollar amount)

1 for research, development, test, and evaluation and for  
2 procurement for theater missile defense programs of the  
3 Department of Defense for that fiscal year.

4 (f) ALLIED PARTICIPATION IN TMD.—Congress en-  
5 courages greater participation by United States allies, and  
6 particularly by those nations that would benefit most from  
7 Theater Missile Defense systems, in cooperative Theater  
8 Missile Defense efforts with the United States.

9 (g) FUND FOR ALLIED CONTRIBUTIONS.—(1) Chap-  
10 ter 155 of title 10, United States Code, is amended by  
11 adding at the end the following new section:

12 **“§ 2609. Theater Missile Defense: acceptance of con-**  
13 **tributions from allies; Theater Missile De-**  
14 **fense Cooperation Account**

15 “(a) ACCEPTANCE AUTHORITY.—The Secretary of  
16 Defense may accept from any allied foreign government  
17 or any international organization any contribution of  
18 money made by such foreign government or international  
19 organization for use by the Department of Defense for  
20 Theater Missile Defense programs.

21 “(b) ESTABLISHMENT OF THEATER MISSILE DE-  
22 FENSE COOPERATION ACCOUNT.—(1) There is established  
23 in the Treasury a special account to be known as the ‘The-  
24 ater Missile Defense Cooperation Account’.

1       “(2) Contributions accepted by the Secretary of De-  
2 fense under subsection (a) shall be credited to the Ac-  
3 count.

4       “(c) USE OF THE ACCOUNT.—(1) Funds in the Ac-  
5 count are hereby made available for obligation for re-  
6 search, development, test, and evaluation, and for procure-  
7 ment, for Theater Missile Defense programs of the De-  
8 partment of Defense.

9       “(d) INVESTMENT OF MONEY.—(1) Upon request by  
10 the Secretary of Defense, the Secretary of the Treasury  
11 may invest money in the Account in securities of the Unit-  
12 ed States or in securities guaranteed as to principal and  
13 interest by the United States.

14       “(2) Any interest or other income that accrues from  
15 investment in securities referred to in paragraph (1) shall  
16 be deposited to the credit of the Account.

17       “(e) NOTIFICATION OF CONDITIONS.—The Secretary  
18 of Defense shall notify Congress of any condition imposed  
19 by the donor on the use of any contribution accepted by  
20 the Secretary under the authority of this section.

21       “(f) ANNUAL AUDIT BY GAO.—The Comptroller  
22 General of the United States shall conduct an annual  
23 audit of money accepted by the Secretary of Defense  
24 under this section and shall submit a copy of the results  
25 of each such audit to Congress.

1 “(g) REGULATIONS.—The Secretary of Defense shall  
2 prescribe regulations to carry out this section.”.

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

“2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.”.

6 **Subtitle D—Women’s Health**  
7 **Research**

8 **SEC. 251. DEFENSE WOMEN’S HEALTH RESEARCH CENTER.**

9 (a) ESTABLISHMENT OF CENTER.—(1) Chapter 139  
10 of title 10, United States Code, is amended by inserting  
11 after section 2358 the following new section:

12 **“§ 2359. Defense Women’s Health Research Center**

13 “(a) ESTABLISHMENT OF THE CENTER.—The Sec-  
14 retary of Defense shall establish a Defense Women’s  
15 Health Research Center (hereinafter in this section re-  
16 ferred to as the ‘Center’) in the Department of the Army.  
17 The Center shall be under the authority of the Army  
18 Health Services Command.

19 “(b) PURPOSES.—(1) The Center shall be the coordi-  
20 nating agent for multidisciplinary and multiinstitutional  
21 research within the Department of Defense on women’s  
22 health issues related to service in the armed forces. The  
23 Center shall be dedicated to development and application  
24 of new knowledge, procedures, techniques, training, and

1 equipment for the improvement of the health of women  
2 in the armed forces.

3 “(2) In carrying out or sponsoring research studies,  
4 the Center shall provide that the cohort of women in the  
5 armed forces shall be considered as control groups.

6 “(3) The Center shall support the goals and objec-  
7 tives recognized by the Department of Defense under the  
8 plan of the Department of Health and Human Services  
9 designated as ‘Healthy People 2000’.

10 “(4) The Center shall support initiation and expan-  
11 sion of research into matters relating to women’s health  
12 in the military, including the following matters as they re-  
13 late to women in the military:

14 “(A) Combat stress and trauma.

15 “(B) Exposure to toxins and other environ-  
16 mental hazards associated with military hardware.

17 “(C) Psychology related stresses in warfare sit-  
18 uations.

19 “(D) Breast cancer.

20 “(E) Reproductive health, including pregnancy.

21 “(F) Gynecological cancers.

22 “(G) Infertility and sexually transmitted dis-  
23 eases.

24 “(H) HIV and AIDS.

1           “(I) Mental health, including post-traumatic  
2 stress disorder and depression.

3           “(J) Menopause, osteoporosis, Alzheimer’s dis-  
4 ease, and other conditions and diseases related to  
5 aging.

6           “(K) Substance abuse.

7           “(L) Sexual violence and related trauma.

8           “(M) Human factor studies related to women in  
9 combat.

10          “(c) REQUIREMENTS RELATING TO ESTABLISHMENT  
11 OF CENTER.—The Center may be established only at a  
12 facility of the Army in existence on July 1, 1993, having  
13 the following characteristics:

14           “(1) A physical plant immediately available to  
15 serve as headquarters for the medical activities to be  
16 carried out by the Center.

17           “(2) Ongoing fellowship and residency pro-  
18 grams colocated with ongoing collaborative health-re-  
19 lated and interdisciplinary research of (A) a facility  
20 of the Department of Veterans Affairs, (B) an ac-  
21 credited university with specialties in medical re-  
22 search and clinical diagnostics, and (C) a hospital  
23 owned and operated by a municipality.

24           “(3) A technologically modern laboratory capa-  
25 bility at the site and at the affiliated sites referred

1 to in paragraph (2), with the capability to include  
2 state-of-the-art clinical diagnostic instrumentation,  
3 data processing, telecommunication, and data stor-  
4 age systems.

5 “(4) Compatibility with and capability to effec-  
6 tively expand its existing mission in accordance with  
7 the mission of the Center under this section.

8 “(5) Maximum multi-State geographic jurisdic-  
9 tion to permit regional health-related issues to be re-  
10 searched and integrated into national military  
11 databases.

12 “(6) An existing relationship for the provision  
13 of services to Native Americans through the Indian  
14 Health Service.”.

15 (2) The table of sections at the beginning of such  
16 chapter is amended by inserting after the item relating  
17 to section 2358 the following new item:

“2359. Defense Women’s Health Research Center.”.

18 (b) IMPLEMENTATION PLAN.—The Secretary of De-  
19 fense, acting through the Secretary of the Army and in  
20 coordination with the other military departments, shall  
21 prepare a plan for the implementation of section 2359 of  
22 title 10, United States Code, as added by subsection (a).  
23 The plan shall be submitted to the Committees on Armed  
24 Services of the Senate and House of Representatives be-  
25 fore May 1, 1994.

1 (c) ACTIVITIES FOR FISCAL YEAR 1994.—During fis-  
2 cal year 1994, the Center established under section 2359  
3 of title 10, United States Code, as added by subsection  
4 (a), shall address the following:

5 (1) Program planning, infrastructure develop-  
6 ment, baseline information gathering, technology in-  
7 fusion, and connectivity.

8 (2) Management and technical staffing.

9 (3) Data base development of health issues re-  
10 lated to service on active duty as compared to serv-  
11 ice in the National Guard or Reserves.

12 (4) Research protocols, cohort development,  
13 health surveillance and epidemiologic studies.

14 (d) FUNDING.—Of the funds authorized to be appro-  
15 priated in section 201, \$40,000,000 shall be available only  
16 for the establishment of the Center and to complete the  
17 planning, staffing, and infrastructure development leading  
18 to full operation of the Center by 1995.

19 **SEC. 252. CONTINUATION OF ARMY BREAST CANCER RE-**  
20 **SEARCH PROGRAM.**

21 During fiscal year 1994, the Secretary of the Army  
22 shall continue the breast cancer research program estab-  
23 lished in the second and third provisos in the paragraph  
24 in title IV of the Department of Defense Appropriations  
25 Act, 1993 (Public Law 102–396; 106 Stat. 1890) under

1 the heading “RESEARCH, DEVELOPMENT, TEST, AND  
2 EVALUATION, ARMY”.

3 **SEC. 253. INCLUSION OF WOMEN AND MINORITIES IN CLIN-**  
4 **ICAL RESEARCH PROJECTS.**

5 (a) GENERAL RULE.—In conducting or supporting  
6 clinical research, the Secretary of Defense shall ensure  
7 that—

8 (1) women who are members of the Armed  
9 Forces are included as subjects in each project of  
10 such research; and

11 (2) members of minority groups who are mem-  
12 bers of the Armed Forces are included as subjects  
13 of such research.

14 (b) WAIVER AUTHORITY.—The requirement in sub-  
15 section (a) regarding women and members of minority  
16 groups who are members of the Armed Forces may be  
17 waived by the Secretary of Defense with respect to a  
18 project of clinical research if the Secretary determines that  
19 the inclusion, as subjects in the project, of women and  
20 members of minority groups, respectively—

21 (1) is inappropriate with respect to the health  
22 of the subjects;

23 (2) is inappropriate with respect to the purpose  
24 of the research; or

1           (3) is inappropriate under such other cir-  
2           cumstances as the Secretary of Defense may des-  
3           ignate.

4           (c) REQUIREMENT FOR ANALYSIS OF RESEARCH.—  
5           In the case of a project of clinical research in which women  
6           or members of minority groups will under subsection (a)  
7           be included as subjects of the research, the Secretary of  
8           Defense shall ensure that the project is designed and car-  
9           ried out so as to provide for a valid analysis of whether  
10          the variables being tested in the research affect women  
11          or members of minority groups, as the case may be, dif-  
12          ferently than other persons who are subjects of the re-  
13          search.

14       **SEC. 254. REPORT ON RESEARCH RELATING TO FEMALE**  
15                               **MEMBERS OF THE UNIFORMED SERVICES**  
16                               **AND FEMALE COVERED BENEFICIARIES.**

17          Not later than July 1 of each of 1995, 1996, and  
18          1997, the Secretary of Defense shall submit to Congress  
19          a report containing—

20               (1) a description (as of May 31 of the year in  
21               which the report is submitted) of the status of any  
22               health research that is being carried out by or under  
23               the jurisdiction of the Secretary relating to female  
24               members of the uniformed services and female cov-

1       ered beneficiaries under chapter 55 of title 10, Unit-  
2       ed States Code; and

3               (2) recommendations of the Secretary as to fu-  
4       ture health research (including a proposal for any  
5       legislation relating to such research) relating to such  
6       female members and covered beneficiaries.

## 7               **Subtitle E—Other Matters**

### 8       **SEC. 261. REPEAL OF REQUIREMENT FOR STUDY BY OF-** 9               **FICE OF TECHNOLOGY ASSESSMENT.**

10       Section 802(c) of the National Defense Authorization  
11       Act for Fiscal Years 1992 and 1993 (Public Law 102–  
12       190; 105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.

### 13       **SEC. 262. COMPREHENSIVE INDEPENDENT STUDY OF NA-** 14               **TIONAL CRYPTOGRAPHY POLICY.**

15       (a) STUDY BY NATIONAL RESEARCH COUNCIL.—Not  
16       later than 90 days after the date of the enactment of this  
17       Act, the Secretary of Defense shall request the National  
18       Research Council of the National Academy of Sciences to  
19       conduct a comprehensive study of cryptographic tech-  
20       nologies and national cryptography policy. The study shall  
21       assess the effect of cryptographic technologies on national  
22       security interests of the United States Government, on  
23       commercial interests of United States industry, and on  
24       privacy interests of United States citizens.

1 (b) INTERAGENCY COOPERATION WITH STUDY.—

2 The Secretary of Defense shall direct the National Security Agency, the Advanced Research Projects Agency, and  
3 rity Agency, the Advanced Research Projects Agency, and  
4 other appropriate agencies of the Department of Defense  
5 to cooperate fully with the National Research Council in  
6 its activities in carrying out the study under this section.

7 The Secretary shall request all other appropriate Federal  
8 departments and agencies to provide similar cooperation  
9 to the National Research Council.

10 (c) FUNDING.—Of the amount authorized to be ap-  
11 propriated in section 201 for Defense-wide activities,  
12 \$800,000 shall be available for the study under this sec-  
13 tion.

14 (d) REPORT.—The National Research Council shall  
15 complete the study and submit to the Secretary of Defense  
16 a report on the study within approximately two years after  
17 full processing of security clearances under subsection (e).  
18 The report on the study shall set forth the Council's find-  
19 ings and conclusions and the recommendations of the  
20 Council for improvements in cryptography policy and pro-  
21 cedures. The Secretary shall submit the report to the  
22 Committees on Armed Services of the Senate and House  
23 of Representatives in unclassified form, with classified an-  
24 nexes as necessary, not later than 120 days after the day  
25 on which the report is submitted to the Secretary.

1           (e) EXPEDITED PROCESSING OF SECURITY CLEAR-  
2 ANCES FOR STUDY.—For the purpose of facilitating the  
3 commencement of the study under this section, the Sec-  
4 retary of Defense shall expedite to the fullest degree pos-  
5 sible the processing of security clearances that are nec-  
6 essary for the National Research Council to conduct the  
7 study.

8   **SEC. 263. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH**  
9                                   **AND DEVELOPMENT CATEGORIES.**

10           (a) REVIEW REQUIRED.—The Secretary of Defense  
11 shall carry out a review of the general content of the re-  
12 search and development categories of the Department of  
13 Defense designated as 6.3, 6.4, 6.5, and 6.6, including a  
14 review of the criteria for assigning programs to those cat-  
15 egories. The review shall examine the assignment of cur-  
16 rent programs to those categories for the purpose of en-  
17 suring that those programs are correctly categorized and  
18 assigned program element numbers in accordance with ex-  
19 isting Department of Defense policy.

20           (b) RESPONSIBLE OFFICIAL.—The Secretary of De-  
21 fense shall designate an official within the Office of the  
22 Secretary of Defense to be responsible for monitoring and  
23 periodically reviewing program elements for proper cat-  
24 egorization to the categories specified in subsection (a).

1 (c) REPORT.—The Secretary shall include with the  
2 budget materials for fiscal year 1995 submitted to Con-  
3 gress by the Secretary in support of the President’s budg-  
4 et for that year a report on the implementation of this  
5 section. The report (1) shall include a certification (or an  
6 explanation of why the Secretary cannot certify) that cur-  
7 rent research and development programs are correctly cat-  
8 egorized as described in subsection (a), and (2) shall speci-  
9 fy the official designated under subsection (b).

10 **SEC. 264. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT**

11 **RESPONSIBILITY FOR NAVY MINE COUNTER-**  
12 **MEASURES PROGRAM.**

13 Section 216 of the National Defense Authorization  
14 Act for Fiscal Years 1992 and 1993 (Public Law 102-  
15 190; 105 Stat. 1317) is amended by striking out “during  
16 fiscal years 1994 through 1997” in subsection (a) and in-  
17 serting in lieu thereof “during fiscal years 1995 through  
18 1997”.

19 **SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH AND DE-**  
20 **VELOPMENT PROGRAM.**

21 (a) COMPOSITION OF COUNCIL.—Section 2902(b) of  
22 title 10, United States Code, is amended—

23 (1) by striking out “thirteen members” and in-  
24 serting in lieu thereof “fourteen members”;

1           (2) in paragraph (1), by striking out “Assistant  
2       Secretary of Defense responsible for matters relating  
3       to production and logistics” and inserting in lieu  
4       thereof “Deputy Under Secretary of Defense for En-  
5       vironmental Security”;

6           (3) by redesignating paragraphs (9) and (10)  
7       as paragraphs (10) and (11), respectively; and

8           (4) by inserting after paragraph (8) the follow-  
9       ing new paragraph (9):

10           “(9) The Administrator of the National Oceanic  
11       and Atmospheric Administration.”.

12       (b) JOINT PROJECTS.—Section 2902(e)(6) of such  
13       title is amended by striking out “and the Administrator  
14       of the Environmental Protection Agency,” and inserting  
15       “the Administrator of the Environmental Protection  
16       Agency, and the Administrator of the National Oceanic  
17       and Atmospheric Administration,”.

18       **SEC. 266. AUTHORIZED USE FOR FACILITY CONSTRUCTED**

19                       **WITH PRIOR DEFENSE GRANT FUNDS.**

20       The plasma are facilities constructed using funds pro-  
21       vided under grants made to the South Carolina Research  
22       Authority from amounts appropriated in the Department  
23       of Defense Appropriations Act, 1988 (Public Law 100-  
24       463), and the Department of Defense Appropriations Act,

1 1991 (Public Law 101-511), may be equipped and oper-  
2 ated as prototype materials processing facilities.

3 **SEC. 267. GRANT TO SUPPORT ESTABLISHMENT OF RE-**  
4 **SEARCH FACILITY TO STUDY LOW-LEVEL**  
5 **CHEMICAL SENSITIVITIES.**

6 (a) IN GENERAL.—The Secretary of Defense, in con-  
7 sultation with the Secretary of Health and Human Serv-  
8 ices, shall make a grant in the amount of \$1,200,000 to  
9 a medical research institution selected through established  
10 acquisition procedures for the purpose of constructing and  
11 equipping a specialized environmental medical facility at  
12 that institution with the purpose of studying the possible  
13 health effects of exposure to low levels of volatile organic  
14 chemicals and other substances and the individual suscep-  
15 tibility of humans to such exposure under environmentally  
16 controlled conditions, especially among persons who served  
17 on active duty in the Southwest Asia theater of operation  
18 during the Persian Gulf War.

19 (b) FUNDING SOURCE.—Funds for the grant under  
20 subsection (a) shall be made from amounts appropriated  
21 to the Department of Defense for fiscal year 1994 for re-  
22 search, development, test, and evaluation.

23 (c) SELECTION CRITERIA.—To be eligible to be se-  
24 lected for a grant under subsection (a), an institution—

1           (1) must be affiliated with an accredited hos-  
2           pital and be affiliated with, and in close proximity  
3           to, a Department of Defense medical center and a  
4           Department of Veterans Affairs medical center;

5           (2) must enter into an agreement with the Sec-  
6           retary of Defense to ensure that research personnel  
7           of those affiliated medical facilities and other rel-  
8           evant Federal personnel may have access to the fa-  
9           cility to carry out research;

10          (3) must have demonstrated potential or ability  
11          to ensure the participation of scientific personnel  
12          with expertise in research on possible chemical sen-  
13          sivities to low-level exposure to volatile organic  
14          chemicals and other substances; and

15          (4) must have immediate access to sophisticated  
16          physiological imaging (including functional brain im-  
17          aging) and other innovative research technology that  
18          could better define the possible health effects of low-  
19          level exposure to volatile organic chemicals and other  
20          substances and lead to new therapies.

21 **SEC. 268. LYME DISEASE PROGRAM.**

22          (a) PROGRAM.—The Secretary of Defense shall carry  
23          out a program relating to Lyme disease. The program  
24          shall be carried out through the Environmental Hygiene  
25          Agency of the Department of the Army. The Secretary

1 shall provide that information relating to prevention, de-  
2 tection, or treatment of Lyme disease that is developed  
3 under the program and that may be applicable to the gen-  
4 eral public shall be provided to the Secretary of Health  
5 and Human Services for dissemination to appropriate pub-  
6 lic health authorities through the Public Health Service.

7 (b) FUNDING.—From funds made available to the  
8 Army for fiscal year 1994 for research, development, test,  
9 and evaluation pursuant to section 201, the sum of  
10 \$1,000,000 shall be available for the program under sub-  
11 section (a), of which \$500,000 shall be for one-time start-  
12 up costs for equipment, facilities, and software develop-  
13 ment and \$500,000 shall be for fiscal year 1994 labor and  
14 operating expenses.

15 **TITLE III—OPERATION AND**  
16 **MAINTENANCE**

17 **Subtitle A—Authorization of**  
18 **Appropriations**

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

20 Funds are hereby authorized to be appropriated for  
21 fiscal year 1994 for the use of the Armed Forces and other  
22 activities and agencies of the Department of Defense for  
23 expenses, not otherwise provided for, for operation and  
24 maintenance in amounts as follows:

25 (1) For the Army, \$16,462,610,000.

1 (2) For the Navy, \$20,102,493,000.

2 (3) For the Marine Corps, \$1,990,139,000.

3 (4) For the Air Force, \$19,788,648,000.

4 (5) For Defense-wide activities,  
5 \$9,069,428,000.

6 (6) For Medical Programs, Defense,  
7 \$9,106,685,000.

8 (7) For the Army Reserve, \$1,095,590,000.

9 (8) For the Naval Reserve, \$775,800,000.

10 (9) For the Marine Corps Reserve,  
11 \$75,050,000.

12 (10) For the Air Force Reserve,  
13 \$1,354,578,000.

14 (11) For the Army National Guard,  
15 \$2,223,255,000.

16 (12) For the Air National Guard,  
17 \$2,665,233,000.

18 (13) For the National Board for the Promotion  
19 of Rifle Practice, \$2,483,000.

20 (14) For the Defense Inspector General,  
21 \$169,001,000.

22 (15) For Drug Interdiction and Counter-drug  
23 Activities, Defense-wide, \$1,109,439,000.

24 (16) For the Court of Military Appeals,  
25 \$5,610,000.

1           (17) For Environmental Restoration, Defense,  
2       \$2,309,400,000.

3           (18) For Chemical Agents and Munitions De-  
4       struction, Defense-wide, \$308,161,000.

5 **SEC. 302. WORKING CAPITAL FUNDS.**

6       Funds are hereby authorized to be appropriated for  
7       fiscal year 1994 for the use of the Armed Forces and other  
8       activities and agencies of the Department of Defense for  
9       providing capital for working capital and revolving funds  
10      in amounts as follows:

11           (1) For the Defense Business Operations Fund,  
12      \$1,091,095,000.

13           (2) For the National Defense Sealift Fund,  
14      \$290,800,000.

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

16       There is hereby authorized to be appropriated for fis-  
17      cal year 1994 from the Armed Forces Retirement Home  
18      Trust Fund the sum of \$61,890,000 for operation of the  
19      Armed Forces Retirement Home.

20 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**  
21                                   **PILE FUND.**

22       (a) AUTHORITY TO TRANSFER FUNDS.—From  
23      amounts in the National Defense Stockpile Transaction  
24      Fund that the Secretary of Defense determines are not  
25      needed to meet current and estimated future obligations

1 under the Strategic and Critical Materials Stock Piling  
2 Act (50 U.S.C. 98a et seq.), as described in the annual  
3 materials plan submitted on May 28, 1993, for the five-  
4 year period beginning October 1, 1993, the Secretary of  
5 Defense may, to the extent provided in appropriations  
6 Acts, transfer not more than \$500,000,000 from the Fund  
7 to appropriations for operation and maintenance for fiscal  
8 year 1994 to be used only for the purpose of reducing the  
9 backlog of maintenance and repair (BMAR).

10 (b) AVAILABILITY.—Amounts transferred pursuant  
11 to subsection (a) shall be available for obligation until ex-  
12 pended and shall be in addition to any other funds avail-  
13 able for the purpose described in such subsection.

14 (c) TREATMENT OF TRANSFER.—Amounts trans-  
15 ferred pursuant to this section shall not increase the  
16 amount authorized to be appropriated in section 301 for  
17 the account to which the amount is transferred.

## 18 **Subtitle B—Limitations**

### 19 **SEC. 311. NOTIFICATION REQUIREMENT PRIOR TO TRANS-** 20 **FER OF CERTAIN FUNDS.**

21 The Secretary of Defense may not transfer funds ap-  
22 propriated to operation and maintenance accounts of the  
23 Department of Defense for air operations, ship operations,  
24 land forces, and combat operations, unless, before the

1 transfer, the Secretary notifies the Congress of the trans-  
2 fer and the reasons for the transfer.

3 **SEC. 312. EXTENSION OF LIMITATION ON THE USE OF CER-**  
4 **TAIN FUNDS FOR PENTAGON RESERVATION.**

5 Section 311(a) of the National Defense Authorization  
6 Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
7 2364) is amended by striking out “fiscal year 1993” in  
8 paragraphs (1) and (3) and inserting in lieu thereof “fiscal  
9 years 1993 and 1994”.

10 **SEC. 313. PROHIBITION ON OPERATION OF THE NAVAL AIR**  
11 **STATION, BERMUDA.**

12 (a) PROHIBITION.—No funds available to the Depart-  
13 ment of Defense for operation and maintenance may be  
14 used to operate the Naval Air Station, Bermuda.

15 (b) EFFECTIVE DATE.—Subsection (a) shall take ef-  
16 fect 90 days after the date of the enactment of this Act.

17 **SEC. 314. LIMITATION ON THE USE OF APPROPRIATED**  
18 **FUNDS FOR DEPARTMENT OF DEFENSE GOLF**  
19 **COURSES.**

20 (a) IN GENERAL.—(1) Subchapter I of chapter 134  
21 of title 10, United States Code, is amended by adding at  
22 the end the following new section:

1 **“§ 2246. Department of Defense golf courses: limita-**  
2 **tion on use of appropriated funds**

3 “(a) LIMITATION.—Except as provided in subsection  
4 (b), funds appropriated to the Department of Defense may  
5 not be used to equip, operate, or maintain a golf course  
6 at a facility or installation of the Department of Defense.

7 “(b) EXCEPTIONS.—(1) Subsection (a) does not  
8 apply to a golf course at a facility or installation outside  
9 the United States or at a facility or installation inside the  
10 United States at a location designated by the Secretary  
11 of Defense as a remote and isolated location.

12 “(2) The Secretary of Defense shall prescribe regula-  
13 tions governing the use of appropriated funds under this  
14 subsection.”.

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

“2246. Department of Defense golf courses: limitation on use of appropriated  
funds.”.

18 **SEC. 315. CODIFICATION OF PROHIBITION ON THE USE OF**  
19 **CERTAIN COST COMPARISON STUDIES.**

20 (a) IN GENERAL.—Section 2467 of title 10, United  
21 States Code, is amended—

22 (1) by redesignating subsections (a) and (b) as  
23 subsections (c) and (d), respectively;

1           (2) by inserting before subsection (c), as redese-  
2           gnated by paragraph (1), the following new sub-  
3           sections:

4           “(a) PROHIBITION.—Except as provided in sub-  
5           section (b), the Secretary of Defense may not enter into  
6           a contract for the performance of a commercial activity  
7           in any case in which the contract results from a cost com-  
8           parison study conducted by the Department of Defense  
9           under Office of Management and Budget Circular A-76  
10          (or any successor administrative regulation or policy).

11          “(b) EXCEPTIONS FOR CERTAIN CONTRACTS.—Sub-  
12          section (a) does not apply to—

13                 “(1) a contract to be carried out at a location  
14                 outside the United States at which members of the  
15                 armed forces would have to be used for the perform-  
16                 ance of an activity described in subsection (a) at the  
17                 expense of unit readiness; or

18                 “(2) a contract (or the renewal of a contract)  
19                 for the performance of an activity under contract on  
20                 September 30, 1992.”; and

21                 (3) in subsection (d)(1), as redesignated by  
22                 paragraph (1), by striking out “Each officer” and  
23                 inserting in lieu thereof “In any case in which a  
24                 comparison referred to in subsection (c) is con-  
25                 ducted, the officer”.

1 (b) CONFORMING AMENDMENTS.—(1) The heading  
2 of such section is amended to read as follows:

3 **“§2467. Prohibition on the use of certain cost com-  
4 parison studies”.**

5 (2) The item relating to such section in the table of  
6 sections at the beginning of chapter 146 of such title is  
7 amended to read as follows:

“2467. Prohibition on the use of certain cost comparison studies.”.

8 (c) REPEAL.—Section 312 of the National Defense  
9 Authorization Act for Fiscal Year 1993 (Public Law 102–  
10 484; 106 Stat. 2365) is repealed.

11 (d) EFFECTIVE DATE.—This section, and the amend-  
12 ments made by this section, shall take effect on September  
13 30, 1993.

14 **SEC. 316. LOCATION OF CERTAIN PREPOSITIONING FACILI-  
15 TIES.**

16 (a) SITE FOR ARMY PREPOSITIONING MAINTENANCE  
17 FACILITY.—The Secretary of the Army shall establish the  
18 Army Prepositioning Maintenance Facility at Charleston,  
19 South Carolina.

20 (b) LIMITATION.—During the two-year period begin-  
21 ning on the date of the enactment of this Act, the Sec-  
22 retary of Defense shall ensure that separate but com-  
23 plementary prepositioning facilities are maintained in  
24 Charleston, South Carolina, and Blount Island, Florida,  
25 for the Army and Marine Corps, respectively.

1 (c) REPORT BEFORE SUBSEQUENT RELOCATION.—  
2 After the end of such two-year period, any decision by the  
3 Secretary of the Navy to relocate the Marine  
4 Prepositioning Forces (MPF) from Blount Island, Jack-  
5 sonville, Florida, may be made only after the Secretary  
6 of Defense has submitted to the Committees on Armed  
7 Services of the Senate and House of Representatives a de-  
8 tailed cost and operational analysis explaining the basis  
9 of the decision for such relocation.

10 **SEC. 317. USE OF FUNDS FOR NAVY DEPOT BACKLOG.**

11 Of the funds authorized to be appropriated under sec-  
12 tion 301(2) for operation and maintenance for the Navy,  
13 \$200,000,000 (representing the amount by which the  
14 amount of such funds exceeds the amount specified in the  
15 budget of the President for operation and maintenance for  
16 the Navy for fiscal year 1994) may be used only to de-  
17 crease the backlog of depot-level maintenance and repair.

18 **SEC. 318. LIMITATION ON USE OF FUNDS FOR TRIDENT**

19 **SUBMARINE FORCE.**

20 Amounts authorized to be appropriated under section  
21 301(2) that are made available for operation and support  
22 of the trident submarine force may not exceed an amount  
23 that equals the difference between—

24 (1) the amount in the budget submitted by the  
25 President for fiscal year 1994 (pursuant to section

1 1105 of title 31, United States Code) for operation  
2 and support of the trident submarine force; and

3 (2) \$100,000,000.

4 **SEC. 319. LIMITATION ON OBLIGATION OF FUNDS IN CON-**  
5 **NECTION WITH UPGRADES OR REPAIRS AT**  
6 **THE ARMY RESERVE FACILITY IN MARCUS**  
7 **HOOK, PENNSYLVANIA.**

8 (a) LIMITATION ON OBLIGATION OF FUNDS.—Except  
9 as provided in subsection (b), none of the funds appro-  
10 priated for fiscal year 1994 pursuant to an authorization  
11 of appropriations contained in this Act may be obligated  
12 or expended to plan or carry out any upgrade, repair, or  
13 other construction at the Army Reserve Facility in Marcus  
14 Hook, Pennsylvania (in this section referred to as the  
15 “Marcus Hook facility”), until after the end of the 30 day-  
16 period beginning on the date the Secretary of the Army  
17 submits to the congressional defense committees the re-  
18 port required by subsection (c).

19 (b) EXCEPTION.—Subsection (a) shall not prohibit  
20 obligations or expenditures of funds in connection with  
21 construction at the Marcus Hook facility if the Secretary  
22 certifies to the congressional defense committees in ad-  
23 vance that the construction is limited to emergency repairs  
24 necessary to continue operations of water craft support at  
25 the Marcus Hook facility.

1 (c) REPORT REQUIRED.—The Secretary shall pre-  
2 pare a report evaluating the suitability of alternative sites  
3 within a 100 mile radius of the Marcus Hook facility to  
4 replace the facility. The report shall contain, at a mini-  
5 mum, a detailed accounting of—

6 (1) required pier and building space and avail-  
7 able building and pier space at each alternative site;

8 (2) the costs required to operate comparable  
9 spaces at each alternative site;

10 (3) other users at each alternative site and  
11 their space requirements; and

12 (4) the assets and liabilities at each alternative  
13 site.

14 **SEC. 320. PROHIBITION ON CONTRACTS WITH THE BAH-**  
15 **RAIN SHIP REPAIRING AND ENGINEERING**  
16 **COMPANY FOR SHIP REPAIR.**

17 (a) PROHIBITION.—Notwithstanding section 7299a  
18 of title 10, United States Code, the Secretary of Defense  
19 may not enter into a contract with the Bahrain Ship Re-  
20 pairing and Engineering Company for the overhaul, re-  
21 pair, or maintenance of naval vessels until the Secretary  
22 certifies to the Committees on Armed Services of the Sen-  
23 ate and House of Representatives that at least one of the  
24 following conditions exists:

1 (1) The work was unplanned and is of an emer-  
2 gency nature.

3 (2) There is a compelling national security rea-  
4 son for the work to be done by the Bahrain Ship Re-  
5 pairing and Engineering Company.

6 (3) The Bahrain Ship Repairing and Engineer-  
7 ing Company initiates legal proceedings, or other  
8 proceedings, to compensate the members of the  
9 Navy killed as a result of the explosion in the engine  
10 room of the U.S.S. Iwo Jima that occurred after the  
11 repair of the U.S.S. Iwo Jima by that company.

12 (b) APPLICABILITY.—Subsection (a) applies with re-  
13 spect to contracts for the overhaul, repair, or maintenance  
14 of a naval vessel entered into after the date of enactment  
15 of this Act.

16 **SEC. 321. LIMITATION ON CHARTERING OF VESSELS ON**  
17 **WHICH REFLAGGING OR CONVERSION WORK**  
18 **HAS BEEN PERFORMED IN A FOREIGN SHIP-**  
19 **YARD.**

20 Section 2631 of title 10, United States Code, is  
21 amended—

22 (1) by inserting “(a)” before “Only vessels”;  
23 and

24 (2) by adding at the end the following new sub-  
25 section:

1       “(b)(1) The Secretary of Defense may enter into a  
2 time-charter contract for the use of a vessel for the trans-  
3 portation of supplies, in the case of a vessel on which  
4 reflagging or repair work was performed during the two-  
5 year period preceding the date of the award of the pro-  
6 posed charter, only if such work was performed at a ship-  
7 yard in the United States (including any territory of the  
8 United States).

9       “(2) In paragraph (1), the term ‘reflagging or repair  
10 work’ means work performed on a vessel—

11               “(A) to enable the vessel to meet applicable  
12 standards to become a vessel of the United States;  
13 or

14               “(B) to convert the vessel to a more useful mili-  
15 tary configuration.”.

16 **SEC. 322. ONE-YEAR PROHIBITION ON REDUCTION OF**  
17 **FORCE STRUCTURE FOR RESERVE COMPO-**  
18 **NENT SPECIAL OPERATIONS FORCES.**

19       (a) PROHIBITION.—During fiscal year 1994, the Sec-  
20 retary of Defense may not reduce the force structure of  
21 the special operations forces of the reserve components  
22 below the force structure of those forces as of September  
23 30, 1993.

24       (b) DEFINITION.—In this section, the term “force  
25 structure” means the number and types of units and orga-

1 nizations, and the number of authorized personnel spaces  
2 allocated to those units and organizations, in a military  
3 force.

4 **SEC. 323. PROHIBITION ON JOINT USE OF SELFRIDGE AIR**  
5 **NATIONAL GUARD BASE, MICHIGAN, WITH**  
6 **CIVIL AVIATION.**

7 The Secretary of the Air Force may not enter into  
8 any agreement that would provide for or permit civil air-  
9 craft to regularly use Selfridge Air National Guard Base  
10 in Harrison Township, Michigan.

11 **SEC. 324. LIMITATION ON USE OF GOVERNMENT FACILI-**  
12 **TIES FOR CERTAIN MASTER SHIP REPAIR**  
13 **AGREEMENTS.**

14 (a) LIMITATION.—The only non-Federal Government  
15 entity who may include the use of facilities owned, oper-  
16 ated, or under the jurisdiction of the Department of De-  
17 fense in a bid or solicitation for ship repair activities with  
18 the Department of Defense is an entity referred to in sub-  
19 section (b).

20 (b) COVERED ENTITIES.—An entity referred to in  
21 subsection (a) is a person who, on or after the date of  
22 the enactment of this Act, holds a master ship repair  
23 agreement with the Department of Defense in the relevant  
24 homeport area.

1     **Subtitle C—Defense-Wide Funds**

2     **SEC. 331. PROHIBITION ON USE OF DEFENSE BUSINESS OP-**  
3                   **ERATIONS FUND.**

4           The Secretary of Defense shall not, after April 15,  
5 1994, manage the performance of any function, activity,  
6 fund, or account of the Department of Defense through  
7 the Defense Business Operations Fund established by sec-  
8 tion 316 of the National Defense Authorization Act for  
9 Fiscal Years 1992 and 1993 (Public Law 102–190; 105  
10 Stat. 1338)). After April 15, 1994, any management  
11 through a defense-wide fund of functions, activities, funds,  
12 and accounts that were managed through the Defense  
13 Business Operations Fund may be only as provided in sec-  
14 tion 333.

15     **SEC. 332. CLASSIFICATION OF CERTAIN COMPETITIVE AND**  
16                   **NONCOMPETITIVE ACTIVITIES OF THE DE-**  
17                   **PARTMENT OF DEFENSE; NONCOMPETITIVE**  
18                   **RATES BOARD.**

19           (a) CLASSIFICATION ACCORDING TO COMPETITIVE-  
20 NESS.—Not later than April 15, 1994, the Secretary of  
21 Defense shall classify each function, fund, activity, and ac-  
22 count that is managed by the Secretary under a single,  
23 defense-wide fund (including the Defense Business Oper-  
24 ations Fund established in section 316 of the National De-  
25 fense Authorization Act for Fiscal Years 1992 and 1993

1 (Public Law 102–190; 105 Stat. 1338)) according to  
2 whether or not the function, fund, activity, or account is  
3 suitable for provision and purchase by the Department of  
4 Defense in a competitive market. The Secretary of De-  
5 fense shall revise a classification under this subsection  
6 whenever the Secretary considers it to be appropriate.

7 (b) PRICING AND PERFORMANCE OF COMPETITIVE  
8 ACTIVITIES.—The Secretary of Defense shall take any ac-  
9 tion necessary to provide for competitive pricing and active  
10 competition among suppliers for the operation of each  
11 function, fund, activity, or account classified as suitable  
12 for competition under subsection (a).

13 (c) RATES FOR NONCOMPETITIVE ACTIVITIES.—The  
14 Secretary of Defense shall establish rates and prices, and  
15 standards for the rates and prices, for each function, fund,  
16 activity, or account classified as not suitable for competi-  
17 tion under subsection (a).

18 (d) NONCOMPETITIVE RATES BOARD.—(1) The Sec-  
19 retary of Defense shall appoint a Noncompetitive Rates  
20 Board (in this section referred to as the “Board”) to regu-  
21 larly review the rates, prices, and standards established  
22 under subsection (c).

23 (2) The Board shall be composed of 3 individuals,  
24 at least one of whom shall have experience in the private-  
25 sector performance of functions, funds, activities, and ac-

1 counts classified as not suitable for competition under sub-  
2 section (a).

3 (3)(A) Each member of the Board shall be paid at  
4 a rate equal to the daily equivalent of the minimum annual  
5 rate of basic pay payable for level IV of the Executive  
6 Schedule under section 5315 of title 5, United States  
7 Code, for each day (including travel time) during which  
8 the member is engaged in the actual performance of the  
9 duties of the Board.

10 (B) Each member of the Board shall receive travel  
11 expenses, including per diem in lieu of subsistence, in ac-  
12 cordance with sections 5702 and 5703 of title 5, United  
13 States Code.

14 (4) The Secretary of Defense shall provide the Board  
15 with the information and the administrative, professional,  
16 and technical support required by the Board to carry out  
17 its duties under this section.

18 (5) The Board shall annually submit to the congres-  
19 sional defense committees, at the same time as the report  
20 required to be submitted under section 333(i), the results  
21 of reviews conducted under paragraph (1) and the rec-  
22 ommendations of the Board for any legislative and admin-  
23 istrative action the Board considers to be appropriate.

1 **SEC. 333. COMPETITIVE AND REGULATED BUSINESS OPER-**  
2 **ATIONS FUNDS.**

3 (a) AUTHORITY TO BORROW FROM GENERAL  
4 FUND.—To the extent provided in appropriations Acts,  
5 the Secretary of Defense may borrow from the General  
6 Fund of the Treasury such sums as may be necessary to  
7 purchase the assets of the Defense Business Operations  
8 Fund (in this section referred to as the “DBOF”) and  
9 to provide for the management of functions, funds, activi-  
10 ties, and accounts referred to in subsection (b).

11 (b) PURCHASE OF DBOF ASSETS.—With amounts  
12 borrowed under subsection (a), the Secretary of Defense  
13 shall purchase from the DBOF at fair market value—

14 (1) all assets of each function, fund, activity, or  
15 account managed through the DBOF and classified  
16 under section 332 as suitable to competition; and

17 (2) all assets of each function, fund, activity, or  
18 account managed through the DBOF and classified  
19 under section 332 as not suitable to competition.

20 (c) PAYMENT OF DBOF PURCHASE AMOUNTS TO  
21 THE GENERAL FUND.—Amounts received by the DBOF  
22 from the sale of DBOF assets under subsection (b) shall  
23 be deposited in the General Fund of the Treasury.

24 (d) ESTABLISHMENT OF CBOF AND RBOF.—(1)  
25 There are established in the Treasury of the United States  
26 the following revolving funds:

1 (A) The “Competitive Business Operations  
2 Fund” (in this section referred to as the “CBOF”).

3 (B) The “Regulated Business Operations  
4 Fund” (in this section referred to as the “RBOF”).

5 (2) The Secretary of Defense may manage the per-  
6 formance of any function, fund, activity, or account re-  
7 ferred to in subsection (b)(1) through the CBOF. The as-  
8 sets of each such fund, function, activity, or account pur-  
9 chased from the DBOF under such subsection shall be  
10 transferred to and accounted for in the CBOF.

11 (3) The Secretary of Defense may manage the per-  
12 formance of any function, fund, activity, or account re-  
13 ferred to in subsection (b)(2) through the RBOF. The as-  
14 sets of each such function, fund, activity, or account pur-  
15 chased from the DBOF under such subsection shall be  
16 transferred to and accounted for in the RBOF.

17 (e) REPAYMENT TO THE GENERAL FUND.—The Sec-  
18 retary of Defense shall repay, out of the CBOF, the  
19 amount of any sums borrowed under subsection (a) and  
20 used to purchase assets for the CBOF. The Secretary of  
21 Defense shall repay, out of the RBOF, the amount of any  
22 sums borrowed under subsection (a) and used to purchase  
23 assets for the RBOF. Interest on the amount borrowed  
24 shall be paid quarterly and shall equal the average quar-  
25 terly rate of interest for funds borrowed by the Treasury.

1 The amount of the repayment and interest shall be depos-  
2 ited in the General Fund of the Treasury.

3 (f) TREATMENT OF NET GAINS AND LOSSES.—(1)

4 The amount of any net gain from the operation of a func-  
5 tion, fund, activity, or account managed through the  
6 CBOF or the RBOF shall be deposited in the General  
7 Fund of the Treasury.

8 (2) There are authorized to be appropriated to the  
9 CBOF or the RBOF, as the case may be, such sums as  
10 may be necessary to make up a net loss from the perform-  
11 ance of a function, fund, activity, or account managed  
12 through the CBOF or the RBOF, as the case may be.

13 (g) SEPARATE ACCOUNTING, REPORTING, AND AU-  
14 DITING.—For purposes of reporting and auditing, the Sec-  
15 retary of Defense shall maintain the separate identity and  
16 separate records (including separate records on net gains  
17 and losses) for each function, fund, activity, or account  
18 managed through the CBOF and the RBOF.

19 (h) INCLUSION OF OTHER FUNCTIONS IN CBOF AND  
20 RBOF.—The Secretary shall notify the Congress of any  
21 proposal by the Secretary to manage through the CBOF  
22 or the RBOF any function, fund, activity, or account that  
23 is in addition to the functions, fund, activities, and ac-  
24 counts referred to in subsection (b).

1 (i) REPORT.—The Secretary of Defense shall submit  
2 to the congressional defense committees, at the same time  
3 the Secretary submits the report required under section  
4 113 of title 10, United States Code, a report on the man-  
5 agement of functions, funds, activities, and accounts  
6 under the CBOF and the RBOF. The report shall  
7 include—

8 (1) an identification of each function, fund, ac-  
9 tivity, and account that is classified as suitable for  
10 competition under section 332 and managed through  
11 the CBOF;

12 (2) an identification of each function, fund, ac-  
13 tivity, and account that is classified as not suitable  
14 for competition under section 332 and managed  
15 through the RBOF; and

16 (3) detailed information on the financial per-  
17 formance and condition of each function, fund, activ-  
18 ity, and account identified under paragraphs (1) and  
19 (2), including information on net gains and losses.

20 (j) EFFECTIVE DATE.—This section shall take effect  
21 on October 1, 1994.

1 **SEC. 334. EXTENSION OF LIMITATION ON OBLIGATION**  
2 **AGAINST DEFENSE BUSINESS OPERATIONS**  
3 **FUND.**

4 Section 343(a) of the National Defense Authorization  
5 Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat.  
6 2377) is amended by striking out “fiscal year 1993” both  
7 places it appears and inserting in lieu thereof “a fiscal  
8 year”.

9 **Subtitle D—Depot-Level Activities**

10 **SEC. 341. DEPARTMENT OF DEFENSE DEPOT TASK FORCE.**

11 (a) ESTABLISHMENT.—The Secretary of Defense  
12 shall appoint a task force to assess the overall perform-  
13 ance and management of depot-level activities of the De-  
14 partment of Defense. The assessment shall include—

15 (1) an identification of the functions and activi-  
16 ties that are suitable for performance by depot-level  
17 activities of the Department of Defense;

18 (2) an identification of the functions and activi-  
19 ties that are suitable for performance by non-Gov-  
20 ernment personnel;

21 (3) an evaluation of the manner and level of  
22 performance of such work; and

23 (4) an evaluation of how rates, prices, and the  
24 core workload requirements are determined for work  
25 performed by the depot-level activities.

1 (b) MEMBERSHIP.—The task force shall be composed  
2 of individuals who are representatives of the Department  
3 of Defense and the private sector and who have expertise  
4 in the management and performance of depot-level activi-  
5 ties.

6 (c) PAY AND TRAVEL EXPENSES.—(1) Each member  
7 of the task force shall be paid at a rate equal to the daily  
8 equivalent of the minimum annual rate of basic pay pay-  
9 able for level IV of the Executive Schedule under section  
10 5315 of title 5, United States Code, for each day (includ-  
11 ing travel time) during which the member is engaged in  
12 the actual performance of the duties of the task force.

13 (2) Each member of the task force shall receive travel  
14 expenses, including per diem in lieu of subsistence, in ac-  
15 cordance with sections 5702 and 5703 of title 5, United  
16 States Code.

17 (d) ADMINISTRATIVE SUPPORT.—The Secretary of  
18 Defense shall provide the task force with the administra-  
19 tive, professional, and technical support required by the  
20 task force to carry out its duties under this section.

21 (e) REPORT.—Not later than April 1, 1994, the task  
22 force shall submit to the congressional defense committees  
23 the results of the assessment conducted under subsection  
24 (a) and the recommendations of the task for any legisla-

1 tive and administrative action the task force considers to  
2 be appropriate.

3 (f) TERMINATION.—The task force shall terminate  
4 not later than 60 days after submitting its report pursuant  
5 to subsection (e).

6 **SEC. 342. RETENTION OF DEPOT-LEVEL MAINTENANCE**  
7 **WORKLOAD MANAGEMENT BY THE MILITARY**  
8 **DEPARTMENTS.**

9 (a) MANAGEMENT OF DEPOT-LEVEL MAINTENANCE  
10 WORKLOAD BY THE MILITARY DEPARTMENTS.—Chapter  
11 146 of title 10, United States Code, is amended by adding  
12 at the end the following new section:

13 **“§ 2470. Depot-level maintenance workload: manage-**  
14 **ment by the military departments**

15 “The Secretary of Defense may not consolidate the  
16 management of the depot-level maintenance workload of  
17 the Department of Defense under a single defense-wide  
18 entity. The management of any such workload for a mili-  
19 tary department shall continue to be carried out by the  
20 Secretary of the military department.”.

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

“2470. Depot-level maintenance workload: management by the military depart-  
ments.”.

1 **SEC. 343. CONTINUATION OF CERTAIN PERCENTAGE LIM-**  
2 **TATIONS ON THE PERFORMANCE OF DEPOT-**  
3 **LEVEL MAINTENANCE.**

4 The Secretary of Defense shall ensure that the per-  
5 centage limitations on the performance of depot-level  
6 maintenance of material set forth in section 2466 of title  
7 10, United States Code, are adhered to. The Secretary of  
8 Defense may not enter into a contract for the performance  
9 exclusively by non-Federal Government personnel of any  
10 depot-level maintenance that is not required to be per-  
11 formed by employees of the Department of Defense under  
12 such section unless, prior to selecting the entity to perform  
13 the depot-level maintenance—

14 (1) the Secretary uses competitive procedures  
15 for the selection; and

16 (2) where appropriate, depot-level activities of  
17 the Department of Defense are eligible to compete  
18 for the depot-level maintenance.

19 **SEC. 344. PROHIBITION ON PERFORMANCE OF CERTAIN**  
20 **DEPOT-LEVEL WORK BY FOREIGN CONTRAC-**  
21 **TORS.**

22 (a) IN GENERAL.—(1) Chapter 146 of title 10, Unit-  
23 ed States Code, as amended by section 342, is amended  
24 by adding at the end the following new section:

1 **“§ 2471. Prohibition on performance of certain depot-**  
2 **level work by foreign contractors**

3 “(a) PROHIBITION.—The Secretary of Defense may  
4 not contract for the performance by a person or organiza-  
5 tion described in subsection (b) of any depot-level mainte-  
6 nance work that, in the determination of the Secretary,  
7 could be performed in the United States on a cost-effective  
8 basis and without significant adverse effect on the readi-  
9 ness of the armed forces.

10 “(b) COVERED PERSONS AND ORGANIZATIONS.—A  
11 person or organization referred to in subsection (a) is a  
12 person or organization—

13 “(1) which does not perform substantially all of  
14 its activities as part of the ‘national technology and  
15 industrial base’, as such term is defined in para-  
16 graph (1) of section 2491; and

17 “(2) which is not a citizen or permanent resi-  
18 dent of a country referred to in such paragraph, or,  
19 if applicable, the majority of which is owned or con-  
20 trolled by citizens or permanent residents of any  
21 such country.”.

22 (2) The table of sections at the beginning of such  
23 chapter, as amended by section 342, is amended by adding  
24 at the end the following new item:

“2471. Prohibition on performance of certain depot-level work by foreign contractors.”.

1 (b) EFFECTIVE DATE.—Section 2471 of title 10,  
2 United States Code, as added by subsection (a), shall  
3 apply with respect to contracts entered into after the expi-  
4 ration of the 90-day period beginning on the date of the  
5 enactment of this Act.

6 **SEC. 345. MODIFICATION OF LIMITATION ON THE PER-**  
7 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**  
8 **OF MATERIEL.**

9 (a) MODIFICATION OF LIMITATION.—Subsection  
10 (a)(1) of section 2466 of title 10, United States Code, is  
11 amended by striking out “for the military department or  
12 the Defense Agency” and inserting in lieu thereof “with  
13 respect to each type of materiel or equipment, including  
14 ships, aircraft, ordinance, supply, and land forces, for the  
15 military department and the Defense Agency”.

16 (b) REPORT.—Subsection (e) of such section is  
17 amended to read as follows:

18 “(e) REPORT.—Not later than January 15, 1995, the  
19 Secretary of each military department and, with respect  
20 to the Defense Agencies, the Secretary of Defense shall  
21 jointly submit to the Congress a report describing the  
22 progress during the preceding fiscal year to achieve and  
23 maintain the percentage of depot-level maintenance re-  
24 quired to be performed by employees of the Department  
25 of Defense pursuant to subsection (a).”.

1 **SEC. 346. CLARIFICATION OF LIMITATION ON THE PER-**  
2 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**  
3 **OF MATERIEL FOR NEW WEAPON SYSTEMS.**

4 (a) CLARIFICATION OF LIMITATION.—Subsection (a)  
5 of section 2466 of title 10, United States Code, is amend-  
6 ed by adding at the end the following new paragraph:

7 “(3) The Secretary concerned shall, within 5 years  
8 after the initial delivery of a weapon system to the Depart-  
9 ment of Defense, provide for the performance by employ-  
10 ees of the Department of Defense of not less than 60 per-  
11 cent of the depot-level maintenance of the weapon sys-  
12 tem.”.

13 (b) CONFORMING AMENDMENT.—Paragraph (1) of  
14 such subsection, as amended by section 345(a), is further  
15 amended by striking out “paragraph (2)” and inserting  
16 in lieu thereof “paragraphs (2) and (3)”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall apply with respect to a weapon system  
19 delivered after the date of the enactment of this Act.

20 **SEC. 347. AUTHORITY TO WAIVE CERTAIN CLAIMS OF THE**  
21 **UNITED STATES.**

22 (a) DESCRIPTION OF THE CLAIMS INVOLVED.—This  
23 section applies with respect to any claim of the United  
24 States against an individual which relates to a bonus or  
25 other payment awarded to such individual under a produc-  
26 tivity gainsharing program based on work performed by

1 such individual as an employee of the Naval Aviation  
2 Depot, Norfolk, Virginia, after September 30, 1988, and  
3 before October 1, 1992.

4 (b) WAIVER AUTHORITY AVAILABLE WITHOUT RE-  
5 GARD TO THE AMOUNT INVOLVED.—Notwithstanding the  
6 limitation set forth in section 2774(a)(2)(A) of title 10,  
7 United States Code, any waiver authority under section  
8 2774(a)(2) of such title may be exercised, with respect to  
9 any claim described in subsection (a) of this section, with-  
10 out regard to the amount involved.

11 (c) DEFINITION.—For the purpose of this section,  
12 the term “productivity gainsharing program” means a  
13 productivity gainsharing program established under chap-  
14 ter 45 or section 5407 of title 5, United States Code, or  
15 Executive Order 12637 (31 U.S.C. 501 note).

## 16 **Subtitle E—Commissaries and** 17 **Military Exchanges**

### 18 **SEC. 351. EXPANSION AND CLARIFICATION OF COM-** 19 **MISSARY AND EXCHANGE BENEFITS.**

20 (a) EXPANSION OF FORMER SPOUSES’ ELIGI-  
21 BILITY.—Section 1062 of title 10, United States Code, is  
22 amended to read as follows:

#### 23 **“§ 1062. Certain former spouses**

24 “(a) ELIGIBILITY.—The Secretary of Defense shall  
25 prescribe such regulations as may be necessary to provide

1 that a former spouse described in subsection (b) is entitled  
2 to commissary and exchange privileges to the same extent  
3 and on the same basis as the surviving spouse of a retired  
4 member of the uniformed services.

5 “(b) COVERED FORMER SPOUSES.—Subsection (a)  
6 applies to any person who—

7 “(1) is an unremarried former spouse of a  
8 member or former member who performed at least  
9 20 years of service which is creditable in determin-  
10 ing the member or former member’s eligibility for  
11 retired or retainer pay; and

12 “(2) on the date of the final decree of divorce,  
13 dissolution, or annulment had been married to the  
14 member or former member for a period of at least  
15 20 years, at least 12 of which were during the pe-  
16 riod the member or former member performed serv-  
17 ice creditable in determining the member or former  
18 member’s eligibility for retired or retainer pay.”.

19 (b) EXPANSION OF RESERVE MEMBERS’ ELIGI-  
20 BILITY.—(1) Section 1063 of such title is amended—

21 (A) in subsection (a)(1)—

22 (i) by inserting “for such calendar year on  
23 the same basis as members on active duty” be-  
24 fore the period in the first sentence; and

25 (ii) by striking out the second sentence;

1 (B) by striking out subsection (b); and

2 (C) by redesignating subsection (c) as sub-  
3 section (b).

4 (2) The heading of such section is amended to read  
5 as follows:

6 **“§ 1063. Members of the Ready Reserve”.**

7 (c) EXPANSION OF ELIGIBILITY FOR PERSONS  
8 QUALIFIED FOR CERTAIN RETIRED PAY BUT UNDER AGE  
9 60.—(1) Section 1064 of such title is amended by striking  
10 out “for 12 days each calendar year” and inserting in lieu  
11 thereof “on the same basis as a person who is eligible for  
12 such retired pay”.

13 (2) The heading of such section is amended to read  
14 as follows:

15 **“§ 1064. Persons qualified for retired pay under chap-  
16 ter 67 but under age 60”.**

17 (d) EXTENSION OF BENEFITS TO CERTAIN FORMER  
18 ENLISTED MEMBERS.—(1) The Secretary of Defense  
19 shall prescribe regulations to allow a person described in  
20 paragraph (2), and the survivors of such person, to use  
21 commissary and exchange stores of the Department of De-  
22 fense on the same basis as officers retired for disability  
23 under chapter 61 of title 10, United States Code, and the  
24 survivors of such officers, respectively.

1       (2) Paragraph (1) applies to any person who was dis-  
2 charged with a disability from the Armed Forces on or  
3 before October 1, 1949, and—

4           (A) who at the time of such discharge was an  
5 enlisted member who had completed less than 20  
6 years of active service; and

7           (B) who, if such person had been an officer at  
8 the time of such discharge, would have been eligible  
9 for disability retirement under the Career Com-  
10 pensation Act of 1949.

11       (e) CLARIFICATION OF USE OF CERTAIN FACILITIES  
12 BY CERTAIN PERSONS.—Section 1065(a) of such title is  
13 amended—

14           (1) in the first sentence, by striking out  
15 “Armed Forces” and inserting in lieu thereof  
16 “armed forces”; and

17           (2) by striking out the second sentence and in-  
18 sserting in lieu thereof the following: “For a member  
19 of the Selected Reserve, and the dependents of such  
20 member, such use shall be permitted on the same  
21 basis as a member on active duty. For a member  
22 who would be eligible for retired pay under chapter  
23 67 but for the fact that the member is under 60  
24 years of age, and the dependents of such member,

1 such use shall be on the same basis as a member eli-  
2 gible for such retired pay.”.

3 (f) CLERICAL AMENDMENT.—The table of sections at  
4 the beginning of chapter 54 of such title is amended by  
5 striking out the items relating to sections 1063 and 1064  
6 and inserting in lieu thereof the following items:

“1063. Members of the Ready Reserve.

“1064. Persons qualified for retired pay under chapter 67 but under age 60.”.

7 **SEC. 352. PROHIBITION ON OPERATION OF COMMISSARY**  
8 **STORES BY ACTIVE DUTY MEMBERS OF THE**  
9 **ARMED FORCES.**

10 (a) IN GENERAL.—Chapter 49 of title 10, United  
11 States Code, is amended by inserting after section 976 the  
12 following new section:

13 **“§977. Operation of commissary stores: assignment of**  
14 **active duty members generally prohib-**  
15 **ited**

16 “(a) GENERAL RULE.—A member of the armed  
17 forces on active duty may not be assigned to the operation  
18 of a commissary store.

19 “(b) EXCEPTION FOR DCA DIRECTOR.—The Sec-  
20 retary of Defense may assign an officer on the active-duty  
21 list to serve as the Director of the Defense Commissary  
22 Agency.

23 “(c) EXCEPTION FOR CERTAIN ADDITIONAL MEM-  
24 BERS.—Beginning on October 1, 1996, not more than 18

1 additional members of the armed forces on active duty  
2 may be assigned to the Defense Commissary Agency. As-  
3 signment of such member to regional headquarters of that  
4 Agency shall be limited to enlisted advisors for those re-  
5 gions responsible for overseas commissaries and to veteri-  
6 nary specialists.

7       “(d) EXCEPTION FOR CERTAIN NAVY PERSONNEL.—  
8 (1) The Secretary of the Navy may assign to the Defense  
9 Commissary Agency a member of the Navy whose assign-  
10 ment afloat is part of the operation of a ship’s food service  
11 or a ship’s store. Any such assignment shall be on a  
12 nonreimbursable basis.

13       “(2) The number of such members assigned to the  
14 Defense Commissary Agency during any period before Oc-  
15 tober 1, 1996, may not exceed the number of such mem-  
16 bers so assigned on October 1, 1993. After September 30,  
17 1996, the number of such members so assigned may not  
18 exceed the lesser of (A) the number of members so as-  
19 signed on October 1, 1993, and (B) 400.”.

20       (b) CLERICAL AMENDMENT.—The table of sections  
21 at the beginning of such chapter is amended by inserting  
22 after the item relating to section 976 the following new  
23 item:

“977. Operation of commissary stores: assignment of active duty members gen-  
erally prohibited.”.

1 **SEC. 353. MODERNIZATION OF AUTOMATED DATA PROC-**  
2 **ESSING CAPABILITY OF THE DEFENSE COM-**  
3 **MISSARY AGENCY.**

4 In order to perform inside the Defense Commissary  
5 Agency (in this section referred to as the "Agency") all  
6 automated data processing functions of the Agency as  
7 soon as possible, the Secretary of Defense shall take any  
8 action necessary to expedite the modernization of the auto-  
9 mated data processing capability of the Agency. Such ac-  
10 tion may include the modification of existing contracts  
11 with contractors supplying automated data processing  
12 services to the Agency.

13 **SEC. 354. OPERATION OF STARS AND STRIPES BOOK-**  
14 **STORES BY THE MILITARY EXCHANGES.**

15 The Secretary of Defense shall prescribe regulations  
16 providing for the operation, not later than April 15, 1994,  
17 of Stars and Stripes bookstores outside of the United  
18 States by the military exchanges.

19 **SEC. 355. AVAILABILITY OF FUNDS FOR NEXCOM RELOCA-**  
20 **TION EXPENSES.**

21 Of funds authorized to be appropriated under section  
22 301(2), \$10,000,000 shall be available to provide for the  
23 payment of expenses incurred by the Navy Exchange Serv-  
24 ice Command to relocate functions and activities from the  
25 Naval Station, Staten Island, to the Naval Base, Norfolk.

## 1                   **Subtitle F—Other Matters**

### 2   **SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AU-** 3                   **THORITY FOR THE INSPECTOR GENERAL OF** 4                   **THE DEPARTMENT OF DEFENSE.**

5           Section 127 of title 10, United States Code, is  
6 amended—

7           (1) in subsection (a)—

8                   (A) in the first sentence, by inserting “,  
9                   the Inspector General of the Department of De-  
10                   fense,” after “the Secretary of Defense”;

11                   (B) in the second sentence, by inserting  
12                   “or the Inspector General of the Department of  
13                   Defense” after “the Secretary concerned”; and

14                   (C) in the third sentence, by inserting “or  
15                   the Inspector General of the Department of De-  
16                   fense” after “The Secretary concerned”;

17           (2) in subsection (b), by inserting “, by the In-  
18           spector General of the Department of Defense to a  
19           person in the Office of the Inspector General,” after  
20           “the Department of Defense”; and

21           (3) in subsection (c)—

22                   (A) by inserting “(1)” after “(c)”; and

23                   (B) by adding after paragraph (1), as so  
24                   designated by subparagraph (A), the following  
25                   new paragraph:

1       “(2) The amount of funds expended by the Inspector  
2 General of the Department of Defense under subsections  
3 (a) and (b) during a fiscal year may not exceed  
4 \$400,000.”.

5 **SEC. 362. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO**  
6 **ACT ON REPORTS OF SURVEY.**

7       Section 4835 of title 10, United States Code, is  
8 amended—

9           (1) in subsection (a), by inserting “or any civil-  
10       ian employee of the Department of the Army” after  
11       “any officer of the Army”; and

12           (2) in subsection (b), by striking out “an officer  
13       of the Army designated by him.” and inserting in  
14       lieu thereof “the Secretary’s designee. The Secretary  
15       may designate officers of the Army or civilian em-  
16       ployees of the Department of the Army to approve  
17       such action.”.

18 **SEC. 363. EXTENSION OF GUIDELINES FOR REDUCTIONS IN**  
19 **CIVILIAN POSITIONS.**

20       (a) EXTENSION OF GUIDELINES.—Section 1597 of  
21 title 10, United States Code, is amended—

22           (1) in subsection (a), by striking out “during  
23       fiscal year 1993” and inserting in lieu thereof “dur-  
24       ing a fiscal year”; and

1           (2) in subsection (b), by striking out “for fiscal  
2           year 1993”.

3           (b) UPDATE OF MASTER PLAN.—Section 1597(c) of  
4 such title is amended—

5           (1) in paragraph (1), by striking out “for fiscal  
6           year 1994” and inserting in lieu thereof “for a fiscal  
7           year”; and

8           (2) by adding at the end the following new  
9           paragraph:

10          “(4) The Secretary of Defense shall include in the  
11 materials referred in paragraph (1), a report on the imple-  
12 mentation of the master plan for the fiscal year imme-  
13 diately preceding the fiscal year for which such materials  
14 were submitted.”.

15 **SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.**

16          Paragraph (1) of section 3401(a) of title 39, United  
17 States Code, is amended—

18           (1) in the matter before subparagraph (A)—

19                   (A) by inserting “an individual who is” be-  
20                   fore “a member”; and

21                   (B) by inserting “or a civilian, otherwise  
22                   authorized to use postal services at Armed  
23                   Forces installations, who holds a position or  
24                   performs one or more functions in support of  
25                   military operations, as designated by the mili-

1 tary theater commander,” after “section 101 of  
2 title 10,”; and

3 (2) in subparagraphs (A) and (B) by striking  
4 “the member” and inserting “such individual”.

5 **SEC. 365. EXTENSION AND MODIFICATION OF PILOT PRO-**  
6 **GRAM TO USE NATIONAL GUARD PERSONNEL**  
7 **IN MEDICALLY UNDERSERVED COMMU-**  
8 **NITIES.**

9 (a) PILOT PROGRAM.—Subsection (a) of section 376  
10 of the National Defense Authorization Act for Fiscal Year  
11 1993 (P.L. 102–484; 106 Stat. 2385) is amended—

12 (1) by striking out “Under regulations pre-  
13 scribed by the Secretary of Defense, the” and insert-  
14 ing in lieu thereof “The”;

15 (2) by inserting “, approved by the Secretary of  
16 Defense,” after “enter into an agreement”; and

17 (3) by striking out “fiscal years 1993 and  
18 1994” and inserting in lieu thereof “fiscal years  
19 1993, 1994, and 1995”.

20 (b) FUNDING ASSISTANCE.—Subsection (b) of such  
21 section is amended to read as follows:

22 “(b) FUNDING ASSISTANCE.—Amounts made avail-  
23 able from Department of Defense accounts for operation  
24 and maintenance and for pay and allowances to carry out  
25 the pilot program shall be apportioned by the Chief of the

1 National Guard Bureau among those States with which  
2 the Chief has entered into approved agreements. In addi-  
3 tion to such amounts, the Chief of the National Guard  
4 Bureau may authorize any such State, in order to carry  
5 out the pilot program during a fiscal year, to use funds  
6 received as part of the operation and maintenance and pay  
7 and allowances allotments for the National Guard of the  
8 State for that fiscal year. The amount of such funds that  
9 may be used to carry out the pilot program during that  
10 fiscal year may not exceed 25 percent of the amount used  
11 for medical training of the National Guard of the State  
12 during the fiscal year immediately before that fiscal  
13 year.”.

14 (c) SUPPLIES AND EQUIPMENT.—Such section is fur-  
15 ther amended—

16 (1) by redesignating subsections (c) through (f)  
17 as subsections (d) through (g), respectively; and

18 (2) by inserting after subsection (b) the follow-  
19 ing new subsection (c):

20 “(c) SUPPLIES AND EQUIPMENT.—(1) Funds made  
21 available from Department of Defense operation and  
22 maintenance accounts to carry out the pilot program may  
23 be used for the purchase of supplies and equipment nec-  
24 essary for the provision of health care under the pilot pro-  
25 gram.

1       “(2) In addition to supplies and equipment provided  
2 through the use of funds under paragraph (1), supplies  
3 and equipment described in such paragraph that are fur-  
4 nished by a State, a Federal agency, or any other person  
5 may be used to carry out the pilot program.”.

6       (d) SERVICE OF PARTICIPANTS.—Subsection (f) of  
7 such section, as redesignated by subsection (c)(1), is  
8 amended to read as follows:

9       “(f) SERVICE OF PARTICIPANTS.—Service in the pilot  
10 program by a member of the National Guard is training  
11 in the member’s Federal status as a member of the Na-  
12 tional Guard of a State under section 270 of title 10, Unit-  
13 ed States Code, and section 502 of title 32, United States  
14 Code.”.

15       (e) REPORT.—Subsection (g) of such section, as re-  
16 designated by subsection (c)(1), is amended by striking  
17 out “January 1, 1994” and inserting in lieu thereof “Jan-  
18 uary 1, 1995”.

19       (f) DEFINITIONS.—Such section is further amended  
20 by adding at the end the following new subsection:

21       “(h) DEFINITIONS.—For purposes of this section:

22               “(1) The term ‘health care’ includes medical  
23 and dental care services.

1           “(2) The term ‘Governor’ means, with respect  
2           to the District of Columbia, the commanding general  
3           of the District of Columbia National Guard.

4           “(3) The term ‘State’ includes the District of  
5           Columbia, the Commonwealth of Puerto Rico,  
6           Guam, and the Virgin Islands.”.

7   **SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIRE-**  
8                           **MENT HOME ACT OF 1991.**

9           (a) RELATIONSHIP TO DEPARTMENT OF DE-  
10 FENSE.—Section 1511 of the Armed Forces Retirement  
11 Home Act of 1991 (title XV of Public Law 101–510; 104  
12 Stat. 1723) is amended—

13           (1) by redesignating subsection (e) as sub-  
14           section (f); and

15           (2) by inserting after subsection (d) the follow-  
16           ing new subsection (e):

17           “(e) DEPARTMENT OF DEFENSE SUPPORT.—The  
18 Secretary of Defense may make available to the Retire-  
19 ment Home, on a nonreimbursable basis, administrative  
20 support and office services, legal and policy planning as-  
21 sistance, access to investigative facilities of the Inspector  
22 General of the Department of Defense and of the military  
23 departments, and any other support necessary to enable  
24 the Retirement Home to carry out its functions under this  
25 Act.”.

1 (b) AUTHORITY OF RETIREMENT HOME CHAIR-  
2 MAN.—Subsection (d)(1) of section 1515 of such Act (104  
3 Stat. 1727) is amended to read as follows:

4 “(d) CHAIRMEN.—(1)(A) The Secretary of Defense  
5 shall select one of the members of the Retirement Home  
6 Board to serve as chairman. The term of office of the  
7 chairman shall be five years with eligibility for selection  
8 to serve a second five-year term at the discretion of the  
9 Secretary. The chairman shall act as the chief executive  
10 officer of the Retirement Home, and shall not be respon-  
11 sible to the Secretary of Defense or to the Secretaries of  
12 the military departments for overall direction and manage-  
13 ment of the Retirement Home and each facility main-  
14 tained as a separate facility of the Retirement Home.

15 “(B) The chairman may appoint, in addition to such  
16 ad hoc committees as the chairman determines to be ap-  
17 propriate, a standing executive committee to act for, and  
18 in the name of, the Retirement Home Board at such times  
19 and on such matters as the chairman considers necessary  
20 to expedite the efficient and timely management of each  
21 facility maintained as a separate facility of the Retirement  
22 Home.

23 “(C) The chairman may appoint an administrative  
24 staff to assist the chairman in the performance of such  
25 individual’s duties as the chairman of the Retirement

1 Board and chief executive officer of the Retirement Home.  
2 The chairman shall determine the rate of pay for such  
3 staff, except that a staff member who is a member of the  
4 Armed Forces on active duty or who is a full-time officer  
5 or employee of the United States shall receive no addi-  
6 tional pay by reason of service on the administrative  
7 staff.”.

8 (c) HOSPITAL CARE FOR HOME RESIDENTS.—The  
9 second sentence of section 1513(b) of such Act (104 Stat.  
10 1725) is amended to read as follows: “Secondary and ter-  
11 tiary hospital care for residents that is not available at  
12 a facility maintained as a separate establishment of the  
13 Retirement Home shall, to the extent available, be ob-  
14 tained by agreement with the Secretary of Veterans Af-  
15 fairs or the Secretary of Defense in a facility administered  
16 by such Secretary. The Retirement Home shall not be re-  
17 sponsible for the costs incurred for such care by a resident  
18 of the Retirement Home who uses a private medical facil-  
19 ity for such care.”.

20 (d) DISPOSITION OF ESTATES OF DECEASED RESI-  
21 DENTS.—Section 1520(a) of such Act (104 Stat. 1731)  
22 is amended to read as follows:

23 “(a) EFFECTS OF DECEASED PERSONS.—The Direc-  
24 tor of a facility maintained as a separate establishment  
25 of the Retirement Home shall safeguard and dispose of

1 the estate and personal effects of deceased residents, in-  
2 cluding effects delivered to the Retirement Home under  
3 subsections 4712(f) and 9712(f) of title 10, United States  
4 Code, and shall ensure the following:

5           “(1) A will or other instrument of a testa-  
6           mentary nature involving property rights executed  
7           by a resident shall be promptly delivered, upon the  
8           death of the resident, to the proper court of record.  
9           All property left by the deceased resident shall be  
10          held for disposition as directed by the court.

11          “(2) In the event a resident dies intestate and  
12          the heirs or legal representative of the deceased can-  
13          not be immediately ascertained, the Director shall  
14          retain all property left by the decedent for a three-  
15          year period beginning on the date of the death. If  
16          entitlement to such property is established to the  
17          satisfaction of the Director at any time during the  
18          three-year period, the Director shall distribute the  
19          decedent’s property, in equal pro-rata shares when  
20          multiple beneficiaries have been identified, to the  
21          highest following categories of identified survivors  
22          (listed in the order of precedence indicated):

23                 “(A) The surviving spouse or legal rep-  
24                 resentative.

25                 “(B) The children of the deceased.

1           “(C) The parents of the deceased.

2           “(D) The siblings of the deceased.

3           “(E) The next-of-kin of the deceased.”.

4           (e) SALE OF EFFECTS.—Subsection (b) of such sec-  
5 tion is amended to read as follows:

6           “(b) SALE OF EFFECTS.—(1) In the event the dis-  
7 position of the estate of a resident of the Retirement  
8 Home cannot be accomplished under subsection (a)(2), the  
9 entirety of the deceased resident’s domiciliary estate and  
10 the entirety of any ancillary estate that are unclaimed at  
11 the end of the three-year period beginning on the date of  
12 the death of the resident shall escheat to the Retirement  
13 Home. Upon the sale of any such unclaimed estate prop-  
14 erty, the proceeds of the sale shall be deposited in the Re-  
15 tirement Home Trust Fund. In the event a personal rep-  
16 resentative or other fiduciary is appointed to administer  
17 a deceased resident’s unclaimed estate before the end of  
18 such three-year period, the balance of the entire net pro-  
19 ceeds of the estate, less estate expenses, shall be directly  
20 deposited to any local court fund, subject to a claim by  
21 the Comptroller General of the United States. This para-  
22 graph shall apply to the estate of a resident of the Sol-  
23 diers’ and Airmen’s Home or of the Naval Home who dies  
24 after November 29, 1989.

1       “(2) The Director of a facility maintained as a sepa-  
2 rate establishment of the Retirement Home may designate  
3 an attorney to serve as attorney-general for the facility  
4 in any probate proceeding in which the Retirement Home  
5 may have a legal interest as nominated fiduciary, testa-  
6 mentary legatee, escheat legatee, or in any other capacity.  
7 The attorney-general may, in the domiciliary jurisdiction  
8 of the deceased resident and in any ancillary jurisdictions,  
9 petition for appointment as fiduciary under any resulting  
10 court appointment. In a probate proceeding in which the  
11 heirs of an intestate deceased resident cannot be located,  
12 the attorney-agent shall be appointed as the fiduciary of  
13 the estate of the decedent.

14       “(3) The designation of a facility of the Retirement  
15 Home as personal representative of the estate of a resident  
16 of the Retirement Home or as a legatee under the will  
17 or codicil of the resident shall not disqualify an employee  
18 or staff member of that facility from serving as an eligible  
19 witness to a will or codicil of the resident.

20       “(4) After the expiration of the three-year period be-  
21 ginning on the date of the death of a resident of the facil-  
22 ity, the Director of the facility shall dispose of all property  
23 of the deceased resident that is not otherwise disposed of  
24 as provided for in this subsection, including personal ef-  
25 fects such as decorations, medals, and citations to which

1 a right has not been established under subsection (a). Dis-  
2 posal may be made within the discretion of the Director  
3 by—

4 “(A) retaining such property or effects for the  
5 facility;

6 “(B) offering such items to the Secretary of  
7 Veterans Affairs, a State, another military home, a  
8 museum, or any other institution having an interest;  
9 or

10 “(C) destroying any items the Director con-  
11 cerned considers to be valueless.”.

12 **SEC. 367. REQUIRED PAYMENT DATE UNDER PROMPT PAY-**  
13 **MENT ACT FOR PROCUREMENT OF BAKED**  
14 **GOODS.**

15 In the case of the acquisition of baked goods by the  
16 Department of Defense, the required payment date for  
17 purposes of section 3902 of title 31, United States Code  
18 (relating to interest penalties for failure to pay contractors  
19 by the required payment date), shall be the same as ap-  
20 plies under the regulations prescribed under section  
21 3903(a)(4) of such title in the case of the acquisition of  
22 edible oils or fats by the Department of Defense.

1 **SEC. 368. PROVISION OF FACILITIES AND SERVICES OF THE**  
2 **DEPARTMENT OF DEFENSE TO CERTAIN EDU-**  
3 **CATIONAL ENTITIES.**

4 (a) PROVISION OF FACILITIES AND SERVICES.—  
5 Chapter 152 of title 10, United States Code, is amended  
6 by adding at the end the following new section:

7 **“§2553. Facilities and services: certain educational**  
8 **entities**

9 “(a) USE OF FACILITIES.—The Secretary may per-  
10 mit an entity referred to in subsection (c) to use, on a  
11 reimbursable or nonreimbursable basis, any facility of the  
12 Department of Defense that the Secretary determines will  
13 assist that entity in achieving its educational goals.

14 “(b) USE OF SERVICES.—The Secretary may make  
15 available to an entity referred to in subsection (c), on a  
16 reimbursable or nonreimbursable basis, the services of any  
17 member of the armed forces or employee of the Depart-  
18 ment of Defense who the Secretary determines will assist  
19 that entity in achieving its education goals.

20 “(c) COVERED ENTITIES.—The entities referred to in  
21 subsections (a) and (b) are the following:

22 “(1) The United States Space Camp.

23 “(2) The United States Space Academy.

24 “(3) The Aviation Challenge.

25 “(4) The National Flight Academy.

1       “(d) OPERATION OF THE NATIONAL FLIGHT ACAD-  
2 EMY.—After the completion of the facilities of the Na-  
3 tional Flight Academy, the Secretary of the Navy may ac-  
4 cept the donation of such facilities from the Naval Avia-  
5 tion Museum Foundation (or a successor entity of the  
6 Foundation). If the donation occurs, the Secretary of the  
7 Navy may, by regulations prescribed under subsection (f),  
8 permit the Naval Aviation Museum Foundation (or any  
9 successor entity) to operate and maintain such facilities.

10       “(e) NONINTERFERENCE WITH ARMED FORCES OP-  
11 ERATIONS.—The provision of facilities and services under  
12 subsections (a) and (b) may not interfere with the normal  
13 operations and missions of the armed forces.

14       “(f) REGULATIONS.—The Secretary shall prescribe  
15 regulations to carry out this section, including regulations  
16 establishing reasonable rates for a reimbursement under  
17 subsection (a).”.

18       (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of subchapter II of such chapter is  
20 amended by adding at the end the following new item:

“2553. Facilities and services: certain educational entities.”.

21 **SEC. 369. MODIFICATION OF RESTRICTION ON REPAIR OF**  
22 **CERTAIN VESSELS THE HOMEPORT OF**  
23 **WHICH IS PLANNED FOR REASSIGNMENT.**

24       Section 7310(b) of title 10, United States Code, as  
25 inserted by section 814(b), is amended to read as follows:

1       “(b) VESSEL CHANGING HOMEPORTS.—(1) In the  
2 case of a naval vessel the homeport of which is not in the  
3 United States (or a territory of the United States), the  
4 Secretary of the Navy may not during the 15-month pe-  
5 riod preceding the planned reassignment of the vessel to  
6 a homeport in the United States (or a territory of the  
7 United States) begin any work for the overhaul, repair,  
8 or maintenance of the vessel that is scheduled to be for  
9 a period of more than six months.

10       “(2) In the case of a naval vessel the homeport of  
11 which is in the United States (or a territory of the United  
12 States), the Secretary of the Navy shall during the 15-  
13 month period preceding the planned reassignment of the  
14 vessel to a homeport not in the United States (or a terri-  
15 tory of the United States) perform in the United States  
16 (or a territory of the United States) any work for the over-  
17 haul, repair, or maintenance of the vessel that is scheduled  
18 to be for a period of more than six months.”.

19 **SEC. 370. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES**  
20 **WHO DIE WHILE SERVING IN AN ARMED CON-**  
21 **FLECT WITH THE ARMED FORCES.**

22       (a) IN GENERAL.—Chapter 75 of title 10, United  
23 States Code, is amended by inserting after section 1482  
24 the following new section:

1 **“§ 1482a. Expenses incident to death: civilian employ-**  
2 **ees serving in a contingency operation**

3 “(a) PAYMENT OF EXPENSES.—The Secretary con-  
4 cerned may pay the following expenses incident to the  
5 death of a civilian employee who dies while serving with  
6 an armed force in a contingency operation:

7 “(1) Round-trip transportation and prescribed  
8 allowances for one person to escort the remains of  
9 the employee to the place authorized under section  
10 5742(b)(1) of title 5.

11 “(2) Presentation of a flag of the United States  
12 to the next of kin of the employee.

13 “(3) Presentation of a flag of equal size to the  
14 flag presented under paragraph (2) to the parents or  
15 parent of the employee, if the person to be presented  
16 a flag under paragraph (2) is other than the parent  
17 of the employee.

18 “(b) REGULATIONS.—The Secretary of Defense shall  
19 prescribe regulations to implement this section. The Sec-  
20 retary of Transportation shall prescribe regulations to im-  
21 plement this section with regard to civilian employees of  
22 the Department of Transportation. Such regulations shall  
23 be uniform to the extent possible.

24 “(c) DEFINITIONS.—In this section:

25 “(1) The term ‘parent’ has the meaning given  
26 such term in section 1482(a)(11) of this title.

1 “(2) The term ‘Secretary concerned’ includes  
2 the Secretary of Defense with respect to employees  
3 of the Department of Defense who are not employ-  
4 ees of a military department.”.

5 (b) CLERICAL AMENDMENT.—The table of sections  
6 at the beginning of chapter 75 of such title is amended  
7 by inserting after the item relating to section 1482 the  
8 following new item:

“1482a. Expenses incident to death: civilian employees serving in a contingency  
operation.”.

9 (c) EFFECTIVE DATE.—The amendments made by  
10 this section shall apply with respect to the payment of inci-  
11 dental expenses for civilian employees who die while serv-  
12 ing in a contingency operation that occurs after the date  
13 of the enactment of this Act.

14 **SEC. 371. MAINTENANCE OF PACIFIC BATTLE MONUMENTS.**

15 (a) AUTHORITY.—The Commandant of the Marine  
16 Corps may provide necessary minor maintenance and re-  
17 pairs to the Pacific battle monuments until such time as  
18 the Secretary of the American Battle Monuments Com-  
19 mission and the Commandant of the Marine Corps agree  
20 that the repair and maintenance will be performed by the  
21 American Battle Monuments Commission.

22 (b) FUNDING.—Of the amounts made available to the  
23 Marine Corps for operation and maintenance in a fiscal  
24 year, not more than \$15,000 shall be available to repair

1 and maintain Pacific battle monuments, except that of the  
2 amounts available to the Marine Corps for operation and  
3 maintenance in fiscal year 1994, \$150,000 shall be avail-  
4 able to repair and relocate a monument located on Iwo  
5 Jima commemorating the heroic efforts of American mili-  
6 tary personnel during World War II.

7 **SEC. 372. EXCLUSIVE USE OF AIRCRAFT CARRIER FOR**  
8 **FULL-TIME TRAINING.**

9 (a) SENSE OF CONGRESS.—It is the sense of the Con-  
10 gress that the aviation training requirements of the Navy  
11 can be adequately achieved in a safe and cost-effective  
12 manner only if an aircraft carrier is used exclusively and  
13 on a full-time basis to meet such requirements.

14 (b) USE OF CARRIER.—The Secretary of the Navy  
15 shall use the U.S.S. Forestall (or another aircraft carrier  
16 designated by the Secretary) exclusively and on a full-time  
17 basis to meet the aviation training requirements of the  
18 Navy.

19 **SEC. 373. REPORT ON CERTAIN EDUCATIONAL ARRANGE-**  
20 **MENTS FOR CHILDREN RESIDING ON MILI-**  
21 **TARY INSTALLATIONS IN THE UNITED**  
22 **STATES.**

23 (a) REPORT.—(1) Not later than February 28, 1994,  
24 the Secretary of Defense shall submit to the congressional  
25 committees referred to in paragraph (2) a report on any

1 educational arrangement referred to in subsection (b) that  
2 is made by the Secretary of Defense for children residing  
3 on military installations in the United States. The report  
4 shall include the following:

5 (A) The assessment and recommendations of  
6 the Secretary of Defense regarding the justification  
7 of the continuing need for school facilities under any  
8 such educational arrangement.

9 (B) A comprehensive review of the Department  
10 of Education Impact Aid program to determine  
11 whether the program is meeting its objectives with  
12 regard to militarily impacted school districts. The  
13 review shall address structural as well as funding  
14 concerns.

15 (C) A review of all militarily-impacted school  
16 districts which are experiencing financial difficulties  
17 to determine whether those districts are experiencing  
18 financial difficulty in whole or in part as a result of  
19 their responsibility for educating military depend-  
20 ents. The study should focus on students under sec-  
21 tion 3(a) of the Act of September 30, 1950 (20  
22 U.S.C. 238) and include, at a minimum, a review of  
23 all militarily-impacted school districts which are on  
24 a State's financial watch list. The study should spe-  
25 cifically analyze the effect of the financial difficulty

1 on the students served, including social and edu-  
2 cational impacts.

3 (D) An analysis of, and recommendations re-  
4 garding, how the Impact Aid program may be struc-  
5 turally improved to better meet the educational  
6 needs of military dependents and the schools that  
7 serve them. The analysis should specifically address  
8 whether the Department of Defense should assume  
9 a larger responsibility for the education of military  
10 dependents.

11 (2) The congressional committees referred to in para-  
12 graph (1) are the Committees on Armed Services of the  
13 Senate and House of Representatives, the Committee on  
14 Labor and Human Resources of the Senate, and the Com-  
15 mittee on Education and Labor of the House of Rep-  
16 resentatives.

17 (b) COVERED ARRANGEMENTS.—An educational ar-  
18 rangement referred to in subsection (a) is an arrangement  
19 of the kind that may be made under section 6 of the Act  
20 of September 30, 1950 (20 U.S.C. 241).

21 **SEC. 374. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.**

22 (a) DEMONSTRATION PROJECT FOR USE OF PRO-  
23 CEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1)  
24 Section 343(d)(1) of the National Defense Authorization  
25 Act for Fiscal Years 1992 and 1993 (Public Law 102–

1 190; 105 Stat. 1344) is amended by striking out “termi-  
2 nate at the end of the two-year period beginning on the  
3 date of the enactment of this Act” and inserting in lieu  
4 thereof “terminate on December 5, 1994”.

5 (2) Section 343(e) of such Act is amended by striking  
6 out “60 days after the end of the two-year period de-  
7 scribed in subsection (d)” and inserting in lieu thereof  
8 “February 3, 1995”.

9 (b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL  
10 SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUC-  
11 TION AND SERVICES.—Section 1425(e) of the National  
12 Defense Authorization Act for Fiscal Year 1991 (Public  
13 Law 101–510; 104 Stat. 1684) is amended by striking  
14 out “September 30, 1993” and inserting in lieu thereof  
15 “September 30, 1994”.

16 (c) AUTHORITY OF BASE COMMANDERS OVER CON-  
17 TRACTING FOR COMMERCIAL ACTIVITIES.—Section  
18 2468(f) of title 10, United States Code, is amended by  
19 striking out “September 30, 1993” and inserting in lieu  
20 thereof “September 30, 1994”.

21 **SEC. 375. SHIPS’ STORES.**

22 (a) CONVERSION TO OPERATION AS  
23 NONAPPROPRIATED FUND INSTRUMENTALITIES.—Not  
24 later than 180 days after the date of the enactment of  
25 this Act, the Secretary of the Navy shall convert the oper-

1 ation of all ships' stores from operation as an activity  
2 funded by direct appropriations to operation by the Navy  
3 Exchange Command as an activity funded from sources  
4 other than appropriated funds.

5 (b) TRANSFER OF FUNDS.—To facilitate the conver-  
6 sion required under subsection (a), the Secretary of the  
7 Navy shall transfer to the Navy Exchange Command  
8 from—

9 (1) the Navy Stock Fund, an amount equal to  
10 the value of existing ships' stores assets in that  
11 Fund; and

12 (2) the Ships' Stores Profits, Navy Fund, resid-  
13 ual cash in that Fund.

14 (c) CODIFICATION.—Section 7604 of title 10, United  
15 States Code, is amended—

16 (A) by inserting “(a) IN GENERAL.—” before  
17 “Under such regulations”; and

18 (B) by adding at the end the following new sub-  
19 sections:

20 “(b) INCIDENTAL SERVICES.—The Secretary of the  
21 Navy may provide financial services, space, utilities, and  
22 labor to ships' stores on a nonreimbursable basis.

23 “(c) ITEMS SOLD.—Merchandise sold by ship stores  
24 afloat shall include items in the following categories:

25 “(1) Health, beauty, and barber items.

1 “(2) Prerecorded music and videos.

2 “(3) Photographic batteries and related sup-  
3 plies.

4 “(4) Appliances and accessories.

5 “(5) Uniform items, emblematic and athletic  
6 clothing, and equipment.

7 “(6) Luggage and leather goods.

8 “(7) Stationery, magazines, books, and sup-  
9 plies.

10 “(8) Sundry, games, and souvenirs.

11 “(9) Beverages and related food and snacks.

12 “(10) Laundry, tailor, and cleaning supplies.

13 “(11) Tobacco products.”.

14 (d) EFFECTIVE DATE.—Subsections (b) and (c) of  
15 section 7604 of title 10, United States Code, as added by  
16 subsection (c), shall take effect on the date on which the  
17 Secretary of the Navy completes the conversion referred  
18 to in subsection (a).

## 19 **Subtitle G—Environmental** 20 **Provisions**

### 21 **SEC. 381. MODIFICATION OF ANNUAL REPORT ON ENVI-** 22 **RONMENTAL RESTORATION AND COMPLI-** 23 **ANCE BY THE DEPARTMENT OF DEFENSE.**

24 (a) IN GENERAL.—Section 2706 of title 10, United  
25 States Code, is amended to read as follows:

1 **“§ 2706. Annual report to Congress**

2       “(a) REPORT.—Each year, at the same time the  
3 President submits to the Congress the budget for a fiscal  
4 year (pursuant to section 1105 of title 31), the Secretary  
5 of Defense shall submit to the Congress a report that de-  
6 scribes the progress made by the Secretary of Defense in  
7 implementing environmental restoration and compliance  
8 activities at military installations.

9       “(b) CONTENTS OF REPORT.—Each such report shall  
10 include the following:

11           “(1) With respect to environmental restoration  
12 activities for each military installation, the following:

13                   “(A) A statement of the number of individ-  
14 ual facilities at which a hazardous substance  
15 has been identified.

16                   “(B) The status of response actions con-  
17 templated or undertaken at each such facility.

18                   “(C) The specific cost estimates and budg-  
19 etary proposals involving response actions con-  
20 templated or undertaken at each such facility.

21                   “(D) The amount of funds obligated for  
22 each response action, and the progress made on  
23 implementing the response action, during the  
24 previous fiscal year, with explanations for any  
25 cost variance from such previous year’s esti-  
26 mates of more than 15 percent or \$10,000,000

1 (whichever is greater), or any schedule slippage  
2 of more than 180 days.

3 “(E) The amount allocated for, and the  
4 progress the Department expects to make in  
5 implementing, each response action during the  
6 current fiscal year.

7 “(F) The amount requested for each re-  
8 sponse action for the fiscal year for which the  
9 President’s budget is submitted, and the  
10 progress the Secretary expects to make during  
11 that fiscal year in implementing the response  
12 action. If such information is not available at  
13 the time of the submission of the report, the  
14 Secretary shall, to the maximum extent pos-  
15 sible, provide the information in a supplemental  
16 report not later than 30 days after submission  
17 of the report.

18 “(G) The costs incurred to date for each  
19 response action.

20 “(H) The estimated cost to complete the  
21 environmental restoration activities, including,  
22 where relevant, the estimated cost in five-year  
23 increments.

24 “(I) The estimated final date for comple-  
25 tion of the environmental restoration activities,

1 including, where relevant, the estimated  
2 progress, in five-year increments, toward com-  
3 pletion.

4 “(2) With respect to compliance activities, the  
5 following:

6 “(A) A statement of the funding levels and  
7 full-time personnel required for the Department  
8 of Defense to comply with applicable environ-  
9 mental laws during the fiscal year for which the  
10 budget is submitted. The statement shall set  
11 forth separately the funding levels and person-  
12 nel required for the Department of Defense as  
13 a whole and for each military installation.

14 “(B) A statement of the funding levels and  
15 full-time personnel requested for such purposes  
16 in the budget as submitted by the President, to-  
17 gether with an explanation of any differences  
18 between the funding level and personnel re-  
19 quirements and the funding level and personnel  
20 requests in the budget. The statement shall set  
21 forth separately the funding levels and full-time  
22 personnel requested for the Department of De-  
23 fense as a whole and for each military installa-  
24 tion.

1           “(C) A projection of the funding levels and  
2 full-time personnel that will be required over  
3 the next five fiscal years for the Department of  
4 Defense to comply with applicable environ-  
5 mental laws, set forth separately for the De-  
6 partment of Defense as a whole and for each  
7 military installation.

8           “(D) An analysis of the effect that compli-  
9 ance with such environmental laws may have on  
10 the operations and mission capabilities of the  
11 Department of Defense as a whole and of each  
12 military installation.

13           “(E) A statement of the funding levels re-  
14 quested in the budget for carrying out research,  
15 development, testing, and evaluation for envi-  
16 ronmental purposes or environmental activities  
17 of the Department of Defense. The statement  
18 shall set forth separately the funding levels re-  
19 quested for the Department of Defense as a  
20 whole and for each military department and  
21 Defense Agency.

22           “(F) A description of the number and du-  
23 ties of current full-time personnel, both civilian  
24 and military, who carry out environmental ac-  
25 tivities (including research) for the Department

1 of Defense, including a description of the orga-  
2 nizational structure of such personnel from the  
3 Secretary of Defense down to the military in-  
4 stallation level.

5 “(G) A statement of the funding levels and  
6 personnel required for the Department of De-  
7 fense to comply with applicable environmental  
8 requirements for military installations located  
9 outside the United States during the fiscal year  
10 for which the budget is submitted.

11 “(c) DEFINITIONS.—In this section:

12 “(1) The term ‘military installation’—

13 “(A) includes—

14 “(i) each facility or site owned by,  
15 leased to, or otherwise possessed by the  
16 United States and under the jurisdiction of  
17 the Secretary;

18 “(ii) each facility or site which was  
19 under the jurisdiction of the Secretary and  
20 owned by, leased to, or otherwise possessed  
21 by the United States at the time of actions  
22 leading to contamination by hazardous  
23 substances; and

24 “(iii) each facility or site at which the  
25 Secretary is conducting environmental res-

1           toration activities funded through the De-  
2           fense Environmental Restoration Account  
3           established under section 2703, the De-  
4           partment of Defense Base Closure Account  
5           1990 established under section 2906 of the  
6           Defense Base Closure and Realignment  
7           Act of 1990 (title XXIX of Public Law  
8           101–510; 10 U.S.C. 2687 note), the De-  
9           partment of Defense Base Closure Account  
10          established under section 207 of the De-  
11          fense Authorization Amendments and Base  
12          Closure and Realignment Act (10 U.S.C.  
13          note), a successor account to any such ac-  
14          counts, or any other account established in  
15          connection with the closing or realigning of  
16          a military installation;

17           “(B) means a base, camp, post, station,  
18          yard, center, or other activity under the juris-  
19          diction of the Department of Defense, including  
20          any leased facility, which is located within any  
21          of the several States, the District of Columbia,  
22          the Commonwealth of Puerto Rico, American  
23          Samoa, the Virgin Islands, or Guam; and

1           “(C) does not include any facility used pri-  
2           marily for civil works, rivers and harbors  
3           projects, or flood control projects.

4           “(2) The term ‘response’ has the same meaning  
5           given such term in section 101(25) of the Com-  
6           prehensive Environmental Response, Compensation,  
7           and Liability Act of 1980 (42 U.S.C. 9601(25)).”.

8           (b) CLERICAL AMENDMENT.—The item relating to  
9           section 2706 in the table of sections at the beginning of  
10          chapter 160 of such title is amended to read as follows:

          “2706. Annual report to Congress.”.

11       **SEC. 382. INDEMNIFICATION OF TRANSFEREES OF CLOS-**  
12   **ING DEFENSE PROPERTY.**

13          Section 330 of the National Defense Authorization  
14       Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
15       2371) is amended—

16               (1) in subsection (a)(1)—

17                       (A) by striking out “hazardous substance  
18                       or pollutant or contaminant” and inserting in  
19                       lieu thereof “hazardous substance, pollutant or  
20                       contaminant, or petroleum or its derivatives”;  
21                       and

22                       (B) by inserting “(including the activities  
23                       of any contractor or subcontractor of the De-  
24                       partment of Defense other than a response ac-

1           tion contractor)” after “Department of Defense  
2           activities”;

3           (2) in subsection (a)(2), by striking out “de-  
4           scribed in this paragraph” and inserting in lieu  
5           thereof “referred to in paragraph (1)”;

6           (3) in subsection (a)(3)—

7                 (A) by striking out “the persons and enti-  
8                 ties described in paragraph (2)” and inserting  
9                 in lieu thereof “a person or entity described in  
10                paragraph (2)”;

11               (B) by inserting “to that person or entity”  
12               before the period;

13           (4) in subsection (b)—

14                 (A) in paragraph (2), by inserting “person  
15                 or” before “entity”; and

16                 (B) in paragraph (4), by inserting “person  
17                 or” before “entity”;

18           (5) in subsection (c), by inserting “or entity”  
19           after “person” each place it appears;

20           (6) in subsection (d)—

21                 (A) by striking out “plaintiff” and insert-  
22                 ing in lieu thereof “person or entity seeking in-  
23                 demnification under this section”; and

24                 (B) by striking out “hazardous substance  
25                 or pollutant or contaminant” and inserting in

1           lieu thereof “hazardous substance, a pollutant  
2           or contaminant, or petroleum or its deriva-  
3           tives”; and

4           (7) in subsection (f)—

5                 (A) in paragraph (1)—

6                     (i) by inserting “‘remedial action’,  
7                     ‘response’,” after “‘release’,”; and

8                     (ii) by inserting “(24), (25),” after  
9                     “(22),” each place it appears; and

10                 (B) by adding after paragraph (3) the fol-  
11                 lowing new paragraph:

12                 “(4) The term ‘response action contractor’ has  
13                 the meaning given such term in section 119(e)(2) of  
14                 the Comprehensive Environmental Response, Com-  
15                 pensation, and Liability Act of 1980 (42 U.S.C.  
16                 9619(e)(2)), except that such term includes a person  
17                 who enters into, and is carrying out, a contract to  
18                 provide at a facility (including a facility not listed on  
19                 the National Priorities List) a response action with  
20                 respect to any release or threatened release from the  
21                 facility of a hazardous substance or pollutant or con-  
22                 taminant, or a similar action with respect to petro-  
23                 leum or its derivatives.”.

1 **SEC. 383. ANNUAL REPORT ON REIMBURSEMENT OF CON-**  
2 **TRACTOR ENVIRONMENTAL RESPONSE**  
3 **COSTS FOR OTHER THAN RESPONSE ACTION**  
4 **CONTRACTORS.**

5 (a) ANNUAL REPORT.—Section 2706 of title 10,  
6 United States Code, is amended by adding at the end the  
7 following new subsection:

8 “(c) REPORT ON REIMBURSEMENT OF CONTRACTOR  
9 COSTS.—(1) Each year, at the same time the President  
10 submits to the Congress the budget for a fiscal year (pur-  
11 suant to section 1105 of title 31), the Secretary of Defense  
12 shall submit to the committees named in paragraph (3)  
13 a report on payments made by the Secretary of Defense  
14 for defense contractor environmental response costs.

15 “(2) Each report required by paragraph (1) shall in-  
16 clude, for the recently completed fiscal year—

17 “(A) estimated payments made by the Sec-  
18 retary of Defense to a defense contractor (other  
19 than a response action contractor) for environmental  
20 response costs at facilities owned or operated by the  
21 defense contractor or at which the defense contrac-  
22 tor is liable in whole or in part for the environmental  
23 response action; and

24 “(B) the amount and current status of any  
25 pending requests by a defense contractor (other than  
26 a response action contractor) for payment of envi-

1       ronmental response costs at facilities owned or oper-  
2       ated by the defense contractor or at which the de-  
3       fense contractor is liable in whole or in part for the  
4       environmental response action.

5       “(3) The committees of Congress to which a report  
6       under paragraph (1) is to be submitted are the following:

7               “(A) The Committee on Armed Services of the  
8       House of Representatives.

9               “(B) The Committee on Armed Services of the  
10      Senate.

11              “(C) The Committee on Appropriations of the  
12      House of Representatives.

13              “(D) The Committee on Appropriations of the  
14      Senate.

15              “(E) The Committee on Government Oper-  
16      ations of the House of Representatives.

17              “(F) The Committee on Governmental Affairs  
18      of the Senate.”.

19      (b) EFFECTIVE DATE.—The amendment made by  
20      subsection (a) shall apply with respect to fiscal years be-  
21      ginning with fiscal year 1992, except that for fiscal years  
22      1992 and 1993, the Secretary of Defense shall submit a  
23      report required by such amendment to the committees  
24      named in subsection (c) not later than 180 days after the  
25      date of the enactment of this Act.

1 (c) DEFINITIONS.—In this section:

2 (1) The term “defense contractor”—

3 (A) means a company that is one of the  
4 top 100 companies receiving the largest dollar  
5 volume of prime contract awards by the Depart-  
6 ment of Defense during the fiscal year covered  
7 by the report required by section 2706(c) of  
8 title 10, United States Code, as amended by  
9 subsection (a); and

10 (B) does not include small business con-  
11 cerns, commercial companies providing commer-  
12 cial items to the Department of Defense, or  
13 segments of commercial companies providing  
14 commercial items to the Department of De-  
15 fense.

16 (2) The terms “facility”, “response”, and “re-  
17 sponse action contractor” have the meaning given  
18 such terms in paragraphs (9) and (25) of section  
19 101, and in section 119(e)(2), respectively, of the  
20 Comprehensive Environmental Response, Compensa-  
21 tion, and Liability Act of 1980 (42 U.S.C. 9601(9)  
22 and (25), 9619(e)(2)).

1                   **TITLE IV—MILITARY**  
2                   **PERSONNEL AUTHORIZATIONS**

3                   **Subtitle A—Active Forces**

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

5                   The Armed Forces are authorized strengths for active  
6                   duty personnel as of September 30, 1994, as follows:

7                   (1) The Army, 540,000.

8                   (2) The Navy, 480,800.

9                   (3) The Marine Corps, 174,100.

10                  (4) The Air Force, 425,700.

11                  **Subtitle B—Reserve Forces**

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

13                  (a) IN GENERAL.—The Armed Forces are authorized  
14                  strengths for Selected Reserve personnel of the reserve  
15                  components as of September 30, 1994, as follows:

16                  (1) The Army National Guard of the United  
17                  States, 410,000.

18                  (2) The Army Reserve, 260,000.

19                  (3) The Naval Reserve, 113,400.

20                  (4) The Marine Corps Reserve, 36,900.

21                  (5) The Air National Guard of the United  
22                  States, 117,700.

23                  (6) The Air Force Reserve, 81,500.

24                  (7) The Coast Guard Reserve, 10,000.

1 (b) WAIVER AUTHORITY.—The Secretary of Defense  
2 may increase the end strength authorized by subsection  
3 (a) by not more than 2 percent.

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

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

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

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

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
2 **DUTY IN SUPPORT OF THE RESERVES.**

3 Within the end strengths prescribed in section  
4 402(b), the reserve components of the Armed Forces are  
5 authorized, as of September 30, 1994, the following num-  
6 ber of Reserves to be serving on full-time active duty or,  
7 in the case of members of the National Guard, full-time  
8 National Guard duty for the purpose of organizing, ad-  
9 ministering, recruiting, instructing, or training the reserve  
10 components:

11 (1) The Army National Guard of the United  
12 States, 24,180.

13 (2) The Army Reserve, 12,542.

14 (3) The Naval Reserve, 19,369.

15 (4) The Marine Corps Reserve, 2,119.

16 (5) The Air National Guard of the United  
17 States, 9,389.

18 (6) The Air Force Reserve, 648.

1 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**  
 2 **GRADES AUTHORIZED TO BE ON ACTIVE**  
 3 **DUTY IN SUPPORT OF THE RESERVES.**

4 (a) SENIOR ENLISTED MEMBERS.—Effective on Oc-  
 5 tober 1, 1993, the table in section 517(b) of title 10,  
 6 United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9 .....	569	202	328	14
E-8 .....	2,585	429	840	74”.

7 (b) OFFICERS.—Effective on October 1, 1993, the  
 8 table in section 524(a) of such title is amended to read  
 9 as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Com- mander .....	3,219	1,071	575	110
Lieutenant Colonel or Com- mander .....	1,524	520	636	75
Colonel or Navy Captain .....	372	188	274	25”.

10 **SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NA-**  
 11 **TIONAL GUARD.**

12 (a) MINIMUM FORCE STRUCTURE LEVEL.—The  
 13 force structure allowance for the Army National Guard of  
 14 the United States for fiscal year 1994 shall be not less  
 15 than 420,000.

16 (b) FORCE STRUCTURE ALLOWANCE DEFINED.—  
 17 For purposes of this section, the force structure allowance  
 18 for a reserve component is the allowance prescribed for  
 19 that reserve component by the Secretary of the military

1 department concerned pursuant to section 413 of the Na-  
2 tional Defense Authorization Act for Fiscal Year 1993  
3 (Public Law 102-484; 106 Stat. 2400).

4 **SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPOR-**  
5 **TUNITY (COOP) PROGRAM.**

6 (a) FISCAL YEAR 1994.—The Secretary of the Navy  
7 shall ensure that none of the end strength reduction pro-  
8 jected for the Naval Reserve in this Act shall be derived  
9 from personnel authorizations assigned to the Craft of Op-  
10 portunity mission.

11 (b) PERMANENT STAFFING LEVEL.—The number of  
12 personnel authorizations assigned to the Craft of Oppor-  
13 tunity mission shall be maintained during fiscal year 1994  
14 and thereafter at not less than the level in effect on Sep-  
15 tember 30, 1991.

16 **Subtitle C—Military Training**  
17 **Student Loads**

18 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

19 (a) IN GENERAL.—For fiscal year 1994, the compo-  
20 nents of the active and reserve Armed Forces are author-  
21 ized average military training student loads as follows:

- 22 (1) The Army, 75,220.
- 23 (2) The Navy, 45,269.
- 24 (3) The Marine Corps, 22,753.
- 25 (4) The Air Force, 33,439.

1 (b) ADJUSTMENTS.—The average military training  
2 student loads authorized in subsection (a) shall be ad-  
3 justed consistent with the end strengths authorized in sub-  
4 titles A and B. The Secretary of Defense shall prescribe  
5 the manner in which such adjustments shall be appor-  
6 tioned.

7 **SEC. 422. STUDENT LOADS AT WAR COLLEGES AND AT COM-**  
8 **MAND AND GENERAL STAFF COLLEGES.**

9 (a) REQUIRED STUDENT LEVELS.—The Secretary of  
10 Defense shall ensure that the number of students at each  
11 of the war colleges and at each of the command and gen-  
12 eral staff colleges is maintained during fiscal year 1994  
13 at the same level as was in effect on October 1, 1992,  
14 for each such college.

15 (b) COVERED SCHOOLS.—For purposes of subsection  
16 (a)—

17 (1) the war colleges are the National War Col-  
18 lege, the Industrial College of the Armed Forces, the  
19 Army War College, the College of Naval Warfare,  
20 and the Air War College; and

21 (2) the command and general staff colleges are  
22 the Armed Forces Staff College, the Army Com-  
23 mand and General Staff Course, the College of  
24 Naval Command and Staff, the Air Command and

1 Staff College, and the Marine Corps Command and  
2 Staff College.

3 **Subtitle D—Authorization of**  
4 **Appropriations**

5 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**  
6 **TARY PERSONNEL.**

7 There is hereby authorized to be appropriated to the  
8 Department of Defense for military personnel for fiscal  
9 year 1994 a total of \$70,671,147,000. The authorization  
10 in the preceding sentence supersedes any other authoriza-  
11 tion of appropriations (definite or indefinite) for such pur-  
12 pose for fiscal year 1994.

13 **TITLE V—MILITARY PERSONNEL**  
14 **POLICY**

15 **Subtitle A—Active Components**

16 **SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPA-**  
17 **RATION PAY FOR REGULAR OFFICERS INVOL-**  
18 **UNTARILY DISCHARGED.**

19 (a) PERIOD OF SERVICE REQUIRED FOR ELIGI-  
20 BILITY.—Section 1174(a)(1) of title 10, United States  
21 Code, is amended by striking out “five” and inserting in  
22 lieu thereof “six”.

23 (b) EFFECTIVE DATE.—(1) Except as provided in  
24 paragraph (2), the amendment made by subsection (a)

1 shall apply with respect to any regular officer who is dis-  
2 charged after the date of the enactment of this Act.

3 (2) The amendment made by subsection (a) shall not  
4 apply with respect to an officer who on the date of the  
5 enactment of this Act has five or more, but less than six,  
6 years of active service in the Armed Forces.

7 **SEC. 502. EXTENSION OF ELIGIBILITY FOR VOLUNTARY**  
8 **SEPARATION INCENTIVE AND SPECIAL SEPA-**  
9 **RATION BENEFITS PROGRAMS.**

10 Sections 1174a(c)(2) and 1175(d)(1) of title 10,  
11 United States Code, are amended by striking out “Decem-  
12 ber 5, 1991” and inserting in lieu thereof “the date of  
13 the enactment of the National Defense Authorization Act  
14 for Fiscal Year 1994”.

15 **SEC. 503. ELIGIBILITY FOR INVOLUNTARY SEPARATION**  
16 **BENEFITS.**

17 Section 1141 of title 10, United States Code, is  
18 amended by striking out “September 30, 1990” and in-  
19 serting in lieu thereof “September 30, 1991”.

20 **SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEM-**  
21 **PORARY PROMOTION OF CERTAIN NAVY**  
22 **LIEUTENANTS.**

23 (a) EXTENSION.—Section 5721(f) of title 10, United  
24 States Code, is amended by striking out “September 30,

1 1993” and inserting in lieu thereof “September 30,  
2 1995”.

3 (b) EFFECTIVE DATE.—The amendment made by  
4 subsection (a) shall take effect as of September 30, 1993.

5 **SEC. 505. OFFICERS INELIGIBLE FOR CONSIDERATION BY**  
6 **EARLY RETIREMENT BOARDS.**

7 Section 638(e)(2)(B) of title 10, United States Code,  
8 is amended—

9 (1) by inserting “(i)” after “grade and competi-  
10 tive category”;

11 (2) by inserting “(ii)” after “of this title, or”;  
12 and

13 (3) by striking out the comma after “any provi-  
14 sion of law”.

15 **SEC. 506. REMEDY FOR INEFFECTIVE COUNSELING OF OF-**  
16 **FICERS DISCHARGED FOLLOWING SELEC-**  
17 **TION BY EARLY DISCHARGE BOARDS.**

18 (a) PROCEDURE FOR REVIEW.—(1) The Secretary of  
19 each military department shall establish a procedure for  
20 the review of the individual circumstances of an officer de-  
21 scribed in paragraph (2) who is discharged, or who the  
22 Secretary concerned approves for discharge, following the  
23 report of a selection board convened by the Secretary to  
24 select officers for separation.

1           (2) This section applies in the case of any officer (in-  
2 cluding a warrant officer) who, having been offered the  
3 opportunity to be discharged or otherwise separated from  
4 active duty through the programs provided under section  
5 1174a and 1175 of title 10, United States Code, elected  
6 not to accept such discharge or separation.

7           (b) APPLICATION.—A review under this section shall  
8 be conducted in any case submitted to the Secretary con-  
9 cerned by application from the officer or former officer  
10 under regulations prescribed by the Secretary.

11           (c) PURPOSE OF REVIEW.—(1) The review under this  
12 section shall be designed to evaluate the effectiveness of  
13 the counseling of the officer before the convening of the  
14 board to ensure that the officer was properly informed  
15 that selection for discharge or other separation from active  
16 duty was a potential result of being within the group of  
17 officers to be considered by the board and that the officer  
18 was not improperly informed that such selection in that  
19 officer's personal case was unlikely.

20           (2) The Secretary shall consider each case on its mer-  
21 its, but shall make a finding of ineffective counseling if  
22 an individual was instructed by an official source before  
23 the convening of the board that the officer's risk of dis-  
24 charge was reduced by the quality of the officer's record  
25 or by an expected limitation on the number of discharges

1 from the officer's occupational skill category, branch,  
2 corps, or other administrative grouping of officers.

3 (3) For purposes of this subsection, the term "official  
4 source" means any office or individual within a military  
5 department that could reasonably be expected to provide  
6 information on an individual personnel record or personnel  
7 policy.

8 (d) REMEDY.—Upon a finding of ineffective counsel-  
9 ing under subsection (c), the Secretary shall provide the  
10 officer the opportunity to participate, at the officer's op-  
11 tion, in any one of the following programs:

12 (1) The Special Separation Benefits Programs  
13 under section 1174a of title 10, United States Code.

14 (2) The Voluntary Separation Incentive pro-  
15 gram under section 1175 of such title.

16 (3) The Temporary Early Retirement Authority  
17 as authorized by section 4403 of the National De-  
18 fense Authorization Act for Fiscal Year 1993 (Pub-  
19 lic Law 102-484, October 23, 1992).

20 The officer must meet all eligibility criteria for the pro-  
21 gram selected.

22 (e) EFFECTIVE DATE.—This section shall apply with  
23 respect to officers separated after September 30, 1990.

1     **Subtitle B—Reserve Components**

2     **SEC. 511. EXPANSION OF SELECTED RESERVE CALL-UP PE-**  
3                   **RIOD FROM 90 DAYS TO 180 DAYS.**

4         Section 673b of title 10, United States Code, is  
5 amended—

6             (1) by striking out “90 days” in subsection (a)  
7             and inserting in lieu thereof “180 days”; and

8             (2) by striking out “90 additional days” in sub-  
9             section (i) and inserting in lieu thereof “180 addi-  
10            tional days”.

11    **SEC. 512. NUMBER OF FULL-TIME RESERVE PERSONNEL**  
12                   **WHO MAY BE ASSIGNED TO ROTC DUTY.**

13         Section 690 of title 10, United States Code, is  
14 amended by striking out “may not exceed 200” and insert-  
15 ing in lieu thereof “may not exceed 275”.

16    **SEC. 513. REPEAL OF MANDATED REDUCTION IN ARMY RE-**  
17                   **SERVE COMPONENT FULL-TIME MANNING**  
18                   **END STRENGTH.**

19         Section 412 of the National Defense Authorization  
20 Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C.  
21 261 note) is amended by striking out subsections (b) and  
22 (c).

1 **SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OF-**  
2 **FICER MANAGEMENT PROGRAMS.**

3 (a) GRADE DETERMINATION AUTHORITY FOR CER-  
4 TAIN RESERVE MEDICAL OFFICERS.—Sections 3359(b)  
5 and 8359(b) of title 10, United States Code, are each  
6 amended by striking “September 30, 1993” and inserting  
7 in lieu thereof “September 30, 1995”.

8 (b) PROMOTION AUTHORITY FOR CERTAIN RESERVE  
9 OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d)  
10 and 8380(d) of such title are each amended by striking  
11 out “September 30, 1993” and inserting in lieu thereof  
12 “September 30, 1995”.

13 (c) YEARS OF SERVICE FOR MANDATORY TRANSFER  
14 TO THE RETIRED RESERVE.—Section 1016(d) of the De-  
15 partment of Defense Authorization Act, 1984 (10 U.S.C.  
16 3360 note) is amended by striking out “September 30,  
17 1993” and inserting in lieu thereof “September 30,  
18 1995”.

19 (d) EFFECTIVE DATE.—(1) The amendments made  
20 by this section shall take effect as of September 30, 1993.

21 (2) If the date of the enactment of this Act is after  
22 September 30, 1993, the Secretary of the Army or the  
23 Secretary of the Air Force, as appropriate, shall provide,  
24 in the case of a Reserve officer appointed to a higher grade  
25 on or after the date of the enactment of this Act under  
26 an appointment described in paragraph (3), that the date

1 of rank of such officer under that appointment shall be  
2 the date of rank that would have applied to the appoint-  
3 ment had the authority referred to in that paragraph not  
4 lapsed.

5 (3) An appointment referred to in paragraph (2) is  
6 an appointment under section 3380 or 8380 of title 10,  
7 United States Code, that (as determined by the Secretary  
8 concerned) would have been made during the period begin-  
9 ning on October 1, 1993, and ending on the date of the  
10 enactment of this Act had the authority to make appoint-  
11 ments under that section not lapsed during such period.

12 **SEC. 515. CADRE DIVISIONS.**

13 (a) REQUIREMENT TO ESTABLISH.—The Secretary  
14 of the Army shall, not later than September 30, 1995, es-  
15 tablish one or more active cadre divisions of the Army as  
16 reserve component training divisions. Each such active  
17 cadre division shall be part of the active Army force struc-  
18 ture and shall have a commander who is on the active-  
19 duty list of the Army.

20 (b) IMPLEMENTATION PLAN.—The Secretary of the  
21 Army shall during fiscal year 1994 submit to the Commit-  
22 tees on Armed Services of the Senate and House of Rep-  
23 resentatives a plan to meet the requirement in subsection  
24 (a). The plan shall include a proposal for any statutory

1 changes that the Secretary considers to be necessary for  
2 the implementation of the plan.

3 **SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEU-**  
4 **VER UNIT INTEGRATION.**

5 (a) PLAN FOR TEST PROGRAM.—The Secretary of  
6 the Army shall prepare a plan for carrying out a test pro-  
7 gram to determine the feasibility and advisability of apply-  
8 ing the roundout and roundup models for integration of  
9 active and reserve component Army units at the battalion  
10 and company levels.

11 (b) PURPOSE OF TEST PROGRAM.—The purpose of  
12 the test program shall be to evaluate whether the roundout  
13 and roundup concepts if applied at the battalion and com-  
14 pany levels would—

15 (1) decrease post-mobilization training time;

16 (2) increase the capabilities of reserve compo-  
17 nent leaders;

18 (3) improve the integration of the active and re-  
19 serve components; and

20 (4) provide a more efficient means for future  
21 expansion of the Army in a period of emergency or  
22 increasing international threats to the vital interests  
23 of the United States.

24 (c) REPORT ON PLAN.—The Secretary of the Army  
25 shall submit to Congress not later than March 31, 1994,

1 a report that includes the plan for the test program re-  
2 quired under subsection (a).

3 (d) DEFINITIONS.—For purposes of this section, the  
4 terms “roundout” and “roundup” refer to two approaches  
5 for integrating Army reserve component (Army National  
6 Guard and Army Reserve) combat units into active Army  
7 corps, divisions, brigades, and battalions after mobiliza-  
8 tion. The roundout approach is the method of bringing  
9 an incomplete active unit up to full strength by assigning  
10 one or more reserve component units to it. The roundup  
11 approach is the use of reserve component units to augment  
12 or expand active units that are already at full strength.

13 **SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE**  
14 **COMPONENT SUPPORT OF THE RESERVES.**

15 (a) ACTIVE COMPONENT ADVISERS.—(1) Subsection  
16 (c) of section 414 of the National Defense Authorization  
17 Act for Fiscal Years 1992 and 1993 (Public Law 102–  
18 190; 10 U.S.C. 261 note) is amended to read as follows:

19 “(c) PERSONNEL TO BE ASSIGNED.—The Secretary  
20 shall assign not less than 2,000 active component person-  
21 nel to serve as advisers under the program. After Septem-  
22 ber 30, 1994, the number under the preceding sentence  
23 shall be increased to not less than 5,000.”.

24 (2) Subsection (d) of such section is amended by  
25 striking out the period at the end of the second sentence

1 and inserting in lieu thereof “, together with a proposal  
2 for any statutory changes that the Secretary considers  
3 necessary to implement the program on a permanent  
4 basis.”.

5 (b) ANNUAL REPORT ON IMPLEMENTATION.—(1)  
6 The Secretary of the Army shall include in the annual re-  
7 port of the Secretary to Congress known as the Army Pos-  
8 ture Statement a presentation relating to the implementa-  
9 tion of the Pilot Program for Active Component Support  
10 of the Reserves under section 414 of the National Defense  
11 Authorization Act for Fiscal Years 1992 and 1993 (Public  
12 Law 102–190; 10 U.S.C. 261 note), as amended by sub-  
13 section (a).

14 (2) Each such presentation shall include, with respect  
15 to the period covered by the report, the following informa-  
16 tion:

17 (A) The promotion rate for officers considered  
18 for promotion from within the promotion zone who  
19 are serving as active component advisers to units of  
20 the Selected Reserve of the Ready Reserve (in ac-  
21 cordance with that program) compared with the pro-  
22 motion rate for other officers considered for pro-  
23 motion from within the promotion zone in the same  
24 pay grade and the same competitive category, shown  
25 for all officers of the Army.

1           (B) The promotion rate for officers considered  
2           for promotion from below the promotion zone who  
3           are serving as active component advisers to units of  
4           the Selected Reserve of the Ready Reserve (in ac-  
5           cordance with that program) compared in the same  
6           manner as specified in subparagraph (A).

7   **SEC. 518. REVISION OF CERTAIN DEADLINES UNDER ARMY**  
8                           **GUARD COMBAT REFORM INITIATIVE.**

9           (a) DELAY IN MINIMUM PERCENTAGE OF PRIOR AC-  
10          TIVE-DUTY PERSONNEL.—(1) Subsection (b) of section  
11          1111 of the Army National Guard Combat Readiness Re-  
12          form Act of 1992 (title XI of Public Law 102–484; 10  
13          U.S.C. 3077 note; 106 Stat. 2537) is amended by striking  
14          out “fiscal years 1993 through 1997” and inserting in lieu  
15          thereof “fiscal years 1994 through 1997”.

16          (2) Subsection (d) of such section is amended by  
17          striking out “March 15, 1993” and “April 1, 1993” and  
18          inserting in lieu thereof “December 15, 1993” and “Janu-  
19          ary 15, 1994”, respectively.

20          (b) REPORT ON DENTAL READINESS OF MEMBERS  
21          OF EARLY DEPLOYING UNITS.—Section 1118(b) of such  
22          Act (106 Stat. 2539) is amended by striking out “Feb-  
23          ruary 15, 1993” and inserting in lieu thereof “October  
24          1, 1993”.

1 **SEC. 519. ANNUAL REPORT ON IMPLEMENTATION OF ARMY**  
2 **NATIONAL GUARD REFORM INITIATIVE.**

3 (a) IN GENERAL.—Chapter 307 of title 10, United  
4 States Code, is amended by adding at the end the follow-  
5 ing new section:

6 **“§ 3083. Army National Guard Reform Initiative: an-**  
7 **nual report**

8 “(a) IN GENERAL.—The Secretary of the Army shall  
9 include in the annual report of the Secretary to Congress  
10 known as the Army Posture Statement a detailed presen-  
11 tation concerning the Army National Guard, including  
12 particularly information relating to the implementation of  
13 the Army National Guard Combat Readiness Reform Act  
14 of 1992 (title XI of Public Law 102–484; 106 Stat. 2536  
15 et seq.) (hereinafter in this section referred to as  
16 ‘ANGCRRA’).

17 “(b) MATTERS TO BE INCLUDED IN REPORT.—Each  
18 presentation under subsection (a) shall include, with re-  
19 spect to the period covered by the report, the following  
20 information concerning the Army National Guard:

21 “(1) The number and percentage of officers  
22 with at least two years of active-duty before becom-  
23 ing a member of the Army National Guard.

24 “(2) The number and percentage of enlisted  
25 personnel with at least two years of active-duty be-

1 fore becoming a member of the Army National  
2 Guard.

3 “(3) The number of officers who are graduates  
4 of one of the service academies and were released  
5 from active duty before the completion of their ac-  
6 tive-duty service obligation and of those officers—

7 “(A) the number who are serving the re-  
8 maining period of their active-duty service obli-  
9 gation as a member of the Selected Reserve  
10 pursuant to section 1112(a)(1) of ANGCRRA;  
11 and

12 “(B) the number for whom waivers were  
13 granted by the Secretary under section  
14 1112(a)(2) of ANGCRRA and the reason for  
15 each waiver.

16 “(4) The number of officers who were commis-  
17 sioned as distinguished Reserve Officers’ Training  
18 Corps graduates and were released from active duty  
19 before the completion of their active-duty service ob-  
20 ligation and of those officers—

21 “(A) the number who are serving the re-  
22 maining period of their active-duty service obli-  
23 gation as a member of the Selected Reserve  
24 pursuant to section 1112(a)(1) of ANGCRRA;  
25 and

1           “(B) the number for whom waivers were  
2           granted by the Secretary under section  
3           1112(a)(2) of ANGCRRA and the reason for  
4           each waiver.

5           “(5) The number of officers who are graduates  
6           of the Reserve Officers’ Training Corps program  
7           and who are performing their minimum period of ob-  
8           ligated service in accordance with section 1112(b) of  
9           ANGCRRA by a combination of (A) two years of ac-  
10          tive duty, and (B) such additional period of service  
11          as is necessary to complete the remainder of such  
12          obligation served in the National Guard and, of  
13          those officers, the number for whom permission to  
14          perform their minimum period of obligated service in  
15          accordance with that section was granted during the  
16          preceding fiscal year.

17          “(6) The number of officers for whom rec-  
18          ommendations were made during the preceding fiscal  
19          year for a unit vacancy promotion to a grade above  
20          first lieutenant and, of those recommendations, the  
21          number and percentage that were concurred in by  
22          an active-duty officer under section 1113(a) of  
23          ANGCRRA, shown separately for each of the three  
24          categories of officers set forth in section 1113(b) of  
25          ANGCRRA.

1           “(7) The number of waivers during the preced-  
2           ing fiscal year under section 1114 of ANGCRRRA of  
3           any standard prescribed by the Secretary establish-  
4           ing a military education requirement for noncommis-  
5           sioned officers and the reason for each such waiver.

6           “(8) The number and distribution by grade,  
7           shown for each State, of personnel in the initial  
8           entry training and nondeployability personnel ac-  
9           counting category established under 1115 of  
10          ANGCRRRA for members of the Army National  
11          Guard who have not completed the minimum train-  
12          ing required for deployment or who are otherwise  
13          not available for deployment.

14          “(9) The number of members of the Army Na-  
15          tional Guard, shown for each State, that were dis-  
16          charged during the previous fiscal year pursuant to  
17          1115(c)(1) of ANGCRRRA for not completing the  
18          minimum training required for deployment within 24  
19          months after entering the National Guard.

20          “(10) The number of waivers granted by the  
21          Secretary during the previous fiscal year under sec-  
22          tion 1115(c)(2) of ANGCRRRA, shown for each  
23          State, of the requirement in section 1115(c)(1) of  
24          ANGCRRRA described in paragraph (9), and the rea-  
25          son for each waiver.

1           “(11) The number of members, shown for each  
2           State, who were screened during the preceding fiscal  
3           year to determine whether they meet minimum phys-  
4           ical profile standards required for deployment and,  
5           of those members—

6                   “(A) the number and percentage who did  
7                   not meet minimum physical profile standards  
8                   required for deployment; and

9                   “(B) the number and percentage who were  
10                  transferred pursuant to section 1116 of  
11                  ANGCRRA to the personnel accounting cat-  
12                  egory described in paragraph (8).

13           “(12) The number of members, and the per-  
14           centage of the total membership, of the Army Na-  
15           tional Guard, shown for each State, who underwent  
16           a medical screening during the previous fiscal year  
17           as provided in section 1117 of ANGCRRA.

18           “(13) The number of members, and the per-  
19           centage of the total membership, of the Army Na-  
20           tional Guard, shown for each State, who underwent  
21           a dental screening during the previous fiscal year as  
22           provided in section 1117 of ANGCRRA.

23           “(14) The number of members, and the per-  
24           centage of the total membership, of the Army Na-  
25           tional Guard, shown for each State, over the age of

1 40 who underwent a full physical examination dur-  
2 ing the previous fiscal year for purposes of section  
3 1117 of ANGCRRRA.

4 “(15) The number of units of the Army Na-  
5 tional Guard that are scheduled for early deployment  
6 in the event of a mobilization and, of those units,  
7 the number that are dentally ready for deployment  
8 in accordance with section 1118 of ANGCRRRA.

9 “(16) The estimated post-mobilization training  
10 time for each Army National Guard combat unit,  
11 and a description, displayed in broad categories and  
12 by State, of what training would need to be accom-  
13 plished for Army National Guard combat units in a  
14 post-mobilization period, for purposes of section  
15 1119 of ANGCRRRA.

16 “(17) A description of the measures taken dur-  
17 ing the preceding fiscal year to comply with the re-  
18 quirement in section 1120 of ANGCRRRA to expand  
19 the use of simulations, simulators, and advanced  
20 training devices and technologies for members and  
21 units of the Army National Guard.

22 “(18) Summary tables of unit readiness, shown  
23 for each State, and drawn from the unit readiness  
24 rating system as required by section 1121 of  
25 ANGCRRRA, including the personnel readiness rating

1 information and the equipment readiness assessment  
2 information required by that section, together  
3 with—

4 “(A) explanations of the information  
5 shown in the table; and

6 “(B) based on the information shown in  
7 the tables, the Secretary’s overall assessment of  
8 the deployability of units of the Army National  
9 Guard, including a discussion of personnel defi-  
10 ciencies and equipment shortfalls in accordance  
11 with such section 1121.

12 “(19) Summary tables, shown for each State, of  
13 the results of inspections of units of the Army Na-  
14 tional Guard by inspectors general or other commis-  
15 sioned officers of the Regular Army under the provi-  
16 sions of section 105 of title 32, together with expla-  
17 nations of the information shown in the tables, and  
18 including display of—

19 “(A) the number of such inspections;

20 “(B) identification of the entity conducting  
21 each inspection;

22 “(C) the number of units inspected; and

23 “(D) the overall results of such inspec-  
24 tions, including the inspector’s determination  
25 for each inspected unit of whether the unit met

1           deployability standards and, for those units not  
2           meeting deployability standards, the reasons for  
3           such failure and the status of corrective actions.

4           “(20) A listing for each Army National Guard  
5           combat unit of the active-duty combat unit associ-  
6           ated with it in accordance with section 1131(a) of  
7           ANGCRRA identification of each Army National  
8           Guard unit, to be shown by State and to be accom-  
9           panied, for each such National Guard unit, by—

10           “(A) the assessment of the commander of  
11           that associated active-duty unit of the man-  
12           power, equipment, and training resource re-  
13           quirements of that National Guard unit in ac-  
14           cordance with section 1131(b)(3) of  
15           ANGCRRA; and

16           “(B) the results of the validation by the  
17           commander of that associated active-duty unit  
18           of the compatibility of that National Guard unit  
19           with active duty forces in accordance with sec-  
20           tion 1131(b)(4) of ANGCRRA.

21           “(21) A specification of the active-duty person-  
22           nel assigned to units of the Selected Reserve pursu-  
23           ant to section 414(c)(4) of the National Defense Au-  
24           thorization Act for Fiscal Years 1992 and 1993 (10  
25           U.S.C. 261 note), shown (A) by State, (B) by rank

1 of officers, warrant officers, and enlisted members  
2 assigned, and (C) by unit or other organizational en-  
3 tity of assignment.

4 “(c) IMPLEMENTATION.—The requirement to include  
5 in an presentation required by subsection (a) information  
6 under any paragraph of subsection (b) shall take effect  
7 the year following the year in which the provision of  
8 ANGCRRRA to which that paragraph pertains has taken  
9 effect. Before then, in the case of any such paragraph,  
10 the Secretary shall include any information that may be  
11 available concerning the topic covered by that paragraph.

12 “(d) DEFINITION.—In this section, the term ‘State’  
13 includes the District of Columbia, Puerto Rico, Guam, and  
14 the Virgin Islands.”.

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

“3083. Army National Guard Reform Initiative: annual report.”.

18 **SEC. 520. FFRDC STUDY OF STATE AND FEDERAL MISSIONS**  
19 **OF THE NATIONAL GUARD.**

20 (a) STUDY REQUIRED.—The Secretary of Defense  
21 shall provide for a study of the State and Federal missions  
22 of the National Guard to be carried out by a federally  
23 funded research and development center. The study shall  
24 consider both the separate and integrated requirements

1 (including requirements pertaining to personnel, weapons,  
2 equipment, and facilities) that derive from those missions.

3 (b) MATTERS TO BE INCLUDED.—The Secretary  
4 shall require that the matters to be considered under the  
5 study include the following:

6 (1) Whether the currently projected size for the  
7 National Guard after the completion of the reduc-  
8 tions in the national defense structure planned  
9 through fiscal year 1998 will be adequate for the  
10 National Guard to fulfill both its State and Federal  
11 missions.

12 (2) Whether the system of assigning Federal  
13 missions to State Guard units could be altered to  
14 optimize the Federal as well as the State capabilities  
15 of the National Guard.

16 (3) Whether alternative arrangements, such as  
17 cooperative development of National Guard capabili-  
18 ties among the States grouped as regions, are advis-  
19 able and feasible.

20 (4) Whether alternative Federal-State cost-  
21 sharing arrangements should be implemented for  
22 National Guard units whose principal function is to  
23 support State missions.

24 (5) Such other matters related to the missions  
25 of the National Guard and the corresponding re-

1        requirements related to those missions as the Sec-  
2        retary may specify or the center carrying out the  
3        study may determine necessary.

4        (c) FFRDC REPORTS.—(1) The Secretary shall re-  
5        quire the center carrying out the study to submit an in-  
6        terim report not later than May 1, 1994, and a final re-  
7        port not later than November 15, 1994. Each report shall  
8        include the findings, conclusions, and recommendations of  
9        the center concerning each of the matters referred to in  
10       subsection (b).

11       (2) The Secretary shall submit each such report to  
12       the Committees on Armed Services of the Senate and  
13       House of Representatives not later than 15 days after the  
14       date on which it is received by the Secretary.

15       (d) EVALUATION AND REPORT OF FINAL FFRDC  
16       REPORT.—(1) After the center carrying out the study sub-  
17       mits its final report, the Secretary of Defense, together  
18       with the Secretary of the Army and the Secretary of the  
19       Air Force, shall conduct an evaluation of the assumptions,  
20       analysis, findings, and recommendations of that study.

21       (2) Not later than February 1, 1995, the Secretary  
22       shall submit to the Committees on Armed Services of the  
23       Senate and House of Representatives a report on the eval-  
24       uation under paragraph (1). The report shall be accom-  
25       panied by any recommendations for legislative action that

1 the Secretary considers necessary as a result of the study  
2 and evaluation required by this section.

3 (e) COOPERATION.—The Secretary shall ensure that  
4 the center carrying out the study under this section has  
5 full access to such information as the center requires for  
6 the purposes of the study and that the center otherwise  
7 receives full cooperation from all officials and entities of  
8 the Department of Defense, including the National Guard,  
9 in carrying out the study.

10 **SEC. 521. EDUCATIONAL ASSISTANCE FOR GRADUATE PRO-**  
11 **GRAMS FOR MEMBERS OF THE SELECTED RE-**  
12 **SERVE.**

13 Section 2131 of title 10, United States Code, is  
14 amended—

15 (1) in subsection (c)(1), by striking out “other  
16 than” and all that follows through “level.” and in-  
17 serting in lieu thereof a period; and

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

20 “(i) A program of education in a course of instruction  
21 beyond the baccalaureate degree level shall be provided  
22 under this chapter, subject to the availability of appropria-  
23 tions.”.

1 **SEC. 522. TRANSITION BENEFITS FOR COAST GUARD RE-**  
2 **SERVE.**

3 (a) APPLICABILITY OF CERTAIN BENEFITS.—The  
4 Secretary of Transportation shall prescribe such regula-  
5 tions as necessary so as to apply to the members of the  
6 Coast Guard Reserve the provisions of subtitle B of title  
7 XLIV of the Defense Conversion, Reinvestment, and  
8 Transition Assistance Act of 1992 (division D of Public  
9 Law 102–484; 106 Stat. 2712), including the amend-  
10 ments made by those provisions. For purposes of the ap-  
11 plication of any of such provisions to the Coast Guard Re-  
12 serve, any reference in those provisions to the Secretary  
13 of Defense or Secretary of a military department shall be  
14 treated as referring to the Secretary of Transportation.

15 (b) REGULATIONS.—Regulations prescribed for the  
16 purposes of this section shall to the extent practicable be  
17 identical to the regulations prescribed by the Secretary of  
18 Defense under those provisions.

19 (c) TEMPORARY SPECIAL RETIREMENT AUTHOR-  
20 ITY.—Section 1331a of title 10, United States Code, is  
21 amended—

22 (1) in subsection (a), by striking out “Secretary  
23 of a military department” and inserting in lieu  
24 thereof “Secretary concerned”; and

25 (2) in subsection (c), by striking out “of the  
26 military department”; and

1           (3) in subsection (e), by striking out the period  
2           at the end and inserting in lieu thereof “and by the  
3           Secretary of Transportation with respect to the  
4           Coast Guard.”.

## 5           **Subtitle C—Warrant Officers**

### 6   **SEC. 531. AUTHORIZATION FOR INVOLUNTARY SEPARA-** 7                           **TION OF CERTAIN REGULAR WARRANT OFFI-** 8                           **CERS.**

9           (a) IN GENERAL.—Chapter 33A of title 10, United  
10          States Code, is amended by inserting after section 580 the  
11          following new section:

#### 12   **“§ 580a. Enhanced authority for selective early dis-** 13                           **charges**

14          “(a) The Secretary of Defense may authorize the Sec-  
15          retary of a military department, during the two-year pe-  
16          riod beginning on October 1, 1993, to take the action set  
17          forth in subsection (b) with respect to regular warrant of-  
18          ficers of an armed force under the jurisdiction of that Sec-  
19          retary.

20          “(b) The Secretary of a military department may,  
21          with respect to regular warrant officers of an armed force,  
22          when authorized to do so under subsection (a), convene  
23          selection boards under section 573(c) of this title to con-  
24          sider for discharge regular warrant officers on the warrant  
25          officer active-duty list—

1           “(1) who have served at least one year of active  
2 duty in the grade currently held;

3           “(2) whose names are not on a list of warrant  
4 officers recommended for promotion; and

5           “(3) who are not eligible to be retired under  
6 any provision of law and are not within two years  
7 of becoming so eligible.

8           “(c)(1) In the case of an action under subsection (b),  
9 the Secretary of the military department concerned may  
10 submit to a selection board convened pursuant to that  
11 subsection—

12           “(A) the names of all regular warrant officers  
13 described in that subsection in a particular grade  
14 and competitive category; or

15           “(B) the names of all regular warrant officers  
16 described in that subsection in a particular grade  
17 and competitive category who also are in particular  
18 year groups or specialties, or both, within that com-  
19 petitive category.

20           “(2) The Secretary concerned shall specify the total  
21 number of warrant officers to be recommended for dis-  
22 charge by a selection board convened pursuant to sub-  
23 section (b). That number may not be more than 30 per-  
24 cent of the number of officers considered—

1           “(A) in each grade in each competitive cat-  
2           egory; or

3           “(B) in each grade, year group, or specialty (or  
4           combination thereof) in each competitive category.

5           “(3) The total number of regular warrant officers de-  
6           scribed in subsection (b) from any of the armed forces (or  
7           from any of the armed forces in a particular grade) who  
8           may be recommended during a fiscal year for discharge  
9           by a selection board convened pursuant to the authority  
10          of that subsection may not exceed 70 percent of the de-  
11          crease, as compared to the preceding fiscal year, in the  
12          number of warrant officers of that armed force (or the  
13          number of warrant officers of that armed force in that  
14          grade) authorized to be serving on active duty as of the  
15          end of that fiscal year.

16          “(4) A warrant officer who is recommended for dis-  
17          charge by a selection board convened pursuant to the au-  
18          thority of subsection (b) and whose discharge is approved  
19          by the Secretary concerned shall be discharged on a date  
20          specified by the Secretary concerned.

21          “(5) Selection of warrant officers for discharge under  
22          this subsection shall be based on the needs of the service.

23          “(d) The discharge of any warrant officer pursuant  
24          to this section shall be considered involuntary for purposes  
25          of any other provision of law.”.

1 (b) CLERICAL AMENDMENT.—The table of sections  
2 at the beginning of chapter 33A is amended by inserting  
3 after the item relating to section 580 the following new  
4 item:

“580a. Enhanced authority for selective early discharges.”.

5 **SEC. 532. DETERMINATION OF SERVICE FOR WARRANT OF-**  
6 **FICER RETIREMENT SANCTUARY.**

7 (a) EQUITY WITH OTHER MEMBERS.—Section  
8 580(a)(4) of title 10, United States Code, is amended—  
9 (1) by inserting “(except as provided in sub-  
10 paragraph (C))” in subparagraph (A) after “shall be  
11 separated”; and

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

14 “(C) If on the date on which a warrant officer is to  
15 be separated under subparagraph (A) the warrant officer  
16 has at least 18 years of creditable active service, the war-  
17 rant officer shall be retained on active duty until retired  
18 under paragraph (3) in the same manner as if the warrant  
19 officer had had at least 18 years of service on the applica-  
20 ble date under subparagraph (A) or (B) of that para-  
21 graph.”.

22 (b) EFFECTIVE DATE.—The amendments made by  
23 subsection (a) shall apply to warrant officers who have not  
24 been separated pursuant to section 580(a)(4) of title 10,

1 United States Code, before the date of enactment of this  
2 Act.

### 3 **Subtitle D—Women in the Service**

#### 4 **SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON** 5 **THE ASSIGNMENT OF WOMEN IN THE NAVY** 6 **AND MARINE CORPS.**

7 (a) IN GENERAL.—Section 6015 of title 10, United  
8 States Code, is repealed.

9 (b) CLERICAL AMENDMENT.—The table of sections  
10 at the beginning of chapter 555 of this title is amended  
11 by striking out the item relating to section 6015.

#### 12 **SEC. 542. GENDER-NEUTRAL OCCUPATIONAL PERFORM-** 13 **ANCE STANDARDS.**

14 (a) GENERAL REQUIREMENT.—In the case of any  
15 military occupational career field that is open to both male  
16 and female members of the Armed Forces, the Secretary  
17 of Defense—

18 (1) shall ensure that qualification of members  
19 of the Armed Forces for, and continuance of mem-  
20 bers of the Armed Forces in, that occupational ca-  
21 reer field is evaluated on the basis of common, rel-  
22 evant performance standards, without differential  
23 standards or evaluation on the basis of gender;

24 (2) may not use any gender quota, goal, or ceil-  
25 ing except as specifically authorized by law; and

1           (3) may not change an occupational perform-  
2           ance standard for the purpose of increasing or de-  
3           creasing the number of women in that occupational  
4           career field.

5           (b) REQUIREMENT FOR USE OF SPECIFIC PHYSICAL  
6           REQUIREMENTS.—For any military occupational field  
7           that is open to both male and female members of the  
8           Armed Forces for which (as determined by the Secretary  
9           of Defense) muscular strength and endurance and cardio-  
10          vascular capacity are relevant to the performance of duties  
11          in that field, the Secretary shall prescribe specific physical  
12          requirements for members of the Armed Forces in that  
13          field and shall apply those physical requirements on a gen-  
14          der-neutral basis.

15          (c) NOTICE TO CONGRESS OF CHANGES.—At least  
16          60 days before implementing any changes to occupational  
17          standards for a military occupational field which are ex-  
18          pected to result in an increase, or in a decrease, of at least  
19          10 percent in the number of female members of the Armed  
20          Forces who enter, or are assigned to, that occupational  
21          field, the Secretary of Defense shall submit to Congress  
22          a report providing notice of the change and the justifica-  
23          tion and rationale for the change.

1 **SEC. 543. NOTICE TO CONGRESS OF CHANGES TO GROUND**  
2 **COMBAT EXCLUSION POLICY.**

3 (a) REQUIREMENT.—(1) If the Secretary of Defense  
4 proposes to make any change described in paragraph (2)  
5 to the ground combat exclusion policy, the Secretary shall,  
6 not less than 90 days before any such change is imple-  
7 mented, submit to Congress a report providing notice of  
8 the proposed change.

9 (2) A change referred to in paragraph (1) is a change  
10 that either (A) closes to female members of the Armed  
11 Forces any category of unit or position that at that time  
12 is open to service by such members, or (B) opens to service  
13 by such members any category of unit or position that at  
14 that time is closed to service by such members.

15 (b) REPORT CONTENTS.—The Secretary shall include  
16 in any report under subsection (a)—

17 (1) a detailed description of, and justification  
18 for, the proposed change to the ground combat ex-  
19 clusion policy; and

20 (2) a detailed analysis of legal implication of  
21 the proposed change with respect to the constitu-  
22 tionality of the application of the Military Selective  
23 Service Act to males only.

24 (c) GROUND COMBAT EXCLUSION POLICY.—For pur-  
25 poses of this section, the term “ground combat exclusion  
26 policy” means the military personnel policies of the De-

1 partment of Defense and the military departments, as in  
2 effect on January 1, 1993, by which female members of  
3 the Armed Forces are restricted from assignment to units  
4 and positions whose mission requires routine engagement  
5 in direct combat on the ground.

6       **Subtitle E—Victims’ Rights and**  
7                   **Family Advocacy**

8       **SEC. 551. MANDATORY ARRESTS BY MILITARY LAW EN-**  
9                   **FORCEMENT OFFICIALS WHEN CALLED TO**  
10                   **SCENES OF DOMESTIC VIOLENCE.**

11       (a) IN GENERAL.—Section 807 of title 10, United  
12 States Code (article 7 of the Uniform Code of Military  
13 Justice), is amended by adding at the end the following  
14 new subsection:

15       “(d)(1) In a case of domestic violence in which a mili-  
16 tary law enforcement official at the scene determines that  
17 physical injury has been inflicted or a deadly weapon or  
18 dangerous instrument has been used, the military law en-  
19 forcement official, upon reasonable belief that an offense  
20 has been committed by a person at the scene, shall appre-  
21 hend that person, if the person is subject to this chapter,  
22 or detain that person and remove that person from the  
23 scene, if that person is not subject to this chapter.

1       “(2) The Secretary of Defense shall prescribe by reg-  
2 ulation the definition of ‘domestic violence’ for purposes  
3 of this subsection.

4       “(3) In this subsection, the term ‘military law en-  
5 forcement official’ means a person authorized under regu-  
6 lations governing the armed forces to apprehend persons  
7 subject to this chapter or to trial thereunder.”.

8       (b) DEADLINE FOR PRESCRIBING PROCEDURES.—  
9 The Secretary of Defense shall prescribe procedures to  
10 carry out section 807(d) of title 10, United States Code,  
11 as added by subsection (a), not later than six months after  
12 the date of the enactment of this Act.

13 **SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF**  
14 **VICTIMS AND WITNESSES OF STATUS OF**  
15 **PRISONERS IN MILITARY CORRECTIONAL FA-**  
16 **CILITIES.**

17       (a) IN GENERAL.—(1) Chapter 48 of title 10, United  
18 States Code, is amended by adding at the end the follow-  
19 ing new section:

20 **“§957. Status of prisoners: procedures for notifying**  
21 **victims and witnesses**

22       “The Secretary of Defense shall prescribe procedures  
23 and implement a centralized system for notice of the sta-  
24 tus of offenders confined in military correctional facilities  
25 to be provided to victims and witnesses. Such procedures

1 shall, to the maximum extent practicable, be consistent  
2 with procedures of the Federal Bureau of Prisons for vic-  
3 tim and witness notification.”.

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

“957. Status of prisoners: procedures for notifying victims and witnesses.”.

7 (b) DEADLINE FOR PRESCRIBING PROCEDURES.—  
8 The Secretary of Defense shall prescribe the procedures  
9 required by section 957 of title 10, United States Code,  
10 as added by subsection (a), not later than six months after  
11 the date of the enactment of this Act and shall implement  
12 the centralized system required by that section not later  
13 than six months after those procedures are prescribed.

14 **SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO**  
15 **UCMJ.**

16 (a) REPORT REQUIRED.—Not later than six months  
17 after the date of the enactment of this Act, the Secretary  
18 of Defense shall submit to the Committees on Armed Serv-  
19 ices of the Senate and House of Representatives a report  
20 on the problem of stalking by persons subject to the Uni-  
21 form Code of Military Justice (chapter 47 of title 10,  
22 United States Code). In the report, the Secretary shall de-  
23 scribe the scope of the problem of stalking within the  
24 Armed Forces and shall address whether existing proce-  
25 dures and punitive articles under the Uniform Code of

1 Military Justice adequately protect members of the Armed  
2 Forces, and dependents of members of the Armed Forces,  
3 who are threatened with stalking. The Secretary shall in-  
4 clude in the report such recommendations for changes to  
5 law and regulations as the Secretary determines to be nec-  
6 essary.

7 (b) STALKING.—For purposes of the report under  
8 subsection (a), stalking shall be considered to include ac-  
9 tions of a person in repeatedly following or harassing an-  
10 other person with the intent of placing that person in rea-  
11 sonable fear of sexual battery, bodily injury, or death in  
12 such a way that a reasonable person would be caused to  
13 suffer substantial emotional distress and which cause that  
14 person to suffer emotional distress.

15 **SEC. 554. TRANSITIONAL COMPENSATION FOR DEPEND-**  
16 **ENTS OF MEMBERS OF THE ARMED FORCES**  
17 **DISCHARGED FOR DEPENDENT ABUSE.**

18 (a) IN GENERAL.—(1) Chapter 53 of title 10, United  
19 States Code, is amended by adding at the end the follow-  
20 ing new section:

21 **“§ 1058. Abused dependents: payment of transitional**  
22 **compensation**

23 “(a) AUTHORITY TO PAY COMPENSATION.—If a  
24 member of the armed forces is separated from the armed  
25 forces as described in subsection (b), the Secretary of the

1 military department concerned may pay monthly transi-  
2 tional compensation in accordance with this section to de-  
3 pendants or former dependents of the member as specified  
4 in subsection (d).

5 “(b) SEPARATIONS COVERED.—(1) This section ap-  
6 plies in the case of a member of the armed forces on active  
7 duty for a period of more than 30 days—

8 “(A) who is convicted of a dependent-abuse of-  
9 fense (as defined in subsection (c)) and whose con-  
10 viction results in the member being—

11 “(i) administratively discharged with a  
12 general discharge or under other than honor-  
13 able conditions; or

14 “(ii) discharged or dismissed from the  
15 armed forces by sentence of a court-martial; or

16 “(B) against whom court-martial charges were  
17 preferred for a dependent-abuse offense and who is  
18 discharged in lieu of trial by court-martial in that  
19 case upon approval of the member’s request or appli-  
20 cation for discharge or, in the case of an officer, for  
21 resignation.

22 “(2) For purposes of this section, a member of the  
23 armed forces who is incarcerated by sentence of a court-  
24 martial with total forfeiture of pay and allowances shall

1 be treated as a former member dismissed or discharged  
2 by sentence of a court-martial.

3 “(c) DEPENDENT-ABUSE OFFENSES.—(1) For pur-  
4 poses of this section, a dependent-abuse offense is conduct  
5 by an individual while a member of the armed forces on  
6 active duty for a period of more than 30 days—

7 “(A) that involves abuse of the spouse or a de-  
8 pendent child of the member; and

9 “(B) that is a criminal offense specified in reg-  
10 ulations prescribed by the Secretary of Defense  
11 under paragraph (2).

12 “(2) The Secretary of Defense shall prescribe by reg-  
13 ulation the criminal offenses, or categories of offenses,  
14 under the Uniform Code of Military Justice (chapter 47  
15 of this title), Federal criminal law, the criminal laws of  
16 the States and other jurisdictions of the United States,  
17 and the laws of other nations that are to be considered  
18 to be dependent-abuse offenses for the purposes of this  
19 section.

20 “(d) RECIPIENTS OF PAYMENTS.—In any case of a  
21 separation from active duty as described in subsection (b)  
22 in which the Secretary of the military department con-  
23 cerned determines that transitional compensation should  
24 be paid under this section, the Secretary shall pay such

1 compensation to dependents or former dependents of the  
2 former member as follows:

3           “(1) If the former member was married at the  
4 time of the commission of the dependent-abuse of-  
5 fense resulting in the separation, such compensation  
6 shall (except as otherwise provided in this sub-  
7 section) be paid to the spouse or former spouse to  
8 whom the member was married at that time.

9           “(2) If there is a spouse or former spouse who  
10 (but for subsection (g)) would be eligible for com-  
11 pensation under this section and if there is a de-  
12 pendent child of the former member who does not  
13 reside in the same household as that spouse or  
14 former spouse, such compensation shall be paid to  
15 each such dependent child of the former member  
16 who does not reside in that household.

17           “(3) If there is no spouse or former spouse who  
18 is (or but for subsection (g) would be) eligible under  
19 paragraph (1), such compensation shall be paid to  
20 the dependent children of the former member.

21           “(4) For purposes of paragraphs (2) and (3),  
22 an individual’s status as a ‘dependent child’ shall be  
23 determined as of the date on which the member is  
24 convicted of the dependent-abuse offense or, in a

1 case described in subsection (b)(1)(B), as of the date  
2 on which the member is discharged.

3 “(e) COMMENCEMENT AND DURATION OF PAY-  
4 MENT.—(1) Payment of transitional compensation under  
5 this section shall commence as of the date of the dis-  
6 continuance of the member’s pay and allowances pursuant  
7 to the separation or sentencing of the member.

8 “(2) Payment of such compensation shall terminate  
9 at the end of the dependents’ transitional period. The de-  
10 pendents’ transitional period is the period (A) beginning  
11 on the date on which the member is convicted of the de-  
12 pendent-abuse offense or, in a case described in subsection  
13 (b)(1)(B), on the date on which the member is discharged,  
14 and (B) ending at the end of the transitional period deter-  
15 mined by the Secretary concerned. Such transitional pe-  
16 riod may not exceed 36 months, except that if the length  
17 of the member’s service on active duty was less than 36  
18 months, the transitional period may not exceed the length  
19 of such service.

20 “(f) AMOUNT OF PAYMENT.—(1) Payment to a  
21 spouse or former spouse under this section for any month  
22 shall be at the rate in effect for that month for the pay-  
23 ment of dependency and indemnity compensation under  
24 section 1311(a)(1) of title 38.

1       “(2) If a spouse or former spouse to whom compensa-  
2 tion is paid under this section has custody of a dependent  
3 child or children of the member, the amount of such com-  
4 pensation paid for any month shall be increased for each  
5 such dependent child by the amount in effect for that  
6 month under section 1311(b) of title 38.

7       “(3) If compensation is paid under this section to a  
8 child or children pursuant to subsection (d)(2) or (d)(3),  
9 such compensation shall be paid in equal shares, with the  
10 amount of such compensation for any month determined  
11 in accordance with the rates in effect for that month under  
12 section 1313 of title 38.

13       “(g) FORFEITURE PROVISIONS.—(1) If a former  
14 spouse receiving compensation under this section remar-  
15 ries, the Secretary shall terminate payment of such com-  
16 pensation, effective as of the date of such marriage. The  
17 Secretary may not renew payment of compensation under  
18 this section to such former spouse in the event of the ter-  
19 mination of such subsequent marriage.

20       “(2) If after the separation of the former member  
21 as described in subsection (b) the former member resides  
22 in the same household as the spouse or former spouse,  
23 or dependent child, to whom compensation is otherwise  
24 payable under this section, the Secretary shall terminate  
25 payment of such compensation, effective as of the time the

1 former member begins residing in such household. Com-  
2 pensation paid for a period after the former member's sep-  
3 aration, but before the former member resides in the  
4 household, shall not be recouped. If the former member  
5 subsequently ceases to reside in such household before the  
6 end of the period of eligibility for such payments, the Sec-  
7 retary may not resume such payments.

8       “(3) In a case in which the victim of the dependent-  
9 abuse offense resulting in the separation of the former  
10 member was a dependent child, the Secretary concerned  
11 may not pay compensation under this section to a spouse  
12 or former spouse who would otherwise be eligible to receive  
13 such compensation if the Secretary determines (under reg-  
14 ulations prescribed under subsection (i)) that the spouse  
15 or former spouse was an active participant in the conduct  
16 constituting the dependent-abuse offense.

17       “(h) COORDINATION OF BENEFITS.—The Secretary  
18 concerned may not make payments to a spouse or former  
19 spouse under both this section and section 1408(h)(1) of  
20 this title. In the case of a spouse or former spouse for  
21 whom a court order provides for payments by the Sec-  
22 retary pursuant to section 1408(h)(1) of this title and to  
23 whom the Secretary offers payments under this section,  
24 the spouse or former spouse shall elect which to receive.

1       “(i) REGULATIONS.—The Secretary of each military  
2 department shall prescribe regulations to carry out this  
3 section with respect to members of the armed forces under  
4 the jurisdiction of that Secretary. Such regulations shall  
5 be as uniform as practicable and shall be subject to the  
6 approval of the Secretary of Defense.

7       “(j) DEPENDENT CHILD DEFINED.—In this section,  
8 the term ‘dependent child’, with respect to a member or  
9 former member of the armed forces separated as described  
10 in subsection (b), means an unmarried child, including an  
11 adopted child or a stepchild, who was residing with the  
12 member at the time of the dependent-abuse offense result-  
13 ing in the separation of the former member and—

14               “(1) who is under 18 years of age;

15               “(2) who is 18 years of age or older and is in-  
16 capable of self-support because of a mental or phys-  
17 ical incapacity that existed before the age of 18 and  
18 who is (or was at the time of the former member’s  
19 separation) dependent on the former member for  
20 over one-half of the child’s support; or

21               “(3) who is 18 years of age or older but less  
22 than 23 years of age, is enrolled in a full-time course  
23 of study in an institution of higher learning ap-  
24 proved by the Secretary of Defense and who is (or  
25 was at the time of the former member’s separation)

1 dependent on the former member for over one-half  
2 of the child's support.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by inserting after the item relating  
5 to section 1056 the following new item:

“1058. Abused dependents: payment of transitional compensation.”.

6 (b) EFFECTIVE DATE.—(1) Section 1058 of title 10,  
7 United States Code, as added by subsection (a), shall  
8 apply with respect to former members of the Armed  
9 Forces discharged or dismissed as described in subsection  
10 (b) of such section after the date that is three years before  
11 the date of the enactment of this Act.

12 (2) Notwithstanding paragraph (1), no payment may  
13 be made under such section 1058 with respect to any pe-  
14 riod before April 1, 1994.

## 15 **Subtitle F—Matters Relating to** 16 **Military Justice**

17 **SEC. 561. IMPROVED RIGHT OF APPEAL IN COURT-MARTIAL**  
18 **CASES.**

19 (a) RIGHT OF ACCUSED TO PETITION FOR REVIEW  
20 BY COURTS OF MILITARY REVIEW.—Section 869 of title  
21 10, United States Code (article 69 of the Uniform Code  
22 of Military Justice), is amended—

23 (1) by redesignating subsection (e) as sub-  
24 section (f); and

1           (2) by inserting after subsection (d) the follow-  
2           ing new subsection (e):

3           “(e)(1) A Court of Military Review, upon petition of  
4           the accused and for good cause shown, may review, under  
5           section 866 of this title (article 66)—

6           “(A) any court-martial case which is subject to  
7           action by the Judge Advocate General under this  
8           section (i) in which the Judge Advocate General de-  
9           termines not to modify or set aside the findings or  
10          sentence, in whole or in part, in accordance with the  
11          application of the accused, and (ii) which is not sent  
12          to the Court of Military Review by order of the  
13          Judge Advocate General; and

14          “(B) any action taken by the Judge Advocate  
15          General under this section in that case.

16          “(2) A petition by the accused under paragraph (1)  
17          must be filed with the Court of Military Review within  
18          60 days of the date on which the accused is notified of  
19          the decision of the Judge Advocate General.”.

20          (b) EFFECTIVE DATE.—The amendments made by  
21          subsection (a) shall apply with respect to any case re-  
22          viewed by a Judge Advocate General under section 869  
23          of title 10, United States Code, in which an application  
24          is filed under subsection (b) of that section after the date  
25          of the enactment of this Act.

1 **SEC. 562. CLARIFICATION OF PUNITIVE UCMJ ARTICLE RE-**  
2 **GARDING DRUNKEN DRIVING.**

3 (a) CLARIFICATION.—Paragraph (2) of section 911  
4 of title 10, United States Code (article 111 of the Uniform  
5 Code of Military Justice), is amended by inserting “or  
6 more” after “0.10 grams” both places such term appears.

7 (b) EFFECTIVE DATE.—The amendments made by  
8 subsection (a) shall take effect as if included in the  
9 amendment to section 911 of title 10, United States Code,  
10 made by section 1066(a)(1) of Public Law 102–484 on  
11 October 23, 1992.

12 **Subtitle G—Other Matters**

13 **SEC. 571. CHANGE IN TIMING OF REQUIRED DRUG AND AL-**  
14 **COHOL TESTING AND EVALUATION OF APPLI-**  
15 **CANTS FOR APPOINTMENT AS CADET OR**  
16 **MIDSHIPMAN AND FOR ROTC GRADUATES.**

17 Section 978(a)(3) of title 10, United States Code, is  
18 amended—

19 (1) in the first sentence, by striking out “dur-  
20 ing the physical examination given the applicant be-  
21 fore such appointment” and inserting in lieu thereof  
22 “within 72 hours of such appointment”; and

23 (2) in the second sentence, by striking out  
24 “during the precommissioning physical examination  
25 given such person” and inserting in lieu thereof “be-  
26 fore such an appointment is executed”.

1 **SEC. 572. REIMBURSEMENT REQUIREMENTS FOR AD-**  
2 **VANCED EDUCATION ASSISTANCE.**

3 (a) IN GENERAL.—Section 2005 of title 10, United  
4 States Code, is amended by adding at the end the follow-  
5 ing new subsections:

6 “(g)(1) In any case in which the Secretary concerned  
7 determines that a person who entered into an agreement  
8 under this section failed to complete the period of active  
9 duty specified in the agreement (or failed to fulfill any  
10 other term or condition prescribed in the agreement) and,  
11 by reason of the provision of the agreement required under  
12 subsection (a)(3), may owe a debt to the United States  
13 and in which that person disputes that such a debt is  
14 owed, the Secretary shall designate an official (who may  
15 be a member of the armed forces or a civilian employee  
16 under the jurisdiction of the Secretary) to investigate the  
17 facts of the case and hear evidence presented by the per-  
18 son who may owe the debt and other parties, as appro-  
19 priate, in order to determine the validity of the debt. That  
20 official shall report the official’s findings and rec-  
21 ommendations to the Secretary concerned. The report  
22 shall include the official’s assessment as to whether the  
23 individual behavior that resulted in the separation of the  
24 person who may owe the debt qualifies as misconduct  
25 under subsection (a)(3), if the justification for the debt  
26 to the Government includes an allegation of misconduct.

1       “(2) The Secretary of each military department shall  
2 ensure that a member of the armed forces who may be  
3 subject to a reimbursement requirement under this section  
4 is advised of such requirement before (1) submitting a re-  
5 quest for voluntary separation, or (2) making a decision  
6 on a course of action regarding personal involvement in  
7 administrative, nonjudicial, and judicial action resulting  
8 from alleged misconduct.

9       “(h) The Secretary of a military department may  
10 waive any requirement for reimbursement under this sec-  
11 tion at the Secretary’s discretion.”.

12       (b) EFFECTIVE DATES.—(1) Subsection (g) of sec-  
13 tion 2005 of title 10, United States Code, as added by  
14 subsection (a), shall apply with respect to persons sepa-  
15 rated from the Armed Forces after the end of the six-  
16 month period beginning on the date of the enactment of  
17 this Act.

18       (2) Subsection (h) of such section, as added by sub-  
19 section (a), shall apply with respect to persons separated  
20 from the Armed Forces after September 30, 1993.

21 **SEC. 573. RECOGNITION OF POWERS OF ATTORNEY NOTA-**  
22 **RIZED BY DEFENSE NOTARY PUBLIC.**

23       Section 1044a of title 10, United States Code, is  
24 amended by adding at the end the following new sub-  
25 section:

1       “(e) A power of attorney signed by a person author-  
2 ized to receive legal assistance under section 1044 of this  
3 title and notarized by a person authorized to do so under  
4 this section shall be recognized as lawful and given full  
5 effect by any person to whom it is presented, notwith-  
6 standing any provision of law regulating the granting of  
7 a power of attorney in any State, territory, or other juris-  
8 diction of the United States.”.

9       **SEC. 574. POLICY CONCERNING HOMOSEXUALITY IN THE**  
10   **ARMED FORCES.**

11       (a) CODIFICATION.—(1) Chapter 37 of title 10,  
12 United States Code, is amended by adding at the end the  
13 following new section:

14       **“§ 654. Policy concerning homosexuality in the armed**  
15   **forces**

16       “(a) FINDINGS.—Congress makes the following find-  
17 ings:

18               “(1) Section 8 of article I of the Constitution  
19 of the United States commits exclusively to the Con-  
20 gress the powers to raise and support armies, pro-  
21 vide and maintain a Navy, and make rules for the  
22 government and regulation of the land and naval  
23 forces.

24               “(2) There is no constitutional right to serve in  
25 the armed forces.

1           “(3) Pursuant to the powers conferred by sec-  
2           tion 8 of article I of the Constitution of the United  
3           States, it lies within the discretion of the Congress  
4           to establish qualifications for and conditions of serv-  
5           ice in the armed forces.

6           “(4) The primary purpose of the armed forces  
7           is to prepare for and to prevail in combat should the  
8           need arise.

9           “(5) The conduct of military operations re-  
10          quires members of the armed forces to make ex-  
11          traordinary sacrifices, including the ultimate sac-  
12          rifice, in order to provide for the common defense.

13          “(6) Success in combat requires military units  
14          that are characterized by high morale, good order  
15          and discipline, and unit cohesion.

16          “(7) One of the most critical elements in com-  
17          bat capability is unit cohesion, that is, the bonds of  
18          trust among individual service members that make  
19          the combat effectiveness of a military unit greater  
20          than the sum of the combat effectiveness of the indi-  
21          vidual unit members.

22          “(8) Military life is fundamentally different  
23          from civilian life in that—

24                  “(A) the extraordinary responsibilities of  
25                  the armed forces, the unique conditions of mili-

1           tary service, and the critical role of unit cohe-  
2           sion, require that the military community, while  
3           subject to civilian control, exist as a specialized  
4           society; and

5           “(B) the military society is characterized  
6           by its own laws, rules, customs, and traditions,  
7           including numerous restrictions on personal be-  
8           havior, that would not be acceptable in civilian  
9           society.

10          “(9) The standards of conduct for members of  
11          the armed forces regulate a member’s life for 24  
12          hours each day beginning at the moment the mem-  
13          ber enters military status and not ending until that  
14          person is discharged or otherwise separated from the  
15          armed forces.

16          “(10) Those standards of conduct, including the  
17          Uniform Code of Military Justice, apply to a mem-  
18          ber of the armed forces at all times that the member  
19          has a military status, whether the member is on  
20          base or off base, and whether the member is on duty  
21          or off duty.

22          “(11) The pervasive application of the stand-  
23          ards of conduct is necessary because members of the  
24          armed forces must be ready at all times for world-  
25          wide deployment to a combat environment.

1           “(12) The worldwide deployment of United  
2 States military forces, the international responsibil-  
3 ities of the United States, and the potential for in-  
4 volvement of the armed forces in actual combat rou-  
5 tinely make it necessary for members of the armed  
6 forces involuntarily to accept living conditions and  
7 working conditions that are often spartan, primitive,  
8 and characterized by forced intimacy with little or  
9 no privacy.

10           “(13) The prohibition against homosexual con-  
11 duct is a longstanding element of military law that  
12 continues to be necessary in the unique cir-  
13 cumstances of military service.

14           “(14) The armed forces must maintain person-  
15 nel policies that exclude persons whose presence in  
16 the armed forces would create an unacceptable risk  
17 to the armed forces’ high standards of morale, good  
18 order and discipline, and unit cohesion that are the  
19 essence of military capability.

20           “(15) The presence in the armed forces of per-  
21 sons who demonstrate a propensity or intent to en-  
22 gage in homosexual acts would create an unaccept-  
23 able risk to the high standards of morale, good order  
24 and discipline, and unit cohesion that are the es-  
25 sence of military capability.

1       “(b) POLICY.—A member of the armed forces shall  
2 be separated from the armed forces under regulations pre-  
3 scribed by the Secretary of Defense if one or more of the  
4 following findings is made and approved in accordance  
5 with procedures set forth in such regulations:

6           “(1) That the member has engaged in, at-  
7 tempted to engage in, or solicited another to engage  
8 in a homosexual act or acts unless there are further  
9 findings, made and approved in accordance with pro-  
10 cedures set forth in such regulations, that the mem-  
11 ber has demonstrated that—

12           “(A) such conduct is a departure from the  
13 member’s usual and customary behavior;

14           “(B) such conduct, under all the cir-  
15 cumstances, is unlikely to recur;

16           “(C) such conduct was not accomplished  
17 by use of force, coercion, or intimidation;

18           “(D) under the particular circumstances of  
19 the case, the member’s continued presence in  
20 the armed forces is consistent with the interests  
21 of the armed forces in proper discipline, good  
22 order, and morale; and

23           “(E) the member does not have a propen-  
24 sity or intent to engage in homosexual acts.

1           “(2) That the member has stated that he or she  
2           is a homosexual or bisexual, or words to that effect,  
3           unless there is a further finding, made and approved  
4           in accordance with procedures set forth in the regu-  
5           lations, that the member has demonstrated that he  
6           or she is not a person who engages in, attempts to  
7           engage in, has a propensity to engage in, or intends  
8           to engage in homosexual acts.

9           “(3) That the member has married or at-  
10          tempted to marry a person known to be of the same  
11          biological sex.

12          “(c) ENTRY STANDARDS AND DOCUMENTS.—(1) The  
13          Secretary of Defense shall ensure that the standards for  
14          enlistment and appointment of members of the armed  
15          forces reflect the policies set forth in subsection (b).

16          “(2) The documents used to effectuate the enlistment  
17          or appointment of a person as a member of the armed  
18          forces shall set forth the provisions of subsection (b).

19          “(d) REQUIRED BRIEFINGS.—The briefings that  
20          members of the armed forces receive upon entry into the  
21          armed forces and periodically thereafter under section 937  
22          of this title (article 137 of the Uniform Code of Military  
23          Justice) shall include a detailed explanation of the applica-  
24          ble laws and regulations governing sexual conduct by

1 members of the armed forces, including the policies pre-  
2 scribed under subsection (b).

3 “(e) RULE OF CONSTRUCTION.—Nothing in sub-  
4 section (b) shall be construed to require that a member  
5 of the armed forces be processed for separation from the  
6 armed forces when a determination is made in accordance  
7 with regulations prescribed by the Secretary of Defense  
8 that—

9 “(1) the member engaged in conduct or made  
10 statements for the purpose of avoiding or terminat-  
11 ing military service; and

12 “(2) separation of the member would not be in  
13 the best interest of the armed forces.

14 “(f) DEFINITIONS.—In this section:

15 “(1) The term ‘homosexual’ means a person, re-  
16 gardless of sex, who engages in, attempts to engage  
17 in, has a propensity to engage in, or intends to en-  
18 gage in homosexual acts, and includes the terms  
19 ‘gay’ and ‘lesbian’.

20 “(2) The term ‘bisexual’ means a person who  
21 engages in, attempts to engage in, has a propensity  
22 to engage in, or intends to engage in homosexual  
23 and heterosexual acts.

24 “(3) The term ‘homosexual act’ means—

1           “(A) any bodily contact, actively under-  
2           taken or passively permitted, between members  
3           of the same sex for the purpose of satisfying  
4           sexual desires; and

5           “(B) any bodily contact which a reasonable  
6           person would understand to demonstrate a pro-  
7           pensity or intent to engage in an act described  
8           in subparagraph (A).”.

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

        “654. Policy concerning homosexuality in the armed forces.”.

11          (b) REGULATIONS.—Not later than 90 days after the  
12          date of enactment of this Act, the Secretary of Defense  
13          shall revise Department of Defense regulations, and issue  
14          such new regulations as may be necessary, to implement  
15          section 654 of title 10, United States Code, as added by  
16          subsection (a).

17          (c) SAVINGS PROVISION.—Nothing in this section or  
18          section 654 of title 10, United States Code, as added by  
19          subsection (a) may be construed to invalidate any inquiry,  
20          investigation, administrative action or proceeding, court-  
21          martial, or judicial proceeding conducted before the effec-  
22          tive date of regulations issued by the Secretary of Defense  
23          to implement such section 654.

24          (d) SENSE OF CONGRESS.—It is the sense of Con-  
25          gress that—

1           (1) the suspension of questioning concerning  
2           homosexuality as part of the processing of individ-  
3           uals for accession into the Armed Forces under the  
4           interim policy of January 29, 1993, should be con-  
5           tinued, but the Secretary of Defense may reinstate  
6           that questioning with such questions or such revised  
7           questions as he considers appropriate if the Sec-  
8           retary determines that it is necessary to do so in  
9           order to effectuate the policy set forth in section 654  
10          of title 10, United States Code, as added by sub-  
11          section (a); and

12          (2) the Secretary of Defense should consider is-  
13          suing guidance governing the circumstances under  
14          which members of the Armed Forces questioned  
15          about homosexuality for administrative purposes  
16          should be afforded warnings similar to the warnings  
17          under section 831(b) of title 10, United States Code  
18          (article 31(b) of the Uniform Code of Military Jus-  
19          tice).

20 **SEC. 575. FOREIGN LANGUAGE PROFICIENCY TEST PRO-**  
21 **GRAM.**

22          (a) TEST PROGRAM.—The Secretary of Defense shall  
23          develop and carry out a test program for improving for-  
24          eign language proficiency in the Department of Defense  
25          through improved management and other measures. The

1 test program shall be designed to evaluate the findings  
2 and recommendations of—

3 (1) the June 1993 inspection report of the In-  
4 spector General of the Department of Defense on  
5 the Defense Foreign Language Program (report  
6 numbered 93-INS-10);

7 (2) the report of the Sixth Quadrennial Review  
8 of Military Compensation (August 1988); and

9 (3) any other recent study of the foreign lan-  
10 guage proficiency program of the Department of De-  
11 fense.

12 (b) EVALUATION OF PRIOR RECOMMENDATIONS.—  
13 The test program shall include an evaluation of the follow-  
14 ing possible changes to current practice identified in the  
15 reports referred to in subsection (a):

16 (1) Management of linguist billets and person-  
17 nel for the active and reserve components from a  
18 Total Force perspective.

19 (2) Improvement of linguist training programs,  
20 both resident and nonresident, to provide greater  
21 flexibility, to accommodate missions other than sig-  
22 nals intelligence, and to improve the provision of re-  
23 sources for nonresident programs.

24 (3) Centralized responsibility within the Office  
25 of the Secretary of Defense to provide coordinated

1 oversight of all foreign language issues and pro-  
2 grams, including a centralized process for deter-  
3 mination, validation, and documentation of foreign  
4 language requirements for different services and  
5 missions.

6 (4) Revised policies of each of the military de-  
7 partments to foster maintenance of highly perishable  
8 linguistic skills through improved management of  
9 the careers of language-trained personnel, including  
10 more effective use of language skills, improved ca-  
11 reer opportunities within the linguistics field, and  
12 specific linkage of language proficiency to pro-  
13 motions.

14 (5) In the case language-trained members of  
15 the reserve components—

16 (A) the use of additional training assem-  
17 blies (ATAs) as a means of sustaining linguistic  
18 proficiency and enhancing retention; and

19 (B) the use of larger enlistment and reen-  
20 listment bonuses, Special Duty Assignment  
21 Pay, and educational incentives.

22 (6) Such other management changes as the  
23 Secretary may consider necessary.

24 (c) EVALUATION OF ADJUSTMENT IN FOREIGN LAN-  
25 GUAGE PROFICIENCY PAY.—(1) The Secretary shall in-

1 clude in the test program an evaluation of adjustments  
2 in foreign language proficiency pay for active and reserve  
3 component personnel.

4 (2) Before any adjustment in foreign language pro-  
5 ficiency pay is included in the test program as authorized  
6 by paragraph (1), the Secretary shall submit to the com-  
7 mittees named in subsection (d)(2) the following informa-  
8 tion related to proficiency pay adjustments:

9 (A) The response of the Secretary to the find-  
10 ings of the Inspector General in the report on the  
11 Defense Foreign Language Program referred to in  
12 subsection (a)(1), specifically including the following  
13 matters raised in that report:

14 (i) Inadequate centralized oversight of  
15 planning, policy, roles, responsibilities, and  
16 funding for foreign language programs.

17 (ii) Inadequate management and validation  
18 of the requirements process for foreign lan-  
19 guage programs.

20 (iii) Inadequate uniform career manage-  
21 ment of language-trained personnel, including  
22 failure to take sufficient advantage of language  
23 skills and to recoup investment of training dol-  
24 lars.

1           (iv) Inadequate training programs, both  
2           resident and nonresident.

3           (B) The current manning of linguistic billets  
4           (shown by service, by active or reserve component,  
5           and by career field).

6           (C) The rates of retention in the service for lan-  
7           guage-trained personnel (shown by service, by active  
8           or reserve component, and by career field).

9           (D) The rates of retention by career field for  
10          language-trained personnel (shown by service, by ac-  
11          tive or reserve component, and by career field).

12          (E) The rates of language proficiency for per-  
13          sonnel serving in linguistic billets (shown by service,  
14          by active or reserve component, and by career field).

15          (F) Trends in performance ratings for person-  
16          nel serving in linguistic billets (shown by service, by  
17          active or reserve component, and by career field).

18          (G) Promotion rates for personnel serving in  
19          linguistic billets (shown by service, by active or re-  
20          serve component, and by career field).

21          (H) The estimated cost of foreign language pro-  
22          ficiency pay as proposed to be paid at the adjusted  
23          rates for the test program under paragraph (1)—

24                 (i) for each year of the test program; and

1           (ii) for five years, if those rates are subse-  
2           quently applied to the entire Department of De-  
3           fense.

4           (3) The rates for adjusted foreign language pro-  
5           ficiency pay as proposed to be paid for the test program  
6           under paragraph (1) may not take effect for the test pro-  
7           gram unless the senior official responsible for personnel  
8           matters in the Office of the Secretary of Defense deter-  
9           mines that—

10           (A) the foreign language proficiency pay levels  
11           established for the test program are consistent with  
12           proficiency pay levels for other functions throughout  
13           the Department of Defense; and

14           (B) the terms and conditions for receiving for-  
15           eign language proficiency pay conform to current  
16           policies and practices within the Department of De-  
17           fense.

18           (d) REPORT ON PLAN FOR TEST PROGRAM.—(1) The  
19           Secretary of Defense shall submit to the committees  
20           named in paragraph (2) a report containing a plan for  
21           the test program required in subsection (a), an expla-  
22           nation of the plan, and a discussion of the matters stated  
23           in subsection (c)(2). The report shall be submitted not  
24           later than April 1, 1994.

1       (2) The committees referred to in paragraph (1)  
2 are—

3           (A) the Committee on Armed Services and the  
4       Permanent Select Committee on Intelligence of the  
5       House of Representatives; and

6           (B) the Committee on Armed Services and the  
7       Select Committee on Intelligence of the Senate.

8       (e) PERIOD OF TEST PROGRAM.—(1) The test pro-  
9       gram required by subsection (a) shall begin on October  
10      1, 1994. However, if the report required by subsection (d)  
11      is not submitted by the date specified in that subsection  
12      for the submission of the report, the test program shall  
13      begin at the end of a period of 180 days (as computed  
14      under paragraph (2)) beginning on the date on which such  
15      report is submitted.

16       (2) For purposes of paragraph (1), days on which ei-  
17      ther House is not in session because of an adjournment  
18      of more than 3 days to a day certain or because of an  
19      adjournment sine die shall be excluded in the computation  
20      of such 180-day period.

21       (3) The test program shall terminate two years after  
22      it begins.

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

4 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any  
6 adjustment required by section 1009 of title 37, United  
7 States Code, in elements of compensation of members of  
8 the uniformed services to become effective during fiscal  
9 year 1994 shall not be made.

10 (b) INCREASE IN BASIC PAY, BAS, AND BAQ.—Ef-  
11 fective on January 1, 1994, the rates of basic pay, basic  
12 allowance for subsistence, and basic allowance for quarters  
13 of members of the uniformed services are increased by 2.2  
14 percent.

15 (c) UNIFORMED SERVICES DEFINED.—For purposes  
16 of this section, the term “uniformed services” does not in-  
17 clude the National Oceanic and Atmospheric Administra-  
18 tion.

19 **SEC. 602. VARIABLE HOUSING ALLOWANCE FOR CERTAIN**  
20 **MEMBERS WHO ARE REQUIRED TO PAY**  
21 **CHILD SUPPORT AND WHO ARE ASSIGNED TO**  
22 **SEA DUTY.**

23 Section 403a(b)(2) of title 37, United States Code,  
24 is amended—

1 (1) in subparagraph (A), by striking out “or”;

2 and

3 (2) in subparagraph (B), by inserting “or”

4 after the semicolon; and

5 (3) by adding at the end the following new sub-  
6 paragraph:

7 “(C) the member is assigned to sea duty  
8 and elects not to occupy assigned unaccom-  
9 panied quarters, unless the member is in a pay  
10 grade above E-6;”.

11 **SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PRE-**  
12 **PARATORY SCHOOLS.**

13 (a) RATES OF PAY.—Section 203 of title 37, United  
14 States Code, is amended by adding at the end the follow-  
15 ing new subsection:

16 “(e)(1) A student at the United States Military Acad-  
17 emy Preparatory School, the United States Naval Acad-  
18 emy Preparatory School, or the United States Air Force  
19 Academy Preparatory School who was selected to attend  
20 the preparatory school from civilian life is entitled to  
21 monthly student pay at the same rate as provided for ca-  
22 dets and midshipmen under subsection (c)(1).

23 “(2) A student at a preparatory school referred to  
24 in paragraph (1) who, at the time of the student’s selec-  
25 tion to attend the preparatory school, was an enlisted

1 member of the uniformed services on active duty for a pe-  
2 riod of more than 30 days shall continue to receive month-  
3 ly basic pay at the rate prescribed for the student's pay  
4 grade as an enlisted member.

5 “(3) The monthly student pay of a student described  
6 in paragraph (1) shall be treated for purposes of the ac-  
7 crual charge for the Department of Defense Military Re-  
8 tirement Fund established under section 1461 of title 10,  
9 United States Code, in the same manner as monthly cadet  
10 pay or midshipman pay under subsection (c)(1).”.

11 (b) APPLICATION OF AMENDMENT.—The amendment  
12 made by subsection (a) shall apply with respect to stu-  
13 dents entering the United States Military Academy Pre-  
14 paratory School, the United States Naval Academy Pre-  
15 paratory School, or the United States Air Force Academy  
16 Preparatory School on or after the date of the enactment  
17 of this Act.

18 **SEC. 604. ADVANCE PAYMENTS IN CONNECTION WITH THE**  
19 **EVACUATION OF MEMBERS AND DEPEND-**  
20 **ENTS OF MEMBERS FROM DESIGNATED**  
21 **PLACES.**

22 (a) TIME OF DESIGNATION.—Section 1006(c) of title  
23 37, United States Code, is amended—

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

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

3           “(2) The actual designation of a place under this sub-  
4 section as a place for which an advance of pay will be  
5 made under this subsection in connection with the ordered  
6 evacuation of members or dependents of members may be  
7 made by the President before, during, or after the evacu-  
8 ation.”.

9           (b) APPLICATION OF AMENDMENT.—Section 1006(c)  
10 of title 37, United States Code, as amended by subsection  
11 (a), shall apply with respect to evacuations occurring on  
12 or after the date of the enactment of this Act. Subject  
13 to the availability of appropriations for the purpose of pro-  
14 viding an advance of pay under such section, such section  
15 shall also apply with respect to evacuations occurring dur-  
16 ing the period beginning on June 1, 1991, and ending on  
17 the date of the enactment of this Act.

18           **Subtitle B—Bonuses and Special**  
19                                   **and Incentive Pays**

20           **SEC. 611. PERMANENT AUTHORITY FOR CERTAIN BONUSES**  
21                                   **AND SPECIAL PAY FOR NURSE OFFICER CAN-**  
22                                   **DIDATES, REGISTERED NURSES AND NURSE**  
23                                   **ANESTHETISTS.**

24           (a) NURSE OFFICER CANDIDATE ACCESSION PRO-  
25 GRAM.—Section 2130a(a)(1) of title 10 United States

1 Code, is amended by striking out “, during the period be-  
2 ginning on November 29, 1989, and ending on September  
3 30, 1993,”.

4 (b) **ACCESSION BONUS FOR REGISTERED NURSES.**—  
5 Section 302d(a) of title 37, United States Code, is amend-  
6 ed by striking out “, during the period beginning on No-  
7 vember 29, 1989, and ending on September 30, 1993,”.

8 (c) **SPECIAL PAY FOR NURSE ANESTHETISTS.**—Sec-  
9 tion 302e(a) of title 37, United States Code, is amended  
10 by striking out “, during the period beginning on Novem-  
11 ber 29, 1989, and ending on September 30, 1993,”.

12 (d) **EFFECTIVE DATE.**—The amendments made by  
13 this section shall take effect as of October 1, 1993.

14 **SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN SE-**  
15 **LECTED RESERVE BONUSES.**

16 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—  
17 Section 308b(f) of title 37, United States Code, is amend-  
18 ed by striking out “September 30, 1993” and inserting  
19 in lieu thereof “September 30, 1995”.

20 (b) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-  
21 tion 308c of title 37, United States Code, is amended—

22 (1) in subsection (b)—

23 (A) by striking out “\$2,000” in the mate-  
24 rial preceding paragraph (1) and inserting in  
25 lieu thereof “\$5,000”; and

1 (B) in paragraph (1), by striking out “one-  
2 half of the bonus shall be paid” and inserting  
3 in lieu thereof “an amount not to exceed one-  
4 half of the bonus may be paid”;

5 (2) in subsection (e), by striking out “Septem-  
6 ber 30, 1993” and inserting in lieu thereof “Septem-  
7 ber 30, 1995”; and

8 (3) by adding at the end the following new sub-  
9 section:

10 “(f) The total amount of expenditures under this sec-  
11 tion may not exceed \$37,024,000 during fiscal year  
12 1994.”.

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

15 (1) in subsection (c)—

16 (A) in paragraph (2), by striking out “fifth  
17 anniversary” and inserting in lieu thereof  
18 “sixth anniversary”; and

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

21 “(3) In lieu of the procedures set out in paragraph  
22 (2), the Secretary concerned may pay the bonus in month-  
23 ly installments in such amounts as may be determined by  
24 the Secretary. Monthly payments under this paragraph  
25 shall begin after the first month of satisfactory service of

1 the person and are payable only for those months in which  
2 the person serves satisfactorily. Satisfactory service shall  
3 be determined under regulations prescribed by the Sec-  
4 retary of Defense.”; and

5 (2) in subsection (e), by striking out “Septem-  
6 ber 30, 1993” and inserting in lieu thereof “Septem-  
7 ber 30, 1995”.

8 (d) **PRIOR SERVICE ENLISTMENT BONUS.**—Section  
9 308i(i) of title 37, United States Code, is amended by  
10 striking out “September 30, 1993” and inserting in lieu  
11 thereof “September 30, 1995”.

12 **SEC. 613. EXTENSIONS OF AUTHORITIES RELATING TO PAY-**  
13 **MENT OF OTHER BONUSES AND SPECIAL**  
14 **PAYS.**

15 (a) **AVIATION OFFICER RETENTION BONUS.**—Sec-  
16 tion 301b(a) of title 37, United States Code, is amended  
17 by striking out “September 30, 1993” and inserting in  
18 lieu thereof “September 30, 1994”.

19 (b) **SPECIAL PAY FOR ENLISTED MEMBERS OF THE**  
20 **SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-**  
21 **ORITY UNITS.**—Section 308d(c) of title 37, United States  
22 Code, is amended by striking out “September 30, 1993”  
23 and inserting in lieu thereof “September 30, 1995”.

24 (c) **REPAYMENT OF EDUCATION LOANS FOR CER-**  
25 **TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-**

1 LECTED RESERVE.—Section 2172(d) of title 10, United  
2 States Code, is amended by striking out “October 1,  
3 1993”, and inserting in lieu thereof “October 1, 1995”.

4 (d) REENLISTMENT BONUS FOR ACTIVE MEM-  
5 BERS.—Section 308(g) of title 37, United States Code, is  
6 amended by striking out “September 30, 1993” and in-  
7 serting in lieu thereof “September 30, 1995”.

8 (e) ENLISTMENT BONUS FOR CRITICAL SKILLS.—  
9 Section 308a(c) of title 37, United States Code, is amend-  
10 ed by striking out “September 30, 1993” and inserting  
11 in lieu thereof “September 30, 1995”.

12 (f) READY RESERVE ENLISTMENT AND REENLIST-  
13 MENT BONUS.—Section 308h(g) of title 37, United States  
14 Code, is amended by striking out “September 30, 1993”  
15 and inserting in lieu thereof “September 30, 1995”.

16 (g) SPECIAL PAY FOR CRITICALLY SHORT WARTIME  
17 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—  
18 Section 613(d) of the National Defense Authorization Act,  
19 Fiscal Year 1989 (37 U.S.C. 302 note), is amended by  
20 striking out “September 30, 1993” and inserting in lieu  
21 thereof “September 30, 1995”.

1                   **Subtitle C—Travel and**  
2                   **Transportation Allowances**

3   **SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION**  
4                   **DUE TO FLUCTUATIONS OF FOREIGN CUR-**  
5                   **RENCY INCURRED BY CERTAIN MILITARY**  
6                   **MEMBERS.**

7           (a) PAYMENT OR COLLECTION AUTHORIZED.—Sub-  
8 section (d) of section 405 of title 37, United States Code,  
9 is amended to read as follows:

10           “(d)(1) In the case of a member of the uniformed  
11 services authorized to receive a per diem allowance under  
12 subsection (a), the Secretary concerned may make a lump-  
13 sum payment for nonrecurring expenses incurred by the  
14 member in occupying a private household outside of the  
15 United States if the expenses are authorized or approved  
16 under regulations prescribed by the Secretary concerned.  
17 Such nonrecurring expenses may include losses experi-  
18 enced by a member upon the return of refundable housing  
19 related deposits or as a result of other transactions nec-  
20 essary to secure housing where losses are incurred solely  
21 as the result of fluctuation in the relative values of United  
22 States and foreign currencies.

23           “(2) Any currency fluctuation gains made by the  
24 member upon the return of a refundable housing-related  
25 deposit shall be recouped by the Secretary concerned.

1 “(3) Expenses for which payments are made under  
2 this subsection may not be considered for purposes of de-  
3 termining the per diem allowance of the member under  
4 subsection (a).”.

5 (b) APPLICATION OF AMENDMENT.—Section 405(d)  
6 of title 37, United States Code, as amended by subsection  
7 (a), shall apply with respect to nonrecurring expenses and  
8 currency fluctuation gains described in such section that  
9 are incurred by members of the uniformed services on or  
10 after the later of—

11 (1) October 1, 1993; and

12 (2) the date of the enactment of this Act.

### 13 **Subtitle D—Other Matters**

#### 14 **SEC. 631. DEFINITION OF DEPENDENT FOR PURPOSES OF** 15 **ALLOWANCES TO INCLUDE CERTAIN UNMAR-** 16 **RIED PERSONS IN THE LEGAL CUSTODY OF A** 17 **MEMBER OR FORMER MEMBER.**

18 (a) EXPANSION OF DEFINITION.—Section 401(a) of  
19 title 37, United States Code, is amended by adding at the  
20 end the following new paragraph:

21 “(4) An unmarried person who—

22 “(A) is placed in the legal custody of the  
23 member as a result of an order of a court of  
24 competent jurisdiction in the United States (or

1 a Territory or possession of the United States)  
2 for a period of at least 12 consecutive months;

3 “(B)(i) has not attained the age of 21;

4 “(ii) has not attained the age of 23 years  
5 and is enrolled in a full time course of study at  
6 an institution of higher learning approved by  
7 the Secretary concerned; or

8 “(iii) is incapable of self support because  
9 of a mental or physical incapacity that occurred  
10 while the person was considered a dependent of  
11 the member or former member under this para-  
12 graph pursuant to clause (i) or (ii);

13 “(C) is dependent on the member for over  
14 one-half of the person’s support, as prescribed  
15 in regulations of the Secretary concerned;

16 “(D) resides with the member unless sepa-  
17 rated by the necessity of military service or to  
18 receive institutional care as a result of disabil-  
19 ity, incapacitation, or such other circumstances  
20 as the Secretary concerned may by regulation  
21 prescribe; and

22 “(E) is not a dependent of a member  
23 under any other paragraph.”.

24 (b) APPLICATION OF AMENDMENT.—Section  
25 401(a)(4) of title 37, United States Code, as added by

1 subsection (a), shall apply with respect to determinations  
2 of dependency made on or after July 1, 1994.

3 **SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION AS-**  
4 **SISTANCE.**

5 Section 2007(c) of title 10, United States Code, is  
6 amended by adding at the end the following new para-  
7 graph:

8 “(4) The restrictions in paragraph (3) shall not apply  
9 in the case of officers and warrant officers on active duty  
10 or full-time National Guard duty who are eligible to re-  
11 ceive assistance under subsection (a).”.

12 **TITLE VII—HEALTH CARE**  
13 **PROVISIONS**

14 **Subtitle A—Health Care Services**

15 **SEC. 701. PRIMARY AND PREVENTIVE HEALTH-CARE SERV-**  
16 **ICES FOR WOMEN.**

17 (a) FEMALE MEMBERS AND RETIREES OF THE UNI-  
18 FORMED SERVICES.—(1) Chapter 55 of title 10, United  
19 States Code, is amended by inserting after section 1074c  
20 the following new section:

21 **“§ 1074d. Primary and preventive health-care serv-**  
22 **ices for women**

23 “Female members and former members of the uni-  
24 formed services who are entitled to medical care under sec-  
25 tion 1074 or 1074a of this title shall be furnished with

1 primary and preventive health-care services for women as  
2 part of such medical care.”.

3 (2) The table of sections at the beginning of such  
4 chapter is amended by inserting after the item relating  
5 to section 1074c the following new item:

“1074d. Primary and preventive health-care services for women.”.

6 (b) FEMALE DEPENDENTS.—Section 1077(a) of such  
7 title is amended by adding at the end the following new  
8 paragraph:

9 “(13) Primary and preventive health-care serv-  
10 ices for women.”.

11 (c) DEFINITION.—Section 1072 of such title is  
12 amended by adding at the end the following new para-  
13 graph:

14 “(6) The term ‘primary and preventive health-  
15 care services for women’ means health-care services  
16 provided to women, including counseling, relating to  
17 the following:

18 “(A) Papanicolaou tests (pap smear).

19 “(B) Breast examinations and mammog-  
20 raphy.

21 “(C) Comprehensive gynecological and ob-  
22 stetric care.

23 “(D) Infertility and sexually transmitted  
24 diseases, including prevention.

25 “(E) Menopause.

1           “(F) Physical or psychological conditions  
2           arising out of acts of sexual violence.”.

3 **SEC. 702. DEFINITION OF DEPENDENT FOR PURPOSES OF**  
4           **MEDICAL AND DENTAL COVERAGE TO IN-**  
5           **CLUDE CERTAIN UNMARRIED PERSONS IN**  
6           **THE LEGAL CUSTODY OF A MEMBER OR**  
7           **FORMER MEMBER.**

8           (a) EXPANSION OF DEFINITION.—Section 1072(2) of  
9 title 10, United States Code, is amended—

10           (1) in subparagraph (G), by striking out “;  
11           and” and inserting in lieu thereof a semicolon;

12           (2) in subparagraph (H), by striking out the  
13           period and inserting in lieu thereof “; and”; and

14           (3) by adding at the end the following new sub-  
15           paragraph:

16           “(I) an unmarried person who—

17           “(i) is placed in the legal custody of  
18           the member or former member as a result  
19           of an order of a court of competent juris-  
20           diction in the United States (or a Territory  
21           or possession of the United States) for a  
22           period of at least 12 consecutive months;

23           “(ii) (I) has not attained the age of 21;

24           “(II) has not attained the age of 23  
25           and is enrolled in a full time course of

1 study at an institution of higher learning  
2 approved by the administering Secretary;  
3 or

4 “(III) is incapable of self support be-  
5 cause of a mental or physical incapacity  
6 that occurred while the person was consid-  
7 ered a dependent of the member or former  
8 member under this subparagraph pursuant  
9 to subclause (I) or (II);

10 “(iii) is dependent on the member or  
11 former member for over one-half of the  
12 person’s support, as prescribed in regula-  
13 tions of the administering Secretary;

14 “(iv) resides with the member or  
15 former member unless separated by the ne-  
16 cessity of military service or to receive in-  
17 stitutional care as a result of disability, in-  
18 capacitation, or such other circumstances  
19 as the administering Secretary may by reg-  
20 ulation prescribe; and

21 “(v) is not a dependent of a member  
22 or a former member under any other sub-  
23 paragraph.”.

24 (b) APPLICATION OF AMENDMENT.—Section  
25 1072(2)(I) of title 10, United States Code, as added by

1 subsection (a), shall apply with respect to determinations  
2 of dependency made on or after July 1, 1994.

3 **Subtitle B—Health Care**  
4 **Management**

5 **SEC. 711. EXTENSION AND REVISION OF SPECIALIZED**  
6 **TREATMENT SERVICES PROGRAM.**

7 (a) EXTENSION OF WAIVER AUTHORITY REGARDING  
8 40-MILE RADIUS RESTRICTION.—Section 1079(a)(7)(B)  
9 of title 10, United States Code, is amended by striking  
10 out “October 1, 1993” and inserting in lieu thereof, “Oc-  
11 tober 1, 1995”.

12 (b) INCLUSION OF FACILITIES PURSUANT TO CON-  
13 TRACT OR AGREEMENT.—Section 1105 of such title is  
14 amended—

15 (1) by inserting “(a) DETERMINATION.—” be-  
16 fore “In determining”;

17 (2) by striking out “within the area served by  
18 that facility”; and

19 (3) by adding at the end the following new sub-  
20 sections:

21 “(b) REGULATIONS.—The Secretary of Defense,  
22 after consulting with the other administering Secretaries,  
23 shall prescribe regulations to implement this section. Such  
24 regulations shall include standards for the designation of  
25 service areas comparable in size to service areas des-

1 ignated for facilities of the uniformed services pursuant  
2 to sections 1079(a)(7), 1080, and 1086(e) of this title.

3 “(c) REIMBURSEMENT OF TRANSPORTATION AND  
4 SUBSISTENCE EXPENSES.—(1) Subject to paragraph (2),  
5 the regulations required by subsection (b) also may pro-  
6 vide for the full or partial reimbursement of reasonable  
7 expenses for—

8 “(A) the long-distance transportation for a cov-  
9 ered beneficiary to or from a health care facility at  
10 which specialized health care services are provided  
11 pursuant to this chapter; and

12 “(B) the long-distance transportation, tem-  
13 porary lodging, and meals (not to exceed the applica-  
14 ble per diem rate) for a non-medical attendant (in-  
15 cluding a member of the uniformed services on ac-  
16 tive duty) who accompanies the covered beneficiary.

17 “(2) Reimbursement of expenses may be made under  
18 paragraph (1) only if the Secretary of Defense determines  
19 that such reimbursement will permit the health care serv-  
20 ices to be provided at less total cost to the Department  
21 of Defense than if the services were otherwise provided  
22 pursuant to this chapter. In lieu of reimbursement for  
23 such expenses, the Secretary may authorize the provision  
24 of transportation, meals, and lodging by the Department  
25 of Defense when reasonably available.”.

1 **SEC. 712. CODIFICATION OF CHAMPUS PEER REVIEW ORGA-**  
2 **NIZATION PROGRAM PROCEDURES.**

3 Section 1079 of title 10, United States Code, is  
4 amended by adding at the end the following new sub-  
5 section:

6 “(o)(1) Health care services provided pursuant to this  
7 section or section 1086 of this title may not include serv-  
8 ices determined under the CHAMPUS Peer Review Orga-  
9 nization program to be not medically or psychologically  
10 necessary.

11 “(2) The Secretary of Defense, after consulting with  
12 the other administering Secretaries, may—

13 “(A) adopt by regulation any quality and utili-  
14 zation review requirements and procedures in effect  
15 for the Peer Review Organization program under  
16 title XVIII of the Social Security Act (42 U.S.C.  
17 1395c et seq.) that the Secretary determines to be  
18 necessary to carry out this subsection; and

19 “(B) adapt such requirements and procedures  
20 to the circumstances of the CHAMPUS Peer Review  
21 Organization program as the Secretary determines  
22 to be appropriate.”.

23 **SEC. 713. FEDERAL PREEMPTION REGARDING CONTRACTS**  
24 **FOR MEDICAL AND DENTAL CARE.**

25 (a) **PREEMPTION.**—Section 1103 of title 10, United  
26 States Code, is amended to read as follows:

1 **“§ 1103. Contracts for medical and dental care: State**  
2 **and local preemption**

3 “(a) OCCURRENCE OF PREEMPTION.—A law or regu-  
4 lation of a State or local government relating to health  
5 insurance, prepaid health plans, or other health care deliv-  
6 ery and financing methods shall not apply to any contract  
7 entered into pursuant to this chapter by the Secretary of  
8 Defense or the administering Secretaries to the extent  
9 that the Secretary of Defense or the administering Sec-  
10 retaries determine that—

11 “(1) the State or local law or regulation is in-  
12 consistent with a specific provision of the contract or  
13 a regulation promulgated by the Secretary of De-  
14 fense or the administering Secretaries pursuant to  
15 this chapter; or

16 “(2) preemption of the State or local law or  
17 regulation is necessary to implement or operate the  
18 contract or to achieve some other important Federal  
19 interest.

20 “(b) EFFECT OF PREEMPTION.—In the case of the  
21 preemption under subsection (a) of a State or local law  
22 or regulation regarding financial solvency, the Secretary  
23 of Defense or the administering Secretaries shall require  
24 an independent audit of the prime contractor of each con-  
25 tract entered into pursuant to this chapter covered by the

1 preemption. The audit shall be performed by the Defense  
2 Contract Audit Agency.

3 “(c) STATE DEFINED.—In this section, the term  
4 ‘State’ includes the District of Columbia, the Common-  
5 wealth of Puerto Rico, the Commonwealth of the Northern  
6 Mariana Islands, and each territory and possession of the  
7 United States.”.

8 (b) APPLICATION OF AMENDMENT.—Section 1103 of  
9 title 10, United States Code, as amended by subsection  
10 (a), shall apply with respect to any contract entered into  
11 under chapter 55 of such title before, on, or after the date  
12 of the enactment of this Act.

13 **SEC. 714. DELAY OF TERMINATION EFFECTIVE DATE FOR**  
14 **UNIFORMED SERVICES TREATMENT FACILI-**  
15 **TIES.**

16 Subsection (e) of section 1252 of the Department of  
17 Defense Authorization Act, 1984 (42 U.S.C. 248d) is  
18 amended by striking out “1993” and inserting in lieu  
19 thereof “1995”.

20 **SEC. 715. MANAGED-CARE DELIVERY AND REIMBURSE-**  
21 **MENT MODEL FOR THE UNIFORMED SERV-**  
22 **ICES TREATMENT FACILITIES.**

23 (a) TIME FOR OPERATION OF MANAGED-CARE DE-  
24 LIVERY AND REIMBURSEMENT MODEL.—Subsection (c)  
25 of section 718 of the National Defense Authorization Act

1 for Fiscal Year 1991 (Public Law 101-510; 104 Stat.  
2 1587) is amended by striking out the first sentence and  
3 inserting in lieu thereof the following:

4           “(1) TIME FOR OPERATION.—Not later than  
5           October 1, 1993, the Secretary of Defense shall  
6           begin operation of a managed-care delivery and re-  
7           imbursement model that will continue to utilize the  
8           Uniformed Services Treatment Facilities in the mili-  
9           tary health services system.”.

10          (b) COPAYMENTS AND DEFINITION.—Such sub-  
11 section is further amended by adding at the end the fol-  
12 lowing new paragraphs:

13           “(2) COPAYMENTS.—A Uniformed Services  
14           Treatment Facility for which there exists a Uni-  
15           formed Services Treatment Facilities Managed-Care  
16           Plan may impose nominal charges for inpatient and  
17           outpatient care provided to all categories of bene-  
18           ficiaries enrolled in the plan. The schedule and ap-  
19           plication of such charges shall be in accordance with  
20           the terms and conditions specified in the plan.

21           “(3) DEFINITION.—For purposes of this sub-  
22           section, the term ‘Uniformed Services Treatment  
23           Facility’ means a facility described in section 911(a)  
24           of the Military Construction Authorization Act, 1982  
25           (42 U.S.C. 248c(a)).”.

1 **SEC. 716. CLARIFICATION OF CONDITIONS ON EXPANSION**  
2 **OF CHAMPUS REFORM INITIATIVE TO OTHER**  
3 **LOCATIONS.**

4 (a) IN GENERAL.—Subsection (a) of section 712 of  
5 the National Defense Authorization Act for Fiscal Year  
6 1993 (10 U.S.C. 1073 note) is amended—

7 (1) by inserting “(1)” after “CONDITION.—”;

8 (2) in the second sentence, by inserting after  
9 “cost-effectiveness of the initiative” the following:  
10 “(while assuring that the combined cost of care in  
11 military treatment facilities and under the Civilian  
12 Health and Medical Program of the Uniformed  
13 Services will not be increased as a result of the ex-  
14 pansion)”; and

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

17 “(2) To the extent any revision of the CHAMPUS  
18 reform initiative is necessary in order to make the certifi-  
19 cation required by this subsection, the Secretary shall as-  
20 sure that enrolled covered beneficiaries may obtain health  
21 care services with reduced out-of-pocket costs, as com-  
22 pared to standard CHAMPUS.”.

23 (b) DEFINITION.—Subsection (d) of such section is  
24 amended by adding at the end the following new para-  
25 graph:

1           “(3) The terms ‘Civilian Health and Medical  
2           Program of the Uniformed Services’ and  
3           ‘CHAMPUS’ have the meaning given the term  
4           ‘Civilian Health and Medical Program of the Uni-  
5           formed Services’ in section 1072(4) of title 10,  
6           United States Code.”

7   **SEC. 717. INCREASED FLEXIBILITY FOR PERSONAL SERV-**  
8                   **ICE CONTRACTS IN MILITARY MEDICAL**  
9                   **TREATMENT FACILITIES.**

10          (a) PERSONAL SERVICES CONTRACTS AUTHOR-  
11        IZED.—(1) Section 1091 of title 10, United States Code,  
12        is amended to read as follows:

13        “**§ 1091. Personal services contracts**

14           “(a) AUTHORITY.—The Secretary of Defense may  
15        enter into personal services contracts to carry out health  
16        care responsibilities in medical treatment facilities of the  
17        Department of Defense, as determined to be necessary by  
18        the Secretary. The authority provided in this subsection  
19        is in addition to any other contract authorities of the Sec-  
20        retary, including authorities relating to the management  
21        of such facilities and the administration of this chapter.

22           “(b) LIMITATION ON AMOUNT OF COMPENSATION.—  
23        In no case may the total amount of compensation paid  
24        to an individual in any year under a personal services con-  
25        tract entered into under subsection (a) exceed the amount

1 of annual compensation (excluding expenses) specified in  
2 section 102 of title 3.

3 “(c) PROCEDURES.—(1) The Secretary shall estab-  
4 lish by regulation procedures for entering into personal  
5 services contracts with individuals under subsection (a).  
6 At a minimum, such procedures shall assure—

7 “(A) the provision of adequate notice of con-  
8 tract opportunities to individuals residing in the area  
9 of the medical treatment facility involved; and

10 “(B) consideration of interested individuals  
11 solely on the basis of the qualifications established  
12 for the contract and the proposed contract price.

13 “(2) Upon the establishment of such procedures  
14 under paragraph (1), the Secretary may exempt contracts  
15 covered by this section from the competitive contracting  
16 requirements specified in section 2304 of this title or any  
17 other similar requirements of law.

18 “(d) EXCEPTIONS.—The procedures and exemptions  
19 provided under subsection (c) shall not apply to personal  
20 services contracts entered into under subsection (a) with  
21 entities other than individuals or to any contract that is  
22 not an authorized personal services contract under such  
23 subsection.”.

1           (2) The item relating to section 1091 in the table of  
2 sections at the beginning of chapter 55 of title 10, United  
3 States Code, is amended to read as follows:

“1091. Personal services contracts.”.

4           (b) REPORT REQUIRED.—Not later than 30 days  
5 after the end of the 180-day period beginning on the date  
6 on which the Secretary of Defense first uses the authority  
7 provided under section 1091 of title 10, United States  
8 Code (as amended by subsection (a)(1)), the Secretary  
9 shall submit to Congress a report specifying—

10           (1) the salaries, by medical specialty, offered by  
11 the Secretary to individuals agreeing to enter into a  
12 personal services contract under such section during  
13 that period;

14           (2) the extent to which those salaries exceed the  
15 salaries previously offered by the Secretary for indi-  
16 viduals in such medical specialties;

17           (3) the total number and medical specialties of  
18 individuals serving in military medical treatment fa-  
19 cilities during that period pursuant to such a con-  
20 tract; and

21           (4) the number of such individuals (and their  
22 medical specialties) who are receiving compensation  
23 under such a contract in an amount in excess of the  
24 maximum amount authorized under such section, as

1 such section was in effect on the day before the date  
2 of the enactment of this Act.

3 **SEC. 718. EXPANSION OF THE PROGRAM FOR THE COLLEC-**  
4 **TION OF HEALTH CARE COSTS FROM THIRD-**  
5 **PARTY PAYERS.**

6 (a) COLLECTION CHANGES.—Section 1095 of title  
7 10, United States Code, is amended—

8 (1) in subsection (g)—

9 (A) by inserting after “collected under this  
10 section from a third party payer” the following:  
11 “or under any other provision of law from any  
12 other payer”; and

13 (B) by inserting before the period the fol-  
14 lowing: “and shall not be taken into consider-  
15 ation in establishing the operating budget of the  
16 facility”; and

17 (2) in subsection (h)(2), by inserting after “in-  
18 cludes” the following: “a preferred provider organi-  
19 zation and”.

20 (b) REPORT ON COLLECTIONS.—Not later than Feb-  
21 ruary 15 of each year, the Secretary of Defense shall sub-  
22 mit to Congress a report specifying for each medical treat-  
23 ment facility of the uniformed services—

24 (1) the amount collected during the preceding  
25 fiscal year under section 1095 of title 10, United

1 States Code, from third-party payers for the costs of  
2 health care provided at the facility; and

3 (2) the amount requested for operation and  
4 maintenance of the facility for the preceding fiscal  
5 year, the fiscal year in which the report is submit-  
6 ted, and the next fiscal year.

7 **SEC. 719. ALTERNATIVE RESOURCE ALLOCATION METHOD**  
8 **FOR MEDICAL FACILITIES OF THE UNI-**  
9 **FORMED SERVICES.**

10 (a) INCLUSION OF CAPITATION METHOD.—Section  
11 1101 of title 10, United States Code is amended—

12 (1) in subsection (a)—

13 (A) by striking “DRGs” in the subsection  
14 heading and inserting in lieu thereof “CAPITA-  
15 TION OR DRG METHOD”;

16 (B) by inserting “capitation or” before  
17 “diagnosis-related groups”;

18 (2) in subsection (b), by striking “Diagnosis-re-  
19 lated groups” and inserting in lieu thereof “Capita-  
20 tion or diagnosis-related groups”; and

21 (3) in subsection (c)—

22 (A) by striking “shall” both places it ap-  
23 pears and inserting in lieu thereof “may”; and

24 (B) by adding at the end the following new  
25 paragraph:

1           “(4) An appropriate method for calculating or  
2           estimating the annual per capita costs of providing  
3           comprehensive health care services to members of  
4           the uniformed services on active duty and covered  
5           beneficiaries.”.

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

8           “**§ 1101. Resource allocation methods: capitation or**  
9                           **diagnosis-related groups**”.

10           (2) The item relating to such section in the table of  
11           sections at the beginning of chapter 55 of such title is  
12           amended to read as follows:

          “1101. Resource allocation methods: capitation or diagnosis-related groups.”.

13           **SEC. 720. USE OF HEALTH MAINTENANCE ORGANIZATION**  
14                           **MODEL AS OPTION FOR MILITARY HEALTH**  
15                           **CARE.**

16           (a) USE OF MODEL.—Not later than December 15,  
17           1993, the Secretary of Defense shall prescribe and imple-  
18           ment a health benefit option (and accompanying cost-shar-  
19           ing requirements) for covered beneficiaries eligible for  
20           health care under chapter 55 of title 10, United States  
21           Code, that is modelled on health maintenance organization  
22           plans offered in the private sector and other similar Gov-  
23           ernment health insurance programs. The Secretary shall  
24           include, to the maximum extent practicable, the health  
25           benefit option required under this subsection as one of the

1 options available to covered beneficiaries in all future man-  
2 aged health care initiatives undertaken by the Secretary.

3 (b) ELEMENTS OF OPTION.—The Secretary shall  
4 offer covered beneficiaries who enroll in the health benefit  
5 option required under subsection (a) reduced out-of-pocket  
6 costs and a benefit structure that is as uniform as possible  
7 throughout the United States. The Secretary shall allow  
8 enrollees to seek health care outside the option, except  
9 that the Secretary may prescribe higher out-of-pocket  
10 costs than authorized under section 1079 or 1086 of title  
11 10, United States Code, for enrollees who do so.

12 (c) GOVERNMENT COSTS.—The health benefit option  
13 required under subsection (a) shall be administered so  
14 that the costs incurred by the Secretary to provide the  
15 option are no greater than the costs that would otherwise  
16 be incurred to provide health care to the covered bene-  
17 ficiaries who enroll in the option.

18 **SEC. 721. AUTHORIZATION FOR AUTOMATED MEDICAL**  
19 **RECORD CAPABILITY TO BE INCLUDED IN**  
20 **MEDICAL INFORMATION SYSTEM.**

21 (a) AUTOMATED MEDICAL RECORD CAPABILITY.—In  
22 carrying out the acquisition of the Department of Defense  
23 medical information system referred to in section 704 of  
24 the National Defense Authorization Act for Fiscal Year  
25 1987 (Public Law 99–661; 100 Stat. 704), the Secretary

1 of Defense may permit an automated medical record capa-  
2 bility to be included in the system. The Secretary may  
3 make such modifications to existing contracts, and include  
4 such specifications in future contracts, as the Secretary  
5 considers necessary to include such a capability in the sys-  
6 tem.

7 (b) PLAN.—The Secretary of Defense shall develop  
8 a plan to test the use of automated medical records at  
9 one or more military medical treatment facilities. Not later  
10 than January 15, 1994, the Secretary shall submit the  
11 plan to the Committees on Armed Services of the Senate  
12 and House of Representatives.

13 (c) DEFINITIONS.—In this section:

14 (1) The term “medical information system”  
15 means a computer-based information system that—

16 (A) receives data normally recorded con-  
17 cerning patients;

18 (B) creates and maintains from such data  
19 a computerized medical record for each patient;  
20 and

21 (C) provides access to data for patient  
22 care, hospital administration, research, and  
23 medical care resource planning.

24 (2) The term “automated medical record”  
25 means a computer-based information system that—

1 (A) is available at the time and place of  
2 interaction between a patient and a health care  
3 provider;

4 (B) receives, stores, and provides access to  
5 relevant patient and other medical information  
6 in a single, logical patient record that is appro-  
7 priately organized for clinical decisionmaking;  
8 and

9 (C) maintains patient confidentiality in  
10 conformance with all applicable laws and regu-  
11 lations.

## 12 **Subtitle C—Other Matters**

### 13 **SEC. 731. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR** 14 **ADVANCED HEALTH PROFESSIONAL DE-** 15 **GREES.**

16 (a) CREDIT ON ORIGINAL APPOINTMENT.—Section  
17 533(b)(1) of title 10, United States Code, is amended—

18 (1) in subparagraph (A)—

19 (A) by inserting “professional” in the first  
20 sentence after “One year for each year of ad-  
21 vanced”;

22 (B) by striking out “Except as provided in  
23 clause (E), in” at the beginning of the second  
24 sentence and inserting in lieu thereof “In”; and

1 (C) by striking out “postsecondary edu-  
2 cation in excess of four that are” in the second  
3 sentence and inserting in lieu thereof “advanced  
4 education”;

5 (2) by striking out subparagraph (E); and

6 (3) by redesignating subparagraph (F) as sub-  
7 paragraph “(E)”.

8 (b) CREDIT AS RESERVE OF THE ARMY.—Section  
9 3353(b)(1) of such title is amended—

10 (1) in subparagraph (A)—

11 (A) by inserting “professional” in the first  
12 sentence after “One year for each year of ad-  
13 vanced”;

14 (B) by striking out “Except as provided in  
15 clause (E), in ” at the beginning of the second  
16 sentence and inserting in lieu thereof “In”; and

17 (C) by striking out “postsecondary edu-  
18 cation in excess of four that are” in the second  
19 sentence and inserting in lieu thereof “advanced  
20 education”;

21 (2) by striking out subparagraph (E); and

22 (3) by redesignating subparagraph (F) as sub-  
23 paragraph “(E)”.

1 (c) CREDIT IN THE NAVAL RESERVE AND MARINE  
2 CORPS RESERVE.—Section 5600(b)(1) of such title is  
3 amended—

4 (1) in subparagraph (A)—

5 (A) by inserting “professional” in the first  
6 sentence after “One year for each year of ad-  
7 vanced”;

8 (B) by striking out “Except as provided in  
9 clause (E), in” at the beginning of the second  
10 sentence and inserting in lieu thereof “In”; and

11 (C) by striking out “postsecondary edu-  
12 cation in excess of four that are” in the second  
13 sentence and inserting in lieu thereof “advanced  
14 education”;

15 (2) by striking out subparagraph (E); and

16 (3) by redesignating subparagraph (F) as sub-  
17 paragraph “(E)”.

18 (d) CREDIT AS RESERVE OF THE AIR FORCE.—Sec-  
19 tion 8353(b)(1) of such title is amended—

20 (1) in subparagraph (A)—

21 (A) by inserting “professional” in the first  
22 sentence after “One year for each year of ad-  
23 vanced”;

1 (B) by striking out “Except as provided in  
2 clause (E), in” at the beginning of the second  
3 sentence and inserting in lieu thereof “In”; and

4 (C) by striking out “postsecondary edu-  
5 cation in excess of four that are” in the second  
6 sentence and inserting in lieu thereof “advanced  
7 education”;

8 (2) by striking out subparagraph (E); and

9 (3) by redesignating subparagraph (F) as sub-  
10 paragraph “(E)”.

11 (e) APPLICATION OF AMENDMENTS.—The amend-  
12 ments made by this section shall apply with respect to de-  
13 termining the constructive service credit of persons receiv-  
14 ing an original appointment as commissioned officers in  
15 regular components of the Armed Forces, an original ap-  
16 pointment as reserve commissioned officers, or an assign-  
17 ment or designation to certain officer categories described  
18 in such sections whether such appointment, assignment,  
19 or designation occurred before the date of the enactment  
20 of this Act or occurs on or after such date.

1 **SEC. 732. CLARIFICATION OF AUTHORITY FOR GRADUATE**  
2 **STUDENT PROGRAM OF THE UNIFORMED**  
3 **SERVICES UNIVERSITY OF THE HEALTH**  
4 **SCIENCES.**

5 (a) DISTINCTION BETWEEN MEDICAL AND GRAD-  
6 UATE STUDENTS.—Section 2114 of title 10, United States  
7 Code, is amended—

8 (1) in subsection (a), by striking out “Stu-  
9 dents” in the first sentence and inserting in lieu  
10 thereof “Medical students”;

11 (2) in subsection (b), by striking out “Stu-  
12 dents” in the first and fourth sentences and insert-  
13 ing in lieu thereof in each instance “Medical stu-  
14 dents”;

15 (3) in subsection (d), by striking out “member”  
16 in the first sentence and inserting in lieu thereof  
17 “commissioned member”; and

18 (4) by adding at the end the following new sub-  
19 section:

20 “(g) The Secretary of Defense shall establish selec-  
21 tion procedures, service obligations (if any), and such  
22 other requirements as the Secretary determines to be ap-  
23 propriate for students in any postdoctoral, postgraduate,  
24 or technological institute established pursuant to section  
25 2113(h) of this title.”.

1 (b) APPLICATION OF AMENDMENTS.—The amend-  
2 ments made by subsection (a) shall apply with respect to  
3 students attending the Uniformed Services University of  
4 the Health Sciences on or after the date of the enactment  
5 of this Act.

6 **SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE**  
7 **OF PATHOLOGY TO OBTAIN ADDITIONAL DIS-**  
8 **TINGUISHED PATHOLOGISTS AND SCI-**  
9 **ENTISTS.**

10 Section 176(c) of title 10, United States Code, is  
11 amended by adding at the end the following new sentence:  
12 “The Secretary of Defense, on a case-by-case basis, may  
13 waive the limitation on the number of distinguished pa-  
14 thologists or scientists with whom agreements may be en-  
15 tered into under this subsection if the Secretary deter-  
16 mines that such waiver is in the best interest of the De-  
17 partment of Defense.”.

18 **SEC. 734. REPORT ON THE PROVISION OF HEALTH-CARE**  
19 **SERVICES TO WOMEN.**

20 (a) REPORT REQUIRED.—The Secretary of Defense  
21 shall prepare a report evaluating the provision of health-  
22 care services through military medical treatment facilities  
23 and the Civilian Health and Medical Program of the Uni-  
24 formed Services to female members of the uniformed serv-

1 ices and female covered beneficiaries eligible for health  
2 care under chapter 55 of title 10, United States Code.

3 (b) CONTENTS.—The report required by subsection  
4 (a) shall contain the following:

5 (1) A description of the medical personnel of  
6 the Department of Defense who provided health-care  
7 services during fiscal year 1993 to female members  
8 and covered beneficiaries, including—

9 (A) the number of such personnel (includ-  
10 ing both the number of individual employees  
11 and the number of full-time employee equiva-  
12 lents);

13 (B) the professional qualifications or spe-  
14 cialty training of such personnel; and

15 (C) the medical facilities to which such  
16 personnel were assigned.

17 (2) A description of any actions, including the  
18 use of special pays and incentives, taken by the Sec-  
19 retary during fiscal year 1993—

20 (A) to ensure the retention of the medical  
21 personnel described in paragraph (1);

22 (B) to recruit additional personnel to pro-  
23 vide health-care services to female members and  
24 female covered beneficiaries; and

1 (C) to replace departing personnel who  
2 provided such services.

3 (3) A description of any existing or proposed  
4 programs to encourage specialization of health care  
5 professionals in fields related to primary and preven-  
6 tive health-care services for women.

7 (4) An assessment of any difficulties experi-  
8 enced by military medical treatment facilities or the  
9 Civilian Health and Medical Program of the Uni-  
10 formed Services in furnishing primary and preven-  
11 tive health-care services for women and a description  
12 of those actions taken by the Secretary to resolve  
13 such difficulties.

14 (5) An assessment of the extent to which gen-  
15 der-related factors impede or complicate diagnoses  
16 (such as inappropriate psychiatric referrals and ad-  
17 missions) made by medical personnel described in  
18 paragraph (1).

19 (6) A description of the actions taken by the  
20 Secretary to foster and encourage the expansion of  
21 research relating to health care issues of concern to  
22 female members of the uniformed services and fe-  
23 male covered beneficiaries.

24 (c) POPULATION STUDY OF THE NEED OF FEMALE  
25 MEMBERS AND FEMALE COVERED BENEFICIARIES FOR

1 HEALTH-CARE SERVICES.—(1) As part of the report re-  
2 quired by subsection (a), the Secretary shall conduct a  
3 study to determine the needs of female members of the  
4 uniformed services and female covered beneficiaries for  
5 health-care services, including primary and preventive  
6 health-care services for women.

7 (2) The study shall examine the health needs of cur-  
8 rent members and covered beneficiaries and future mem-  
9 bers and covered beneficiaries based upon the anticipated  
10 size and composition of the Armed Forces in the year  
11 2000 and should be based on the demographics of society  
12 as a whole.

13 (d) SUBMISSION AND REVISION.—The Secretary of  
14 Defense shall submit the report required by subsection (a)  
15 to Congress not later than April 1, 1994. The Secretary  
16 shall revise and resubmit the report to Congress not later  
17 than April 1, 1999.

18 (e) DEFINITIONS.—For purposes of this section:

19 (1) The term “primary and preventive health  
20 care services for women” has the meaning given  
21 such term in paragraph (6) of section 1072 of title  
22 10, United States Code, as added by section 701(c).

23 (2) The term “covered beneficiary” has the  
24 meaning given such term in paragraph (5) of such  
25 section.

1 **SEC. 735. SENSE OF CONGRESS REGARDING THE INCLU-**  
2 **SION OF CHIROPRACTIC CARE AS A TYPE OF**  
3 **HEALTH CARE AUTHORIZED UNDER**  
4 **CHAMPUS.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Chiropractors are currently prohibited from  
7 receiving reimbursement under the Civilian Health  
8 and Medical Program of the Uniformed Services  
9 (CHAMPUS).

10 (2) Chiropractors offer cost-effective care that  
11 is desired by covered beneficiaries under  
12 CHAMPUS.

13 (3) On March 1, 1992, the Department of De-  
14 fense concluded a two-year demonstration project to  
15 test the participation of chiropractors under  
16 CHAMPUS.

17 (4) The demonstration project included over  
18 1,100 chiropractors in the States of Colorado and  
19 Washington and generated over 50,000 claims from  
20 5,700 covered beneficiaries.

21 (5) A final report from the Department of De-  
22 fense on the demonstration project was expected in  
23 December 1992, but analysis of data derived from  
24 the project was delayed due to the late filing of  
25 claims.

1 (b) SENSE OF CONGRESS.—In light of the findings  
2 in subsection (a), it is the sense of Congress that the Sec-  
3 retary of Defense should—

4 (1) designate the analysis referred to in sub-  
5 section (a)(5) of the demonstration project to test  
6 the participation of chiropractors under CHAMPUS  
7 as a priority matter to be completed as expeditiously  
8 as possible, and not later than October 1, 1993;

9 (2) submit that analysis, together with such  
10 conclusions as the Secretary considers to be appro-  
11 priate, to the congressional defense committees at  
12 the earliest possible date, and not later than October  
13 1, 1993;

14 (3) provide Congress (including the General Ac-  
15 counting Office or other designated representative of  
16 Congress) access to all data resulting from the dem-  
17 onstration project; and

18 (4) proceed immediately with any preliminary  
19 staff work (such as development of procedures and  
20 regulations) that may be required to comply with the  
21 findings and recommendations resulting from the  
22 analysis of the demonstration project.

1 **SEC. 736. REPORT REGARDING DEMONSTRATION PRO-**  
2 **GRAMS FOR THE SALE OF PHARMA-**  
3 **CEUTICALS.**

4 Section 702 of the National Defense Authorization  
5 Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C.  
6 1079 note) is amended—

7 (1) by redesignating subsection (f) as sub-  
8 section (g); and

9 (2) by inserting after subsection (e) the follow-  
10 ing new subsection:

11 “(f) **ADDITIONAL REPORTS REGARDING PRO-**  
12 **GRAMS.**—Not later than January 1, 1994, the Secretary  
13 of Defense shall submit to Congress a report containing—

14 “(1) an evaluation of the feasibility and advis-  
15 ability of increasing the size of those areas deter-  
16 mined by the Secretary under subsection (c)(2) to be  
17 adversely affected by the closure of a health care fa-  
18 cility of the uniformed services in order to increase  
19 the number of persons described in such subsection  
20 who will be eligible to participate in the demonstra-  
21 tion project for pharmaceuticals by mail or in the re-  
22 tail pharmacy network under this section;

23 “(2) an evaluation of the feasibility and advis-  
24 ability of expanding the demonstration project and  
25 the retail pharmacy network under this section to in-  
26 clude all covered beneficiaries under chapter 55 of

1 title 10, United States Code, including those persons  
2 currently excluded from participation in the military  
3 medical system by operation of section 1086(d)(1) of  
4 such title;

5 “(3) an estimation of the costs that would be  
6 incurred, and any savings that would be achieved by  
7 improving efficiencies of operation, as a result of un-  
8 dertaking the increase or expansion described in  
9 paragraph (1) or (2); and

10 “(4) such recommendations as the Secretary  
11 considers to be appropriate.”.

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

16 **Subtitle A—Acquisition Assistance**  
17 **Programs**

18 **SEC. 801. DEFENSE PROCUREMENT TECHNICAL ASSIST-**  
19 **ANCE PROGRAM.**

20 (a) AVAILABILITY OF AUTHORIZED APPROPRIA-  
21 TIONS.—Of the amounts authorized to be appropriated in  
22 section 301(5) for Defense-wide activities for fiscal year  
23 1994, \$12,000,000 shall be available for such fiscal year  
24 for carrying out the provisions of chapter 142 of title 10,  
25 United States Code.

1 (b) SPECIFIC PROGRAMS.—Of the amounts referred  
2 to in subsection (a), \$600,000 shall be available for fiscal  
3 year 1994 for the purpose of carrying out programs spon-  
4 sored by eligible entities referred to in subparagraph (D)  
5 of section 2411(1) of title 10, United States Code, that  
6 provide procurement technical assistance in distressed  
7 areas referred to in subparagraph (B) of section 2411(2)  
8 of such title. If there is an insufficient number of satisfac-  
9 tory proposals for cooperative agreements in such dis-  
10 tressed areas to allow for effective use of the funds made  
11 available in accordance with this subsection in such areas,  
12 the funds shall be allocated among the Defense Contract  
13 Administration Services regions in accordance with section  
14 2415 of such title.

15 **SEC. 802. HISTORICALLY BLACK COLLEGES AND UNIVER-**  
16 **SITIES.**

17 (a) FUNDING.—Of the amounts authorized to be ap-  
18 propriated for fiscal year 1994 pursuant to title II of this  
19 Act, \$15,000,000 shall be available for such fiscal year  
20 for infrastructure assistance to historically Black colleges  
21 and universities and minority institutions under section  
22 2323(c)(3) of title 10, United States Code.

23 (b) INFORMATION ON PROGRESS IN PROVIDING IN-  
24 FRASTRUCTURE ASSISTANCE REQUIRED IN ANNUAL RE-  
25 PORT.—Effective October 1, 1993, section 2323(i)(3) of

1 title 10, United States Code, is amended by adding at the  
2 end the following:

3 “(D) A detailed description of the infrastruc-  
4 ture assistance provided under subsection (c) during  
5 the preceding fiscal year and of the plans for provid-  
6 ing such assistance during the fiscal year in which  
7 the report is submitted.”.

8 **Subtitle B—Provisions to Stream-**  
9 **line Defense Acquisition Laws**

10 **SEC. 811. REPEAL AND AMENDMENT OF OBSOLETE, REDUN-**  
11 **DANT, OR OTHERWISE UNNECESSARY LAWS**  
12 **APPLICABLE TO DEPARTMENT OF DEFENSE**  
13 **GENERALLY.**

14 (a) REPEALS.—The following provisions of law are  
15 repealed:

16 (1) Chapter 135 of title 10, United States Code  
17 (relating to encouragement of aviation).

18 (2) Section 2317 of title 10, United States  
19 Code (relating to encouragement of competition and  
20 cost savings).

21 (3) Section 2362 of title 10, United States  
22 Code (relating to testing requirements for wheeled or  
23 tracked vehicles).

24 (4) Section 2389 of title 10, United States  
25 Code (relating to purchases from the Commodity

1 Credit Corporation and price adjustments for con-  
2 tracts for procurement of milk).

3 (5) Sections 2436 and 2437 of title 10, United  
4 States Code (relating to defense enterprise pro-  
5 grams).

6 (6) Section 821 of Public Law 101-189 (103  
7 Stat. 1503) (relating to certificate of independent  
8 price determination in certain Department of De-  
9 fense contract solicitations).

10 (b) DELETION OF EXPIRING REPORT REQUIRE-  
11 MENT.—Effective February 1, 1994, section 2361 of title  
12 10, United States Code, is amended by striking out sub-  
13 section (c).

14 **SEC. 812. EXTENSION TO DEPARTMENT OF DEFENSE GEN-**  
15 **ERALLY OF CERTAIN ACQUISITION LAWS AP-**  
16 **PLICABLE TO THE ARMY AND AIR FORCE.**

17 (a) INDUSTRIAL MOBILIZATION.— (1) Subchapter V  
18 of chapter 148 of title 10, United States Code, is amended  
19 by adding at the end the following new sections:

20 **“§ 2538. Industrial mobilization: orders; priorities;**  
21 **possession of manufacturing plants; vio-**  
22 **lations**

23 “(a) ORDERS.—In time of war or when war is immi-  
24 nent, the President, through the head of any department,  
25 may order from any person or organized manufacturing

1 industry necessary products or materials of the type usu-  
2 ally produced or capable of being produced by that person  
3 or industry.

4 “(b) PRIORITIES.—A person or industry with whom  
5 an order is placed under subsection (a), or the responsible  
6 head thereof, shall comply with that order and give it pre-  
7 cedence over all orders not placed under that subsection.

8 “(c) POSSESSION OF MANUFACTURING PLANTS.—In  
9 time of war or when war is imminent, the President,  
10 through the head of any department, may take immediate  
11 possession of any plant that is equipped to manufacture,  
12 or that in the opinion of the Secretary of Defense is capa-  
13 ble of being readily transformed into a plant for manufac-  
14 turing, arms or ammunition, parts thereof, or necessary  
15 supplies for the armed forces if the person or industry  
16 owning or operating the plant, or the responsible head  
17 thereof, refuses—

18 “(1) to give precedence to the order as pre-  
19 scribed in subsection (b);

20 “(2) to manufacture the kind, quantity, or qual-  
21 ity of arms or ammunition, parts thereof, or nec-  
22 essary supplies, as ordered by the Secretary; or

23 “(3) to furnish them at a reasonable price as  
24 determined by the Secretary.

1       “(d) MANUFACTURE OF PRODUCTS IN SEIZED  
2 PLANTS.—The President, through the Secretary of De-  
3 fense, may manufacture products that are needed in time  
4 of war or when war is imminent, in any plant that is seized  
5 under subsection (c).

6       “(e) COMPENSATION AND RENTAL.—Each person or  
7 industry from whom products or materials are ordered  
8 under subsection (a) is entitled to fair and just compensa-  
9 tion. Each person or industry whose plant is seized under  
10 subsection (c) is entitled to a fair and just rental.

11       “(f) VIOLATIONS.—Whoever fails to comply with this  
12 section shall be imprisoned for not more than three years  
13 and fined under title 18.

14 **“§ 2539. Industrial mobilization: plants; lists**

15       “(a) LIST OF PLANTS EQUIPPED TO MANUFACTURE  
16 ARMS OR AMMUNITION.—The Secretary of Defense shall  
17 maintain a list of all privately owned plants in the United  
18 States, and the territories, commonwealths, and posses-  
19 sions, that are equipped to manufacture for the armed  
20 forces arms or ammunition, or parts thereof, and shall ob-  
21 tain complete information of the kinds of those products  
22 manufactured or capable of being manufactured by each  
23 of those plants, and of the equipment and capacity of each  
24 of those plants.

1       “(b) LIST OF PLANTS CAPABLE OF BEING TRANS-  
2 FORMED INTO AMMUNITION FACTORIES.—The Secretary  
3 of Defense shall maintain a list of privately owned plants  
4 in the United States, and the territories, commonwealths,  
5 and possessions, that are capable of being readily trans-  
6 formed into factories for the manufacture of ammunition  
7 for the armed forces and that have a capacity sufficient  
8 to warrant conversion into ammunition plants in time of  
9 war or when war is imminent, and shall obtain complete  
10 information as to the equipment of each of those plants.

11       “(c) CONVERSION PLANS.—The Secretary of Defense  
12 shall prepare comprehensive plans for converting each  
13 plant listed pursuant to subsection (b) into a factory for  
14 the manufacture of ammunition or parts thereof.

15       **“§ 2540. Industrial mobilization: Board on Mobiliza-**  
16                               **tion of Industries Essential for Military**  
17                               **Preparedness**

18       “The President may appoint a nonpartisan Board on  
19 Mobilization of Industries Essential for Military Prepared-  
20 ness, and may provide necessary clerical assistance, to or-  
21 ganize and coordinate operations under sections 2538 and  
22 2539 of this title.”.

23       (2) Sections 4501, 4502, 9501, and 9502 of title 10,  
24 United States Code, are repealed.

1 (b) AVAILABILITY OF SAMPLES, DRAWINGS, INFOR-  
2 MATION, EQUIPMENT, MATERIALS, AND CERTAIN SERV-  
3 ICES.—(1) Chapter 148 of title 10, United States Code,  
4 is further amended by adding at the end the following:

5 **“§2541. Availability of samples, drawings, informa-**  
6 **tion, equipment, materials, and certain**  
7 **services.**

8 “(a) AUTHORITY.—The Secretary of Defense and the  
9 secretaries of the military departments, under regulations  
10 to be prescribed by the Secretary of Defense and when  
11 determined to be in the interest of national defense,  
12 may—

13 “(1) sell, lend, or give samples, drawings, and  
14 manufacturing or other information (subject to the  
15 rights of third parties) to any United States person  
16 or entity;

17 “(2) sell or lend government equipment or ma-  
18 terials to any United States person or entity—

19 “(A) for use in independent research and  
20 development programs, if the equipment or ma-  
21 terial will be used exclusively for such research  
22 and development; or

23 “(B) for use in demonstrations to a friend-  
24 ly foreign government; and

1           “(3) make available to any United States per-  
2           son or entity, for appropriate fees, the services of  
3           any government laboratory, center, range, or other  
4           testing facility for the testing of materials, equip-  
5           ment, models, computer software, and other items.

6           “(b) FEES.—Fees for services made available under  
7           subsection (a)(3) shall be established by regulations pre-  
8           scribed pursuant to subsection (a). Such fees may not ex-  
9           ceed the amount necessary to recoup the direct costs in-  
10          volved, such as utilities, contractor support, and salaries  
11          of personnel incurred by the United States to provide such  
12          testing.

13          “(c) CONFIDENTIALITY.—The results of tests per-  
14          formed pursuant to subsection (a)(3) are confidential and  
15          may not be divulged outside the government without the  
16          consent of the persons for whom the tests are performed.

17          “(d) USE OF FEES.— Fees received for services made  
18          available under subsection (a)(3) may be credited to the  
19          appropriations or funds of the selling activity.”.

20          (2) Section 2314 of title 10, United States Code, is  
21          amended by inserting “or sale” after “procurement”.

22          (3) Sections 4506, 4507, 4508, 9506, and 9507 of  
23          title 10, United States Code, are repealed.

1 (c) PROCUREMENT FOR EXPERIMENTAL PUR-  
2 POSES.—(1) Chapter 139 of title 10, United States Code,  
3 is amended by adding at the end the following new section:

4 **“§ 2373. Procurement for experimental purposes**

5 “(a) AUTHORITY.—The Secretary of a military de-  
6 partment may buy ordnance, signal, and chemical activity  
7 supplies, including parts and accessories, and designs  
8 thereof, that the Secretary concerned considers necessary  
9 for experimental or test purposes in the development of  
10 the best supplies that are needed for the national defense.

11 “(b) PROCEDURES.—Purchases under this section  
12 may be made inside or outside the United States, with  
13 or without competitive bidding, and by contract or other-  
14 wise. Chapter 137 of this title applies when such pur-  
15 chases are made in quantity.”.

16 (2) Sections 4504 and 9504 of title 10, United States  
17 Code, are repealed.

18 (d) ACCEPTANCE OF GRATUITOUS SERVICES OF CER-  
19 TAIN RESERVE OFFICERS.—(1) Chapter 11 of title 10,  
20 United States Code, is amended by inserting after section  
21 278 the following new section:

22 **“§ 279. Authority to accept certain gratuitous serv-**  
23 **ices of officers**

24 “Notwithstanding section 1342 of title 31, the Sec-  
25 retary of a military department may accept the gratuitous

1 services of an officer of a reserve component under the  
2 Secretary’s jurisdiction (other than an officer of the Army  
3 National Guard of the United States or the Air National  
4 Guard of the United States)—

5 “(1) in the furtherance of the enrollment, orga-  
6 nization, and training of that officer’s reserve com-  
7 ponent or the Reserve Officers’ Training Corps; or

8 “(2) in consultation upon matters relating to  
9 the armed forces.”.

10 (2) Sections 4541 and 9541 of title 10, United States  
11 Code, are repealed.

12 **SEC. 813. REPEAL AND AMENDMENT OF CERTAIN ACQUISI-**  
13 **TION LAWS APPLICABLE TO THE ARMY AND**  
14 **AIR FORCE.**

15 (a) REPEALS.—The following provisions of subtitles  
16 B and D of title 10, United States Code, are repealed:

17 (1) Sections 4503 and 9503 (relating to re-  
18 search and development programs).

19 (2) Sections 4505 and 9505 (relating to pro-  
20 curement of production equipment).

21 (3) Sections 4531 and 9531 (relating to pro-  
22 curement authorization).

23 (4) Section 4533 (relating to Army rations).

1           (5) Sections 4534 and 9534 (relating to sub-  
2           sistence supplies, contract stipulations, and place of  
3           delivery on inspection).

4           (6) Sections 4535 and 9535 (relating to pur-  
5           chase of exceptional subsistence supplies without ad-  
6           vertising).

7           (7) Sections 4537 and 9537 (relating to assist-  
8           ance of U.S. mapping agencies with military surveys  
9           and maps).

10          (8) Sections 4538 and 9538 (relating to ex-  
11          change and reclamation of unserviceable ammuni-  
12          tion).

13          (b) AMENDMENTS.—(1) Section 2358(a) of title 10,  
14          United States Code, is amended—

15                (A) in the first sentence, by striking out “Sub-  
16                ject to approval by the President, the Secretary of  
17                Defense” and inserting in lieu thereof “The Sec-  
18                retary of Defense and the Secretaries of the military  
19                departments”;

20                (B) in the first sentence, by inserting after  
21                “other military” the following: “or department”; and

22                (C) in the second sentence, by striking out  
23                “Subject to approval by the President, the Sec-  
24                retary” and inserting in lieu thereof “The Secretary  
25                concerned”.

1 (2) Section 2358(b) of such title is amended—

2 (A) by inserting after “Secretary of Defense”  
3 the following: “or the Secretary of the military de-  
4 partment concerned”; and

5 (B) by inserting after “relationship to a mili-  
6 tary” the following: “or department”.

7 **SEC. 814. CONSOLIDATION, REPEAL, AND AMENDMENT OF**  
8 **CERTAIN ACQUISITION LAWS APPLICABLE TO**  
9 **THE NAVY.**

10 (a) REPEALS.—The following provisions of subtitle C  
11 of title 10, United States Code, are repealed:

12 (1) Section 7201 (relating to guided missiles,  
13 research and development, procurement, and con-  
14 struction).

15 (2) Section 7210 (relating to purchase of pat-  
16 ents, patent applications, and licenses).

17 (3) Section 7213 (relating to relief of contrac-  
18 tors and their employees from losses by enemy ac-  
19 tion).

20 (4) Section 7230 (relating to sale of degaussing  
21 equipment).

22 (5) Section 7296 (relating to availability of ap-  
23 propriations for other purposes).

24 (6) Section 7298 (relating to conversion of com-  
25 batants and auxiliaries).



1 it examined should be stricken from the Naval Vessel Reg-  
2 ister.

3 “(c) ACTION BY SECRETARY.—If the Secretary con-  
4 curs with a recommendation by a board that a vessel  
5 should be stricken from the Naval Vessel Register, the  
6 Secretary shall strike the name of that vessel from the  
7 Naval Vessel Register.

8 **“§ 7305. Vessels stricken from Naval Vessel Register:**  
9 **sale**

10 “(a) APPRAISAL OF VESSELS STRICKEN FROM  
11 NAVAL VESSEL REGISTER.—The Secretary of the Navy  
12 shall appraise each vessel stricken from the Naval Vessel  
13 Register under section 7304 of this title.

14 “(b) AUTHORITY TO SELL VESSEL.—If the Sec-  
15 retary considers that the sale of the vessel is in the na-  
16 tional interest, the Secretary may sell the vessel. Any such  
17 sale shall be in accordance with regulations prescribed by  
18 the Secretary for the purposes of this section.

19 “(c) PROCEDURES FOR SALE.—(1) A vessel stricken  
20 from the Naval Vessel Register and not subject to disposal  
21 under any other law may be sold under this section. In  
22 such a case, the Secretary may sell the vessel to the high-  
23 est acceptable bidder, regardless of the appraised value of  
24 the vessel, after the vessel is publicly advertised for sale  
25 for a period of not less than 30 days.

1       “(2) If the Secretary determines that the bid prices  
2 for a vessel received after advertising under paragraph (1)  
3 are not acceptable and that readvertising will serve no use-  
4 ful purpose, the Secretary may sell the vessel by negotia-  
5 tion to the highest acceptable bidder if—

6               “(A) each responsible bidder has been notified  
7 of intent to negotiate and has been given a reason-  
8 able opportunity to negotiate; and

9               “(B) the negotiated price is—

10                       “(i) higher than the highest rejected price  
11 of any responsible bidder; or

12                       “(ii) reasonable and in the national inter-  
13 est.

14       “(d) APPLICABILITY.—This section does not apply to  
15 a vessel the disposal of which is authorized by the Federal  
16 Property and Administrative Services Act of 1949 (40  
17 U.S.C. 471 et seq.), if it is to be disposed of under that  
18 Act.

19 **“§ 7306. Vessels stricken from Naval Vessel Register;**  
20 **captured vessels: transfer by gift or oth-**  
21 **erwise**

22       “(a) AUTHORITY TO MAKE TRANSFER.—Subject to  
23 subsections (c) and (d) of section 602 of the Federal Prop-  
24 erty and Administrative Services Act of 1949 (40 U.S.C.  
25 474), the Secretary of the Navy may transfer, by gift or

1 otherwise, any vessel stricken from the Naval Vessel Reg-  
2 ister, or any captured vessel, to—

3 “(1) any State, Commonwealth, or possession of  
4 the United States or any municipal corporation or  
5 political subdivision thereof;

6 “(2) the District of Columbia; or

7 “(3) any not-for-profit or nonprofit entity.

8 “(b) VESSEL TO BE MAINTAINED IN CONDITION  
9 SATISFACTORY TO SECRETARY.—An agreement for the  
10 transfer of a vessel under subsection (a) shall include a  
11 requirement that the transferee will maintain the vessel  
12 in a condition satisfactory to the Secretary.

13 “(c) TRANSFERS TO BE AT NO COST TO UNITED  
14 STATES.—Any transfer of a vessel under this section shall  
15 be made at no cost to the United States.

16 “(d) NOTICE TO CONGRESS.—(1) No transfer under  
17 this section takes effect unless—

18 “(A) notice of the proposal to make the transfer  
19 is sent to Congress; and

20 “(B) 60 calendar days of continuous session of  
21 Congress have expired after the notice is sent to  
22 Congress.

23 “(2) For purposes of paragraph (1)(B), the continu-  
24 ity of a session of Congress is broken only by an adjourn-  
25 ment of the Congress sine die, and the days on which ei-

1 ther House is not in session because of an adjournment  
2 of more than 3 days to a day certain are excluded in the  
3 computation of such 60-day period.

4 **“§ 7306a. Vessels stricken from Naval Vessel Register:**  
5 **use for experimental purposes**

6 “(a) AUTHORITY.—The Secretary of the Navy may  
7 use for experimental purposes any vessel stricken from the  
8 Naval Vessel Register.

9 “(b) STRIPPING VESSEL.—(1) Before using a vessel  
10 for an experimental purpose pursuant to subsection (a),  
11 the Secretary shall carry out such stripping of the vessel  
12 as is practicable.

13 “(2) Amounts received as proceeds from the stripping  
14 of a vessel pursuant to this subsection shall be credited  
15 to appropriations available for the procurement of scrap-  
16 ping services needed for such stripping. Amounts received  
17 which are in excess of amounts needed for procuring such  
18 services shall be deposited into the general fund of the  
19 Treasury.

20 **“§ 7307. Disposals to foreign nations**

21 “(a) LARGER OR NEWER VESSELS.—A naval vessel  
22 that is in excess of 3,000 tons or that is less than 20 years  
23 of age may not be disposed of to another nation (whether  
24 by sale, lease, grant, loan, barter, transfer, or otherwise)  
25 unless the disposition of that vessel is approved by law

1 enacted after August 5, 1974. A lease or loan of such a  
2 vessel under such a law may be made only in accordance  
3 with the provisions of chapter 6 of the Arms Export Con-  
4 trol Act (22 U.S.C. 2796 et seq.) or chapter 2 of part  
5 II of the Foreign Assistance Act of 1961 (22 U.S.C. 2311  
6 et seq.).

7       “(b) OTHER VESSELS.—(1) A naval vessel not sub-  
8 ject to subsection (a) may be disposed of to another nation  
9 (whether by sale, lease, grant, loan, barter, transfer, or  
10 otherwise) in accordance with applicable provisions of law,  
11 but only after—

12               “(A) the Secretary of the Navy notifies the  
13 Committees on Armed Services of the Senate and  
14 House of Representatives in writing of the proposed  
15 disposition; and

16               “(B) 30 days of continuous session of Congress  
17 have expired following the date on which such notice  
18 was transmitted to those committees.

19       “(2) For purposes of paragraph (1)(B), the continu-  
20 ity of a session of Congress is broken only by an adjourn-  
21 ment of the Congress sine die, and the days on which ei-  
22 ther House is not in session because of an adjournment  
23 of more than 3 days to a day certain are excluded in the  
24 computation of such 30-day period.

1 **“§ 7308. Chief of Naval Operations: certification re-**  
2 **quired for disposal of combatant vessels**

3 “Notwithstanding any other provision of law, no com-  
4 batant vessel of the Navy may be sold, transferred, or oth-  
5 erwise disposed of, unless the Chief of Naval Operations  
6 certifies that it is not essential to the defense of the United  
7 States.

8 **“§ 7309. Construction of vessels in foreign shipyards:**  
9 **prohibition**

10 “(a) PROHIBITION.—Except as provided in sub-  
11 section (b), no vessel to be constructed for any of the  
12 armed forces, and no major component of the hull or su-  
13 perstructure of any such vessel, may be constructed in a  
14 foreign shipyard.

15 “(b) PRESIDENTIAL WAIVER FOR NATIONAL SECUR-  
16 ITY INTEREST.—(1) The President may authorize excep-  
17 tions to the prohibition in subsection (a) when the Presi-  
18 dent determines that it is in the national security interest  
19 of the United States to do so.

20 “(2) The President shall transmit notice to Congress  
21 of any such determination, and no contract may be made  
22 pursuant to the exception authorized until the end of the  
23 30-day period beginning on the date on which the notice  
24 of the determination is received by Congress.

25 “(c) EXCEPTION FOR INFLATABLE BOATS.—An in-  
26 flatable boat or a rigid inflatable boat, as defined by the

1 Secretary of the Navy, is not a vessel for the purpose of  
2 the restriction in subsection (a).

3 **“§ 7310. Overhaul, repair, etc. of vessels in foreign**  
4 **shipyards: restrictions**

5 “(a) VESSELS WITH HOMEPORT IN UNITED  
6 STATES.—A naval vessel (or any other vessel under the  
7 jurisdiction of the Secretary of the Navy) the homeport  
8 of which is in the United States may not be overhauled,  
9 repaired, or maintained in a shipyard outside the United  
10 States, other than in the case of voyage repairs.

11 “(b) VESSEL CHANGING HOMEPORTS.—In the case  
12 of a naval vessel the homeport of which is not in the Unit-  
13 ed States (or a territory of the United States), the Sec-  
14 retary of the Navy may not during the 15-month period  
15 preceding the planned reassignment of the vessel to a  
16 homeport in the United States (or a territory of the Unit-  
17 ed States) begin any work for the overhaul, repair, or  
18 maintenance of the vessel that is scheduled to be for a  
19 period of more than six months.”.

20 **SEC. 815. ADDITIONAL AUTHORITY TO CONTRACT FOR**  
21 **FUEL STORAGE AND MANAGEMENT.**

22 (a) ADDITIONAL AUTHORITY.—Section 2388 of title  
23 10, United States Code, is amended—

24 (1) in subsection (a)—

1 (A) by striking out “The” and inserting  
2 “The Secretary of Defense or the”; and

3 (B) by striking out “the storage, handling,  
4 and distribution of liquid fuels” and inserting  
5 in lieu thereof the following: “storage facilities  
6 for, or the storage, handling, or distribution of,  
7 liquid fuels or natural gas. Any such contract  
8 may be entered into”;

9 (2) by striking out subsection (b); and

10 (3) by redesignating subsection (c) as sub-  
11 section (b).

12 (b) SECTION HEADING AMENDMENT.—The heading  
13 of section 2388 of such title is amended to read as follows:

14 **“§ 2388. Liquid fuels and natural gas: contracts for  
15 storage, handling, or distribution”.**

16 **SEC. 816. ADDITIONAL AUTHORITY RELATING TO THE AC-  
17 QUISSION OF PETROLEUM.**

18 Section 2404 of title 10, United States Code, is  
19 amended—

20 (1) in subsection (c)—

21 (A) by inserting “or petroleum-related  
22 services” after “petroleum” the first place it  
23 appears; and

1 (B) by striking out “petroleum derivatives”  
2 and inserting in lieu thereof “petroleum-related  
3 services”;

4 (2) in subsection (d)—

5 (A) by striking out “and products” and in-  
6 serting in lieu thereof “products”; and

7 (B) by striking out the period at the end  
8 and inserting in lieu thereof “, and natural  
9 gas.”; and

10 (3) by adding at the end the following new sub-  
11 section:

12 “(e) The Secretary of Defense may sell petroleum  
13 that is in inventory if the Secretary determines that the  
14 sale would be in the public interest. Amounts received  
15 from such a sale shall be credited to appropriations avail-  
16 able for the acquisition of petroleum. Amounts so credited  
17 shall be available for obligation for the same period as the  
18 appropriations to which the amounts are credited.”.

19 **SEC. 817. SIMPLIFIED ACQUISITION THRESHOLD.**

20 (a) SIMPLIFIED ACQUISITION THRESHOLD.—Section  
21 2302 of title 10, United States Code, is amended by add-  
22 ing at the end the following new paragraph:

23 “(8) The term ‘simplified acquisition threshold’  
24 means \$100,000, adjusted on October 1 of each year  
25 divisible by 5 to the amount equal to \$100,000 in

1 constant fiscal year 1990 dollars (rounded to the  
2 nearest \$1,000).”.

3 (b) CONFORMING AMENDMENTS.—(1) Title 10, Unit-  
4 ed States Code, is amended by striking out “small pur-  
5 chase threshold” each place it appears other than sections  
6 2410i(b)(1), 2304(g)(2), and 2304(g)(3) and inserting in  
7 lieu thereof “simplified acquisition threshold”.

8 (2) Section 2304(g)(1) is amended by adding at the  
9 end the following: “Any such simplified procedures shall  
10 maintain the notice requirements under section 18 of the  
11 Office of Federal Procurement Policy Act (41 U.S.C. 416)  
12 and subsections (e), (f), and (g) of section 8 of the Small  
13 Business Act (15 U.S.C. 637) for any purchase or con-  
14 tract for an amount in excess of the small purchase  
15 threshold, as that term is used in those Acts.”.

16 (3) Section 2384(b) of title 10, United States Code,  
17 is amended—

18 (A) in paragraph (1), by inserting “or in para-  
19 graph (3)” after “in paragraph (2)”; and

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

22 “(3) Paragraph (1) does not apply to a contract in  
23 an amount equal to or less than the simplified acquisition  
24 threshold (as defined in section 2302(7) of this title).”.

1       (4) Section 2397c(a)(1) of title 10, United States  
2 Code, is amended by striking out “in excess of \$100,000”  
3 and inserting in lieu thereof “in an amount in excess of  
4 the simplified acquisition threshold (as defined in section  
5 2302(7) of this title)”.

6       (5) Section 2408(a) of title 10, United States Code,  
7 is amended by adding at the end the following new para-  
8 graph:

9       “(4) In this subsection, the term ‘defense contract’  
10 means a contract in an amount in excess of the simplified  
11 acquisition threshold (as defined in section 2302(7) of this  
12 title).”.

13 **SEC. 818. PROCUREMENT OF COMMERCIAL AND**  
14 **NONDEVELOPMENTAL ITEMS.**

15       (a) **POLICY.**—Section 2301(a) of title 10, United  
16 States Code, is amended—

17           (1) by striking out “and” at the end of para-  
18 graph (6);

19           (2) by striking out the period at the end of  
20 paragraph (7) and inserting in lieu thereof a semi-  
21 colon; and

22           (3) by adding at the end the following new  
23 paragraphs:

24           “(8) to the maximum extent practicable, and  
25 consistent with the objectives set forth in section

1 2501(c) of this title, the Department of Defense  
2 shall acquire commercial items to meet its needs and  
3 shall require prime contractors and subcontractors,  
4 at all levels, which furnish other than commercial  
5 items, to incorporate to the maximum extent prac-  
6 ticable commercial items as components of items  
7 being supplied to the Department; and

8 “(9) when commercial items and components  
9 are not available, practicable, or cost effective, the  
10 Department shall acquire, and shall require prime  
11 contractors and subcontractors to incorporate, other  
12 nondevelopmental items and components to the max-  
13 imum extent practicable.”.

14 (b) COMMERCIAL ITEM DEFINED.—Section 2302 of  
15 title 10, United States Code, as amended by section 817,  
16 is further amended by adding at the end the following new  
17 paragraph:

18 “(8) The term ‘commercial item’ means any  
19 item regularly used in the course of normal business  
20 operations for other than Government purposes  
21 that—

22 “(A) has been sold, leased, or licensed to  
23 the general public;

24 “(B) has been offered for sale, lease, or li-  
25 cense to the general public;

1           “(C) is not yet available in the commercial  
2 marketplace, but will be available in time to  
3 satisfy the delivery requirements under a Gov-  
4 ernment solicitation; or

5           “(D) is an item that, but for minor modi-  
6 fications made to meet Government require-  
7 ments, would satisfy the criteria set forth in  
8 subparagraph (A), (B), or (C).”.

9       (c) COST OR PRICING DATA.—Section 2306a(b) of  
10 title 10, United States Code, is amended—

11           (1) by redesignating subparagraphs (A), (B),  
12 and (C) of paragraph (1) as clauses (i), (ii), and  
13 (iii), respectively;

14           (2) by redesignating paragraphs (1) and (2) as  
15 subparagraphs (A) and (B), respectively;

16           (3) by inserting “(1)” before “This section need  
17 not”; and

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

19       “(2) This section does not apply to a contract or sub-  
20 contract for commercial items unless the head of the agen-  
21 cy determines that cost or pricing data are necessary for  
22 the evaluation by the agency of the reasonableness of the  
23 price of the contract or subcontract. In any case in which  
24 the head of the agency requires such data to be submitted

1 under this section, the head of the agency shall document  
2 in writing the reasons for such requirement.”.

3 (d) PROCUREMENT PLANNING.—(1) Subsection (a)  
4 of section 2325 of title 10, United States Code, is amend-  
5 ed by inserting “commercial or” before “nondevelopmental  
6 items” each place it appears in paragraphs (2), (3), and  
7 (4).

8 (2) The heading of section 2325 of such title is  
9 amended to read as follows:

10 **“§ 2325. Preference for commercial and**  
11 **nondevelopmental items”.**

12 (3) The table of sections at the beginning of chapter  
13 137 of such title is amended by striking out the item relat-  
14 ing to section 2325 and inserting in lieu thereof the follow-  
15 ing:

“2325. Preference for commercial and nondevelopmental items.”.

16 (e) PROCUREMENT OF COMMERCIAL ITEMS.—(1)  
17 Chapter 137 of title 10, United States Code, is amended  
18 by inserting after section 2325 the following new section:

19 **“§ 2325a. Procurement of commercial items**

20 “(a) REGULATIONS; UNIFORM TERMS AND CONDI-  
21 TIONS.—(1) The Secretary of Defense shall prescribe reg-  
22 ulations implementing this section and paragraphs (8) and  
23 (9) of section 2301(a) of this title. The regulations shall  
24 contain a set or sets of uniform terms and conditions to  
25 be included in contracts for the acquisition of commercial

1 end items. Such uniform terms and conditions shall be  
2 modeled to the maximum extent practicable on commercial  
3 terms and conditions and shall include only those contract  
4 clauses, including clauses requiring terms and conditions  
5 to be flowed down to subcontractors, that are—

6           “(A) required to implement provisions of law  
7 applicable to commercial item acquisitions;

8           “(B) essential for the protection of the Federal  
9 Government’s interest in an acquisition; or

10           “(C) determined by the Secretary to be consist-  
11 ent with standard commercial practice.

12           “(2) The regulations prescribed under paragraph (1)  
13 shall provide that prime contractors and subcontractors  
14 furnishing other than commercial items as end items or  
15 components may not require suppliers furnishing commer-  
16 cial items as components to comply with any clause, term,  
17 or condition except those—

18           “(A) required to implement provisions of law  
19 applicable to subcontractors furnishing commercial  
20 items;

21           “(B) essential for the protection of the prime  
22 contractor or higher tier subcontractor in a particu-  
23 lar acquisition; or

24           “(C) determined to be consistent with standard  
25 commercial practice.

1 “(b) DEFINITIONS.—In this section:

2 “(1) The term ‘component’ means any item  
3 supplied to the Government as part of an end item  
4 or of another component.

5 “(2) The term ‘nondevelopmental item’ has the  
6 meaning given that term in section 2325 of this  
7 title.

8 “(c) EXEMPTIONS FROM PRESENT LAW.—Procure-  
9 ments of commercial items shall not be subject to the fol-  
10 lowing provisions of this title:

11 “(1) Section 2324.

12 “(2) Section 2384.

13 “(3) Section 2393.

14 “(4) Section 2397.

15 “(5) Section 2397a.

16 “(6) Section 2397b.

17 “(7) Section 2397c.

18 “(8) Section 2402.

19 “(9) Section 2406.

20 “(10) Section 2408.

21 “(d) SET-ASIDES PRESERVED.—Nothing in this sec-  
22 tion shall prevent the Secretary of Defense from restrict-  
23 ing the award of prime contracts for commercial items to  
24 any source as may from time to time be prescribed or per-  
25 mitted by law.

1       “(e) RESTRICTION TO FIRM, FIXED PRICE CON-  
2 TRACTS.—Except where commercial items are to be pro-  
3 vided as a portion of a contract that also provides for the  
4 delivery of other than commercial items, only firm, fixed  
5 price contracts or fixed price contracts with economic price  
6 adjustment provisions shall be used to acquire commercial  
7 end items under this section.”.

8       (2) The table of sections at the beginning of chapter  
9 137 of such title is amended by inserting after the item  
10 relating to section 2325 the following new item:

“2325a. Procurement of commercial items.”.

11 **SEC. 819. TECHNICAL AND CLERICAL AMENDMENTS.**

12       (a) AMENDMENTS TO TABLES OF SECTIONS.—The  
13 table of sections at the beginning of each chapter of title  
14 10, United States Code, listed in the following paragraphs  
15 is amended by striking out the items relating to the sec-  
16 tions listed in such paragraphs:

17               (1) Chapter 137: section 2317.

18               (2) Chapter 139: section 2362.

19               (3) Chapter 141: sections 2384a and 2389.

20               (4) Chapter 144: sections 2436 and 2437.

21               (5) Chapter 433: sections 4531, 4534, 4535,  
22 4537, 4538, and 4541.

23               (6) Chapter 631: sections 7201, 7210, 7213,  
24 and 7230.

1           (7) Chapter 633: sections 7296, 7298, and  
2           7301.

3           (8) Chapter 637: section 7366.

4           (9) Chapter 933: sections 9531, 9534, 9535,  
5           9537, 9538, and 9541.

6           (b) AMENDMENTS TO TABLES OF CHAPTERS.—

7           (1) The table of chapters at the beginning of  
8           subtitle A, and part IV of subtitle A, of title 10,  
9           United States Code, are amended by striking out the  
10          item relating to chapter 135.

11          (2) The table of chapters at the beginning of  
12          subtitle B, and part IV of subtitle B, of such title  
13          are amended by striking out the item relating to  
14          chapter 431.

15          (3) The table of chapters at the beginning of  
16          subtitle C, and part IV of subtitle C, of such title  
17          are amended by striking out the item relating to  
18          chapter 635.

19          (c) ADDITIONAL AMENDMENTS.—

20          (1) The table of sections at the beginning of  
21          subchapter I of chapter 11 of title 10, United States  
22          Code, is amended by inserting after the item relating  
23          to section 278 the following new item:

“279. Authority to accept certain gratuitous services of officers”.

1           (2) The table of sections at the beginning of  
2           chapter 139 of such title is amended by adding at  
3           the end the following new item:

“2373. Procurement for experimental purposes”.

4           (3) The table of sections at the beginning of  
5           chapter 141 of such title is amended by striking out  
6           the item relating to section 2388 and inserting in  
7           lieu thereof the following:

“2388. Liquid fuels and natural gas: contracts for storage, handling, or distribu-  
tion.”.

8           (4) The table of sections at the beginning of  
9           subchapter V of chapter 148 of such title is amend-  
10          ed by adding at the end the following new items:

“2538. Industrial mobilization: orders; priorities; possession of manufacturing  
plants; violations

“2539. Industrial mobilization: plants; lists

“2540. Industrial mobilization: Board on Mobilization of Industries Essential for  
Military Preparedness

“2541. Availability of samples, drawings, information, equipment, materials, and  
certain services.”.

11          (5) Chapter 431 of such title is amended by  
12          striking out the chapter heading and the table of  
13          sections.

14          (6) The table of sections at the beginning of  
15          chapter 633 of such title is amended by striking out  
16          the items relating to sections 7304, 7305, 7306,  
17          7307, 7308, 7309, and 7310 and inserting in lieu  
18          thereof the following:

“7304. Examination of vessels; striking of vessels from Naval Vessel Register.

“7305. Vessels stricken from Naval Vessel Register: sale.

- “7306. Vessels stricken from Naval Vessel Register; captured vessels: transfer by gift or otherwise.  
 “7306a. Vessels stricken from Naval Vessel Register: use for experimental purposes.  
 “7307. Disposals to foreign nations.  
 “7308. Chief of Naval Operations: certification required for disposal of combatant vessels.  
 “7309. Construction of vessels in foreign shipyards: prohibition.  
 “7310. Overhaul, repair, etc. of vessels in foreign shipyards: restrictions.”.

- 1           (7)(A) Chapter 931 of such title is amended—  
 2                   (i) by striking out the table of sections for  
 3           subchapter I;  
 4                   (ii) by striking out the headings for sub-  
 5           chapters I and II;  
 6                   (iii) by striking out the table of sub-  
 7           chapters; and  
 8                   (iv) by amending the chapter heading to  
 9           read as follows:

10       **“CHAPTER 931—CIVIL RESERVE AIR FLEET”.**

- 11           (B) The table of chapters at the beginning of  
 12           subtitle D, and part IV of subtitle D, of such title  
 13           are amended by striking out the items relating to  
 14           chapter 931 and inserting in lieu thereof the follow-  
 15           ing:

**“931. Civil Reserve Air Fleet ..... 9511”.**

- 16           (d) CROSS-REFERENCE AMENDMENTS.—(1) Section  
 17           505(a)(2)(B)(i) of the National Security Act of 1947 (50  
 18           U.S.C. 415(a)(2)(B)(i)) is amended by striking out “sec-

1 tion 7307(b)(1)” and inserting in lieu thereof “section  
2 7307(a)”.

3 (2) Section 2366(d) of title 10, United States Code,  
4 is amended by striking out “to the defense committees of  
5 Congress (as defined in section 2362(e)(3) of this title).”  
6 and inserting in lieu thereof “to the Committees on Armed  
7 Services and on Appropriations of the Senate and House  
8 of Representatives.”.

### 9 **Subtitle C—Other Matters**

#### 10 **SEC. 821. REPORTS ON CONTRACT BUNDLING.**

11 (a) REPORTS.—Not later than April 1, 1994, the Sec-  
12 retary of Defense and the Comptroller General shall each  
13 submit to the Committees on Armed Services and on  
14 Small Business of the Senate and House of Representa-  
15 tives a report on the effects of contract bundling on the  
16 participation by small business concerns and small dis-  
17 advantaged business concerns in procurement by the De-  
18 partment of Defense. The report shall contain the findings  
19 and conclusions of the Secretary or the Comptroller Gen-  
20 eral, as the case may be, regarding such effects, based on  
21 the data collected under subsection (b). The report also  
22 shall contain such recommendations for administrative or  
23 legislative action as the Secretary or Comptroller General  
24 considers appropriate to maintain and increase participa-  
25 tion by small business concerns and small disadvantaged

1 business concerns in procurement by the Department of  
2 Defense.

3 (b) DATA COLLECTION.—For purposes of carrying  
4 out the report requirement of subsection (a), the Secretary  
5 of Defense shall collect data on the effect of contract bun-  
6 dling on the participation by small business concerns and  
7 small disadvantaged business concerns in procurement by  
8 the Department of Defense. At a minimum, the Secretary  
9 shall collect data on the following:

10 (1) The number and types of bundled contracts  
11 awarded during fiscal years 1992 and 1993 and ex-  
12 pected to be awarded during fiscal year 1994, to-  
13 gether with the reasons for the bundling of such  
14 contracts.

15 (2) The cost effectiveness of bundling such con-  
16 tracts compared to awarding the contracts in sepa-  
17 rate, smaller contracts.

18 (3) The number of smaller contracts that would  
19 have been awarded if such contracts were not bun-  
20 dled, and the types of contractors (such as small  
21 business concerns and small disadvantaged business  
22 concerns) that could have been expected to perform  
23 the smaller contracts.

1           (4) The extent to which small businesses and  
2           small disadvantaged businesses participate as sub-  
3           contractors on bundled contracts.

4           (c) TRANSMISSION OF DATA TO COMPTROLLER GEN-  
5           ERAL.—Not later than February 1, 1994, the Secretary  
6           of Defense shall transmit to the Comptroller General a  
7           copy of the data collected under subsection (b) for use by  
8           the Comptroller General in carrying out the report re-  
9           quirement of subsection (a).

10          (d) DEFINITION.—For purposes of this section, the  
11          term “contract bundling” means the consolidation of two  
12          or more requirements, descriptions, specifications, line  
13          items, or statements of work that individually were or  
14          could be performed by a small business concern, resulting  
15          in a contract opportunity for supplies, services, or con-  
16          struction that may be unsuitable for award to a small  
17          business concern due to—

18                (1) the diversity and size of the elements of per-  
19                formance specified;

20                (2) the aggregate dollar value of the anticipated  
21                award;

22                (3) the geographical dispersion of the contract  
23                performance sites; or

24                (4) any combination of paragraphs (1), (2), and  
25                (3).

1 **SEC. 822. PROHIBITION ON COMPETITION BETWEEN DEPOT**  
2 **MAINTENANCE ACTIVITIES AND SMALL BUSI-**  
3 **NESSES FOR CERTAIN MAINTENANCE CON-**  
4 **TRACTS.**

5 (a) IN GENERAL.—(1) Chapter 137 of title 10, Unit-  
6 ed States Code, is amended by inserting after section 2304  
7 the following new section:

8 **“§ 2304a. Contracts: prohibition on competition be-**  
9 **tween Department of Defense and small**  
10 **businesses and certain other entities**

11 “(a) EXCLUSION.—In any case in which the Sec-  
12 retary of Defense plans to use competitive procedures for  
13 a procurement, if the procurement is to be conducted as  
14 described in subsection (b), then the Secretary shall ex-  
15 clude the Department of Defense from competing in the  
16 procurement.

17 “(b) PROCUREMENT DESCRIPTION.—The require-  
18 ment to exclude the Department of Defense under sub-  
19 section (a) applies in the case of a procurement to be con-  
20 ducted by excluding from competition entities in the pri-  
21 vate sector other than—

22 “(1) small business concerns in furtherance of  
23 section 8 or 15 of the Small Business Act (15  
24 U.S.C. 637 or 644); or



1       poured and finished in the United States and forg-  
2       ings manufactured in the United States. The Sec-  
3       retary of Defense may waive the requirement of this  
4       paragraph if adhering to the requirement would re-  
5       sult in the existence of only one United States  
6       source for such castings and forgings.”.

7       **SEC. 824. PILOT PROGRAM TO IMPROVE PRICING POLICIES**  
8                               **FOR USE OF MAJOR RANGE AND TEST FACIL-**  
9                               **ITY INSTALLATIONS OF THE AIR FORCE.**

10       (a) PILOT PROGRAM TO ESTABLISH COMPETITIVE  
11       PRICES.—(1) Chapter 949 of title 10, United States Code,  
12       is amended by inserting after section 9781 the following  
13       new section:

14       **“§9782. Use of test and evaluation installations by**  
15                               **commercial entities**

16       “(a) CONTRACT AUTHORITY.—The Secretary of the  
17       Air Force, in consultation with the Secretary of Defense,  
18       may enter into contracts with commercial entities that de-  
19       sire to conduct commercial test and evaluation activities  
20       at a Major Range and Test Facility Installation under the  
21       jurisdiction of the Secretary.

22       “(b) TERMINATION OR LIMITATION OF CONTRACT  
23       UNDER CERTAIN CIRCUMSTANCES.—A contract entered  
24       into under subsection (a) shall contain a provision that  
25       the installation commander may terminate, prohibit, or

1 suspend immediately any commercial test or evaluation ac-  
2 tivity to be conducted at the Major Range and Test Facil-  
3 ity Installation under the contract if the installation com-  
4 mander certifies in writing that the test or evaluation ac-  
5 tivity is or would be detrimental—

6           “(1) to the public health and safety;

7           “(2) to property (either public or private); or

8           “(3) to any national security interest or foreign  
9 policy interest of the United States.

10       “(c) CONTRACT PRICE.—The installation commander  
11 shall require a commercial entity using a Major Range and  
12 Test Facility Installation under a contract entered into  
13 under subsection (a) to reimburse the installation for all  
14 direct costs associated with the test and evaluation activi-  
15 ties conducted by the commercial entity under the con-  
16 tract. In addition, the contract may require the commer-  
17 cial entity to reimburse the installation for such indirect  
18 costs related to the use of the installation as the installa-  
19 tion commander considers to be appropriate and competi-  
20 tive.

21       “(d) RETENTION OF FUNDS COLLECTED FROM COM-  
22 Mercial Users.—Amounts collected under subsection (c)  
23 from a commercial entity conducting test and evaluation  
24 activities at a Major Range and Test Facility Installation  
25 shall be credited to the appropriation accounts under

1 which the costs associated with the test and evaluation ac-  
2 tivities of the commercial entity were incurred.

3 “(e) REGULATIONS AND LIMITATIONS.—The Sec-  
4 retary of the Air Force, in consultation with the Secretary  
5 of Defense, shall prescribe regulations to carry out this  
6 section. The authority of installation commanders under  
7 subsections (b) and (c) shall be subject to the authority,  
8 direction, and control of the Secretary of the Air Force.

9 “(f) DEFINITIONS.—In this section:

10 “(1) The term ‘Major Range and Test Facility  
11 Installation’ means a test and evaluation installation  
12 under the jurisdiction of the Secretary of the Air  
13 Force and designated as such by the Secretary.

14 “(2) The term ‘direct costs’ includes the cost  
15 of—

16 “(A) labor, material, facilities, utilities,  
17 equipment, supplies, and any other resources  
18 damaged or consumed during the test or eval-  
19 uation activities or maintained for a particular  
20 commercial entity; and

21 “(B) construction specifically performed  
22 for the commercial entity to conduct test and  
23 evaluation activities.

1           “(3) The term ‘installation commander’ means  
2           the commander of a Major Range and Test Facility  
3           Installation.

4           “(g) TERMINATION OF AUTHORITY.—The authority  
5           provided to the Secretary of the Air Force by subsection  
6           (a) shall terminate on September 30, 1998.

7           “(h) REPORT.—Not later than January 1, 1999, the  
8           Secretary of the Air Force shall submit a report to the  
9           Secretary of Defense and Congress describing the number  
10          and purposes of contracts entered into under subsection  
11          (a) and evaluating the success of this section in opening  
12          Major Range and Test Facility Installations to commercial  
13          test and evaluation activities.”.

14          (b) CLERICAL AMENDMENT.—The table of sections  
15          at the beginning of such chapter is amended by inserting  
16          after the item related to section 9781 the following new  
17          item:

          “9782. Use of test and evaluation installations by commercial entities.”.

18       **SEC. 825. COMPLIANCE WITH BUY AMERICAN ACT.**

19          No funds authorized pursuant to this Act may be ex-  
20          pended by an entity unless the entity agrees that in ex-  
21          pending the assistance the entity will comply with sections  
22          2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-  
23          10c, popularly known as the “Buy American Act”).

1 **SEC. 826. SENSE OF CONGRESS; REQUIREMENT REGARD-**  
2 **ING NOTICE.**

3 (a) PURCHASE OF AMERICAN-MADE EQUIPMENT  
4 AND PRODUCTS.—In the case of any equipment or prod-  
5 ucts that may be authorized under this Act, it is the sense  
6 of the Congress that entities receiving such assistance  
7 should, in expending the assistance, purchase only Amer-  
8 ican-made equipment and products.

9 (b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In  
10 providing financial assistance under this Act, the Sec-  
11 retary of Defense shall provide to each recipient of the  
12 assistance a notice describing the statement made in sub-  
13 section (a) by the Congress.

14 **SEC. 827. PROHIBITION OF CONTRACTS.**

15 If it has been finally determined by a court or Federal  
16 agency that any person intentionally affixed a fraudulent  
17 label bearing a “Made in America” inscription, or any in-  
18 scription with the same meaning, to any product sold in  
19 or shipped to the United States, that was not made in  
20 the United States, such person shall be ineligible to receive  
21 any contract or subcontract made with funds provided  
22 pursuant to this Act, pursuant to the debarment, suspen-  
23 sion, and ineligibility procedures described in section  
24 9.400 through 9.409 of title 48, Code of Federal Regula-  
25 tions.

1 **SEC. 828. RECIPROCIITY.**

2 (a) GENERAL RULE.—Except as provided in sub-  
3 section (b), no contract or subcontract may be made with  
4 funds authorized under this Act to a company organized  
5 under the laws of a foreign country unless the Adminis-  
6 trator finds that such country affords comparable oppor-  
7 tunities to companies organized under the laws of the  
8 United States.

9 (b) EXCEPTION.—(1) The Administrator may waive  
10 the rule stated under subsection (a) if the products or  
11 services required are not reasonably available from compa-  
12 nies organized under the laws of the United States. Any  
13 such waiver shall be reported to the Congress.

14 (2) Subsection (a) shall not apply to the extent that  
15 to do so would violate the General Agreement on Tariffs  
16 and Trade or any other international agreement to which  
17 the United States is a party.

18 **SEC. 829. CLARIFICATION OF EXCLUSION OF MILITARY AR-**  
19 **CHITECTURAL AND ENGINEERING CON-**  
20 **TRACTS UNDER SMALL BUSINESS COMPETI-**  
21 **TIVENESS DEMONSTRATION PROGRAM.**

22 (a) CLARIFICATION OF EXCLUSION.—Section 717(d)  
23 of the Small Business Competitiveness Demonstration  
24 Program Act of 1988 (title VII of Public Law 100–656)  
25 is amended by striking out “and such contract was” and  
26 inserting in lieu thereof “but only if such contracts were”.

1           (b) CLARIFICATION OF APPLICABILITY OF FREEZE  
2 ON NUMERICAL SIZE STANDARD.—Section 732 of such  
3 Act (15 U.S.C. 632 note) is amended by adding at the  
4 end the following: “As provided in section 717(d), the pre-  
5 ceding sentence does not apply to architectural and engi-  
6 neering services assigned to standard industrial classifica-  
7 tion code 8711 and performed under contracts awarded  
8 under the qualification-based selection procedures re-  
9 quired by title IX of the Federal Property and Administra-  
10 tive Services Act of 1949 (40 U.S.C. 541 et seq.)”.

11           (c) REQUIREMENT TO LIFT FREEZE ON NUMERICAL  
12 SIZE STANDARD FOR MILITARY ARCHITECTURAL AND  
13 ENGINEERING SERVICES CONTRACTS.—Not later than 60  
14 days after the date of the enactment of this Act, the Ad-  
15 ministrator of the Small Business Administration shall re-  
16 move any numerical size standard pertaining to contract  
17 awards assigned to standard industrial classification code  
18 8711 that are made by the Department of Defense, in con-  
19 formance with section 732 of the Small Business Competi-  
20 tiveness Demonstration Program Act of 1988 (15 U.S.C.  
21 632 note), as amended by subsection (b).

1 **SEC. 830. AUTHORITY TO DISPOSE OF EQUIPMENT WHOSE**  
2 **OPERATION AND SUPPORT COSTS EXCEED**  
3 **COSTS OF PROCURING REPLACEMENT**  
4 **EQUIPMENT.**

5 (a) **AUTHORITY.**—(1) Chapter 433 of title 10, United  
6 States Code, is amended by adding at the end the follow-  
7 ing new section:

8 **“§ 4543. Disposal of property: authority to dispose of**  
9 **certain equipment**

10 “(a) **AUTHORITY.**—The Secretary of the Army may  
11 dispose of equipment that—

12 “(1) at the discretion of the Secretary, is need-  
13 ed, but whose continued operation and support costs  
14 exceed costs of procuring approved replacement  
15 equipment; or

16 “(2) is a major end item and still has commer-  
17 cial utility, such as trucks, trailers, and communica-  
18 tions equipment.

19 “(b) **READINESS REQUIREMENTS.**—In disposing of  
20 equipment under this section, the Secretary shall not com-  
21 promise the readiness requirements of the Army.

22 “(c) **SENSE OF CONGRESS REGARDING PROCURE-**  
23 **MENT OF REPLACEMENT EQUIPMENT.**—It is the sense of  
24 Congress that the Secretary of the Army should make  
25 every effort to increase the procurement of equipment of

1 the type needed to replace the equipment disposed of  
2 under the authority provided by this section.”.

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

“4543. Disposal of property: authority to dispose of certain equipment.”.

6 **SEC. 831. REPORTS BY DEFENSE CONTRACTORS OF DEAL-**  
7 **INGS WITH TERRORIST COUNTRIES.**

8 (a) REPORT REQUIREMENT.—Whenever the Sec-  
9 retary of Defense proposes to enter into a contract with  
10 any person for an amount in excess of \$500,000 for the  
11 provision of goods or services to the Department of De-  
12 fense, the Secretary shall require that person—

13 (1) before entering into the contract, to report  
14 to the Secretary each commercial transaction which  
15 that person has conducted with any terrorist country  
16 during the preceding three years; and

17 (2) to report to the Secretary each commercial  
18 transaction which that person conducts during the  
19 course of the contract (but not after the date speci-  
20 fied in subsection (f)) with any terrorist country.

21 The requirement contained in paragraph (2) shall be in-  
22 cluded in the contract with the Department of Defense.

23 (b) REGULATIONS.—The Secretary of Defense shall  
24 issue such regulations as may be necessary to carry out  
25 this section.

1           (c) ANNUAL REPORT TO CONGRESS.—The Secretary  
2 of Defense shall submit to the Congress each year a report  
3 setting forth those persons conducting commercial trans-  
4 actions with terrorist countries as included in the reports  
5 made pursuant to subsection (a) during the preceding fis-  
6 cal year, the terrorist countries with which those trans-  
7 actions were conducted, and the nature of those trans-  
8 actions.

9           (d) TERRORIST COUNTRY DEFINED.—A country  
10 shall be considered to be a terrorist country for purposes  
11 of a contract covered by this section if the Secretary of  
12 State has determined pursuant to law, as of the date that  
13 is 60 days before the date on which the contract is signed,  
14 that the government of that country is a government that  
15 has repeatedly provided support for acts of international  
16 terrorism.

17           (e) EFFECTIVE DATE.—This section shall apply with  
18 respect to contracts entered into after the end of the 60-  
19 day period beginning on the date of the enactment of this  
20 Act.

21           (f) TERMINATION.—This section expires on Septem-  
22 ber 30, 1996.

1 **TITLE IX—DEPARTMENT OF DE-**  
2 **FENSE ORGANIZATION AND**  
3 **MANAGEMENT**

4 **Subtitle A—Office of the Secretary**  
5 **of Defense**

6 **SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DE-**  
7 **PARTMENT OF DEFENSE.**

8 (a) IN GENERAL.—Chapter 4 of title 10, United  
9 States Code, is amended—

10 (1) by redesignating sections 135, 136, 138,  
11 139, 140, and 141 as sections 137, 138, 139, 140,  
12 141, and 142, respectively; and

13 (2) by transferring section 137 (relating to the  
14 Comptroller) so as to appear after section 134a, re-  
15 designating that section as section 135, and amend-  
16 ing that section by adding at the end the following  
17 new subsection:

18 “(d) The Comptroller takes precedence in the Depart-  
19 ment of Defense after the Under Secretary of Defense for  
20 Policy.”.

21 (b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section  
22 5314 of title 5, United States Code, is amended by insert-  
23 ing after the item relating to the Under Secretary of De-  
24 fense for Policy the following:

25 “Comptroller of the Department of Defense.”.

1 (c) CONFORMING AMENDMENT.—Subsection (d) of  
2 section 138 of title 10, United States Code, as redesignig-  
3 nated by subsection (a), is amended by inserting “and  
4 Comptroller” after “Under Secretaries of Defense”.

5 **SEC. 902. NEW POSITION OF UNDER SECRETARY OF DE-**  
6 **FENSE FOR PERSONNEL AND READINESS.**

7 (a) IN GENERAL.—Chapter 4 of title 10, United  
8 States Code, is amended by inserting after section 135,  
9 as transferred and redesignated by section 901(a), the fol-  
10 lowing new section:

11 **“§ 136. Under Secretary of Defense for Personnel and**  
12 **Readiness**

13 “(a) There is an Under Secretary of Defense for Per-  
14 sonnel and Readiness, appointed from civilian life by the  
15 President, by and with the consent of the Senate.

16 “(b) Subject to the authority, direction, and control  
17 of the Secretary of Defense, the Under Secretary of De-  
18 fense for Personnel and Readiness shall perform such du-  
19 ties and exercise such powers as the Secretary of Defense  
20 may prescribe in the areas of military readiness, total  
21 force management, military and civilian personnel require-  
22 ments, military and civilian personnel training, military  
23 and civilian family matters, exchange, commissary, and  
24 nonappropriated fund activities, personnel requirements

1 for weapons support, National Guard and reserve compo-  
2 nents, and health affairs.

3 “(c) The Under Secretary of Defense for Personnel  
4 and Readiness takes precedence in the Department of De-  
5 fense after the Comptroller.”.

6 (b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section  
7 5314 of title 5, United States Code, is amended by insert-  
8 ing after the item relating to the Comptroller of the De-  
9 partment of Defense, as added by section 901(b), the fol-  
10 lowing:

11 “Under Secretary of Defense for Personnel and  
12 Readiness.”.

13 (c) OFFSETTING REDUCTION IN NUMBER OF ASSIST-  
14 ANT SECRETARY OF DEFENSE POSITIONS.—(1) Sub-  
15 section (a) of section 138 of title 10, United States Code,  
16 as redesignated by section 901(a), is amended by striking  
17 out “eleven” and inserting in lieu thereof “ten”.

18 (2) Section 5315 of title 5, United States Code, is  
19 amended by striking out “Assistant Secretaries of Defense  
20 (11)” and inserting in lieu thereof “Assistant Secretaries  
21 of Defense (10)”.

1 **SEC. 903. REDESIGNATION OF POSITIONS OF UNDER SEC-**  
2 **RETARY AND DEPUTY UNDER SECRETARY OF**  
3 **DEFENSE FOR ACQUISITION.**

4 (a) REDESIGNATIONS.—The office of Under Sec-  
5 retary of Defense for Acquisition in the Department of  
6 Defense is hereby redesignated as Under Secretary of De-  
7 fense for Acquisition and Technology. The office of Dep-  
8 uty Under Secretary of Defense for Acquisition in the De-  
9 partment of Defense is hereby redesignated as Deputy  
10 Under Secretary of Defense for Acquisition and Tech-  
11 nology.

12 (b) USD CHARTER AMENDMENTS.—(1) Section 133  
13 of title 10, United States Code, is amended by striking  
14 out “Under Secretary of Defense for Acquisition” in sub-  
15 sections (a), (b), and (e)(1) and inserting in lieu thereof  
16 “Under Secretary of Defense for Acquisition and Tech-  
17 nology”.

18 (2) The heading for such section is amended to read  
19 as follows:

20 **“§ 133. Under Secretary of Defense for Acquisition**  
21 **and Technology”.**

22 (c) DUSD CHARTER AMENDMENTS.—(1) Section  
23 133a of such title is amended by striking out “Deputy  
24 Under Secretary of Defense for Acquisition” in sub-  
25 sections (a) and (b) and inserting in lieu thereof “Deputy

1 Under Secretary of Defense for Acquisition and Tech-  
2 nology”.

3 (2) The heading for such section is amended to read  
4 as follows:

5 **“§ 133a. Deputy Under Secretary of Defense for Ac-**  
6 **quisition and Technology”.**

7 (d) CONFORMING AMENDMENTS TO TITLE 10, UNIT-  
8 ED STATES CODE.—(1) The following sections of title 10,  
9 United States Code, are amended by striking out “Under  
10 Secretary of Defense for Acquisition” each place such  
11 term appears (including section headings) and inserting  
12 in lieu thereof “Under Secretary of Defense for Acquisi-  
13 tion and Technology”: sections 134(c), 137(b) (as redesign-  
14 nated by section 901(a)), 139 (as redesignated by section  
15 901(a)), 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722,  
16 1735(c), 1737(c), 1741(b), 1746(a), 1761(b), 1762(a),  
17 1763, 2304(f), 2308(b), 2325(b), 2329, 2350a, 2369,  
18 2399(b), 2435(b), 2438(c), 2523(a), and 2534(b).

19 (2) The item relating to section 1702 in the table of  
20 sections at the beginning of subchapter I of chapter 87  
21 of such title is amended to read as follows:

“1702. Under Secretary of Defense for Acquisition and Technology: authorities  
and responsibilities.”.

22 (3) Section 171(a)(8) of such title is amended by  
23 striking out “Deputy Under Secretary of Defense for Ac-

1 quision” and inserting in lieu thereof “Deputy Under  
2 Secretary of Defense for Acquisition and Technology”.

3 (e) CONFORMING AMENDMENTS TO TITLE 5, UNIT-  
4 ED STATES CODE.—(1) Section 5313 of title 5, United  
5 States Code, is amended by striking out “Under Secretary  
6 of Defense for Acquisition” and inserting in lieu thereof  
7 “Under Secretary of Defense for Acquisition and Tech-  
8 nology”.

9 (2) Section 5314 of such title is amended by striking  
10 out “Deputy Under Secretary of Defense for Acquisition”  
11 and inserting in lieu thereof “Deputy Under Secretary of  
12 Defense for Acquisition and Technology”.

13 (f) REFERENCES IN OTHER LAWS.—Any reference to  
14 the Under Secretary of Defense for Acquisition or the  
15 Deputy Under Secretary of Defense for Acquisition in any  
16 provision of law other than title 10, United States Code,  
17 or in any rule, regulation, or other paper of the United  
18 States shall be treated as referring to the Under Secretary  
19 of Defense for Acquisition and Technology or the Deputy  
20 Under Secretary of Defense for Acquisition and Tech-  
21 nology, respectively.

1 **SEC. 904. FURTHER CONFORMING AMENDMENTS TO CHAP-**  
2 **TER 4 OF TITLE 10, UNITED STATES CODE.**

3 (a) COMPOSITION OF OSD.—Subsection (b) of sec-  
4 tion 131 of title 10, United States Code, is amended to  
5 read as follows:

6 “(b) The Office of the Secretary of Defense is com-  
7 posed of the following:

8 “(1) The Deputy Secretary of Defense.

9 “(2) The Under Secretary of Defense for Ac-  
10 quisition and Technology.

11 “(3) The Under Secretary of Defense for Pol-  
12 icy.

13 “(4) The Comptroller.

14 “(5) The Under Secretary of Defense for Per-  
15 sonnel and Readiness.

16 “(6) The Director of Defense Research and En-  
17 gineering.

18 “(7) The Assistant Secretaries of Defense.

19 “(8) The Director of Operational Test and  
20 Evaluation.

21 “(9) The General Counsel of the Department of  
22 Defense.

23 “(10) The Inspector General of the Department  
24 of Defense.



## 1       **Subtitle B—Reserve Commands**

### 2       **SEC. 921. ARMY RESERVE COMMAND.**

3           (a) ESTABLISHMENT AS A PERMANENT SEPARATE  
4 ARMY COMMAND.—(1) Chapter 307 of title 10, United  
5 States Code, as amended by section 519(a), is further  
6 amended by inserting after section 3081 the following new  
7 section:

#### 8       **“§ 3082. Army Reserve command**

9           “(a) ESTABLISHMENT OF COMMAND.—There is in  
10 the Army an Army Reserve command, which shall be a  
11 separate command of the Army. The Secretary of the  
12 Army shall maintain that command with the advice and  
13 assistance of the Chief of Staff of the Army.

14           “(b) COMMANDER.—The Chief of Army Reserve is  
15 the commander of the Army Reserve command. The com-  
16 mander of the Army Reserve command reports directly to  
17 the Chief of Staff of the Army.

18           “(c) ASSIGNMENT OF FORCES.—The Secretary of the  
19 Army shall assign to the Army Reserve command all  
20 forces of the Army Reserve.

21           “(d) ESTABLISHMENT OF RESPONSIBILITY.—(1)  
22 The Chief of Staff of the Army shall establish standards,  
23 evaluate units, validate units, and provide training assist-  
24 ance for the Army Reserve in the areas of unit training,  
25 readiness, and mobilization.

1       “(2) The Chief of Staff shall establish training doc-  
2 trine, with associated tasks, conditions, and standards, for  
3 individual and unit training and shall establish standards,  
4 control of certification, and validation for all courses, in-  
5 structors, and students for the Army Reserve.

6       “(3) The commander of the Army Reserve command  
7 shall be responsible for meeting the standards, and for  
8 successfully complying with the evaluation, certification,  
9 and validation requirements, established by the Chief of  
10 Staff of the Army pursuant to paragraphs (1) and (2).”.

11       (2) The table of sections at the beginning of such  
12 chapter, as amended by section 519(b), is further amend-  
13 ed by inserting after the item relating to section 3081 the  
14 following new item:

“3082. Army Reserve command.”.

15       (b) CONFORMING REPEAL.—Section 903 of the Na-  
16 tional Defense Authorization Act for Fiscal Year 1991  
17 (Public Law 101–510; 104 Stat. 1620) (10 U.S.C. 3074  
18 note) is repealed.

19       (c) TRANSITION PROVISION.—Not later than 90 days  
20 after the date of the enactment of this Act, the Secretary  
21 of the Army, in consultation with the Chief of Staff of  
22 the Army, shall submit to the Committees on Armed Serv-  
23 ices of the Senate and House of Representatives a report  
24 on the plans of the Secretary of the Army for implementa-  
25 tion of section 3082 of title 10, United States Code, as

1 added by subsection (a). Such implementation shall begin  
2 not later than 90 days after the date of the enactment  
3 of this Act and shall be completed not later than one year  
4 after such date.

5 **SEC. 922. NAVAL RESERVE COMMAND.**

6 (a) ESTABLISHMENT AS PERMANENT SEPARATE  
7 NAVAL COMMAND.—Chapter 519 of title 10, United  
8 States Code, is amended by adding at the end the follow-  
9 ing new section:

10 **“§ 5253. Naval Reserve command**

11 “(a) ESTABLISHMENT OF COMMAND.—There is in  
12 the Navy a Naval Reserve command, which shall be a sep-  
13 arate command of the Navy. The Secretary of the Navy  
14 shall maintain that command with the advice and assist-  
15 ance of the Chief of Naval Operations.

16 “(b) COMMANDER.—The Chief of Naval Reserve is  
17 the commander of the Naval Reserve command. The com-  
18 mander of the Naval Reserve command reports directly  
19 to the Chief of Naval Operations.

20 “(c) ASSIGNMENT OF FORCES.—The Secretary of the  
21 Navy shall assign to the Naval Reserve command all forces  
22 of the Naval Reserve other than those Naval Reserve  
23 forces specifically assigned by the Secretary to the active  
24 component of the Navy.

1       “(d) ESTABLISHMENT OF RESPONSIBILITY.—(1)  
2 The Chief of Naval Operations shall establish standards,  
3 evaluate units, validate units, and provide training assist-  
4 ance for the Naval Reserve in the areas of unit training,  
5 readiness, and mobilization.

6       “(2) The Chief of Naval Operations shall establish  
7 training doctrine, with associated tasks, conditions, and  
8 standards, for individual and unit training and shall estab-  
9 lish standards, control of certification, and validation for  
10 all courses, instructors, and students for the Naval Re-  
11 serve.

12       “(3) The commander of the Naval Reserve command  
13 shall be responsible for meeting the standards, and for  
14 successfully complying with the evaluation, certification,  
15 and validation requirements, established by the Chief of  
16 Naval Operations pursuant to paragraphs (1) and (2).”.

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

“5253. Naval Reserve command.”.

20 **SEC. 923. MARINE CORPS RESERVE COMMAND.**

21       (a) ESTABLISHMENT AS PERMANENT SEPARATE MA-  
22 RINE CORPS COMMAND.—Chapter 519 of title 10, United  
23 States Code (as amended by section 922(a)), is further  
24 amended by adding at the end the following new section:

1 **“§ 5254. Marine Corps Reserve command**

2       “(a) ESTABLISHMENT OF COMMAND.—There is in  
3 the Marine Corps a Marine Corps Reserve command,  
4 which shall be a separate command of the Marine Corps.  
5 The Secretary of the Navy shall maintain that command  
6 with the advice and assistance of the Commandant of the  
7 Marine Corps.

8       “(b) COMMANDER.—The commander of the Marine  
9 Corps Reserve command reports directly to the Com-  
10 mandant of the Marine Corps.

11       “(c) ASSIGNMENT OF FORCES.—The Secretary of the  
12 Navy shall assign to the Marine Corps Reserve command  
13 all forces of the Marine Corps Reserve.

14       “(d) ESTABLISHMENT OF RESPONSIBILITY.—(1)  
15 The Commandant shall establish standards, evaluate  
16 units, validate units, and provide training assistance for  
17 the Marine Corps Reserve in the areas of unit training,  
18 readiness, and mobilization.

19       “(2) The Commandant shall establish training doc-  
20 trine, with associated tasks, conditions, and standards, for  
21 individual and unit training and shall establish standards,  
22 control of certification, and validation for all courses, in-  
23 structors, and students for the Marine Corps Reserve.

24       “(3) The commander of the Marine Corps Reserve  
25 command shall be responsible for meeting the standards,  
26 and for successfully complying with the evaluation, certifi-

1 cation, and validation requirements, established by the  
2 Commandant to paragraphs (1) and (2).”.

3 (2) The table of sections at the beginning of such  
4 chapter (as amended by section 925(b)) is amended by  
5 adding at the end the following new item:

“5254. United States Marine Corps Reserve command.”.

6 **SEC. 924. AIR FORCE RESERVE COMMAND.**

7 (a) ESTABLISHMENT AS PERMANENT SEPARATE AIR  
8 FORCE COMMAND.—(1) Chapter 807 of title 10, United  
9 States Code, is amended by adding at the end the follow-  
10 ing new section:

11 **“§ 8082. Air Force Reserve command**

12 “(a) ESTABLISHMENT OF COMMAND.—There is in  
13 the Air Force an Air Force Reserve command, which shall  
14 be a separate command of the Air Force. The Secretary  
15 of the Air Force shall maintain that command with the  
16 advice and assistance of the Chief of Staff of the Air  
17 Force.

18 “(b) COMMANDER.—The Chief of Air Force Reserve  
19 is the commander of the Air Force Reserve command. The  
20 commander of the Air Force Reserve command reports di-  
21 rectly to the Chief of Staff of the Air Force.

22 “(c) ASSIGNMENT OF FORCES.—The Secretary of the  
23 Air Force shall assign to the Air Force Reserve command  
24 all forces of the Air Force Reserve.

1       “(d) ESTABLISHMENT OF RESPONSIBILITY.—(1)  
2 The Chief of Staff of the Air Force shall establish stand-  
3 ards, evaluate units, validate units, and provide training  
4 assistance for the Air Force Reserve in the areas of unit  
5 training, readiness, and mobilization.

6       “(2) The Chief of Staff shall establish training doc-  
7 trine, with associated tasks, conditions, and standards, for  
8 individual and unit training and shall establish standards,  
9 control of certification, and validation for all courses, in-  
10 structors, and students for the Air Force Reserve.

11       “(3) The commander of the Air Force Reserve com-  
12 mand shall be responsible for meeting the standards, and  
13 for successfully complying with the evaluation, certifi-  
14 cation, and validation requirements, established by the  
15 Chief of Staff of the Air Force pursuant to paragraphs  
16 (1) and (2).”.

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

“8082. Air Force Reserve command.”.

1     **Subtitle C—Professional Military**  
2                     **Education**

3     **SEC. 931. AUTHORITY FOR AWARD BY NATIONAL DEFENSE**  
4                     **UNIVERSITY OF CERTAIN MASTER OF**  
5                     **SCIENCE DEGREES.**

6             (a) IN GENERAL.—Chapter 108 of title 10, United  
7 States Code, is amended by adding at the end the follow-  
8 ing new section:

9     **“§2163. National Defense University: masters of**  
10                     **science in national security strategy and**  
11                     **in national resource strategy**

12             “(a) NATIONAL WAR COLLEGE DEGREE.—The  
13 President of the National Defense University, upon the  
14 recommendation of the faculty and commandant of the  
15 National War College, may confer the degree of master  
16 of science of national security strategy upon graduates of  
17 the National War College who fulfill the requirements for  
18 the degree.

19             “(b) ICAF DEGREE.—The President of the National  
20 Defense University, upon the recommendation of the fac-  
21 ulty and commandant of the Industrial College of the  
22 Armed Forces, may confer the degree of master of science  
23 of national resource strategy upon graduates of the Indus-  
24 trial College of the Armed Forces who fulfill the require-  
25 ments for the degree.

1       “(c) REGULATIONS.—The authority provided by sub-  
2 sections (a) and (b) shall be exercised under regulations  
3 prescribed by the Secretary of Defense.”.

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

      “2163. National Defense University: masters of science in national security  
          strategy and in national resource strategy.”.

7       **SEC. 932. REDESIGNATION OF ARMED FORCES STAFF COL-**  
8                                       **LEGE.**

9       The Armed Forces Staff College at Norfolk, Virginia,  
10 shall after the date of the enactment of this Act be known  
11 and designated as the “Joint Armed Forces Staff Col-  
12 lege”.

13       **SEC. 933. LOCATION FOR NEW JOINT WARFIGHTING CEN-**  
14                                       **TER.**

15       The Secretary of Defense shall provide for the Joint  
16 Warfighting Center (established by the Secretary on July  
17 1, 1993, to assist the Chairman of the Joint Chiefs of  
18 Staff and other senior military officers in the preparation  
19 for joint warfare) to be located at the Joint Armed Forces  
20 Staff College in Norfolk, Virginia.

1 **SEC. 934. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEM-**  
2 **BERS AT GEORGE C. MARSHALL EUROPEAN**  
3 **CENTER FOR SECURITY STUDIES.**

4 (a) IN GENERAL.—(1) Section 1595 of title 10, Unit-  
5 ed States Code, is amended to read as follows:

6 **“§ 1595. Civilian faculty members at certain Depart-**  
7 **ment of Defense schools: employment and**  
8 **compensation**

9 “(a) AUTHORITY OF SECRETARY.—The Secretary of  
10 Defense may employ as many civilians as professors, in-  
11 structors, and lecturers at the institutions specified in sub-  
12 section (c) as the Secretary considers necessary.

13 “(b) COMPENSATION OF FACULTY MEMBERS.—The  
14 compensation of persons employed under this section shall  
15 be as prescribed by the Secretary.

16 “(c) COVERED INSTITUTIONS.—This section applies  
17 with respect to the following institutions of the Depart-  
18 ment of Defense:

19 “(1) The National Defense University.

20 “(2) The Foreign Language Center of the De-  
21 fense Language Institute.

22 “(3) The George C. Marshall European Center  
23 for Security Studies.

24 “(d) APPLICATION TO FACULTY MEMBERS AT  
25 NDU.—In the case of the National Defense University,  
26 this section applies with respect to persons selected by the

1 Secretary for employment as professors, instructors, and  
2 lecturers at the National Defense University after Feb-  
3 ruary 27, 1990.

4 “(e) COMPOSITION OF NATIONAL DEFENSE UNIVER-  
5 SITY.—For purposes of this section, the National Defense  
6 University includes the National War College, the Armed  
7 Forces Staff College, the Institute for National Strategic  
8 Study, and the Industrial College of the Armed Forces.”.

9 (2) The item relating to such section in the table of  
10 sections at the beginning of chapter 81 of such title is  
11 amended to read as follows:

“1595. Civilian faculty members at certain Department of Defense schools: em-  
ployment and compensation.”.

12 (b) EFFECTIVE DATE.—The amendments made by  
13 subsection (a) take effect on October 1, 1993.

## 14 **Subtitle D—Other Matters**

### 15 **SEC. 941. ASSIGNMENT OF RESERVE FORCES.**

16 (a) UNIFIED COMMANDS.—Section 162(a) of title 10,  
17 United States Code, is amended by inserting “(other than  
18 forces of the reserve components)” after “all forces under  
19 their jurisdiction”.

20 (b) SPECIAL OPERATIONS COMMAND.—Section  
21 167(b) of such title is amended by striking out “and re-  
22 serve”.

1 **SEC. 942. MORATORIUM ON MERGER OF SPACE COMMAND**  
2 **AND STRATEGIC COMMAND.**

3 (a) MORATORIUM.—During the period beginning on  
4 the date of the enactment of this Act and ending on De-  
5 cember 1, 1994—

6 (1) the United States Space Command may not  
7 be merged with the United States Strategic Com-  
8 mand; and

9 (2) no element or component of the United  
10 States Space Command (as constituted on the date  
11 of the enactment of this Act) may be transferred to  
12 the United States Strategic Command.

13 (b) GAO REPORT.—Not later than March 1, 1994,  
14 the Comptroller General of the United States shall submit  
15 to Congress a report on the costs and benefits of merging  
16 the United States Space Command with the United States  
17 Strategic Command. The matters to be addressed by the  
18 Comptroller General in the report shall include (1) cost  
19 savings and other efficiencies which could be achieved  
20 through such a merger, as well as any disadvantages of  
21 such a merger, (2) the record of any problems associated  
22 with the performance of the functions of the Space Com-  
23 mand and of the Strategic Command when those functions  
24 have been vested in the same organization in the past, and  
25 (3) the degree to which any such proposed merger de-

1 creases the organizational visibility and priority of space-  
2 related issues within the Department of Defense.

3 **SEC. 943. SECURITY CLEARANCES FOR CIVILIAN EMPLOY-**  
4 **EES.**

5 (a) IN GENERAL.—(1) Chapter 81 of title 10, United  
6 States Code, is amended by inserting after section 1581  
7 the following new section:

8 **“§ 1582. Security clearances: procedural safeguards**  
9 **for denial or revocation**

10 “Under regulations to be prescribed by the Secretary  
11 of Defense, civilian employees of the Department of De-  
12 fense shall be entitled to the same procedural safeguards  
13 with respect to the denial or revocation of security clear-  
14 ances as are afforded to employees of defense contractors  
15 under Executive Order 10865 (50 U.S.C. 401 note), enti-  
16 tled ‘Safeguarding Classified Information Within Indus-  
17 try’, as in effect on July 1, 1993.”.

18 (2) The table of sections at the beginning of such  
19 chapter is amended by inserting after the item relating  
20 to section 1581 the following new item:

“1582. Security clearances: procedural safeguards for denial or revocation.”.

21 (b) EFFECTIVE DATE.—Section 1582 of title 10,  
22 United States Code, as added by subsection (a), shall  
23 apply with respect to the denial or revocation of a security  
24 clearance after the date of the enactment of this Act.

1 (c) DEADLINE.—The regulations required by section  
2 1582 of title 10, United States Code, as added by sub-  
3 section (a), shall be prescribed not later than 180 days  
4 after the date of the enactment of this Act.

5 **SEC. 944. PROGRAM FOR VIDEOTAPING OF INVESTIGATIVE**  
6 **INTERVIEWS.**

7 (a) IN GENERAL.—The Secretary of Defense shall  
8 carry out a program for the videotaping of subject and  
9 witness interviews by military criminal investigative orga-  
10 nizations, as determined appropriate by the Secretary.

11 (b) STARTUP COSTS.—The Secretary shall direct  
12 that, of amounts available to the Department of Defense  
13 for fiscal year 1994 for operations and maintenance,  
14 \$2,500,000 shall be allocated for the purchase of video  
15 equipment for use in the program under subsection (a)  
16 and for necessary modifications to interrogation facilities  
17 to accommodate that equipment.

18 (b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZA-  
19 TIONS.—For purposes of subsection (a), the military  
20 criminal investigative organizations are the following:

21 (1) The Defense Criminal Investigative Service.

22 (2) The Criminal Investigative Division of the  
23 Department of the Army.

24 (3) The Naval Criminal Investigative Service of  
25 the Department of the Navy.

1           (4) The Office of Special Investigations of the  
2           Department of the Air Force.

3 **SEC. 945. FLEXIBILITY IN ADMINISTERING REQUIREMENT**  
4                   **FOR ANNUAL FOUR PERCENT REDUCTION IN**  
5                   **NUMBER OF PERSONNEL ASSIGNED TO**  
6                   **HEADQUARTERS AND HEADQUARTERS SUP-**  
7                   **PORT ACTIVITIES.**

8           Section 906(a) of the National Defense Authorization  
9           Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat.  
10           1622) is amended by adding at the end the following: “If  
11           the number by which the number of such personnel is re-  
12           duced during any of fiscal years 1991, 1992, 1993, or  
13           1994 is greater than the number required under the pre-  
14           ceding sentence, the excess number from that fiscal year  
15           may be applied by the Secretary toward the required re-  
16           duction during a subsequent fiscal year (so that the total  
17           reduction under this section need not exceed the number  
18           equal to five times the required reduction number specified  
19           under the preceding sentence).”.

20 **SEC. 946. ENHANCED FLEXIBILITY RELATING TO REQUIRE-**  
21                   **MENTS FOR SERVICE IN A JOINT DUTY AS-**  
22                   **SIGNMENT.**

23           (a) EXTENSION OF AUTHORITY FOR JOINT DUTY  
24           EQUIVALENCY WAIVER.—Section 619(e)(2) of title 10,  
25           United States Code, is amended—

1 (1) by striking out “paragraph (1)—” and in-  
2 sserting in lieu thereof “paragraph (1) in the follow-  
3 ing circumstances:”;

4 (2) by capitalizing the first letter of the first  
5 word in each of subparagraphs (A) through (D);

6 (3) by striking out the semicolon at the end of  
7 subparagraphs (A), (B), and (C) and inserting in  
8 lieu thereof a period;

9 (4) by striking out “; and” at the end of sub-  
10 paragraph (D) and inserting in lieu thereof a period;  
11 and

12 (5) by striking out subparagraph (E) and in-  
13 sserting in lieu thereof the following:

14 “(E) Until January 1, 1998, in the case of an  
15 officer who served in an assignment (other than a  
16 joint duty assignment) that began before October 1,  
17 1986, and that involved significant experience in  
18 joint matters (as determined by the Secretary) if the  
19 officer served in that assignment for a period of suf-  
20 ficient duration (which may not be less than 12  
21 months) for the officer’s service to have been consid-  
22 ered a full tour of duty under the policies and regu-  
23 lations in effect on September 30, 1986.”.

24 (b) REQUIREMENT FOR JOINT DUTY ASSIGNMENT  
25 FOR GENERAL AND FLAG OFFICERS RECEIVING JOINT

1 DUTY EQUIVALENCY WAIVER.—Section 619 of such title  
2 is further amended by adding at the end the following new  
3 subsection:

4 “(f)(1) An officer who receives a waiver under para-  
5 graph (2)(E) of subsection (e) by reason of service de-  
6 scribed in that paragraph that began before October 1,  
7 1986, may not (except as provided in paragraph (2)) be  
8 appointed to the grade of major general or rear admiral  
9 until the officer completes a full tour of duty in a joint  
10 duty assignment.

11 “(2) The Secretary of Defense may on a case-by-case  
12 basis delay the requirement under paragraph (1) for com-  
13 pletion of a full tour of duty in a joint duty assignment  
14 in the case of an officer selected for promotion to the  
15 grade of major general or rear admiral so that such a tour  
16 of duty is completed while the officer is serving in that  
17 grade. Any such delay may be granted only in a case in  
18 which the Secretary determines, and certifies to Congress,  
19 that it is necessary that the requirement for service by  
20 general and flag officers in a joint duty assignment be de-  
21 ferred in the case of that particular officer because of a  
22 lack of available billets for officers in the grade of briga-  
23 dier general or rear admiral (lower half) that are joint  
24 duty assignment positions.

1       “(3) The delegation limitations in paragraph (3)(C)  
2 of subsection (e) shall apply to the authority provided in  
3 paragraph (2).”.

4       (c) REPORT ON PLANS FOR COMPLIANCE WITH SEC-  
5 TION 619(e).—(1) Not later than January 1, 1994, the  
6 Secretary of Defense shall certify to Congress that the  
7 Army, Navy, Air Force, and Marine Corps have each de-  
8 veloped and implemented a plan for their officer personnel  
9 assignment and promotion policies so as to ensure compli-  
10 ance with the requirements of section 619(e) of title 10,  
11 United States Code, as amended by subsection (a). Each  
12 such plan should particularly ensure that by January 1,  
13 1998, the service covered by the plan shall have enough  
14 officers who have completed a full tour of duty in a joint  
15 duty assignment so as to permit the orderly promotion of  
16 officers to brigadier general or, in the case of the Navy,  
17 rear admiral (lower half).

18       (2) The Secretary of Defense shall include as part  
19 of the information submitted to Congress pursuant to sec-  
20 tion 667 of title 10, United States Code, for each of the  
21 next five years after the date of the enactment of this Act  
22 the following:

23           (A) The degree of progress made toward meet-  
24 ing the requirements of section 619(e) of title 10,  
25 United States Code.

1           (B) The compliance achieved with each of the  
2           plans developed pursuant to paragraph (1).

3           (d) REVISION OF SERVING-IN WAIVER.—Section  
4 619(e)(2) of title 10, United States Code, as amended by  
5 subsection (a), is further amended by adding at the end  
6 the following:

7           “(F) In the case of an officer selected by a pro-  
8           motion board for appointment to the grade of briga-  
9           dier general or rear admiral (lower half) while serv-  
10          ing in a joint duty assignment, of which no less than  
11          six months have been completed on the date on  
12          which the officer is selected by that selection board,  
13          and who subsequently completes no less than two  
14          years in that joint duty assignment.”.

15          (e) DESERT STORM JOINT DUTY CREDIT.—(1) Sec-  
16 tion 933(a)(1) of the National Defense Authorization Act  
17 for Fiscal Year 1993 (Public Law 102–484; 106 Stat.  
18 2476; 10 U.S.C. 644 note) is amended by striking out  
19 “chapter 38 of” and inserting in lieu thereof “any provi-  
20 sion of”.

21          (2) Any joint duty service credit given to an officer  
22 under section 933(a)(1) of the National Defense Author-  
23 ization Act for Fiscal Year 1993 before the date of the  
24 enactment of this Act may be applied to any provision of  
25 title 10, United States Code.

1 (f) CORRECTION OF SPELLING MISTAKE.—Section  
2 1305(b)(1)(B) of Public Law 100–180 (10 U.S.C. 619  
3 note) is amended by striking out “nuclear propulsion” and  
4 inserting in lieu thereof “nuclear propulsion”.

5 **SEC. 947. FLEXIBILITY FOR REQUIRED POST-EDUCATION**  
6 **JOINT DUTY ASSIGNMENT.**

7 (a) IN GENERAL.—Subsection (d) of section 663 of  
8 title 10, United States Code, is amended to read as fol-  
9 lows:

10 “(d) POST-EDUCATION JOINT DUTY ASSIGN-  
11 MENTS.—(1) The Secretary of Defense shall ensure that  
12 each officer with the joint specialty who graduates from  
13 a joint professional military education school shall be as-  
14 signed to a joint duty assignment for that officer’s next  
15 duty assignment after such graduation (unless the officer  
16 receives a waiver of that requirement by the Secretary in  
17 an individual case).

18 “(2)(A) The Secretary of Defense shall ensure that  
19 a high proportion (which shall be greater than 50 percent)  
20 of the officers graduating from a joint professional mili-  
21 tary education school who do not have the joint specialty  
22 shall receive assignments to a joint duty assignment as  
23 their next duty assignment after such graduation or, to  
24 the extent authorized in subparagraph (B), as their second  
25 duty assignment after such graduation.

1       “(B) The Secretary may, if the Secretary determines  
2 that it is necessary to do so for the efficient management  
3 of officer personnel, establish procedures to allow up to  
4 one-half of the officers subject to the duty assignment re-  
5 quirement in subparagraph (A) to be assigned to a joint  
6 duty assignment as their second (rather than first) assign-  
7 ment after such graduation from a joint professional mili-  
8 tary education school.”.

9       (b) EFFECTIVE DATE.—The amendments made by  
10 subsection (a) shall apply with respect to officers graduat-  
11 ing from joint professional military education schools after  
12 the date of the enactment of this Act.

13 **SEC. 948. REPORT ON OPTIONS FOR ORGANIZATIONAL**  
14 **STRUCTURE FOR IMAGERY COLLECTION**  
15 **FUNCTIONS.**

16       (a) REPORT.—Not later than 90 days after the date  
17 of the enactment of this Act, the Secretary of Defense  
18 shall submit to the committees specified in subsection (e)  
19 a report containing an assessment of options for the orga-  
20 nization of intelligence elements of the Government for the  
21 management of central imagery functions. The report  
22 shall be prepared in consultation with the Director of  
23 Central Intelligence.

1 (b) OPTIONS TO BE CONSIDERED.—Options consid-  
2 ered for the purposes of the assessment under subsection  
3 (a) shall include the following:

4 (1) Carrying out the management of central im-  
5 agery functions through the Central Imagery Office  
6 of the Department of Defense as constituted on the  
7 date of the enactment of this Act.

8 (2) Consolidation within the Defense Intel-  
9 ligence Agency of the central imagery functions car-  
10 ried out as of the date of the enactment of this Act  
11 through the Central Imagery Office of the Depart-  
12 ment of Defense (as constituted on the date of the  
13 enactment of this Act).

14 (3) Any other option identified by the Secretary  
15 of Defense and the Director of Central Intelligence.

16 (c) BASIS FOR EVALUATION OF OPTIONS.—Each op-  
17 tion identified under subsection (b) shall be evaluated on  
18 the basis of—

19 (1) organizational efficiency;

20 (2) cost savings that could be realized through  
21 consolidation and through sharing of overhead re-  
22 sources; and

23 (3) any other criteria determined by the Sec-  
24 retary of Defense and the Director of Central Intel-  
25 ligence.

1 (d) RESTRICTION PENDING SUBMISSION OF RE-  
2 PORT.—Unless otherwise directed by law, neither the Sec-  
3 retary of Defense nor the Director of Central Intelligence  
4 may take any action to carry out the elimination, consoli-  
5 dation, or restructuring of the Central Imagery Office of  
6 the Department of Defense (as constituted on the date  
7 of the enactment of this Act) before the report under sub-  
8 section (a) is submitted.

9 (e) COMMITTEES TO WHICH REPORT IS TO BE SUB-  
10 MITTED.—The report required by subsection (a) shall be  
11 submitted to the Committees on Armed Services of the  
12 Senate and House of Representatives and to the Select  
13 Committee on Intelligence of the Senate and the Perma-  
14 nent Select Committee on Intelligence of the House of  
15 Representatives.

16 (f) DEFINITION.—For purposes of this section, the  
17 term “imagery collection functions” means the intelligence  
18 functions of tasking imagery collection, production of im-  
19 agery analysis, and dissemination of imagery analysis.

20 **SEC. 949. REPORT ON DEPARTMENT OF DEFENSE BOTTOM**  
21 **UP REVIEW.**

22 (a) REPORT REQUIRED.—The Secretary of Defense  
23 shall submit, in classified and unclassified forms, to the  
24 Committees on Armed Services of the Senate and House  
25 of Representatives a report on the comprehensive review

1 of Department of Defense activities ordered by the Sec-  
2 retary of Defense and identified as the “Bottom Up Re-  
3 view” (hereinafter in this section referred to as the “Re-  
4 view”). The report shall include the following information:

5 (1) A statement of the goals and objectives of  
6 the Review.

7 (2) The principal findings and recommenda-  
8 tions of the Review.

9 (3) A presentation of the process, structure,  
10 and scope of the Review, including all programs and  
11 policies examined by the Review.

12 (4) The various force structure, strategy, budg-  
13 etary and programmatic options considered as part  
14 of the Review.

15 (5) A description of any threat assessment or  
16 defense planning scenario used in conducting the  
17 Review.

18 (6) The criteria used in the development, re-  
19 view, and selection of the alternative strategy, force  
20 structure, programmatic, budgetary, and other op-  
21 tions considered in the Review.

22 (7) Presentation of changes as a result of the  
23 Review in each of the following:

24 (A) The National Security Strategy of the  
25 United States, as described in the January

1 1993, report entitled “National Security Strat-  
2 egy of the United States”, issued by former  
3 President Bush.

4 (B) The National Military Strategy of the  
5 United States, including changes in the four  
6 key elements of the new National Military  
7 Strategy announced by former President Bush  
8 on August 2, 1990, and described in the Janu-  
9 ary 1993 report entitled, “Annual Report to the  
10 President and the Congress” from former Sec-  
11 retary of Defense Dick Cheney, namely, strate-  
12 gic deterrence and defense, forward presence,  
13 crisis response, and reconstitution.

14 (C) Alliance structures or overseas force  
15 presence and commitments and any changes in  
16 the level of support by the United States Armed  
17 Forces for peacekeeping and peacemaking mis-  
18 sions, humanitarian activities, domestic civil  
19 functions, drug interdiction, support to inter-  
20 national organizations such as the United Na-  
21 tions, and other areas such as conversion and  
22 reinvestment.

23 (D) The military force structure, as de-  
24 scribed in the January 1993 report entitled  
25 “Annual Report to the President and the Con-

1           gress'' from former Secretary of Defense Dick  
2           Cheney.

3           (E) The roles and functions of the military  
4           departments and the roles and functions of the  
5           unified commands as set out in the Unified  
6           Command Plan.

7           (F) Cost, schedule, and inventory objec-  
8           tives for major defense acquisition programs (as  
9           defined in section 2430 of title 10, United  
10          States Code) altered as a result of the Review.

11          (G) The defense industrial base of the  
12          United States, including the effect on key de-  
13          fense industrial sectors such as the nuclear pro-  
14          pulsion industrial base, the armored vehicle in-  
15          dustrial base, tactical aviation, and shipyards  
16          for both conventional-powered and nuclear-pow-  
17          ered vessels.

18          (b) DEADLINE.—The report required by subsection  
19          (a) shall be submitted not later than the earlier of (1) the  
20          date on which the President's budget for fiscal year 1995  
21          budget is submitted to Congress pursuant to section 1105  
22          of title 31, United States Code, and (2) the end of the  
23          90-day period beginning on the date of the enactment of  
24          this Act.

1 **SEC. 950. REINVESTIGATION BY DEFENSE INSPECTOR GEN-**  
2 **ERAL OF CERTAIN CASES OF DEATH OF MEM-**  
3 **BERS OF THE ARMED FORCES BY SELF-IN-**  
4 **FLICTED WOUNDS.**

5 (a) IN GENERAL.—The Inspector General of the De-  
6 partment of Defense shall conduct a reinvestigation of the  
7 death of any member of the Armed Forces who died while  
8 on active duty after January 1, 1982, from a wound deter-  
9 mined to be self-inflicted (whether by accident or inten-  
10 tion) in any case in which the immediate family members  
11 of the deceased servicemember request the reinvestigation  
12 based upon allegations grounded in new evidence or well-  
13 founded suspicions of an incomplete or inadequate pre-  
14 vious investigation.

15 (b) EXPERT SERVICES.—In carrying out any such  
16 reinvestigation, the Inspector General may obtain nec-  
17 essary expert services (such as the services of pathologists  
18 and ballistics experts) from sources outside the Depart-  
19 ment of Defense.

20 (c) FINDINGS AND RECOMMENDATIONS.—The In-  
21 spector General shall prepare a report on each case inves-  
22 tigated under this section. Based upon the findings and  
23 conclusions in such report, the Secretary of the military  
24 department concerned shall take such actions as the Sec-  
25 retary determines to be appropriate, including actions to  
26 correct the record of the deceased servicemember and ac-

1 tions to institute disciplinary proceedings against other  
2 servicemembers relating to the circumstances of the death  
3 investigated or to the conduct of earlier investigations of  
4 that death.

5 (d) FURNISHING OF REPORT TO FAMILY.—In each  
6 case of an investigation under this section, the Inspector  
7 General shall furnish a copy of the report on the investiga-  
8 tion to the family members of the individual whose death  
9 was investigated in accordance with section 1072 of the  
10 National Defense Authorization Act for Fiscal Year 1993  
11 (Public Law 102–484; 106 Stat. 2508).

12 **SEC. 951. PROHIBITION OF TRANSFER OF NAVAL ACADEMY**  
13 **PREPARATORY SCHOOL.**

14 During fiscal year 1994, the Secretary of the Navy  
15 may not transfer the Naval Academy Preparatory School  
16 from Newport, Rhode Island, to Annapolis, Maryland, or  
17 expend any funds for any work (including preparation of  
18 an architectural engineering study, design work, or con-  
19 struction or modification of any structure) in preparation  
20 for such a transfer.

21 **TITLE X—GENERAL PROVISIONS**

22 **Subtitle A—Financial Matters**

23 **SEC. 1001. TRANSFER AUTHORITY.**

24 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—  
25 (1) Upon determination by the Secretary of Defense that

1 such action is necessary in the national interest, the Sec-  
2 retary may transfer amounts of authorizations made avail-  
3 able to the Department of Defense in this division for fis-  
4 cal year 1994 between any such authorizations for that  
5 fiscal year (or any subdivisions thereof). Amounts of au-  
6 thorizations so transferred shall be merged with and be  
7 available for the same purposes as the authorization to  
8 which transferred.

9 (2) The total amount of authorizations that the Sec-  
10 retary of Defense may transfer under the authority of this  
11 section may not exceed \$2,000,000,000.

12 (b) LIMITATIONS.—The authority provided by this  
13 section to transfer authorizations—

14 (1) may only be used to provide authority for  
15 items that have a higher priority than the items  
16 from which authority is transferred; and

17 (2) may not be used to provide authority for an  
18 item that has been denied authorization by Con-  
19 gress.

20 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A  
21 transfer made from one account to another under the au-  
22 thority of this section shall be deemed to increase the  
23 amount authorized for the account to which the amount  
24 is transferred by an amount equal to the amount trans-  
25 ferred.

1 (d) NOTICE TO CONGRESS.—The Secretary of De-  
2 fense shall promptly notify Congress of transfers made  
3 under the authority of this section.

4 **SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.**

5 No funds are authorized to be appropriated under  
6 this Act for the Federal Bureau of Investigation.

7 **SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.**

8 (a) STATUS OF CLASSIFIED ANNEX.—The Classified  
9 Annex prepared by the Committee on Armed Services to  
10 accompany the bill H.R. 2401 of the One Hundred Third  
11 Congress and transmitted to the President is hereby incor-  
12 porated into this Act.

13 (b) CONSTRUCTION WITH OTHER PROVISIONS OF  
14 ACT.—The amounts specified in the Classified Annex are  
15 not in addition to amounts authorized to be appropriated  
16 by other provisions of this Act.

17 (c) LIMITATION ON USE OF FUNDS.—Funds appro-  
18 priated pursuant to an authorization contained in this Act  
19 that are made available for a program, project, or activity  
20 referred to in the Classified Annex may only be expended  
21 for such program, project, or activity in accordance with  
22 such terms, conditions, limitations, restrictions, and re-  
23 quirements as are set out for that program, project, or  
24 activity in the Classified Annex.

1 (d) DISTRIBUTION OF CLASSIFIED ANNEX.—The  
2 President shall provide for appropriate distribution of the  
3 Classified Annex, or of appropriate portions of the annex,  
4 within the executive branch of the Government.

5 **SEC. 1004. DEFENSE COOPERATION ACCOUNT.**

6 (a) REVISION IN AUDIT REQUIREMENT.—Subsection  
7 (i) of section 2608 of title 10, United States Code, is  
8 amended to read as follows:

9 “(i) PERIODIC AUDITS BY GAO.—The Comptroller  
10 General of the United States shall make periodic audits  
11 of money and property accepted under this section, at such  
12 intervals as the Comptroller General determines to be war-  
13 ranted. The Comptroller General shall submit to Congress  
14 a report on the results of each such audit.”.

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

17 **“§ 2608. Acceptance of contributions for defense pro-**  
18 **grams, projects, and activities; Defense**  
19 **Cooperation Account”.**

20 (2) The item relating to such section in the table of  
21 sections at the beginning of chapter 155 of such title is  
22 amended to read as follows:

“2608. Acceptance of contributions for defense programs, projects, and activi-  
ties; Defense Cooperation Account.”.

1 **SEC. 1005. HUMANITARIAN AND CIVIC ASSISTANCE.**

2 (a) REGULATIONS.—The regulations required to be  
3 prescribed under section 401 of title 10, United States  
4 Code, shall be prescribed not later than March 1, 1994.  
5 In prescribing such regulations, the Secretary of Defense  
6 shall consult with the Secretary of State.

7 (b) LIMITATION ON USE OF FUNDS.—Section  
8 401(c)(2) of title 10, United States Code, is amended by  
9 inserting before the period the following: “, except that  
10 funds appropriated to the Department of Defense for op-  
11 eration and maintenance other than funds appropriated  
12 pursuant to such paragraph may be obligated for humani-  
13 tarian and civic assistance under this section only for inci-  
14 dental costs of carrying out such assistance”.

15 (c) NOTIFICATIONS REGARDING HUMANITARIAN RE-  
16 LIEF.—Any notification provided to the appropriate con-  
17 gressional committees with respect to assistance activities  
18 under section 2551 of title 10, United States Code, shall  
19 include a detailed description of any items for which trans-  
20 portation is provided that are excess nonlethal supplies of  
21 the Department of Defense, including the quantity, acqui-  
22 sition value, and value at the time of the transportation  
23 of such items.

24 (d) AUTHORIZATION OF APPROPRIATIONS.—Funds  
25 are hereby authorized to be appropriated to carry out hu-  
26 manitarian and civic assistance activities under sections

1 401, 402, and 2551 of title 10, United States Code, in  
2 the amount of \$58,000,000 for fiscal year 1994.

3 (e) APPROPRIATE CONGRESSIONAL COMMITTEES.—

4 In this section, the term “appropriate congressional com-  
5 mittees” means—

6 (1) the Committee on Appropriations, the Com-  
7 mittee on Armed Services, and the Committee on  
8 Foreign Affairs of the House of Representatives;  
9 and

10 (2) the Committee on Appropriations, the Com-  
11 mittee on Armed Services, and the Committee on  
12 Foreign Relations of the Senate.

13 **SEC. 1006. LIMITATION ON TRANSFERRING DEFENSE**  
14 **FUNDS TO OTHER DEPARTMENTS AND AGEN-**  
15 **CIES.**

16 Section 1604 of Public Law 101-189 (103 Stat.  
17 1598) is amended by striking out “a report” and all that  
18 follows and inserting in lieu thereof “a certification that  
19 making those funds available to such other department or  
20 agency is in the national security interest of the United  
21 States.”.

22 **SEC. 1007. SENSE OF CONGRESS CONCERNING DEFENSE**  
23 **BUDGET PROCESS.**

24 It is the sense of Congress that any future five-year  
25 defense plan—

1           (1) should be based on an objective assessment  
2 of United States national security requirements and  
3 be resourced at a level capable of protecting and  
4 promoting our Nation’s interests; and

5           (2) should be based on financial integrity and  
6 accountability to ensure a fully funded defense pro-  
7 gram necessary to maintain a ready and capable  
8 force.

9 **SEC. 1008. FUNDING STRUCTURE FOR CONTINGENCY OPER-**  
10 **ATIONS.**

11           (a) IN GENERAL.—Chapter 3 of title 10, United  
12 States Code, is amended by inserting after section 127 the  
13 following new section:

14 **“§ 127a. Expenses for contingency operations**

15           “(a) DESIGNATION OF NATIONAL CONTINGENCY OP-  
16 ERATIONS.—The funding procedures prescribed by this  
17 section apply with respect to any operation involving the  
18 armed forces that is designated by the Secretary of De-  
19 fense as a National Contingency Operation. Whenever the  
20 Secretary designates an operation as a National Contin-  
21 gency Operation, the Secretary shall promptly transmit  
22 notice of that designation in writing to Congress. This sec-  
23 tion does not provide authority for the President or the  
24 Secretary of Defense to carry out an operation, but applies  
25 to the Department of Defense mechanisms by which funds

1 are provided for operations that the armed forces are re-  
2 quired to carry out under some other authority.

3 “(b) WAIVER OF REQUIREMENT TO REIMBURSE  
4 SUPPORT UNITS.—(1) When an operating unit of the  
5 Armed Forces participating in a National Contingency  
6 Operation receives support services from a support unit  
7 of the Armed Forces that operates through the Defense  
8 Business Operations Fund (or a successor fund), that op-  
9 erating unit need not reimburse that support unit for the  
10 incremental costs incurred by the support unit in provid-  
11 ing such support, notwithstanding any other provision of  
12 law or Government accounting practice.

13 “(2) The amounts which but for paragraph (1) would  
14 be required to be reimbursed to a support unit shall be  
15 recorded as an expense attributable to the operation and  
16 shall be accounted for separately.

17 “(c) OBLIGATIONAL LIMITATIONS.—(1) Obligations  
18 attributable to a National Contingency Operation for  
19 which customary reimbursement requirements are not ap-  
20 plicable by reason of subsection (b) may not be made in  
21 excess of \$20,000,000 until the President submits to Con-  
22 gress notice of the intention to make such obligations in  
23 excess of \$20,000,000.

24 “(2) Upon such notification under paragraph (1), an  
25 additional \$20,000,000 in obligations attributable to that

1 operation for which customary reimbursement require-  
2 ments are not applicable by reason of subsection (b) may  
3 be made.

4 “(3) Obligations attributable to a National Contin-  
5 gency Operation for which customary reimbursement re-  
6 quirements are not applicable by reason of subsection (b)  
7 may be made in excess of \$40,000,000—

8 “(A) only after the end of the 30-day period be-  
9 ginning on the date on which a presidential notifica-  
10 tion is submitted under paragraph (2); and

11 “(B) only if during that 30-day period a joint  
12 resolution described in subsection (i) is not enacted  
13 into law.

14 “(4) The President may waive the limitation in para-  
15 graph (3) in the case of any National Contingency Oper-  
16 ation with respect to which the President has declared a  
17 national emergency.

18 “(d) NOTIFICATION AND PLAN FOR LARGE-SCALE  
19 OPERATIONS.—(1) Within two months of the beginning  
20 of any large-scale or long-term National Contingency Op-  
21 eration, the President shall submit to Congress a financial  
22 plan for the operation that sets forth the manner by which  
23 the President proposes to obtain funds for the full cost  
24 to the United States of the operation.

1       “(2) For purposes of this subsection, a large-scale or  
2 long-term National Contingency Operation is an operation  
3 designated as a National Contingency Operation that was  
4 not anticipated and programmed for in the budget for the  
5 current fiscal year and which is expected—

6           “(A) to have a duration in excess of three  
7 months; or

8           “(B) to have an incremental cost to the Depart-  
9 ment of Defense in excess of \$100,000,000.

10       “(e) INCREMENTAL COSTS.—For purposes of this  
11 section, incremental costs of the Department of Defense  
12 with respect to an operation are the costs that are directly  
13 attributable to the operation and that are otherwise  
14 chargeable to accounts available for operation and mainte-  
15 nance or for military personnel. Any costs which are other-  
16 wise chargeable to accounts available for procurement may  
17 not be considered to be incremental costs for purposes of  
18 this section.

19       “(f) INCREMENTAL PERSONNEL COSTS ACCOUNT.—  
20 (1) There is hereby established in the Department of De-  
21 fense a reserve fund to be known as the ‘National Contingency  
22 Operation Personnel Fund’. Amounts in the fund  
23 shall be available for incremental military personnel costs  
24 attributable to a National Contingency Operation.  
25 Amounts in the fund remain available until expended.

1       “(2) There is hereby authorized to be appropriated  
2 for fiscal year 1994 to the fund established under para-  
3 graph (2) the sum of \$10,000,000.

4       “(g) COORDINATION WITH WAR POWERS RESOLU-  
5 TION.—This section may not be construed as altering or  
6 superseding the War Powers Resolution. This section does  
7 not provide authority to conduct a National Contingency  
8 Operation or any other operation.

9       “(h) GAO COMPLIANCE REVIEWS.—The Comptroller  
10 General of the United States shall from time to time, and  
11 when requested by a committee of Congress, conduct a  
12 review of the defense contingency funding structure under  
13 this section to determine whether the Department of De-  
14 fense is complying with the requirements and limitations  
15 of this section.

16       “(i) PROCEDURES FOR CONSIDERING RESOLUTION  
17 OF DISAPPROVAL.—(1) For purposes of subsection (c)(3),  
18 the term ‘joint resolution’ means only a joint resolution  
19 that is introduced within the 10-day period beginning on  
20 the date on which the President transmits to Congress the  
21 notification under that subsection and—

22               “(A) that does not have a preamble;

23               “(B) the matter after the resolving clause of  
24 which is as follows: ‘That the President may not  
25 incur obligations in excess of \$40,000,000 as pro-

1 posed in the notice of the President of  
2 \_\_\_\_\_’, the blank space being filled in with  
3 the appropriate date; and

4 “(C) the title of which is as follows: ‘Joint reso-  
5 lution limiting obligations by the President.’.

6 “(2) A resolution described in paragraph (1) that is  
7 introduced in the House of Representatives shall be re-  
8 ferred jointly to the Committee on Foreign Relations and  
9 the Committee on Armed Services of the House of Rep-  
10 resentatives. A resolution described in paragraph (1) that  
11 is introduced in the Senate shall be referred to the Com-  
12 mittee on Foreign Relations of the Senate and the Com-  
13 mittee on Armed Services of the Senate.

14 “(3) If the committees to which a resolution described  
15 in paragraph (1) is referred have not reported such resolu-  
16 tion (or an identical resolution) by the end of the 15-day  
17 period beginning on the date on which the President trans-  
18 mits the applicable notice to Congress under subsection  
19 (c), such committees shall be, at the end of such period,  
20 discharged from further consideration of such resolution,  
21 and such resolution shall be placed on the appropriate cal-  
22 endar of the House involved.

23 “(4)(A) On or after the third day after the date on  
24 which the committees to which such a resolution is re-  
25 ferred have reported, or have been discharged (under

1 paragraph (3)) from further consideration of, such a reso-  
2 lution, it is in order (even though a previous motion to  
3 the same effect has been disagreed to) for any Member  
4 of the respective House to move to proceed to the consider-  
5 ation of the resolution. A Member may make the motion  
6 only on the day after the calendar day on which the Mem-  
7 ber announces to the House concerned the Member's in-  
8 tention to make the motion, except that, in the case of  
9 the House of Representatives, the motion may be made  
10 without such prior announcement if the motion is made  
11 by direction of the committee to which the resolution was  
12 referred. All points of order against the resolution (and  
13 against consideration of the resolution) are waived. The  
14 motion is highly privileged in the House of Representatives  
15 and is privileged in the Senate and is not debatable. The  
16 motion is not subject to amendment, or to a motion to  
17 postpone, or to a motion to proceed to the consideration  
18 of other business. A motion to reconsider the vote by  
19 which the motion is agreed to or disagreed to shall not  
20 be in order. If a motion to proceed to the consideration  
21 of the resolution is agreed to, the respective House shall  
22 immediately proceed to consideration of the joint resolu-  
23 tion without intervening motion, order, or other business,  
24 and the resolution shall remain the unfinished business of  
25 the respective House until disposed of.

1       “(B) Debate on the resolution, and on all debatable  
2 motions and appeals in connection therewith, shall be lim-  
3 ited to not more than 10 hours, which shall be divided  
4 equally between those favoring and those opposing the res-  
5 olution. An amendment to the resolution is not in order.  
6 A motion further to limit debate is in order and not debat-  
7 able. A motion to postpone, or a motion to proceed to the  
8 consideration of other business, or a motion to recommit  
9 the resolution is not in order. A motion to reconsider the  
10 vote by which the resolution is agreed to or disagreed to  
11 is not in order.

12       “(C) Immediately following the conclusion of the de-  
13 bate on a resolution described in paragraph (1) and a sin-  
14 gle quorum call at the conclusion of the debate if re-  
15 quested in accordance with the rules of the appropriate  
16 House, the vote on final passage of the resolution shall  
17 occur.

18       “(D) Appeals from the decisions of the Chair relating  
19 to the application of the rules of the Senate or the House  
20 of Representatives, as the case may be, to the procedure  
21 relating to a resolution described in subsection (a) shall  
22 be decided without debate.

23       “(5)(A) If, before the passage by one House of a reso-  
24 lution of that House described in subsection (a), that  
25 House receives from the other House a resolution de-

1 scribed in subsection (a), then the following procedures  
2 shall apply:

3           “(i) The resolution of the other House shall not  
4 be referred to a committee and may not be consid-  
5 ered in the House receiving it except in the case of  
6 final passage as provided in clause (ii)(II).

7           “(ii) With respect to a resolution described in  
8 paragraph (1) of the House receiving the  
9 resolution—

10                 “(I) the procedure in that House shall be  
11 the same as if no resolution had been received  
12 from the other House; but

13                 “(II) the vote on final passage shall be on  
14 the resolution of the other House.

15           “(B) Upon disposition of the resolution received from  
16 the other House, it shall no longer be in order to consider  
17 the resolution that originated in the receiving House.

18           “(6) This subsection is enacted by Congress—

19                 “(A) as an exercise of the rulemaking power of  
20 the Senate and House of Representatives, respec-  
21 tively, and as such it is deemed a part of the rules  
22 of each House, respectively, but applicable only with  
23 respect to the procedure to be followed in that  
24 House in the case of a resolution described in para-

1 graph (1), and it supersedes other rules only to the  
2 extent that it is inconsistent with such rules; and

3 “(B) with full recognition of the constitutional  
4 right of either House to change the rules (so far as  
5 relating to the procedure of that House) at any time,  
6 in the same manner, and to the same extent as in  
7 the case of any other rule of that House.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
9 at the beginning of such chapter is amended by inserting  
10 after the item relating to section 127 the following new  
11 item:

“127a. Expenses for contingency operations.”.

12 **SEC. 1008. INCREASE IN AMOUNT FOR CINC INITIATIVE**  
13 **FUND.**

14 The amount provided in section 301 for Defense-wide  
15 activities for fiscal year 1994 is hereby increased by  
16 \$5,000,000, to be an additional amount for the CINC Ini-  
17 tiative Fund.

18 **SEC. 1009. REPORT ON HUMANITARIAN ASSISTANCE AC-**  
19 **TIVITIES.**

20 The Secretary of Defense shall include in the next  
21 annual report of the Secretary under section 113 of title  
22 10, United States Code, a report on the activities of the  
23 Department of Defense under sections 401, 402, 2547,  
24 and 2551 of that title. The report shall describe activities  
25 under those sections that have been carried out during fis-

1 cal year 1994 to the date of the report and planned activi-  
2 ties under those sections for the remainder of fiscal year  
3 1994 and for fiscal year 1995.

## 4 **Subtitle B—Counter-Drug** 5 **Activities**

6 **SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR**  
7 **COUNTER-DRUG ACTIVITIES OF OTHER**  
8 **AGENCIES.**

9 (a) EXTENSION OF SUPPORT AUTHORIZATION.—Sec-  
10 tion 1004(a) of the National Defense Authorization Act  
11 for Fiscal Year 1991 (10 U.S.C. 374 note) is amended  
12 by striking out “fiscal years 1991, 1992, 1993, and  
13 1994,” and inserting in lieu thereof “fiscal years 1991  
14 through 1995,”.

15 (b) FUNDING OF SUPPORT ACTIVITIES.—Of the  
16 amount authorized to be appropriated for fiscal year 1994  
17 under section 301(14) for operation and maintenance with  
18 respect to drug interdiction and counter-drug activities,  
19 \$40,000,000 shall be available to the Secretary of Defense  
20 for the purposes of carrying out section 1004 of the Na-  
21 tional Defense Authorization Act for Fiscal Year 1991 (10  
22 U.S.C. 374 note).

1 **SEC. 1022. REPORT ON DEFENSE COUNTER-DRUG PRO-**  
2 **GRAM.**

3 (a) REPORT REQUIRED.—The Secretary of Defense  
4 shall submit to Congress a report evaluating the consist-  
5 ency of—

6 (1) all drug interdiction and counter-drug ac-  
7 tivities undertaken or supported by the Department  
8 of Defense using funds appropriated pursuant to the  
9 authorization of appropriations in section 301(14);  
10 with

11 (2) the goals, objectives, and resource balance  
12 contained in the National Drug Control Strategy re-  
13 quired to be submitted to Congress in 1994 under  
14 section 1005 of the Anti-Drug Abuse Act of 1988  
15 (21 U.S.C. 1504).

16 (b) RECOMMENDATIONS.—The report required under  
17 subsection (a) shall include such recommendations as the  
18 Secretary considers to be necessary to more closely con-  
19 form defense drug interdiction and counter-drug activities  
20 to the National Drug Control Strategy. The recommenda-  
21 tions may include a request for the reprogramming of  
22 funds appropriated or otherwise made available to the De-  
23 partment of Defense for drug interdiction and counter-  
24 drug activities if the Secretary determines that such a re-  
25 quest is necessary.

1 (c) LIMITATION ON OBLIGATION OF FUNDS PENDING  
2 REPORT.—(1) Except as provided in paragraph (2), no  
3 more than 75 percent of the funds appropriated for fiscal  
4 year 1994 pursuant to the authorization of appropriations  
5 in section 301(14) for drug interdiction and counter-drug  
6 activities undertaken or supported by the Department of  
7 Defense may be obligated or expended before the date on  
8 which the Secretary of Defense submits to Congress the  
9 report required under subsection (a).

10 (2) Paragraph (1) shall not prohibit obligations or  
11 expenditures of funds for personnel expenses, including  
12 pay and allowances of members of the Armed Forces, in-  
13 curred in connection with defense drug interdiction and  
14 counter-drug activities.

15 **SEC. 1023. REQUIREMENT TO ESTABLISH PROCEDURES**  
16 **FOR STATE AND LOCAL GOVERNMENTS TO**  
17 **BUY LAW ENFORCEMENT EQUIPMENT IN**  
18 **CONJUNCTION WITH DEPARTMENT OF DE-**  
19 **FENSE.**

20 (a) IN GENERAL.—(1) Chapter 18 of title 10, United  
21 States Code, is amended by adding at the end the follow-  
22 ing new section:

1 **“§ 381. Procurement by State and local governments**  
2 **of law enforcement equipment in con-**  
3 **junction with Department of Defense**

4 “(a) PROCEDURES.—(1) The Secretary of Defense  
5 shall establish procedures in accordance with this sub-  
6 section under which States and units of local government  
7 may purchase certain equipment in conjunction with the  
8 Department of Defense. The procedures shall require the  
9 following:

10 “(A) Each State desiring to participate in a  
11 procurement of equipment in conjunction with the  
12 Department of Defense shall submit to the Depart-  
13 ment, in such form and manner and at such times  
14 as the Secretary prescribes (i) a request for law en-  
15 forcement equipment, and (ii) advance payment for  
16 such equipment, in an amount determined by the  
17 Secretary based on estimated or actual costs of the  
18 equipment. Requests shall be submitted annually or  
19 at another frequency determined appropriate by the  
20 Secretary.

21 “(B) A request for law enforcement equipment  
22 shall consist of an enumeration of the law enforce-  
23 ment equipment that is desired by the State and  
24 units of local government within the State.

25 “(C) A State requesting law enforcement equip-  
26 ment shall be responsible for arranging and paying

1 for shipment of the equipment to the State and lo-  
2 calities within the State.

3 “(2) In establishing the procedures, the Secretary of  
4 Defense shall coordinate with the General Services Admin-  
5 istration and other Federal agencies for purposes of avoid-  
6 ing duplication of effort.

7 “(b) REIMBURSEMENT OF ADMINISTRATIVE  
8 COSTS.—In the case of any purchase made by a State or  
9 unit of local government under the procedures established  
10 under subsection (a), the Secretary of Defense shall re-  
11 quire the State or unit of local government to reimburse  
12 the Department of Defense for the administrative costs  
13 to the Department of such purchase.

14 “(c) GSA CATALOG.—The Administrator of General  
15 Services shall produce and maintain a catalog of law en-  
16 forcement equipment suitable for purchase by States and  
17 units of local government under the procedures established  
18 by the Secretary under this section.

19 “(d) DEFINITIONS.—For purposes of this section:

20 “(1) The term ‘State’ means any State of the  
21 United States, the District of Columbia, the Com-  
22 monwealth of Puerto Rico, the Commonwealth of the  
23 Northern Mariana Islands, and any territory or pos-  
24 session of the United States.

1           “(2) The term ‘unit of local government’ means  
2           any city, county, township, town, borough, parish,  
3           village, or other general purpose political subdivision  
4           of a State; an Indian tribe which performs law en-  
5           forcement functions as determined by the Secretary  
6           of the Interior; or any agency of the District of Co-  
7           lumbia government or the United States Govern-  
8           ment performing law enforcement functions in and  
9           for the District of Columbia or the Trust Territory  
10          of the Pacific Islands.

11           “(3) The term ‘law enforcement equipment’ has  
12          the meaning given such term in regulations pre-  
13          scribed by the Secretary of Defense. Such term in-  
14          cludes, at a minimum, handguns, bulletproof vests,  
15          and communication equipment.”.

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

                  “381. Procurement by State and local governments of law enforcement equip-  
                  ment in conjunction with Department of Defense.”.

19          (b) DEADLINE.—The Secretary of Defense shall es-  
20          tablish procedures under section 381(a) of title 10, United  
21          States Code, as added by subsection (a), not later than  
22          six months after the date of the enactment of this Act.

23          (c) REPORT.—Not later than 6 months after the date  
24          of the enactment of this Act, the Secretary of Defense

1 shall submit to the Congress a report on the procedures  
2 established pursuant to section 381 of title 10, United  
3 States Code, as added by subsection (a). The report shall  
4 include, at a minimum, a list of the law enforcement  
5 equipment that will be covered under such procedures.

## 6 **Subtitle C—Other Matters**

### 7 **SEC. 1031. PROCEDURES FOR HANDLING WAR BOOTY.**

8 (a) IN GENERAL.—(1) Chapter 153 of title 10,  
9 United States Code, is amended by adding at the end the  
10 following new section:

11 **“§ 2579. War booty: procedures for handling and re-**  
12 **taining battlefield objects**

13 “(a) POLICY.—The United States recognizes that  
14 battlefield souvenirs have traditionally provided military  
15 personnel with a valued memento of service in a national  
16 cause. At the same time, it is the policy and tradition of  
17 the United States that the desire for souvenirs in a combat  
18 theater not blemish the conduct of combat operations or  
19 result in the mistreatment of enemy personnel, the dishon-  
20 oring of the dead, distraction from the conduct of oper-  
21 ations, or other unbecoming activities.

22 “(b) PURPOSE.—The purpose of this section is to  
23 provide a procedure for the handling of battlefield objects  
24 that is consistent with the policies expressed in subsection  
25 (a).

1       “(c) GENERAL RULE.—When forces of the United  
2 States are operating in a theater of operations, enemy ma-  
3 terial captured or found abandoned shall be turned over  
4 to appropriate United States or allied military personnel.  
5 A member of the armed forces (or other person under the  
6 authority of the armed forces in a theater of operations)  
7 may not (except in accordance with this section) take from  
8 a theater of operations as a souvenir an object formerly  
9 in the possession of the enemy.

10       “(d) PROCEDURES FOR OBTAINING BATTLEFIELD  
11 SOUVENIRS.—(1) A member of the armed forces who  
12 wishes to retain as a souvenir an object covered by sub-  
13 section (c) that was retrieved personally by that member  
14 may so request at the time the object is turned over pursu-  
15 ant to subsection (c).

16       “(2) The Secretary concerned shall designate an offi-  
17 cer to review requests under paragraph (1). If the officer  
18 determines that the object may be appropriately retained  
19 as a war souvenir, the object shall be turned over to the  
20 member who requested the right to retain it.

21       “(3) The Secretary concerned may charge a process-  
22 ing fee to each member making a request under paragraph  
23 (1). The amount of any such fee may not exceed the  
24 amount necessary to recoup the costs of handling and re-

1 viewing the objects for which requests are made under  
2 paragraph (1).

3 “(e) FURNISHING OF CAPTURED ITEMS.—(1) The  
4 Secretary concerned shall make available to members of  
5 the armed forces who served in a theater of operations  
6 items of enemy material other than weapons and explo-  
7 sives that are no longer required for military use, intel-  
8 ligence exploitation, or other purpose determined by the  
9 Secretary. A processing fee as described in subsection  
10 (d)(3) may be charged.

11 “(2) The Secretary concerned shall make available  
12 for sale to members of the armed forces who served in  
13 a theater of operations items of captured weaponry as fol-  
14 lows:

15 “(A) The only weapons that may be sold are  
16 those in categories to be agreed upon jointly by the  
17 Secretary of Defense and the Secretary of the Treas-  
18 ury.

19 “(B) Not more than one weapon may be sold  
20 to any member.

21 “(C) Before a weapon is turned over to a mem-  
22 ber following such a sale, the weapon shall be ren-  
23 dered unserviceable.

24 “(D) The Secretary concerned shall assess a  
25 charge in connection with each such sale (in addition

1 to any processing fee) in an amount sufficient to  
2 cover the full cost of rendering the weapon unserv-  
3 iceable.”.

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

“2579. War booty: procedures for handling and retaining battlefield objects.”.

7 (b) EFFECTIVE DATE.—Section 2579 title 10,  
8 United States Code, as added by subsection (a), shall  
9 apply with respect to objects taken in a theater of oper-  
10 ations after the date of the enactment of this Act.

11 **SEC. 1032. AWARD OF PURPLE HEART TO MEMBERS KILLED**  
12 **OR WOUNDED IN ACTION BY FRIENDLY FIRE.**

13 (a) IN GENERAL.—Chapter 57 of title 10, United  
14 States Code, is amended by adding at the end the follow-  
15 ing new section:

16 **“§ 1129. Purple Heart: members killed or wounded in**  
17 **action by friendly fire**

18 “(a) For purposes of the award of the Purple Heart,  
19 the Secretary concerned shall treat a member of the armed  
20 forces described in subsection (b) in the same manner as  
21 a member who is killed or wounded in action as the result  
22 of an act of an enemy of the United States.

23 “(b) A member described in this subsection is a mem-  
24 ber who is killed or wounded in action by weapon fire while  
25 directly engaged in armed conflict, other than as the result

1 of an act of an enemy of the United States, unless (in  
2 the case of a wound) the wound is the result of willful  
3 misconduct of the member.

4 “(c) This section applies to members of the armed  
5 forces who are killed or wounded on or after December  
6 7, 1941. In the case of a member killed or wounded as  
7 described in subsection (b) on or after December 7, 1941,  
8 and before the date of the enactment of this section, the  
9 Secretary concerned shall award the Purple Heart under  
10 subsection (a) in each case which is known to the Sec-  
11 retary before the date of the enactment of this section or  
12 for which an application is made to the Secretary in such  
13 manner as the Secretary requires.”.

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

“1129. Purple Heart: members killed or wounded in action by friendly fire.”.

17 **SEC. 1033. AWARD OF GOLD STAR LAPEL BUTTONS TO SUR-**  
18 **VIVORS OF SERVICE MEMBERS KILLED BY**  
19 **TERRORIST ACTS.**

20 (a) ELIGIBILITY.—Subsection (a) of section 1126 of  
21 title 10, United States Code, is amended—

22 (1) by striking out “of the United States” in  
23 the matter preceding paragraph (1);

24 (2) by striking out “or” at the end of para-  
25 graph (1);

1 (3) in paragraph (2)—

2 (A) by redesignating clauses (i), (ii), and  
3 (iii) as subparagraphs (A), (B), and (C), re-  
4 spectively; and

5 (B) by striking out the period at the end  
6 and inserting in lieu thereof “; or”; and

7 (4) by adding at the end the following new  
8 paragraph:

9 “(3) who lost or lose their lives after March 28,  
10 1973, as a result of—

11 “(A) an international terrorist attack  
12 against the United States or a foreign nation  
13 friendly to the United States, recognized as  
14 such an attack by the Secretary of Defense; or

15 “(B) military operations while serving out-  
16 side the United States (including the common-  
17 wealths, territories, and possessions of the  
18 United States) as part of a peacekeeping  
19 force.”.

20 (b) DEFINITIONS.—Subsection (d) of such section is  
21 amended by adding at the end the following new para-  
22 graphs:

23 “(7) The term ‘military operations’ includes  
24 those operations involving members of the armed  
25 forces assisting in United States Government spon-

1       sored training of military personnel of a foreign na-  
2       tion.

3           “(8) The term ‘peacekeeping force’ includes  
4       those personnel assigned to a force engaged in a  
5       peacekeeping operation authorized by the United  
6       Nations Security Council.”.

7       **SEC. 1034. EXTENSION OF AUTHORITY FOR CERTAIN FOR-**  
8                           **EIGN GOVERNMENTS TO RECEIVE EXCESS**  
9                           **DEFENSE ARTICLES.**

10       Section 516(a)(3) of the Foreign Assistance Act of  
11       1961 (22 U.S.C. 2321j(a)(3)) is amended by inserting “or  
12       fiscal year 1992” after “fiscal year 1991”.

13       **SEC. 1035. CODIFICATION OF PROVISION RELATING TO**  
14                           **OVERSEAS WORKLOAD PROGRAM.**

15       (a) CODIFICATION.—(1) Chapter 138 of title 10,  
16       United States Code, is amended by inserting after section  
17       2348 the following new section:

18       **“§ 2349. Overseas Workload Program**

19           “(a) IN GENERAL.—A firm of any member nation of  
20       the North Atlantic Treaty Organization or of any major  
21       non-Nato ally shall be eligible to bid on any contract for  
22       the maintenance, repair, or overhaul of equipment of the  
23       Department of Defense located outside the United States  
24       to be awarded under competitive procedures as part of the

1 program of the Department of Defense known as the  
2 Overseas Workload Program.

3 “(b) SITE OF PERFORMANCE.—A contract awarded  
4 to a firm described in subsection (a) may be performed  
5 in the theater in which the equipment is normally located  
6 or in the country in which the firm is located.

7 “(c) EXCEPTIONS.—The Secretary of a military de-  
8 partment may restrict the geographic region in which a  
9 contract referred to in subsection (a) may be performed  
10 if the Secretary determines that performance of the con-  
11 tract outside that specific region—

12 “(1) could adversely affect the military pre-  
13 paredness of the armed forces; or

14 “(2) would violate the terms of an international  
15 agreement to which the United States is a party.

16 “(d) DEFINITION.—For purposes of this section, the  
17 term ‘major non-NATO ally’ has the meaning given such  
18 term in section 2350a(i)(3) of this title.”.

19 (2) The table of sections at the beginning of sub-  
20 chapter I of such chapter is amended by inserting after  
21 the item relating to section 2348 the following new item:

“2349. Overseas Workload Program.”.

22 (b) CONFORMING AMENDMENTS.—(1) Section 1465  
23 of the National Defense Authorization Act for Fiscal Year  
24 1991 (Public Law 101–510; 104 Stat. 1700) is repealed.

1           (2) Section 9130 of the Department of Defense Ap-  
2 propriations Act, 1993 (Public Law 102–396; 102 Stat.  
3 1935), is amended—

4           (A) in subsection (b), by striking out “, or  
5 thereafter,”; and

6           (B) in subsection (d), by striking out “or there-  
7 after” each place it appears.

8           (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall take effect on October 1, 1993.

10 **SEC. 1036. MODIFICATION OF AUTHORITY TO CONDUCT NA-**  
11 **TIONAL GUARD CIVILIAN YOUTH OPPORTU-**  
12 **NITIES PROGRAM.**

13           (a) LOCATION OF PROGRAM.—Subsection (c) of sec-  
14 tion 1091 of the National Defense Authorization Act for  
15 Fiscal Year 1993 (Public Law 102–484; 32 U.S.C. 501  
16 note) is amended to read as follows:

17           “(c) CONDUCT OF THE PROGRAM.—The Secretary of  
18 Defense may provide for the conduct of the pilot program  
19 in such States as the Secretary considers to be appro-  
20 priate, except that the Secretary may not enter into agree-  
21 ments under subsection (d) with more than 10 States to  
22 provide for a program curriculum in excess of 6 weeks for  
23 any participant.”.

1 (b) DEFINITION OF STATE.—Subsection (l) of such  
2 section is amended by striking out paragraph (2) and in-  
3 serting in lieu thereof the following new paragraph:

4 “(2) The term ‘State’ includes the Common-  
5 wealth of Puerto Rico, the territories (as defined in  
6 section 101(1) of title 32, United States Code), and  
7 the District of Columbia.”.

8 (c) PROGRAM AGREEMENTS.—Subsection (d)(3) of  
9 such section is amended by striking out “reimburse” and  
10 inserting in lieu thereof “provide funds to”.

11 **SEC. 1037. SENSE OF CONGRESS CONCERNING MEETING OF**  
12 **INTERALLIED CONFEDERATION OF RESERVE**  
13 **OFFICERS.**

14 (a) FINDINGS.—The Congress finds that—

15 (1) the Interallied Confederation of Reserve Of-  
16 ficers (CIOR), an association of reserve officers from  
17 thirteen of the nations comprising the North Atlan-  
18 tic Treaty Organization, will hold its XLIV Congress  
19 at Washington, District of Columbia, during the pe-  
20 riod August 1 through 6, 1993; and

21 (2) the United States, through the Department  
22 of Defense, will conduct military competitions in  
23 conjunction with and as a constituent part of that  
24 Congress of that organization.

25 (b) EXTENSION OF WELCOME.—The Congress—



1 States Air Force C-130 aircraft operating off the  
2 coast of Peru; and

3 (2) in failing to make such efforts adequately,  
4 the United States Government has failed in its obli-  
5 gation to support the servicemen and their families  
6 involved in the incident and generally to support  
7 members of the Armed Forces carrying out missions  
8 on behalf of the United States.

9 (b) SEMIANNUAL REPORT.—Not later than Decem-  
10 ber 1 and June 1 of each year, the Secretary of Defense  
11 shall submit to the Committees on Armed Services and  
12 Foreign Affairs of the House of Representatives and the  
13 Committees on Armed Services and Foreign Relations of  
14 the Senate a report on the efforts made by the Govern-  
15 ment of the United States during the preceding six-month  
16 period to seek the payment of fair and equitable com-  
17 pensation by the Government of Peru (1) to the survivors  
18 of Master Sergeant Joseph Beard, Jr., United States Air  
19 Force, who was killed in the attack described in subsection  
20 (a), and (2) to the other crew members who were wounded  
21 in the attack and survived.

22 (c) TERMINATION OF REPORT REQUIREMENT.—The  
23 requirement in subsection (b) shall terminate upon certifi-  
24 cation by the Secretary of Defense to Congress that the

1 Government of Peru has paid fair and equitable com-  
2 pensation as described in subsection (b).

3 **SEC. 1039. BASING FOR C-130 AIRCRAFT.**

4 The Secretary of the Air Force shall determine the  
5 unit assignment and basing location for any C-130 air-  
6 craft procured for the Air Force Reserve from funds ap-  
7 propriated for National Guard and Reserve Equipment  
8 procurement for fiscal year 1992 or 1993 in such manner  
9 as the Secretary determines to be in the best interest of  
10 the Air Force.

11 **SEC. 1040. MEMORIAL TO U.S.S. INDIANAPOLIS.**

12 The memorial to the U.S.S. Indianapolis (CA-35) to  
13 be located on the east bank of the Indianapolis water canal  
14 in downtown Indianapolis, Indiana, is hereby designated  
15 as the national memorial to the U.S.S. Indianapolis and  
16 her final crew.

17 **SEC. 1041. CONGRESSIONAL NOTIFICATION WHEN UNITED**  
18 **STATES FORCES ARE PLACED UNDER OPER-**  
19 **ATIONAL CONTROL OF A FOREIGN NATION.**

20 (a) NOTICE REQUIREMENT.—(1) Whenever the  
21 President places elements of the Armed Forces under the  
22 operational control of a foreign national acting on behalf  
23 of the United Nations, the Secretary of Defense shall sub-  
24 mit to Congress a report described in subsection (b).

1       (2) Except as provided in paragraph (3), a report  
2 under paragraph (1) shall be submitted not less than 30  
3 days before the date on which such operational control be-  
4 comes effective.

5       (3) A report under paragraph (1) may be submitted  
6 less than 30 days before the date on which such oper-  
7 ational control becomes effective (or after such date) if  
8 the President certifies to Congress that the requirement  
9 for the commitment of forces for such purpose is of such  
10 an emergency nature that delaying such commitment in  
11 order to provide such 30 days prior notice is not possible.  
12 Any such certification shall be submitted promptly upon  
13 the commitment of such forces.

14       (b) CONTENTS OF REPORT.—A report under sub-  
15 section (a) shall set forth the following:

16           (1) The mission of the United States forces in-  
17 volved.

18           (2) The expected size and composition of the  
19 United States forces involved.

20           (3) The incremental cost to the United States  
21 associated with the proposed operation.

22           (4) The precise command and control relation-  
23 ship between the United States forces involved and  
24 the international organization.

1           (5) The precise command and control relation-  
2           ship between the United States forces involved and  
3           the commander of the United States unified com-  
4           mand for the region in which the operation is pro-  
5           posed.

6           (6) The extent to which the United States  
7           forces involved will rely on non-United States forces  
8           for security and self-defense and an assessment on  
9           the ability of those non-United States forces to pro-  
10          vide adequate security to the United States forces  
11          involved.

12          (7) The conditions under which the United  
13          States forces involved can and would be withdrawn.

14          (8) The timetable for complete withdrawal of  
15          the United States forces involved.

16          (c) CLASSIFICATION OF REPORT.—A report required  
17          by this section shall be submitted in both classified and  
18          unclassified form, if necessary.

19          (d) EXCEPTION FOR SMALL FORCES.—This section  
20          does not apply in the case of elements of the Armed Forces  
21          involving fewer than 100 members of the Armed Forces.

22          (e) INTERPRETATION.—Nothing in this section may  
23          be construed as authority for the President to use United  
24          States Armed Forces in any operation.

1 **SEC. 1042. IDENTIFICATION OF SERVICE IN VIETNAM IN**  
2 **THE COMPUTERIZED INDEX OF THE NA-**  
3 **TIONAL PERSONNEL RECORDS CENTER.**

4 The Secretary of Defense shall include in the comput-  
5 erized index of the National Personnel Records Center in  
6 St. Louis, Missouri, an indicator to allow for searches or  
7 selection of military records of military personnel based  
8 upon service in the Southeast Asia theater of operations  
9 during the Vietnam conflict (as defined in section  
10 1035(g)(2) of title 10, United States Code).

11 **SEC. 1043. SHARING DEFENSE BURDENS AND RESPONSIBIL-**  
12 **ITIES.**

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

15 (1) Since fiscal year 1985, the budget of the  
16 Department of Defense has declined by 34 percent  
17 in real terms.

18 (2) During the past few years, the United  
19 States military presence overseas has declined sig-  
20 nificantly in the following ways:

21 (A) Since fiscal year 1986, the number of  
22 United States military personnel permanently  
23 stationed overseas has declined by almost  
24 200,000 personnel.

25 (B) From fiscal year 1989 to fiscal year  
26 1994, spending by the United States to support

1 the stationing of United States military forces  
2 overseas will have declined by 36 percent.

3 (C) Since January 1990, the Department  
4 of Defense has announced the closure, reduc-  
5 tion, or transfer to standby status of 840  
6 United States military facilities overseas, which  
7 is approximately a 50 percent reduction in the  
8 number of such facilities.

9 (3) The United States military presence over-  
10 seas will continue to decline as a result of actions by  
11 the executive branch and the following initiatives of  
12 the Congress:

13 (A) Section 1302 of the National Defense  
14 Authorization Act for Fiscal Year 1993, which  
15 required a 40 percent reduction by September  
16 30, 1996, in the number of United States mili-  
17 tary personnel permanently stationed ashore in  
18 overseas locations.

19 (B) Section 1303 of the National Defense  
20 Authorization Act for Fiscal Year 1993, which  
21 specified that no more than 100,000 United  
22 States military personnel may be permanently  
23 stationed ashore in NATO member countries  
24 after September 30, 1996.

1           (C) Section 1301 of the National Defense  
2           Authorization Act for Fiscal Year 1993, which  
3           reduced the spending proposed by the Depart-  
4           ment of Defense for overseas basing activities  
5           during fiscal year 1993 by \$500,000,000.

6           (D) Sections 913 and 915 of the National  
7           Defense Authorization Act for Fiscal Years  
8           1990 and 1991, which directed the President to  
9           develop a plan to gradually reduce the United  
10          States military force structure in East Asia.

11          (4) The East Asia Strategy Initiative, which  
12          was developed in response to sections 913 and 915  
13          of the National Defense Authorization Act for Fiscal  
14          Years 1990 and 1991, has resulted in the with-  
15          drawal of 12,000 United States military personnel  
16          from Japan and the Republic of Korea since fiscal  
17          year 1990.

18          (5) In response to actions by the executive  
19          branch and the Congress, allied countries in which  
20          United States military personnel are stationed and  
21          alliances in which the United States participates  
22          have agreed in the following ways to reduce the costs  
23          incurred by the United States in basing military  
24          forces overseas:

1           (A) Under the 1991 Special Measures  
2 Agreement between Japan and the United  
3 States, Japan will pay by 1995 almost all yen-  
4 denominated costs of stationing United States  
5 military personnel in Japan.

6           (B) The Republic of Korea has agreed to  
7 pay by 1995, one-third of the on-base costs in-  
8 curred by the United States in stationing Unit-  
9 ed States military personnel in the Republic of  
10 Korea.

11           (C) The North Atlantic Treaty Organiza-  
12 tion (NATO) has agreed that the NATO Infra-  
13 structure Program will adapt to support post-  
14 Cold War strategy and could pay the annual  
15 operation and maintenance costs of facilities in  
16 Europe and the United States that would sup-  
17 port the reinforcement of Europe by United  
18 States military forces and the participation of  
19 United States military forces in peacekeeping  
20 and conflict prevention operations.

21           (D) Such allied countries and alliances  
22 have agreed to more fully share the responsibil-  
23 ities and burdens of providing for mutual secu-  
24 rity and stability through steps such as the fol-  
25 lowing:

1 (i) The Republic of Korea has as-  
2 sumed the leadership role regarding  
3 ground combat forces for the defense of  
4 the Republic of Korea.

5 (ii) NATO has adopted the new mis-  
6 sion of conducting peacekeeping operations  
7 and is, for example, providing land, sea,  
8 and air forces for United Nations efforts in  
9 the former Yugoslavia.

10 (iii) The countries of western Europe  
11 are contributing substantially to the devel-  
12 opment of democracy, stability, and open  
13 market societies in eastern Europe and the  
14 former Soviet Union.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that—

17 (1) the forward presence of United States mili-  
18 tary personnel stationed overseas continues to be im-  
19 portant to United States security interests;

20 (2) that forward presence facilitates efforts to  
21 pursue United States security interests on a collec-  
22 tive basis rather than pursuing them on a far more  
23 costly unilateral basis or receding into isolationism;

24 (3) the bilateral and multilateral arrangements  
25 and alliances in which that forward presence plays

1 a part must be further adapted to the security envi-  
2 ronment of the post-Cold War period;

3 (4) the cost-sharing percentages for the NATO  
4 Infrastructure Program should be reviewed with the  
5 aim of reflecting current economic, political, and  
6 military realities and thus reducing the United  
7 States cost-sharing percentage; and

8 (5) the amounts obligated to conduct United  
9 States overseas basing activities should decline sig-  
10 nificantly in fiscal year 1994 and in future fiscal  
11 years as—

12 (A) the number of United States military  
13 personnel stationed overseas continues to de-  
14 cline; and

15 (B) the countries in which United States  
16 military personnel are stationed and the alli-  
17 ances in which the United States participates  
18 assume an increased share of United States  
19 overseas basing costs.

20 (c) REDUCING UNITED STATES OVERSEAS BASING  
21 COSTS.—(1) In order to achieve additional savings in  
22 overseas basing costs, the President should—

23 (A) continue with the reductions in United  
24 States military presence overseas as required by sec-

1 tions 1302 and 1303 of the National Defense Au-  
2 thorization Act for Fiscal Year 1993; and

3 (B) intensify his efforts to negotiate a more fa-  
4 vorable host-nation agreement with each foreign  
5 country to which this paragraph applies under para-  
6 graph (3)(A).

7 (2) For purposes of paragraph (1)(B), a more favor-  
8 able host-nation agreement is an agreement under which  
9 such foreign country—

10 (A) assumes an increased share of the costs of  
11 United States military installations in that country,  
12 including the costs of—

13 (i) labor, utilities, and services;

14 (ii) military construction projects and real  
15 property maintenance;

16 (iii) leasing requirements associated with  
17 the United States military presence; and

18 (iv) actions necessary to meet local envi-  
19 ronmental standards;

20 (B) relieves the Armed Forces of the United  
21 States of all tax liability that, with respect to forces  
22 located in such country, is incurred by the Armed  
23 Forces under the laws of that country and the laws  
24 of the community where those forces are located;  
25 and

1 (C) ensures that goods and services furnished  
2 in that country to the Armed Forces of the United  
3 States are provided at minimum cost and without  
4 imposition of user fees.

5 (3)(A) Except as provided in subparagraph (B), para-  
6 graph (1)(B) applies with respect to—

7 (i) each country of the North Atlantic Treaty  
8 Organization (other than the United States); and

9 (ii) each other foreign country with which the  
10 United States has a bilateral or multilateral defense  
11 agreement that provides for the assignment of com-  
12 bat units of the Armed Forces of the United States  
13 to permanent duty in that country or the placement  
14 of combat equipment of the United States in that  
15 country.

16 (B) Paragraph (1) does not apply with respect to—

17 (i) a foreign country that receives assistance  
18 under section 23 of the Arms Export Control Act  
19 (22 U.S.C. 2673) (relating to the foreign military fi-  
20 nancing program) or under the provisions of chapter  
21 4 of part II of the Foreign Assistance Act of 1961  
22 (22 U.S.C. 2346 et seq.); or

23 (ii) a foreign country that has agreed to as-  
24 sume, not later than September 30, 1996, at least

1       75 percent of the nonpersonnel costs of United  
2       States military installations in the country.

3       (d) OBLIGATIONAL LIMITATION.—(1) The total  
4 amount appropriated to the Department of Defense for  
5 Military Personnel, for Operation and Maintenance, and  
6 for military construction (including NATO Infrastructure)  
7 that is obligated to conduct overseas basing activities dur-  
8 ing fiscal year 1994 may not exceed \$16,915,400,000  
9 (such amount being the amount appropriated for such  
10 purposes for fiscal year 1993 reduced by \$3,300,000,000).

11       (2) For purposes of this subsection, the term “over-  
12 seas basing activities” means the activities of the Depart-  
13 ment of Defense for which funds are provided through ap-  
14 propriations for Military Personnel, for Operation and  
15 Maintenance (including appropriations for family housing  
16 operations), and for military construction (including fam-  
17 ily housing construction and NATO Infrastructure) for  
18 the payment of costs for Department of Defense overseas  
19 military units and the costs for all dependents who accom-  
20 pany Department of Defense personnel outside the United  
21 States.

22       (e) ALLOCATIONS OF SAVINGS.—Any amounts appro-  
23 priated to the Department of Defense for fiscal year 1994  
24 for the purposes covered by subsection (d)(1) that are not  
25 available to be used for those purposes by reason of the

1 limitation in that subsection shall be allocated by the Sec-  
2 retary of Defense for operation and maintenance and for  
3 military construction activities of the Department of De-  
4 fense at military installations and facilities located inside  
5 the United States.

6 **SEC. 1044. BURDENSARING CONTRIBUTIONS FROM DES-**  
7 **IGNATED COUNTRIES AND REGIONAL ORGA-**  
8 **NIZATIONS.**

9 (a) IN GENERAL.—Section 1045 of the National De-  
10 fense Authorization Act for Fiscal Years 1992 and 1993  
11 (Public Law 102–190; 105 Stat. 1465) is amended—

12 (1) in subsection (a)—

13 (A) by striking out “During fiscal years  
14 1992 and 1993, the Secretary” and inserting in  
15 lieu thereof “The Secretary”; and

16 (B) by striking out “Japan, Kuwait, and  
17 the Republic of Korea” and inserting in lieu  
18 thereof “any country or regional organization  
19 designated for purposes of this section by the  
20 Secretary of Defense”; and

21 (2) in subsection (f)—

22 (A) by striking out “each quarter of fiscal  
23 years 1992 and 1993” and inserting in lieu  
24 thereof “each fiscal-year quarter”;

1 (B) by striking out “congressional defense  
2 committees” and inserting in lieu thereof “Con-  
3 gress”; and

4 (C) by striking out “Japan, Kuwait, and  
5 the Republic of Korea” and inserting in lieu  
6 thereof “each country and regional organization  
7 from which contributions have been accepted by  
8 the Secretary under subsection (a)”.

9 (b) CLERICAL AMENDMENT.—The heading of such  
10 section is amended to read as follows:

11 **“SEC. 1045. BURDENSARING CONTRIBUTIONS FROM DES-**  
12 **IGNATED COUNTRIES AND REGIONAL ORGA-**  
13 **NIZATIONS.”.**

14 **SEC. 1045. MODIFICATION OF CERTAIN REPORT REQUIRE-**  
15 **MENTS.**

16 (a) BIENNIAL NATO REPORT.—Section 1002(d) of  
17 the Department of Defense Authorization Act, 1985 (Pub-  
18 lic Law 98–525; 22 U.S.C. 1928 note), is amended—

19 (1) by striking out “(1) Not later than April 1,  
20 1990, and biennially each year thereafter” and in-  
21 sserting in lieu thereof “Not later than April 1 of  
22 each even-numbered year”;

23 (2) by redesignating subparagraphs (A) and  
24 (B) as paragraphs (1) and (2); and

1           (3) by striking out paragraph (2) (following the  
2           paragraph (2) designated by paragraph (2) of this  
3           subsection).

4           (b) REPORT ON ALLIED CONTRIBUTIONS.—Section  
5           1046(e) of the National Defense Authorization Act for  
6           Fiscal Years 1992 and 1993 (Public Law 102–190; 105  
7           Stat. 1467; 22 U.S.C. 1928 note) is amended—

8           (1) by striking out “and” at the end of para-  
9           graph (2);

10          (2) by striking out the period at the end of  
11          paragraph (3) and inserting in lieu thereof “; and”;  
12          and

13          (3) by adding at the end the following new  
14          paragraph:

15          “(4) specifying the incremental costs to the  
16          United States associated with the permanent sta-  
17          tioning ashore of United States forces in foreign na-  
18          tions.”.

19          (c) SENSE OF CONGRESS.—(1) The Congress finds  
20          that the Secretary of Defense did not submit to Congress  
21          in a timely manner the report on allied contributions to  
22          the common defense required under section 1003 of the  
23          National Defense Authorization Act, 1985 (Public Law  
24          98–525; 98 Stat. 2577), to be submitted not later than  
25          April 1, 1993.

1 (2) It is the sense of Congress that the timely submis-  
2 sion of such report to Congress each year is essential to  
3 the deliberation by Congress concerning the annual de-  
4 fense program.

5 **SEC. 1046. REDESIGNATION OF HANFORD ARID LANDS**  
6 **ECOLOGY RESERVE.**

7 (a) REDESIGNATION.—The Hanford Arid Lands  
8 Ecology Reserve in Richland, Washington, is redesignated  
9 as the “Fitzner/Eberhardt Arid Lands Ecology Reserve”.

10 (b) LEGAL REFERENCES.—Any reference in any law,  
11 regulation, document, record, map, or other paper of the  
12 United States to the ecology reserve referred to in sub-  
13 section (a) is deemed to be a reference to the “Fitzner/  
14 Eberhardt Arid Lands Ecology Reserve”.

15 **SEC. 1047. SENSE OF CONGRESS REGARDING UNITED**  
16 **STATES POLICY ON PLUTONIUM.**

17 It is the sense of the Congress that the start-up or  
18 continued operation of any plutonium separation plant  
19 presents serious environmental hazards and increases the  
20 risk of proliferation of weapons-usable plutonium and  
21 therefore should be suspended until the related environ-  
22 mental and proliferation concerns have been addressed  
23 and resolved.

1 **SEC. 1048. NORTH KOREA AND THE TREATY ON THE NON-**  
2 **PROLIFERATION OF NUCLEAR WEAPONS.**

3 (a) FINDINGS.—The Congress finds the following:

4 (1) The Treaty on the Non-Proliferation of Nu-  
5 clear Weapons, to which 156 states are party, is the  
6 cornerstone of the international nuclear non-  
7 proliferation regime.

8 (2) Any nonnuclear weapon state that is a  
9 party to the Treaty on the Non-Proliferation of Nu-  
10 clear Weapons is obligated to accept International  
11 Atomic Energy Agency safeguards on all source or  
12 special fissionable material that is within its terri-  
13 tory, under its jurisdiction, or carried out under its  
14 control anywhere.

15 (3) The International Atomic Energy Agency is  
16 permitted to conduct inspections in a nonnuclear  
17 weapon state that is a party to the Treaty at any  
18 site, whether or not declared by that state, to ensure  
19 that all source or special fissionable material in that  
20 state is under safeguards.

21 (4) North Korea acceded to the Treaty on the  
22 Non-Proliferation of Nuclear Weapons as a non-  
23 nuclear weapons state in December 1985.

24 (5) North Korea, after acceding to that treaty,  
25 refused until 1992 to accept International Atomic

1 Energy Agency safeguards as required under the  
2 treaty.

3 (6) Inspections of North Korea's nuclear mate-  
4 rials by the International Atomic Energy Agency  
5 suggested discrepancies in North Korea's declara-  
6 tions regarding special nuclear materials.

7 (7) North Korea has not given a scientifically  
8 satisfactory explanation for those discrepancies.

9 (8) North Korea refused to provide Inter-  
10 national Atomic Energy Agency inspectors with full  
11 access to two sites for the purposes of verifying its  
12 compliance with the Treaty on the Non-Proliferation  
13 of Nuclear Weapons.

14 (9) When called upon by the International  
15 Atomic Energy Agency to provide such full access as  
16 required by the Treaty, North Korea announced its  
17 intention to withdraw from the Treaty, effective  
18 after the required three months notice.

19 (10) After intensive negotiations with the Unit-  
20 ed States, North Korea agreed to suspend its inten-  
21 tion to withdraw from the Treaty on the Non-Pro-  
22 liferation of Nuclear Weapons and begin consulta-  
23 tions with the International Atomic Energy Agency  
24 on providing access to its suspect sites.

1 (b) CONGRESSIONAL STATEMENTS.—The  
2 Congress—

3 (1) notes that the continued refusal of North  
4 Korea nearly eight years after ratification of the  
5 Treaty on the Non-Proliferation of Nuclear Weapons  
6 to fully accept International Atomic Energy Agency  
7 safeguards raises serious questions regarding a pos-  
8 sible North Korean nuclear weapons program;

9 (2) notes that possession by North Korea of nu-  
10 clear weapons (A) would threaten peace and stability  
11 in Asia, (B) would jeopardize the existing nuclear  
12 non-proliferation regime, and (C) would undermine  
13 the goal of the United States to extend the Treaty  
14 on the Non-Proliferation of Nuclear Weapons at the  
15 1995 review conference;

16 (3) urges continued pressure from the Presi-  
17 dent, United States allies, and the United Nations  
18 Security Council on North Korea to adhere to the  
19 Treaty and provide full access to the International  
20 Atomic Energy Agency in the shortest time possible;

21 (4) urges that no trade, financial, or other eco-  
22 nomic benefits be provided to North Korea by the  
23 United States or United States allies until North  
24 Korea has (A) provided full access to the Inter-  
25 national Atomic Energy Agency, (B) satisfactorily

1 explained any discrepancies in its declarations of  
2 bomb-grade material, and (C) fully demonstrated  
3 that it does not have or seek a nuclear weapons ca-  
4 pability; and

5 (5) calls on the President and the international  
6 community to take steps to strengthen the inter-  
7 national nuclear nonproliferation regime.

8 **SEC. 1049. AVIATION LEADERSHIP PROGRAM.**

9 (a) FINDINGS.—The Congress finds the following:

10 (1) The training of pilots from the air forces of  
11 friendly foreign nations in the United States fur-  
12 thers United States interests, promotes closer rela-  
13 tions, and advances the national security.

14 (2) Many friendly foreign nations cannot afford  
15 to reimburse the United States for the cost of such  
16 training provided.

17 (3) It is in the national interest to authorize the  
18 Secretary of the Air Force to establish a program of  
19 pilot training for personnel of the air forces of  
20 friendly, less developed foreign nations.

21 (b) ESTABLISHMENT OF PROGRAM.—Part III of sub-  
22 title D of title 10, United States Code, is amended by in-  
23 serting after chapter 903 the following new chapter:

1     **“CHAPTER 905—AVIATION LEADERSHIP**  
2                                   **PROGRAM**

“Sec.

“9381. Establishment of program.

“9382. Supplies and clothing.

“9383. Allowances.

3     **“§ 9381. Establishment of program**

4             “The Secretary of the Air Force may establish and  
5 maintain an Aviation Leadership Program which will pro-  
6 vide undergraduate pilot training and necessary related  
7 training (including, but not limited to, language training  
8 and programs to promote better awareness and under-  
9 standing of the democratic institutions and social frame-  
10 work of the United States) to selected personnel of the  
11 air forces of friendly, less-developed foreign nations.

12     **“§ 9382. Supplies and clothing**

13             “(a) The Secretary of the Air Force may, under such  
14 conditions as the Secretary may prescribe, provide to per-  
15 sons receiving training under this chapter—

16                     “(1) transportation incident to such training;

17                     “(2) supplies and equipment for the use of such  
18 persons during training;

19                     “(3) flight clothing and other special clothing  
20 required for training; and

21                     “(4) billeting, food, and health services.

22             “(b) The Secretary may authorize such expenditures  
23 from the appropriations of the Air Force as the Secretary

1 considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

3 **“§ 9383. Allowances**

4 “The Secretary of the Air Force may pay to persons  
5 receiving training under this chapter a living allowance at  
6 a rate to be prescribed by the Secretary, taking into account  
7 the amount of living allowances authorized for members  
8 of the armed forces under similar circumstances.”.

9 (c) CLERICAL AMENDMENT.—The table of chapters  
10 at the beginning of subtitle D of title 10, United States  
11 Code, and part III of such subtitle are amended by inserting  
12 after the items relating to chapter 903 the following  
13 new item:

**“905. Aviation Leadership Program ..... 9381”.**

14 **SEC. 1050. PUBLIC PURPOSE EXTENSIONS.**

15 Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

17 (1) in subsection (o) in the first sentence by inserting “or (q)” after “subsection (p)”; and

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

20 “(q)(1) Under such regulations as the Administrator,  
21 after consultation with the Secretary of Defense, may prescribe,  
22 the Administrator, or the Secretary of Defense in  
23 the case of property located at a military installation  
24 closed or realigned pursuant to the Defense Authorization  
25 Amendments and Base Closure and Realignment Act

1 (Public Law 100–526), the Defense Base Closure and Re-  
2 alignment Act of 1990 (Public Law 101–510), or section  
3 2687 of title 10, United States Code, may, in his or her  
4 discretion, assign to the Secretary of Transportation for  
5 disposal such surplus real property, including buildings,  
6 fixtures, and equipment situated thereon, as is rec-  
7 ommended by the Secretary of Transportation as being  
8 needed for the development or operation of a port facility.

9 “(2) Subject to the disapproval of the Administrator  
10 or the Secretary of Defense within 30 days after notice  
11 by the Secretary of Transportation of a proposed convey-  
12 ance of property for any of the purposes described in para-  
13 graph (1), the Secretary of Transportation, through such  
14 officers or employees of the Department of Transportation  
15 as he or she may designate, may convey, at no consider-  
16 ation to the United States, such surplus real property, in-  
17 cluding buildings, fixtures, and equipment situated there-  
18 on, for use in the development or operation of a port facil-  
19 ity to any State, the District of Columbia, the Common-  
20 wealth of Puerto Rico, Guam, American Samoa, the Vir-  
21 gin Islands, the Trust Territory of the Pacific Islands, the  
22 Commonwealth of the Northern Mariana Islands, or any  
23 political subdivision, municipality, or instrumentality  
24 thereof.

1       “(3) No transfer of property may be made under this  
2 paragraph until the Secretary of Transportation has—

3           “(A) determined, after consultation with the  
4 Secretary of Labor, that the surplus real property to  
5 be conveyed is located in an area of serious economic  
6 disruption;

7           “(B) received and, after consultation with the  
8 Secretary of Commerce, approved an economic devel-  
9 opment plan submitted by an eligible grantee and  
10 based on assured use of the property to be conveyed  
11 as part of a necessary economic development pro-  
12 gram; and

13           “(C) provided an explanatory statement as  
14 specified in subsection (e)(6).

15       “(4) The instrument of conveyance of any surplus  
16 real property and related personal property disposed of  
17 under this subsection shall—

18           “(A) provide that all such property shall be  
19 used and maintained in perpetuity for the purpose  
20 for which it was conveyed, and that if the property  
21 ceases to be used or maintained for that purpose, all  
22 or any portion of the property shall, in its then ex-  
23 isting condition, at the option of the United States,  
24 revert to the United States; and

1           “(B) contain such additional terms, reserva-  
2           tions, restrictions, and conditions as the Secretary of  
3           Transportation shall by regulation require to assure  
4           use of the property for the purposes for which it was  
5           conveyed and to safeguard the interests of the  
6           United States.

7           “(5) With respect to surplus real property and related  
8           personal property conveyed pursuant to this subsection,  
9           the Secretary of Transportation shall—

10           “(A) determine and enforce compliance with the  
11           terms, conditions, reservations, and restrictions con-  
12           tained in any instrument by which such conveyance  
13           was made;

14           “(B) reform, correct, or amend any such instru-  
15           ment by the execution of a corrective, reformatory,  
16           or amendatory instrument if necessary to correct  
17           such instrument or to conform such conveyance to  
18           the requirements of applicable law; and

19           “(C) (i) grant releases from any of the terms,  
20           conditions, reservations, and restrictions contained  
21           in, and (ii) convey, quitclaim, or release to the  
22           grantee any right or interest reserved to the United  
23           States by, any instrument by which such conveyance  
24           was made, if the Secretary of Transportation deter-  
25           mines that the property so conveyed no longer serves

1 the purpose for which it was conveyed, or that such  
2 release, conveyance, or quitclaim deed will not pre-  
3 vent accomplishment of the purpose for which such  
4 property was so conveyed, except that any such re-  
5 lease, conveyance, or quitclaim deed may be granted  
6 on, or made subject to, such terms and conditions as  
7 the Secretary of Transportation considers necessary  
8 to protect or advance the interests of the United  
9 States.”.

10 **SEC. 1051. INVOLVEMENT OF ARMED FORCES IN SOMALIA.**

11 (a) SENSE OF CONGRESS REGARDING UNITED  
12 STATES POLICY TOWARD SOMALIA.—

13 (1) Since United States Armed Forces made  
14 significant contributions under Operation Restore  
15 Hope towards the establishment of a secure environ-  
16 ment for humanitarian relief operations and restora-  
17 tion of peace in the region to end the humanitarian  
18 disaster that had claimed more than 300,000 lives.

19 (2) Since the mission of United States forces in  
20 support of the United Nations appears to be evol-  
21 ving from the establishment of “a secure environment  
22 for humanitarian relief operations,” as set out in  
23 United Nations Security Council Resolution 794 of  
24 December 3, 1992, to one of internal security and  
25 nation building.

1 (b) STATEMENT OF CONGRESSIONAL POLICY.—

2 (1) CONSULTATION WITH THE CONGRESS.—

3 The President should consult closely with the Con-  
4 gress regarding United States policy with respect to  
5 Somalia, including in particular the deployment of  
6 United States Armed Forces in that country, wheth-  
7 er under United Nations or United States command.

8 (2) PLANNING.—The United States shall facili-  
9 tate the assumption of the functions of United  
10 States forces by the United Nations.

11 (3) REPORTING REQUIREMENT.—

12 (A) The President shall ensure that the  
13 goals and objectives supporting deployment of  
14 United States forces to Somalia and a descrip-  
15 tion of the mission, command arrangements,  
16 size, functions, location, and anticipated dura-  
17 tion in Somalia of those forces are clearly ar-  
18 ticulated and provided in a detailed report to  
19 the Congress by October 15, 1993.

20 (B) Such report shall include the status of  
21 planning to transfer the function contained in  
22 paragraph (2).

23 (4) CONGRESSIONAL APPROVAL.—Upon report-  
24 ing under the requirements of paragraph (3) Con-  
25 gress believes the President should by November 15,

1 1993, seek and receive congressional authorization  
2 in order for the deployment of United States forces  
3 to Somalia to continue.

4 **SEC. 1052. NUCLEAR NONPROLIFERATION.**

5 (a) FINDINGS.—The Congress finds the following:

6 (1) The United States has been seeking to con-  
7 tain the spread of nuclear weapons technology and  
8 materials.

9 (2) With the end of the Cold War and the  
10 breakup of the Soviet Union, the proliferation of nu-  
11 clear weapons is now a leading military threat to the  
12 national security of the United States and its allies.

13 (3) The United Nations Security Council de-  
14 clared on January 31, 1992, that “proliferation of  
15 all weapons of mass destruction constitutes a threat  
16 to international peace and security” and committed  
17 to taking appropriate action to prevent proliferation  
18 from occurring.

19 (4) Aside from the five declared nuclear weapon  
20 states, a number of other nations have or are pursu-  
21 ing nuclear weapons capabilities.

22 (5) The IAEA is a valuable international insti-  
23 tution to counter proliferation, but the effectiveness  
24 of its system to safeguard nuclear materials may be  
25 adversely affected by financial constraints.

1           (6) The Nuclear Non-Proliferation Treaty codi-  
2           fies world consensus against further nuclear pro-  
3           liferation and is scheduled for review and extension  
4           in 1995.

5           (7) The Nuclear Nonproliferation Act of 1978  
6           declared that the United States is committed to con-  
7           tinued strong support for the Nuclear Non-Prolifera-  
8           tion Treaty and to a strengthened and more effective  
9           IAEA, and established that it is United States policy  
10          to establish more effective controls over the transfer  
11          of nuclear equipment, materials, and technology.

12          (b) COMPREHENSIVE NUCLEAR NONPROLIFERATION  
13          POLICY.—In order to end nuclear proliferation and reduce  
14          current nuclear arsenals and supplies of weapons-usable  
15          nuclear materials, it should be the policy of the United  
16          States to pursue a comprehensive policy to end the further  
17          spread of nuclear weapons capability, roll back nuclear  
18          proliferation where it has occurred, and prevent the use  
19          of nuclear weapons anywhere in the world, with the follow-  
20          ing additional objectives:

21               (1) Successful conclusion of all pending nuclear  
22               arms control and disarmament agreements with all  
23               the republics of the former Soviet Union and their  
24               secure implementation.

1           (2) Full participation by all the republics of the  
2 former Soviet Union in all multilateral nuclear non-  
3 proliferation efforts and acceptance of IAEA safe-  
4 guards on all their nuclear facilities.

5           (3) Strengthening of United States and inter-  
6 national support to the IAEA so that the IAEA has  
7 the technical, financial, and political resources to  
8 verify that countries are complying with their non-  
9 proliferation commitments.

10          (4) Strengthening of nuclear export controls in  
11 the United States and other nuclear supplier na-  
12 tions, impose sanctions on individuals, companies,  
13 and countries which contribute to nuclear prolifera-  
14 tion, and provide increased public information on  
15 nuclear export licenses approved in the United  
16 States.

17          (5) Reduction in incentives for countries to pur-  
18 sue the acquisition of nuclear weapons by seeking to  
19 reduce regional tensions and to strengthen regional  
20 security agreements, and encourage the United Na-  
21 tions Security Council to increase its role in enforc-  
22 ing international nuclear nonproliferation agree-  
23 ments.

24          (6) Support for the indefinite extension of the  
25 Nuclear Non-Proliferation Treaty at the 1995 con-

1       ference to review and extend that treaty and seek to  
2       ensure that all countries sign the treaty or partici-  
3       pate in a comparable international regime for mon-  
4       itoring and safeguarding nuclear facilities and mate-  
5       rials.

6               (7) Reaching agreement with the Russian Fed-  
7       eration to end the production of new types of nu-  
8       clear warheads.

9               (8) Pursuing, once the START I treaty and the  
10       START II treaty are ratified by all parties, a multi-  
11       lateral agreement to significantly reduce the strate-  
12       gic nuclear arsenals of the United States and the  
13       Russian Federation to below the levels of the  
14       START II treaty, with lower levels for the United  
15       Kingdom, France, and the People's Republic of  
16       China.

17              (9) Reaching immediate agreement with the  
18       Russian Federation to halt permanently the produc-  
19       tion of fissile material for weapons purposes, and  
20       working to achieve worldwide agreements to—

21                      (A) end in the shortest possible time the  
22                      production of weapons-usable fissile material;

23                      (B) place existing stockpiles of such mate-  
24                      rials under bilateral or international controls;  
25                      and

1           (C) require countries to place all of their  
2           nuclear facilities dedicated to peaceful purposes  
3           under IAEA safeguards.

4           (10) Strengthening IAEA safeguards to more  
5           effectively verify that countries are complying with  
6           their nonproliferation commitments and provide the  
7           IAEA with the political, technical, and financial sup-  
8           port necessary to implement the necessary safeguard  
9           reforms.

10          (11) Conclusion of a multilateral comprehensive  
11          nuclear test ban treaty.

12          (c) REQUIREMENTS FOR IMPLEMENTATION OF POL-  
13          ICY.—(1) Not later than 180 days after the date of the  
14          enactment of this Act, the President shall submit to the  
15          Congress a report, in unclassified form, with a classified  
16          appendix if necessary, on the actions the United States  
17          has taken and the actions the United States plans to take  
18          during the succeeding 12-month period to implement each  
19          of the policy objectives set forth in this section.

20          (2) Not later than 180 days after the date of the en-  
21          actment of this Act, the President shall submit to the Con-  
22          gress a report in unclassified form, with a classified ap-  
23          pendix if necessary, which—

1 (A) addresses the implications of the adoption  
2 by the United States of a policy of no-first-use of  
3 nuclear weapons;

4 (B) addresses the implications of an agreement  
5 with the other nuclear weapons states to adopt such  
6 a policy; and

7 (C) addresses the implications of a verifiable bi-  
8 lateral agreement with the Russian Federation  
9 under which both countries withdraw from their ar-  
10 senals and dismantle all tactical nuclear weapons,  
11 and seek to extend to all nuclear weapons states this  
12 zero option for tactical nuclear weapons.

13 (d) DEFINITIONS.—For purposes of this section:

14 (1) The term “IAEA” means the International  
15 Atomic Energy Agency.

16 (2) The term “IAEA safeguards” means the  
17 safeguards set forth in an agreement between a  
18 country and the IAEA, as authorized by Article  
19 III(A)(5) of the Statute of the International Atomic  
20 Energy Agency.

21 (3) The term “non-nuclear weapon state”  
22 means any country that is not a nuclear weapon  
23 state.

24 (4) The term “Nuclear Non-Proliferation Trea-  
25 ty” means the Treaty on the Non-Proliferation of

1 Nuclear Weapons, signed at Washington, London,  
2 and Moscow on July 1, 1968.

3 (5) The term “nuclear weapon state” means  
4 any country that is a nuclear-weapon state, as de-  
5 fined by Article IX(3) of the Treaty on the Non-Pro-  
6 liferation of Nuclear Weapons, signed at Washing-  
7 ton, London, and Moscow on July 1, 1968.

8 (6) The term “weapons-usable fissile materials”  
9 means highly enriched uranium and separated or re-  
10 processed plutonium.

11 (7) The term “policy of no first use of nuclear  
12 weapons” means a commitment not to initiate the  
13 use of nuclear weapons.

14 (8) The term “START II treaty” means the  
15 Treaty on Further Reductions and Limitations of  
16 Strategic Offensive Arms, signed by the United  
17 States and the Russian Federation on January 3,  
18 1993.

19 **SEC. 1053. SENSE OF CONGRESS RELATING TO THE PRO-**  
20 **LIFERATION OF SPACE LAUNCH VEHICLE**  
21 **TECHNOLOGIES.**

22 (a) FINDINGS.—The Congress finds the following:

23 (1) The United States has joined with other na-  
24 tions in the Missile Technology Control Regime  
25 (MTCR) which restricts the transfer of missiles or

1 equipment or technology that could contribute to the  
2 design, development or production of missiles capa-  
3 ble of delivering weapons of mass destruction.

4 (2) Missile technology is indistinguishable from  
5 and interchangeable with space launch vehicle tech-  
6 nology.

7 (3) Transfers of missile technology or space  
8 launch vehicle technology cannot be safeguarded in  
9 a manner that would provide timely warning of di-  
10 version for military purposes.

11 (4) It has been United States policy since  
12 agreeing to the guidelines of the Missile Technology  
13 Control Regime to treat the sale or transfer of space  
14 launch vehicle technology as restrictively as the sale  
15 or transfer of missile technology.

16 (5) Previous congressional action on missile  
17 proliferation, notably title XVII of the National De-  
18 fense Authorization Act for Fiscal Year 1991 (Pub-  
19 lic Law 101-510; 104 Stat. 1738), has explicitly  
20 supported this policy through such actions as the  
21 statutory definition of the term “missile” to mean  
22 “a category I system as defined in the MTCR  
23 Annex, and any other unmanned delivery system of  
24 similar capability, as well as the specially designed  
25 production facilities for these systems”.

1           (6) There is strong evidence that emerging na-  
2           tional space launch programs in the Third World are  
3           not economically viable.

4           (7) The United States has successfully dis-  
5           suaded countries from pursuing space launch vehicle  
6           programs in part by offering to cooperate with them  
7           in other areas of space science and technology.

8           (8) The United States has successfully dis-  
9           suaded other MTCR adherents, and countries who  
10          have agreed to abide by MTCR guidelines, from pro-  
11          viding assistance to emerging national space launch  
12          programs in the Third World.

13          (b) SENSE OF CONGRESS.—It is the sense of Con-  
14          gress that—

15               (1) the Congress supports the strict interpreta-  
16               tion by the United States of the Missile Technology  
17               Control Regime concerning—

18                       (A) the inability to distinguish space  
19                       launch vehicle technology from missile tech-  
20                       nology under the regime; and

21                       (B) the inability to safeguard space launch  
22                       vehicle technology in a manner that would pro-  
23                       vide timely warning of its diversion to military  
24                       purposes; and

1           (2) the United States and the governments of  
2 other nations adhering to the Missile Technology  
3 Control Regime should be recognized for—

4           (A) the success of such governments in re-  
5 stricting the export of space launch vehicle  
6 technology and of missile technology; and

7           (B) the significant contribution made by  
8 the imposition of such restrictions to reducing  
9 the proliferation of missile technology capable  
10 of being used to deliver weapons of mass de-  
11 struction.

12 (c) DEFINITIONS.—In this section:

13           (1) The term “Missile Technology Control Re-  
14 gime” or “MTCR” means the policy statement, be-  
15 tween the United States, the United Kingdom, the  
16 Federal Republic of Germany, France, Italy, Can-  
17 ada, and Japan, announced on April 16, 1987, to re-  
18 strict sensitive missile-relevant transfers based on  
19 the MTCR Annex, and any amendments thereto.

20           (2) The term “MTCR Annex” means the  
21 Guidelines and Equipment and Technology Annex of  
22 the Missile Technology Control Regime, and any  
23 amendments thereto.

1 **SEC. 1054. LIMITATION ON USE OF FUNDS FOR CERTAIN**  
2 **PLUTONIUM STORAGE BY RUSSIA.**

3 (a) LIMITATION.—None of the funds authorized to  
4 be appropriated by this Act or any other Act for any fiscal  
5 year may be obligated or expended for the purpose of as-  
6 sisting the Ministry of Atomic Energy of Russia to con-  
7 struct a storage facility for surplus plutonium from dis-  
8 mantled weapons, unless the President certifies to the  
9 Congress—

10 (1) that Russia is committed to halting the  
11 chemical separation of weapon-grade plutonium from  
12 spent nuclear fuel; and

13 (2) that Russia is taking all practical steps to  
14 halt such separation at the earliest possible date.

15 (b) SENSE OF CONGRESS ON PLUTONIUM POLICY.—  
16 It is the sense of the Congress that a key objective of the  
17 United States with respect to the nonproliferation of nu-  
18 clear weapons should be to obtain a clear and unequivocal  
19 commitment from the Government of Russia that it will  
20 cease all production and separation of weapon-grade pluto-  
21 nium and halt chemical separation of plutonium produced  
22 in civil nuclear power reactors.

23 (c) REPORT.—Not later than June 1, 1994, the  
24 President shall submit to the Congress a report on the  
25 status of efforts by the United States to secure the com-  
26 mitments and achieve the objectives described in sub-

1 sections (a) and (b), including the status of joint efforts  
2 by the United States and Russia to replace any remaining  
3 Russian plutonium production reactors with alternative  
4 power sources or to convert such reactors to operation  
5 with alternative fuels that would permit their operation  
6 without generating weapon-grade plutonium.

7 **SEC. 1055. COUNTERPROLIFERATION.**

8 (a) IN GENERAL.—Chapter 20 of title 10, United  
9 States Code, is amended by adding at the end the follow-  
10 ing new subchapter:

11 “SUBCHAPTER III—COUNTERPROLIFERATION

“Sec.

“415. International counterproliferation activities.

“416. Counterproliferation policy.

“417. Semiannual report.

12 **“§ 415. International counterproliferation activities**

13 “(a) ASSISTANCE FOR INTERNATIONAL  
14 COUNTERPROLIFERATION ACTIVITIES.—Subject to the  
15 limitations and requirements provided in this section, in  
16 order to support international activities with respect to the  
17 nonproliferation of weapons of mass destruction and their  
18 delivery systems, the Secretary of Defense, under the guid-  
19 ance of the President, may provide the assistance specified  
20 in subsection (b).

21 “(b) ACTIVITIES FOR WHICH ASSISTANCE MAY BE  
22 PROVIDED.—The following activities are authorized under  
23 this section:

1           “(1) Support of nonproliferation monitoring  
2 programs, nonproliferation inspection programs, and  
3 nonproliferation compliance programs, to include—

4                   “(A) support of the United Nations Special  
5 Commission on Iraq for its inspection and long-  
6 term monitoring activities; and

7                   “(B) support of activities of the Inter-  
8 national Atomic Energy Agency that are de-  
9 signed to ensure more effective safeguards  
10 against nuclear proliferation and more aggres-  
11 sive verification of compliance with the Treaty  
12 on the Non-Proliferation of Nuclear Weapons of  
13 July 1, 1968.

14           “(2) Monitoring and control of transfers of  
15 weapons of mass destruction, related technologies,  
16 and other sensitive goods and technologies.

17           “(3) Efforts to improve international coopera-  
18 tion in monitoring of nuclear weapons proliferation,  
19 nuclear security, and nuclear safety projects to com-  
20 bat the threat of nuclear theft, terrorism, or acci-  
21 dents, to include—

22                   “(A) collaborative activities such as joint  
23 emergency response exercises, technical assist-  
24 ance, and training; and

1           “(B) joint technical projects and improved  
2 intelligence sharing.

3           “(4) Efforts to improve international capabili-  
4 ties and cooperation in deterring and responding to  
5 terrorism, theft, and proliferation involving weapons  
6 of mass destruction.

7           “(c) COORDINATION.—The President shall coordinate  
8 the activities described in subsection (b) with those au-  
9 thorized in section 504 of the Freedom for Russia and  
10 Emerging Eurasian Democracies and Open Markets Sup-  
11 port Act (Public Law 102–511; 22 U.S.C. 5854).

12          “(d) SOURCES OF ASSISTANCE.—Supplies and equip-  
13 ment provided as assistance under this section may be pro-  
14 vided, by loan or donation, from existing stocks of the De-  
15 partment of Defense and the Department of Energy.

16          “(e) PRIOR NOTICE TO CONGRESS.—Not less than  
17 15 days before providing assistance under this section, the  
18 Secretary of Defense shall transmit to the appropriate  
19 congressional committees a report on the proposed assist-  
20 ance. Each report shall specify—

21           “(1) the forms of assistance the Secretary of  
22 Defense proposes to provide;

23           “(2) the recipient of the proposed assistance;

1           “(3) the proposed involvement of United States  
2           Government departments and agencies in providing  
3           such assistance; and

4           “(4) the amount of funds proposed to be obli-  
5           gated by the Department of Defense in order to pro-  
6           vide such assistance.

7           “(f) DEFINITIONS.—In this section:

8           “(1) The term ‘weapons of mass destruction’  
9           includes nuclear, radiological, chemical, and biologi-  
10          cal weapons.

11          “(2) The term ‘delivery system’ means a ballis-  
12          tic missile, manned or unmanned air vehicle, or  
13          cruise missile that (A) is capable of delivering a 500  
14          kilogram payload to a range of 300 kilometers, or  
15          (B) is intended to deliver weapons of mass destruc-  
16          tion regardless of range or payload.

17          **“§ 416. Counterproliferation policy**

18          “(a) PROGRAMS.—The Secretary of Defense may  
19          conduct counterproliferation policy research and analysis  
20          programs as described in subsection (b) to support the  
21          counterproliferation activities of the Department of De-  
22          fense.

23          “(b) COUNTERPROLIFERATION EFFORTS.—Such  
24          counterproliferation policy research and analysis may in-  
25          clude programs intended to explore defense policy issues

1 that might be involved in efforts to prevent and counter  
2 the proliferation of weapons of mass destruction and their  
3 delivery systems. Such efforts include—

4 “(1) enhancing United States military capabili-  
5 ties to deter and respond to terrorism, theft and  
6 proliferation involving weapons of mass destruction;

7 “(2) cooperating in international programs to  
8 enhance military capabilities to deter and respond to  
9 terrorism, theft and proliferation involving weapons  
10 of mass destruction; and

11 “(3) otherwise contributing to Department of  
12 Defense capabilities to deter, identify, monitor and  
13 respond to such terrorism, theft and proliferation in-  
14 volving weapons of mass destruction.

15 “(c) DESIGNATION OF COORDINATOR.—The Sec-  
16 retary of Defense shall designate the Under Secretary of  
17 Defense for Policy to coordinate the research of the De-  
18 partment of Defense on countering proliferation of weap-  
19 ons of mass destruction and their delivery systems.

20 **“§ 417. Semiannual report**

21 “(a) REPORT.—Not later than April 30 of each year,  
22 and not later than October 30 of each year, the Secretary  
23 of Defense shall submit to the committees of Congress  
24 named in subsection (b) a report on the activities carried  
25 out under sections 415 and 416 of this title. Each report

1 shall set forth for the preceding six-month period the fol-  
2 lowing:

3           “(1) For activities carried out under section  
4           415 of this title—

5                   “(A) a description of the assistance pro-  
6           vided;

7                   “(B) the recipients of that assistance; and

8                   “(C) a description of the participation of  
9           the Department of Defense and other Federal  
10          agencies in providing the assistance.

11          “(2) For activities carried out under section  
12          416 of this title—

13                   “(A) a description of the research and  
14          analysis carried out;

15                   “(B) the amounts spent for such research  
16          and analysis;

17                   “(C) the organizations that conducted the  
18          research and analysis;

19                   “(D) an explanation of the extent to which  
20          such research and analysis contributes to en-  
21          hancing United States military capabilities to  
22          deter and respond to terrorism, theft, and pro-  
23          liferation involving weapons of mass destruc-  
24          tion; and

1           “(E) a description of the measures being  
2           taken to ensure that such research and analysis  
3           within the Department of Defense is effectively  
4           managed and comprehensively coordinated.

5           “(b) CONGRESSIONAL COMMITTEES.—The commit-  
6           tees of Congress to which reports under subsection (a) are  
7           to be submitted are—

8           “(1) the Committee on Armed Services, the  
9           Committee on Appropriations, the Committee on  
10          Foreign Relations, and the Select Committee on In-  
11          telligence of the Senate; and

12          “(2) The Committee on Armed Services, the  
13          Committee on Appropriations, the Committee on  
14          Foreign Affairs, and the Select Committee on Intel-  
15          ligence of the House of Representatives.”.

16          (b) FISCAL YEAR 1994 FUNDING.—(1) In addition  
17          to funds otherwise available, funds for assistance author-  
18          ized under section 415 of title 10, United States Code (as  
19          added by subsection (a)), for fiscal year 1994 shall be de-  
20          rived from amounts authorized in section 301(5) and shall  
21          not exceed \$25,000,000. None of such assistance for fiscal  
22          year 1994 may be provided in the form of cash contribu-  
23          tions.

24          (2) Funds for counterproliferation policy research  
25          and analysis programs for fiscal year 1994 under section

1 416 of title 10, United States Code (as added by sub-  
 2 section (a)), shall be derived from amounts appropriated  
 3 in fiscal year 1994 for Defense-wide Activities and shall  
 4 not exceed \$6,000,000.

5 (c) RESTRICTION.—Note of the funds authorized in  
 6 section 301(5) shall be available for the purposes stated  
 7 in sections 415 or 416 of title 10, United States Code (as  
 8 added by subsection (a)), until 15 days after the date on  
 9 which the Secretary of Defense has submitted to the ap-  
 10 propriate congressional committees a report setting  
 11 forth—

12 (1) a description of all the activities within the  
 13 Department of Defense that are being carried out or  
 14 are to be carried out with the purposes described in  
 15 sections 415 and 416 of title 10, United States Code  
 16 (as added by subsection (a));

17 (2) the plan for coordinating and integrating  
 18 these activities within the Department of Defense;  
 19 and

20 (3) the plan for coordinating and integrating  
 21 these activities with those of other Federal agencies.

22 (d) CLERICAL AMENDMENT.—The table of sub-  
 23 chapters at the beginning of chapter 20 of title 10, United  
 24 States Code, is amended by adding at the end the follow-  
 25 ing new item:

“III. Counterproliferation ..... 415”.

1 **SEC. 1056. REPORT REQUIREMENT.**

2 (a) EFFECT OF INCREASED USE OF DUAL-USE  
3 TECHNOLOGIES ON ABILITY TO CONTROL EXPORTS.—  
4 Not later than six months after the date of the enactment  
5 of this Act, the Secretary of Defense shall submit to Con-  
6 gress a report assessing what effect the increased use of  
7 dual-use and commercial technologies and items by the  
8 Department of Defense could have on the ability of the  
9 United States to control adequately the export of sensitive  
10 dual-use and military technologies and items to nations  
11 to whom the receipt of such technologies is contrary to  
12 United States national security interests.

13 (b) CONSULTATION.—The report required by sub-  
14 section (a) shall be prepared in consultation with the Di-  
15 rector of Central Intelligence.

16 **TITLE XI—CHEMICAL AND BIO-**  
17 **LOGICAL WEAPONS DEFENSE**

18 **SEC. 1101. DESIGNATION OF ARMY AS EXECUTIVE AGENT**  
19 **FOR CHEMICAL AND BIOLOGICAL WARFARE**  
20 **DEFENSE PROGRAMS.**

21 (a) DESIGNATION.—The Secretary of Defense shall  
22 designate the Army as executive agent for the Department  
23 of Defense for the chemical and biological warfare defense  
24 programs of the Department of Defense, including (1) re-  
25 search, development, test, and evaluation, and (2) procure-  
26 ment.

1 (b) OVERSIGHT.—It is the sense of Congress that the  
2 Defense Acquisition Board should exercise oversight over  
3 the chemical and biological warfare defense program.

4 **SEC. 1102. REQUIREMENT FOR SINGLE OVERSIGHT OFFICE**  
5 **FOR CHEMICAL-BIOLOGICAL DEFENSE PRO-**  
6 **GRAMS WITHIN THE OFFICE OF THE SEC-**  
7 **RETARY OF DEFENSE.**

8 The Secretary of Defense shall assign responsibility  
9 for overall defense policy coordination and integration of  
10 the chemical and biological defense program and the  
11 chemical and biological medical defense program to a sin-  
12 gle office within the Office of the Secretary of Defense.

13 **SEC. 1103. CONSOLIDATION OF CHEMICAL AND BIOLOGI-**  
14 **CAL DEFENSE TRAINING ACTIVITIES.**

15 The Secretary of Defense shall consolidate all chemi-  
16 cal and biological warfare defense training activities of the  
17 Department of Defense at the United States Army Chemi-  
18 cal School.

19 **SEC. 1104. ANNUAL REPORT ON CHEMICAL AND BIOLOGI-**  
20 **CAL WARFARE DEFENSE.**

21 (a) REPORT REQUIRED.—The Secretary of Defense  
22 shall include in the annual report of the Secretary under  
23 section 113 of title 10, United States Code, a report on  
24 chemical and biological warfare defense. The report shall  
25 assess (1) the overall readiness of the Armed Forces to

1 fight in a chemical-biological warfare environment and  
2 shall describe steps taken and planned to be taken to im-  
3 prove such readiness, and (2) requirements for the chemi-  
4 cal and biological warfare defense program, including re-  
5 quirements for training, detection, and protective equip-  
6 ment, for medical prophylaxis, and for treatment of cas-  
7 ualties resulting from use of chemical or biological weap-  
8 ons.

9 (b) MATTERS TO BE INCLUDED.—The report shall  
10 include information on the following:

11 (1) The quantities, characteristics, and capabili-  
12 ties of fielded chemical and biological defense equip-  
13 ment to meet wartime and peacetime requirements  
14 for support of the Armed Forces, including individ-  
15 ual protective items.

16 (2) The status of research and development  
17 programs, and acquisition programs, for required  
18 improvements in chemical and biological defense  
19 equipment and medical treatment, including an as-  
20 sessment of the ability of the Department of Defense  
21 and the industrial base to meet those requirements.

22 (3) Measures taken to ensure the integration of  
23 requirements for chemical and biological defense  
24 equipment and material among the Armed Forces.

1           (4) The status of nuclear, biological, and chemi-  
2 cal (NBC) warfare defense training and readiness  
3 among the Armed Forces and measures being taken  
4 to include realistic nuclear, biological, and chemical  
5 warfare simulations in war games, battle simula-  
6 tions, and training exercises.

7           (5) Measures taken to improve overall manage-  
8 ment and coordination of the chemical and biological  
9 defense program.

10           (6) Problems encountered in the chemical and  
11 biological warfare defense program during the past  
12 year and recommended solutions to those problems  
13 for which additional resources or actions by the Con-  
14 gress are required.

15 **SEC. 1105. PREPARATIONS FOR IMPLEMENTATION OF THE**  
16 **CHEMICAL WEAPONS CONVENTION.**

17           (a) SENSE OF CONGRESS.—It is the sense of Con-  
18 gress that the President should—

19           (1) seek early ratification of the 1993 Chemical  
20 Weapons Convention and establish a coordinated  
21 and authoritative interagency program to develop  
22 measures for implementation of the convention, in-  
23 cluding improvements in appropriate export controls,  
24 the training of international inspectors and other  
25 members of Chemical Weapons Convention inspec-

1       tion and verification teams, and plans for assistance  
2       to states requesting assistance under article X of the  
3       convention; and

4               (2) develop a policy that addresses the manner  
5       in which the United States provides support under  
6       the 1993 Chemical Weapons Convention to protect  
7       signatories of that convention against chemical war-  
8       fare.

9       (b) SUPPORT FOR PREPARATORY COMMISSION.—It is  
10      the sense of Congress that the United States should pro-  
11      vide full funding and support for the United States portion  
12      of the expenses of the Chemical Weapons Convention Pre-  
13      paratory Commission created under the 1993 Chemical  
14      Weapons Convention.

15      (c) REPORT.—Not later than February 1, 1994, the  
16      Secretary of Defense shall submit to Congress a report  
17      on preparations for implementation of the 1993 Chemical  
18      Weapons Convention. The report shall include (1) a de-  
19      scription of the chemical warfare defense preparations  
20      that have been and are being undertaken by the Depart-  
21      ment of Defense to address needs which may arise under  
22      article X of the Chemical Weapons Convention, and (2)  
23      a summary of other preparations undertaken by the De-  
24      partment of Defense to prepare for and to assist in the  
25      implementation of the convention, including activities such

1 as training for inspectors, preparation of defense installa-  
2 tions for inspections under the convention, provision of  
3 chemical weapons detection equipment, and assistance in  
4 the safe transportation, storage, and destruction of chemi-  
5 cal weapons in other signatory nations to the convention.

6 **SEC. 1106. SENSE OF CONGRESS CONCERNING RESPONSE**  
7 **TO TERRORIST THREATS.**

8 It is the sense of Congress that the President should  
9 strengthen emergency planning by the Federal Emergency  
10 Management Agency, in coordination with other appro-  
11 priate Federal and State agencies, for development of  
12 early detection and warning capability of and response to  
13 (1) potential terrorist use of chemical or biological agents  
14 or weapons, and (2) natural disasters involving industrial  
15 chemicals or the widespread outbreak of naturally occur-  
16 ring disease.

17 **SEC. 1107. SENSE OF CONGRESS CONCERNING OTHER**  
18 **CHEMICAL AND BIOLOGICAL DEFENSE MAT-**  
19 **TERS.**

20 It is the sense of Congress that—

21 (1) the President should establish appropriate  
22 strategies (A) to integrate chemical-related intel-  
23 ligence and biological-related intelligence, (B) to in-  
24 tegrate chemical-related arms control agreements  
25 and biological-related arms control agreements, and

1 (C) to integrate chemical-related research and devel-  
2 opment and biological-related research and develop-  
3 ment programs;

4 (2) the President should strengthen United  
5 States capabilities for intelligence collection and  
6 analysis concerning the chemical warfare threat, the  
7 biological warfare threat, and the biological terrorist  
8 threat; and

9 (3) the President should seek to strengthen the  
10 1972 Biological Weapons Convention by seeking  
11 international adoption of a regime designed to raise  
12 the economic and political costs to any nation that  
13 pursues a biological warfare program.

14 **SEC. 1108. INTERNATIONAL COOPERATION PROGRAM.**

15 (a) PROGRAM.—The Secretary of Defense shall es-  
16 tablish a program to promote greater international co-  
17 operation for research and development and training for  
18 chemical and biological weapons defense.

19 (b) FUNDING.—Of the amounts authorized to be ap-  
20 propriated by section 201, \$10,000,000 shall be available  
21 for the establishment of the program under subsection (a).

1 **SEC. 1109. AGREEMENTS TO PROVIDE SUPPORT TO VAC-**  
2 **CINATION PROGRAMS OF DEPARTMENT OF**  
3 **HEALTH AND HUMAN SERVICES.**

4 The Secretary of the Army may enter into agree-  
5 ments with the Secretary of Health and Human Services  
6 to provide support for vaccination programs of the Sec-  
7 retary of Health and Human Services in the United States  
8 through use of the excess peacetime biological weapons de-  
9 fense capability of the Department of Defense.

10 **TITLE XII—COOPERATIVE**  
11 **THREAT REDUCTION WITH**  
12 **STATES OF FORMER SOVIET**  
13 **UNION**

14 **SEC. 1201. SHORT TITLE.**

15 This title may be cited as the “Cooperative Threat  
16 Reduction Act of 1993”.

17 **SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUC-**  
18 **TION.**

19 The Congress finds that it is in the national security  
20 interest of the United States for the United States to do  
21 the following:

- 22 (1) Facilitate, on a priority basis, the transpor-  
23 tation, storage, safeguarding, and elimination of nu-  
24 clear and other weapons of the independent states of  
25 the former Soviet Union, including (A) the safe and  
26 secure storage of fissile materials derived from the

1 elimination of nuclear weapons, (B) the dismantlement of (i) intercontinental ballistic missiles and  
2 launchers for such missiles, (ii) submarine-launched  
3 ballistic missiles and launchers for such missiles, and  
4 (iii) heavy bombers, and (C) the elimination of  
5 chemical, biological and other weapons capabilities.  
6

7 (2) Facilitate, on a priority basis, the prevention of proliferation of weapons of mass destruction  
8 and their components and destabilizing conventional  
9 weapons of the independent states of the former Soviet Union, and the establishment of verifiable safeguards against the proliferation of such weapons.  
10  
11  
12

13 (3) Facilitate, on a priority basis, the prevention of diversion of weapons-related scientific expertise of the independent states of the former Soviet Union to terrorist groups or third countries.  
14  
15  
16

17 (4) Support (A) the demilitarization of the defense-related industry and equipment of the independent states of the former Soviet Union, and (B) the conversion of such industry and equipment to civilian purposes and uses.  
18  
19  
20  
21

22 (5) Expand military-to-military and defense contacts between the United States and the independent states of the former Soviet Union.  
23  
24

1 **SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE CO-**  
2 **OPERATIVE THREAT REDUCTION.**

3 (a) IN GENERAL.—Notwithstanding any other provi-  
4 sion of law, the President may conduct programs de-  
5 scribed in subsection (b) to assist the independent states  
6 of the former Soviet Union in the demilitarization of the  
7 former Soviet Union. Any such program may be carried  
8 out only to the extent that the President determines that  
9 the program will directly contribute to the national secu-  
10 rity interests of the United States.

11 (b) AUTHORIZED PROGRAMS.—The programs re-  
12 ferred to in subsection (a) are the following:

13 (1) Programs to facilitate the elimination, and  
14 the safe and secure transportation and storage, of  
15 nuclear, chemical, and other weapons and their de-  
16 livery vehicles.

17 (2) Programs to facilitate the safe and secure  
18 storage of fissile materials derived from the elimi-  
19 nation of nuclear weapons.

20 (3) Programs to prevent the proliferation of  
21 weapons, weapons components, and weapons-related  
22 technology and expertise.

23 (4) Programs to expand military-to-military and  
24 defense contacts.

1           (5) Programs to facilitate the demilitarization  
2 of defense industries and the conversion of military  
3 technologies and capabilities into civilian activities.

4           (6) Other programs as described in section  
5 212(b) of the Soviet Nuclear Threat Reduction Act  
6 of 1991 (title II of Public Law 102–228) and sec-  
7 tion 1412(b) of the Former Soviet Union Demili-  
8 tarization Act of 1992 (title XIV of Public Law  
9 102–484).

10          (c) UNITED STATES PARTICIPATION.—The programs  
11 described in subsection (b) should, to the extent feasible,  
12 draw upon United States technology and expertise, espe-  
13 cially from the United States private sector.

14          (d) RESTRICTIONS.—Assistance authorized by sub-  
15 section (a) may not be provided for any year to any coun-  
16 try which is an independent state of the former Soviet  
17 Union unless the President certifies to Congress for that  
18 year that the proposed recipient country is committed to  
19 each of the following:

20           (1) Making substantial investment of its re-  
21 sources for dismantling or destroying such weapons  
22 of mass destruction, if such country has an obliga-  
23 tion under a treaty or other agreement to destroy or  
24 dismantle any such weapons.

1           (2) Foregoing any military modernization pro-  
2           gram that exceeds legitimate defense requirements  
3           and foregoing the replacement of destroyed weapons  
4           of mass destruction.

5           (3) Foregoing any use in new nuclear weapons  
6           of fissionable or other components of destroyed nu-  
7           clear weapons.

8           (4) Facilitating United States verification of  
9           any weapons destruction carried out under this sec-  
10          tion, section 1412(b) of the Former Soviet Union  
11          Demilitarization Act of 1992 (title XIV of Public  
12          Law 102-484), or section 212(b) of the Soviet Nu-  
13          clear Threat Reduction Act of 1991 (title II of Pub-  
14          lic Law 102-228).

15          (5) Complying with all relevant arms control  
16          agreements.

17          (6) Observing internationally recognized human  
18          rights, including the protection of minorities.

19 **SEC. 1204. FUNDING FOR FISCAL YEAR 1994.**

20          (a) AUTHORIZATION OF NEW APPROPRIATIONS.—  
21          There is hereby authorized to be appropriated for fiscal  
22          year 1994 for the purposes authorized in section 1203 the  
23          sum of \$400,000,000.

24          (b) AUTHORIZATION OF EXTENSION OF AVAILABIL-  
25          ITY OF PRIOR YEAR FUNDS.—To the extent provided in

1 appropriations Acts, the authority to transfer funds of the  
2 Department of Defense provided in section 9110(a) of the  
3 Department of Defense Appropriations Act, 1993 (Public  
4 Law 102-396; 106 Stat. 1928), and in section 108 of  
5 Public Law 102-229; 105 Stat. 1708 shall continue to be  
6 in effect during fiscal year 1994.

7 **SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION**  
8 **OF FUNDS.**

9 (a) NOTICE OF PROPOSED OBLIGATION.—Not less  
10 than 15 days before obligation of any funds under section  
11 1203, the President shall transmit to the appropriate con-  
12 gressional committees (as defined in section 1208) a re-  
13 port on the proposed obligation. Each such report shall  
14 specify—

15 (1) the activities and forms of assistance for  
16 which the President plans to obligate such funds,

17 (2) the amount of the proposed obligation, and

18 (3) the projected involvement of the United  
19 States Government departments and agencies and  
20 the United States private sector.

21 (b) INDUSTRIAL DEMILITARIZATION.—Any report  
22 under subsection (a) that covers proposed industrial de-  
23 militarization projects shall contain additional information  
24 to assist the Congress in determining the merits of the

1 proposed projects. Such information shall include descrip-  
2 tions of—

3 (1) the facilities to be demilitarized;

4 (2) the types of activities conducted at those fa-  
5 cilities and of the types of nonmilitary activities  
6 planned for those facilities;

7 (3) the forms of assistance to be provided by  
8 the United States Government and by the United  
9 States private sector;

10 (4) the extent to which military production ca-  
11 pability will consequently be eliminated at those fa-  
12 cilities; and

13 (5) the mechanisms to be established for mon-  
14 itoring progress on those projects.

15 **SEC. 1206. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR**

16 **1993 ASSISTANCE TO THE INDEPENDENT**  
17 **STATES OF THE FORMER SOVIET UNION.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—There is  
19 hereby authorized to be appropriated for fiscal year 1993  
20 for the account “Operation and Maintenance, Defense  
21 Agencies”, the additional sum of \$979,000,000, to be  
22 available for the purposes of providing assistance to the  
23 independent states of the former Soviet Union.

24 (b) AUTHORIZATION OF TRANSFER OF FUNDS.—The  
25 Secretary of Defense may, to the extent provided in appro-

1 priations Acts, transfer from the account “Operation and  
2 Maintenance, Defense Agencies” for fiscal year 1993 a  
3 sum not to exceed the amount appropriated pursuant to  
4 the authorization in subsection (a) to—

5           (1) other accounts of the Department of De-  
6 fense for the purpose of providing assistance to the  
7 independent states of the former Soviet Union; or

8           (2) appropriations available to the Department  
9 of State and other agencies of the United States  
10 Government for the purpose of providing assistance  
11 to the independent states of the former Soviet Union  
12 for programs that the President determines will in-  
13 crease the national security of the United States.

14       (c) ADMINISTRATIVE PROVISIONS.—(1) Amounts  
15 transferred under subsection (b) shall be available subject  
16 to the same terms and conditions as the appropriations  
17 to which transferred.

18       (2) The authority to make transfers pursuant to this  
19 section is in addition to any other transfer authority of  
20 the Department of Defense.

21       (d) COORDINATION OF PROGRAMS.—The President  
22 shall coordinate the programs described in subsection (b)  
23 with those authorized in the other provisions of this title  
24 and in the provisions of the Freedom for Russia and  
25 Emerging Eurasian Democracies and Open Markets Sup-

1 port Act of 1992 (Public Law 102–511) so as to optimize  
2 the contribution such programs make to the national in-  
3 terests of the United States.

4 (e) REMOVAL OF RUSSIAN FORCES FROM THE BAL-  
5 TIC STATES.—(1) Paragraph (5) of section 498A(b) of the  
6 Foreign Assistance Act of 1961 is amended to read as fol-  
7 lows:

8 “(5) for the Government of Russia until the  
9 President certifies to the Congress that the Govern-  
10 ment of Russia—

11 “(A) has made further significant progress  
12 since the President’s certification to the Con-  
13 gress on May 31, 1993, on the removal of all  
14 of the armed forces of Russia and the Common-  
15 wealth of Independent States from Estonia,  
16 Latvia, and Lithuania (including any units of  
17 such forces that are demobilized), or has com-  
18 pleted with the governments of such countries  
19 negotiated agreements that include timetables  
20 for such removal; and

21 “(B) has undertaken good faith efforts,  
22 such as negotiations, to end other military prac-  
23 tices by Russia and the Commonwealth of Inde-  
24 pendent States that violate the sovereignty of  
25 Estonia, Latvia, or Lithuania, including—

1           “(i) artillery or similar armed forces  
2           training operations on the territories of  
3           Estonia, Latvia, or Lithuania without the  
4           permission of their governments;

5           “(ii) interference in the air space or  
6           territorial waters of Estonia, Latvia, or  
7           Lithuania;

8           “(iii) the introduction of additional  
9           armed forces, military equipment, or relat-  
10          ed civilian personnel onto the territories of  
11          Estonia, Latvia, or Lithuania without the  
12          permission of their governments; or

13          “(iv) the imposition of an economic  
14          blockade or interruption of energy supplies  
15          upon Estonia, Latvia, or Lithuania;

16          except that this paragraph does not apply with re-  
17          spect to (I) housing assistance for officers of the  
18          armed forces of Russia and the Commonwealth of  
19          Independent States who are withdrawn from the ter-  
20          ritories of Estonia, Latvia, and Lithuania, or (II)  
21          food, clothing, medicine, or other humanitarian as-  
22          sistance.”.

23          (2) The amendment made by paragraph (1) shall  
24          take effect on the later of (A) October 1, 1993, or (B)  
25          the date of the enactment of this Act.

1       (3) The provisions of paragraph (1) shall not apply  
2 if an identical amendment to the Foreign Assistance Act  
3 of 1961 is enacted in the Foreign Assistance Act of 1993.

4 **SEC. 1207. SEMIANNUAL REPORT.**

5       Not later than April 30, 1994, and not later than  
6 October 30, 1994, the President shall transmit to the ap-  
7 propriate congressional committees a report on the activi-  
8 ties carried out under section 1203. Each such report shall  
9 set forth, for the preceding six-month period and cumula-  
10 tively, the following:

11           (1) The amounts obligated and expended for  
12 such activities and the purposes for which they were  
13 obligated and expended.

14           (2) A description of the participation of all  
15 United States Government departments and agen-  
16 cies in such activities.

17           (3) A description of the activities carried out  
18 and the forms of assistance provided, and a descrip-  
19 tion of the extent to which the United States private  
20 sector has participated in the activities for which  
21 amounts were obligated and expended under section  
22 1203.

23           (4) Such other information as the President  
24 considers appropriate to fully inform the Congress  
25 concerning the operation of the programs and activi-

1 ties carried out under section 1203, including, with  
2 respect to proposed industrial demilitarization  
3 projects, additional information on the progress to-  
4 ward demilitarization of facilities and the conversion  
5 of the demilitarized facilities to civilian activities.

6 **SEC. 1208. DEFINITION.**

7 As used in this title, the term “appropriate congress-  
8 sional committees” means—

9 (1) the Committee on Armed Services, the  
10 Committee on Appropriations, and the Committee on  
11 Foreign Affairs of the House of Representatives;  
12 and

13 (2) the Committee on Armed Services, the  
14 Committee on Appropriations, and the Committee on  
15 Foreign Relations of the Senate.

16 **TITLE XIII—DEFENSE CONVER-**  
17 **SION, REINVESTMENT, AND**  
18 **TRANSITION ASSISTANCE**

19 **SEC. 1301. SHORT TITLE.**

20 This title may be cited as the “Defense Conversion,  
21 Reinvestment, and Transition Assistance Amendments of  
22 1993”.

1 **SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVEST-**  
2 **MENT, AND TRANSITION ASSISTANCE PRO-**  
3 **GRAMS FOR FISCAL YEAR 1994.**

4 (a) FUNDING.—Of the amounts authorized to be ap-  
5 propriated pursuant to this Act for the Department of De-  
6 fense for fiscal year 1994, the sum of \$2,735,000,000  
7 shall be available from the sources and in the amounts  
8 specified in subsection (b) for defense conversion, reinvest-  
9 ment, and transition assistance programs. Amounts made  
10 available pursuant to this subsection shall remain available  
11 until expended.

12 (b) SOURCES OF FUNDS.—The amounts and sources  
13 referred to in subsection (a) are as follows:

14 (1) \$200,000,000 of the amounts authorized to  
15 be appropriated pursuant to section 109 to carry out  
16 subtitle E.

17 (2) \$2,200,000,000 of the amounts authorized  
18 to be appropriated pursuant to title II.

19 (3) \$335,000,000 of the amounts authorized to  
20 be appropriated pursuant to title III.

21 (c) DEFINITION.—For purposes of this section, the  
22 term “defense conversion, reinvestment, and transition as-  
23 sistance programs” includes the following activities of the  
24 Department of Defense:

25 (1) The activities authorized by the Defense  
26 Conversion, Reinvestment, and Transition Assist-

1       ance Act of 1992 (division D of Public Law 102–  
2       484; 106 Stat. 2658) and the amendments made by  
3       that Act.

4               (2) The activities authorized by this title and  
5       the amendments made by this title.

6       **SEC. 1303. ANNUAL REPORT ON DEFENSE CONVERSION, RE-**  
7                       **INVESTMENT, AND TRANSITION ASSISTANCE**  
8                       **PROGRAMS.**

9       (a) REPORT REQUIRED.—The Secretary of Defense  
10      shall prepare an annual report that assesses the effective-  
11      ness of all defense conversion, reinvestment, and transition  
12      assistance programs (as defined in section 1302) during  
13      the preceding fiscal year.

14      (b) CONTENTS OF REPORT.—Each report required  
15      under subsection (a) shall include a consideration of the  
16      following:

17               (1) For each of the conversion programs, the  
18      status of obligation of appropriated funds.

19               (2) For each defense technology reinvestment  
20      project (or other technology project conducted as  
21      part of a defense conversion, reinvestment, and tran-  
22      sition assistance program)—

23                       (A) the extent to which the project meets  
24      the objectives set forth in subsections (a) and

1 (b) of section 2501 of title 10, United States  
2 Code;

3 (B) the technology benefits of the project  
4 to the defense technology and industrial base;

5 (C) any increased affordability of defense  
6 programs linked to the project;

7 (D) any evidence of commercialization of  
8 technology due to the project;

9 (E) any employment created as a result of  
10 the project;

11 (F) the number and name of defense firms  
12 participating in the project;

13 (G) the number of defense firms that have  
14 been able to expand or retain their business  
15 base as a result of the project;

16 (H) in the case of a project requiring  
17 matching funds, whether or not the matching  
18 requirements were met in cash;

19 (I) the extent to which the project has met  
20 agreed-upon milestones, and financial and tech-  
21 nical requirements; and

22 (J) the extent to which it was determined  
23 whether or not the project duplicates or par-  
24 allels technology programs in other agencies;

25 (3) For each personnel assistance program—

1 (A) the extent to which the program meets  
2 objectives set forth in section 2501(b) of title  
3 10, United States Code;

4 (B) the number of individuals eligible for  
5 program participation;

6 (C) the number of individuals directly par-  
7 ticipating in the program (actual and pro-  
8 jected);

9 (D) in the case of a training and jobs pro-  
10 gram, the number of individuals who have se-  
11 cured permanent employment as a result of  
12 program participation, and

13 (E) the extent to which it was determined  
14 whether or not the program duplicates pro-  
15 grams conducted by other agencies.

16 (4) For each community assistance program—

17 (A) the extent to which the program meets  
18 objectives laid out in section 2501(b) of title 10,  
19 United States Code; and

20 (B) the number of short- and long-term  
21 jobs created in a community receiving adjust-  
22 ment and diversification assistance under sec-  
23 tion 2391(b) of title 10, United States Code.

24 (c) SUBMISSION OF REPORT.—The report required  
25 by this section for a particular year shall be submitted

1 to Congress at the same time that the Secretary of De-  
2 fense submits the report required under section 113(c) of  
3 title 10, United States Code, for that year.

4 **SEC. 1304. DISSEMINATION OF LIST OF CONVERSION, REIN-**  
5 **VESTMENT, AND TRANSITION PROGRAMS.**

6 Section 4004(c) of the Defense Economic Adjust-  
7 ment, Diversification, Conversion, and Stabilization Act of  
8 1990 (division D of Public Law 101-510; 104 Stat. 1849)  
9 is amended—

10 (1) by striking out “and” at the end of para-  
11 graph (2);

12 (2) by striking out the period at the end of  
13 paragraph (3)(C) and inserting in lieu thereof “;  
14 and”; and

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

17 “(4) ensure that adequate means are available  
18 to disseminate to interested communities, businesses,  
19 and defense workers and members of the Armed  
20 Forces a list of the Federal economic adjustment  
21 programs described in the reports required under  
22 paragraph (3).”.

1       **Subtitle A—Defense Technology**  
2               **Reinvestment Projects**

3       **SEC. 1311. FUNDING OF DEFENSE TECHNOLOGY REINVEST-**  
4               **MENT PROJECTS FOR FISCAL YEAR 1994.**

5           Of the amount made available pursuant to section  
6 1302(a), \$575,000,000 shall be available for activities of  
7 the Department of Defense under chapter 148 of title 10,  
8 United States Code, and section 2197 of such title, of  
9 which—

10           (1) \$105,000,000 shall be available for defense  
11 dual-use critical technology partnerships under sec-  
12 tion 2511 of such title;

13           (2) \$35,000,000 shall be available for commer-  
14 cial-military integration partnerships under section  
15 2512 of such title;

16           (3) \$85,000,000 shall be available for defense  
17 regional technology alliances under section 2513 of  
18 such title;

19           (4) \$30,000,000 shall be available for defense  
20 advanced manufacturing technology partnerships  
21 under section 2522 of such title;

22           (5) \$50,000,000 shall be available for support  
23 of manufacturing extension programs under section  
24 2523 of such title;

1           (6) \$50,000,000 shall be available for the de-  
2       fense dual-use extension program under section  
3       2524 of such title, of which—

4           (A) not less than 30 percent of such  
5       amount shall be available for assistance pursu-  
6       ant to subsection (c)(3) of such section; and

7           (B) not less than 30 percent of such  
8       amount shall be available for loan guarantees  
9       pursuant to subsection (b)(3) of such section;  
10      and

11          (7) \$20,000,000 shall be available to conduct  
12      the program established pursuant to section 2197 of  
13      such title to support the activities of manufacturing  
14      experts at institutions of higher education.

15 **SEC. 1312. REPEAL AND AMENDMENT OF CERTAIN PROVI-**  
16 **SIONS RELATING TO DEFENSE TECHNOLOGY**  
17 **AND INDUSTRIAL BASE, REINVESTMENT, AND**  
18 **CONVERSION.**

19      (a) REPEALS.—The following sections of title 10,  
20      United States Code, are repealed: sections 2502, 2503,  
21      2504, 2506, 2515, and 2518.

22      (b) AMENDMENT.—Section 2505 of such title is  
23      amended—

24           (1) in subsection (a), by striking out “National  
25      Defense Technology and Industrial Base Council”

1 and inserting in lieu thereof “Secretary of Defense”;  
2 and

3 (2) in subsection (c), by striking out “Council”  
4 and inserting in lieu thereof “Secretary”.

5 (c) CONFORMING REPEALS.—The following sections  
6 of the National Defense Authorization Act for Fiscal Year  
7 1993 (Public Law 102–484) are repealed: sections 4218,  
8 4219, and 4220.

9 (d) CLERICAL AMENDMENTS.—(1) The table of sec-  
10 tions at the beginning of subchapter II of chapter 148 of  
11 such title is amended by striking out the items relating  
12 to sections 2502, 2503, 2504, and 2506.

13 (2) The table of sections at the beginning of sub-  
14 chapter III of chapter 148 of such title is amended by  
15 striking out the items relating to sections 2515 and 2518.

16 **SEC. 1313. EXPANSION OF OBJECTIVES OF DEFENSE TECH-**  
17 **NOLOGY REINVESTMENT PROJECTS.**

18 (a) RESTATEMENT OF EXISTING PROVISION IN  
19 TERMS OF OBJECTIVES.—Section 2501(b) of title 10,  
20 United States Code, is amended by striking out “defense  
21 resources that—” and all that follows through the period  
22 and inserting in lieu thereof “defense resources capable  
23 of meeting the following objectives:

1           “(1) Promoting economic growth in high-wage,  
2 high-technology industries and preserving the indus-  
3 trial and technical skill base.

4           “(2) Promoting economic growth through fur-  
5 ther reduction of the Federal budget deficit that, by  
6 reducing the public sector demand for capital, in-  
7 creases the amount of capital available for private  
8 investment and job creation in the civilian sector.

9           “(3) Bolstering the national technology base,  
10 including supporting and exploiting critical tech-  
11 nologies with both military and civilian application.

12           “(4) Supporting retraining of separated mili-  
13 tary, defense civilian, and defense industrial person-  
14 nel for jobs in activities important to national eco-  
15 nomic growth and security.

16           “(5) Assisting those activities being undertaken  
17 at the State and local levels to support defense eco-  
18 nomic reinvestment, conversion, adjustment, and di-  
19 versification activities.

20           “(6) Assisting small businesses adversely af-  
21 fected by reductions in defense expenditures.”.

22           (b) CONSIDERATION OF DEFENSE REINVESTMENT,  
23 DIVERSIFICATION, AND CONVERSION OBJECTIVES.—  
24 Chapter 148 of title 10, United States Code, is amended—

1           (1) in sections 2505(a), 2505(b), 2511(a),  
2           2511(f)(1), 2512(a), 2512(e)(1), 2513(a), 2516(b),  
3           2522(a), and 2523(b)(1), by striking out “national  
4           security objectives set forth in section 2501(a)” each  
5           place it appears and inserting in lieu thereof “objec-  
6           tives set forth in subsections (a) and (b) of section  
7           2501”;

8           (2) in section 2505(b)(1), by striking out “sec-  
9           tion 2501(a)” and inserting in lieu thereof “section  
10          2501”; and

11          (3) in section 2514(a), by striking out “section  
12          2501(a)” and inserting in lieu thereof “subsections  
13          (a) and (b) of section 2501”.

14 **SEC. 1314. DEFENSE TECHNOLOGY REINVESTMENT**  
15 **PROJECTS FOR FISCAL YEAR 1994.**

16          (a) **PROJECTS FOR FISCAL YEAR 1994.**—Using  
17 funds made available pursuant to section 1302(a), the  
18 Secretary of Defense shall carry out during fiscal year  
19 1994 defense technology reinvestment projects in coopera-  
20 tion with partnerships and other cooperative arrangements  
21 established pursuant to chapter 148 of title 10, United  
22 States Code, in the technology focus areas described in  
23 subsection (b) or involving technologies that otherwise  
24 meet the objectives set forth in section 2501 of this title.  
25 Nothing in this section shall be construed to preclude con-

1 tinued support for defense technology reinvestment  
2 projects in technology focus areas identified during the so-  
3 licitation conducted during fiscal year 1993.

4 (b) DESCRIPTION OF TECHNOLOGY FOCUS AREAS.—  
5 The technology focus areas referred to in subsection (a)  
6 are the following:

7 (1) Ocean thermal energy conversion.

8 (2) Advanced antenna technology.

9 (3) Noncooled, pyroelectric thermal imaging  
10 systems.

11 (4) Advanced wind power systems.

12 (5) Parallel processing technologies.

13 (6) Photovoltaic energy storage systems.

14 (7) Direct satellite radio broadcasting.

15 (8) Solar furnace environmental remediation  
16 technologies.

17 (9) Robotic excavation and tunnelling tech-  
18 nologies.

19 (10) Marine biotechnology.

20 (11) Automated manufacturing technology for  
21 composites.

22 (12) Earthquake-resistant bridge composites.

23 (13) Advanced automatic train control systems  
24 technologies.

1           (14) Statewide defense conversion economic de-  
2           velopment networks for transition services, retrain-  
3           ing, and business diversification.

4           (15) Other technology areas that would further  
5           the objectives set forth in section 2501 of title 10,  
6           United States Code.

7           (c) CONSULTATION.—In carrying out defense tech-  
8           nology reinvestment projects during fiscal year 1994, the  
9           Secretary of Defense shall consult with the heads of other  
10          Federal agencies conducting similar projects in the tech-  
11          nology focus areas described in subsection (b).

12          (d) MADE-IN-AMERICA REQUIREMENT.—The Sec-  
13          retary of Defense shall ensure that each partnership or  
14          other cooperative arrangement established pursuant to  
15          chapter 148 of title 10, United States Code, to carry out  
16          a defense technology reinvestment project during fiscal  
17          year 1994 includes an agreement that any manufacturing  
18          resulting from the project shall occur in the United States  
19          and benefit workers in the United States.

20          (e) ACCEPTABLE STANDARDS OF QUALITY.—If the  
21          Secretary of Defense determines that the proposals re-  
22          ceived as a result of a solicitation for defense technology  
23          reinvestment projects in a technology focus area described  
24          in subsection (b) do not meet an acceptable standard of  
25          quality established by the Secretary, nothing in this sec-

1 tion shall be construed to require the Secretary to carry  
2 out projects in that technology focus area. The Secretary  
3 shall make a determination under this subsection after  
4 consultation with the Defense Technology Conversion  
5 Council. The Secretary shall promptly notify Congress of  
6 each determination not to carry out projects in a particu-  
7 lar technology focus area.

8 (f) USE OF COMPETITIVE SELECTION PROCE-  
9 DURES.—Funds authorized to be made available for de-  
10 fense technology reinvestment projects selected as a result  
11 of the authority provided by subsection (a) shall be made  
12 available to those projects only if a competitive selection  
13 process was used to select the projects.

14 **SEC. 1315. EXPANSION OF PURPOSES OF DEFENSE AD-**  
15 **VANCED MANUFACTURING TECHNOLOGY**  
16 **PARTNERSHIPS.**

17 Section 2522 of title 10, United States Code, is  
18 amended—

19 (1) in subsection (a)—

20 (A) by striking out “research and develop-  
21 ment” and inserting in lieu thereof “research,  
22 development, or deployment”; and

23 (B) by adding at the end the following new  
24 sentence: “The cooperative arrangements au-  
25 thorized by this section may include a coopera-

1           tive arrangement with an industry-led, large-  
2           scale research and development consortium to  
3           establish and administer long-term partnerships  
4           under this section.”; and

5           (2) in subsection (d)—

6                   (A) by redesignating paragraph (3) as  
7                   paragraph (4); and

8                   (B) by inserting after paragraph (2) the  
9                   following new paragraph:

10                   “(3) The extent to which the partnerships pro-  
11                   vide for the large-scale deployment of advanced man-  
12                   ufacturing technologies.”.

13   **SEC. 1316. DEFENSE DUAL-USE ASSISTANCE EXTENSION**  
14                   **PROGRAM.**

15           (a) EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN  
16   GUARANTEES.—Subsection (b)(3) of section 2524 of title  
17   10, United States Code, is amended—

18                   (1) by striking out “small businesses” and in-  
19                   serting in lieu thereof “small- and medium-sized  
20                   business concerns”; and

21                   (2) by inserting “subsection (e) and” before  
22                   “other applicable law”.

23           (b) SPECIAL RULES FOR LOAN GUARANTEES.—Sub-  
24   section (e) of such section is amended to read as follows:

1       “(e) TERMS AND CONDITIONS FOR LOAN GUARAN-  
2 TEES.—(1) The Secretary shall carry out subsection  
3 (b)(3) through the Under Secretary of Defense for Acqui-  
4 sition and Technology, who may consult with and seek  
5 technical assistance from other Federal agencies in order  
6 to effectively issue loan guarantees under such subsection.  
7 Such loan guarantees shall be issued for the purpose of  
8 assisting small- and medium-sized business concerns that  
9 are economically dependent on defense expenditures to se-  
10 cure financing for projects—

11               “(A) to achieve the final development and com-  
12 mercialization of defense-oriented technologies for  
13 nonmilitary use by the business concern; and

14               “(B) to diversify the operations of the business  
15 concern toward greater emphasis on production or  
16 services for nonmilitary use.

17       “(2) A business concern shall be considered to be a  
18 small- or medium-sized business concern for purposes of  
19 this subsection and subsection (b)(3) if the business con-  
20 cern has not more than 2,500 full-time employees or their  
21 equivalent. A business concern shall be considered to be  
22 economically dependent on defense expenditures for pur-  
23 poses of this subsection and subsection (b)(3) if the busi-  
24 ness concern—

1           “(A) has a substantial prior history of conduct-  
2           ing much of its sales and business with Department  
3           of Defense over the life, or a substantial portion of  
4           the life, of the business concern; and

5           “(B) can reasonably demonstrate that it, in at  
6           least two of the last seven years immediately preced-  
7           ing the application for a loan guarantee—

8                   “(i) obtained at least 50 percent of its  
9                   gross income from contracts or subcontracts to  
10                  provide material or services to the Department  
11                  of Defense; or

12                   “(ii) incurred a significant reduction in its  
13                  gross income as a result the termination or  
14                  completion of contracts or subcontracts to pro-  
15                  vide material or services to the Department of  
16                  Defense.

17           “(3) The maximum amount of loan principal that the  
18           Secretary may guarantee under subsection (b)(3) with re-  
19           spect to any loan may not exceed \$10,000,000. The maxi-  
20           mum percentage of the loan principal that the Secretary  
21           may guarantee with respect to any loan shall be estab-  
22           lished by the Secretary, except that the percentage estab-  
23           lished may not exceed 85 percent of the principal.

1       “(4) Loan guarantees shall be issued under sub-  
2 section (b)(3) on a competitive basis after consideration  
3 of the following criteria:

4           “(A) Whether credit is not otherwise commer-  
5 cially available under reasonable terms and condi-  
6 tions.

7           “(B) The applicability of the program to be  
8 funded by the loan to the technology areas outlined  
9 in the Technology Reinvestment Project proposed by  
10 the President on March 10, 1993.

11          “(C) The ability of the program to preserve or  
12 enhance critical technology and national technology  
13 and industrial base skills.

14          “(D) The market potential of any product or  
15 technology to be developed using the loan.

16          “(E) The importance of the program to future  
17 United States economic competitiveness and the eco-  
18 nomic strength of the United States.

19          “(F) The economic viability and perceived abil-  
20 ity of the business concern to repay the loan.

21          “(G) The technical soundness of the proposal.

22          “(H) The selection criteria specified in sub-  
23 section (f).

24       “(5) The Secretary shall give a preference in issuing  
25 loan guarantees under subsection (b)(3) to an application

1 by a business concern to carry out a program to commer-  
2 cialize a product or technology that is already developed  
3 or proven at the time the application is submitted over  
4 programs to carry out solely research and development ac-  
5 tivities.

6 “(6) The provisions of law relating to default on loans  
7 guaranteed by the Administrator of the Small Business  
8 Administration under the Small Business Act (15 U.S.C.  
9 631 et seq.) shall apply if the United States is obligated  
10 to make reimbursing payments to a commercial creditor  
11 under a loan guarantee issued to a business concern under  
12 subsection (b)(3). In addition, the President shall prohibit  
13 the business concern involved in the default, and any suc-  
14 cessor of the business concern, from bidding on or receiv-  
15 ing for a 3-year period any contract or subcontract to pro-  
16 vide material or services to the Federal Government.”.

17 (c) CONFORMING AMENDMENT.—Subsection (f) of  
18 such section is amended by inserting after “SELECTION  
19 CRITERIA.—” the following new sentence: “Competitive  
20 procedures shall be used in the selection of programs to  
21 receive assistance under this section.”.

1 **SEC. 1317. CONSISTENCY IN FINANCIAL COMMITMENT RE-**  
2 **QUIREMENTS OF NON-FEDERAL GOVERN-**  
3 **MENT PARTICIPANTS IN TECHNOLOGY REIN-**  
4 **VESTMENT PROJECTS.**

5 (a) DEFENSE DUAL-USE CRITICAL TECHNOLOGY  
6 PARTNERSHIPS.—Section 2511(c) of title 10, United  
7 States Code, is amended to read as follows:

8 “(c) FINANCIAL COMMITMENT OF NON-FEDERAL  
9 GOVERNMENT PARTICIPANTS.—(1) Except as provided in  
10 paragraph (2), the Secretary of Defense shall ensure that  
11 the amount of funds provided by the Secretary to a part-  
12 nership does not exceed 50 percent of the total cost of  
13 partnership activities.

14 “(2) The Secretary may increase the Federal share  
15 of the costs of partnership activities to not more than 70  
16 percent of such costs in the case of a partnership in which  
17 the entity proposing the partnership and a majority of the  
18 non-Government participants—

19 “(A) are small business concerns; and

20 “(B) are determined by the Secretary to have  
21 individually contributed a significant equity percent-  
22 age toward the non-Federal contribution in relation,  
23 if applicable, to the participants that are not small  
24 business concerns.

25 “(3) The Secretary shall prescribe regulations to pro-  
26 vide for consideration of in-kind contributions by non-Fed-

1 eral Government participants in a partnership for the pur-  
2 pose of calculating the share of the partnership costs that  
3 has been or is being undertaken by such participants. A  
4 participant that is a small business concern may use funds  
5 received under the Small Business Innovation Research  
6 Program or the Small Business Technology Transfer Pro-  
7 gram to help pay the costs of partnership activities, and  
8 any such funds so used shall be included in calculating  
9 the non-Federal Government share of such costs, unless  
10 the small business concern is participating in a partner-  
11 ship receiving the financial commitment arrangement au-  
12 thorized in paragraph (2) and the Secretary determines  
13 that the small business concern has not made a significant  
14 equity percentage contribution in the partnership from  
15 non-Federal sources.

16 (b) COMMERCIAL-MILITARY INTEGRATION PARTNER-  
17 SHIPS.—Section 2512(c) of such title is amended to read  
18 as follows:

19 “(c) FINANCIAL COMMITMENT OF NON-FEDERAL  
20 GOVERNMENT PARTICIPANTS.—(1) Except as provided in  
21 paragraph (2), the Secretary shall ensure that the amount  
22 of funds provided by the Secretary to a partnership does  
23 not exceed 50 percent of the total cost of partnership ac-  
24 tivities.

1       “(2) The Secretary may increase the Federal share  
2 of the costs of partnership activities to not more than 70  
3 percent of such costs in the case of a partnership in which  
4 the entity proposing the partnership and a majority of the  
5 non-Government participants—

6               “(A) are small business concerns; and

7               “(B) are determined by the Secretary to have  
8 individually contributed a significant equity percent-  
9 age toward the non-Federal contribution in relation,  
10 if applicable, to the participants that are not small  
11 business concerns.

12       “(3) The Secretary shall prescribe regulations to pro-  
13 vide for consideration of in-kind contributions by non-Fed-  
14 eral Government participants in a partnership for the pur-  
15 pose of calculating the share of the partnership costs that  
16 has been or is being undertaken by such participants. A  
17 participant that is a small business concern may use funds  
18 received under the Small Business Innovation Research  
19 Program or the Small Business Technology Transfer Pro-  
20 gram to help pay the costs of partnership activities, and  
21 any such funds so used shall be included in calculating  
22 the non-Federal Government share of such costs, unless  
23 the small business concern is participating in a partner-  
24 ship receiving the financial commitment arrangement au-  
25 thorized in paragraph (2) and the Secretary determines

1 that the small business concern has not made a significant  
2 equity percentage contribution in the partnership from  
3 non-Federal sources.

4 (c) REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE  
5 PROGRAM.—Section 2513 of such title is amended—

6 (1) by adding at the end of subsection (d) the  
7 following new paragraph:

8 “(4) The Secretary may increase the amount of as-  
9 sistance provided under paragraph (1) up to an amount  
10 not exceeding 70 percent of the cost of the activities of  
11 a regional technology alliance in the case of a regional  
12 technology alliance in which the entity proposing the alli-  
13 ance and a majority of the non-Government participants—

14 “(A) are small business concerns; and

15 “(B) are determined by the Secretary to have  
16 individually contributed a significant equity percent-  
17 age toward the non-Federal contribution in relation,  
18 if applicable, to the participants that are not small  
19 business concerns.”; and

20 (2) in subsection (e)—

21 (A) by inserting after “50 percent” the fol-  
22 lowing: “(or 30 percent if additional assistance  
23 is provided under subsection (d)(4))”; and

24 (B) by adding at the end the following new  
25 paragraph:

1       “(3) The Secretary shall prescribe regulations to pro-  
2 vide for consideration of in-kind contributions by non-Fed-  
3 eral Government participants in a regional technology alli-  
4 ance for the purpose of calculating the share of the costs  
5 that has been or is being undertaken by such participants.  
6 A participant that is a small business concern may use  
7 funds received under the Small Business Innovation Re-  
8 search Program or the Small Business Technology Trans-  
9 fer Program to help pay the costs of a regional technology  
10 alliance, and any such funds so used shall be included in  
11 calculating the non-Federal Government share of such  
12 costs, unless the small business concern is participating  
13 in a alliance receiving the financial commitment arrange-  
14 ment authorized in subsection (d)(4) and the Secretary  
15 determines that the small business concern has not made  
16 a significant equity percentage contribution in the alliance  
17 from non-Federal sources.

18       (d) MANUFACTURING EXTENSION PROGRAMS.—Sec-  
19 tion 2523(b)(3) of such title is amended—

20           (1) by striking out subparagraph (A) and in-  
21 sserting in lieu thereof the following new subpara-  
22 graph:

23       “(A) The amount of financial assistance furnished to  
24 a manufacturing extension program under this subsection  
25 may not exceed 50 percent of the total cost of the pro-

1 gram, except that the Secretary may increase the Federal  
2 share to not more than 70 percent of such costs in the  
3 case of a program in which the entity proposing the pro-  
4 gram and a majority of the non-Government participants  
5 are small business concerns and are determined by the  
6 Secretary to have individually contributed a significant eq-  
7 uity percentage toward the non-Federal contribution in re-  
8 lation, if applicable, to the participants that are not small  
9 business concerns. Financial assistance shall be provided  
10 to a recipient program for a period of five years unless  
11 such financial assistance is earlier terminated for good  
12 cause. Recipients of such financial assistance shall be re-  
13 quired to report to the Secretary annually beginning one  
14 year after the date that such financial assistance is initi-  
15 ated. Such report shall include a description of the  
16 progress of the recipient program in meeting the objectives  
17 set out in paragraph (1).”; and

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

20           “(D) The Secretary shall prescribe regulations to pro-  
21 vide for consideration of in-kind contributions by non-Fed-  
22 eral Government participants in a manufacturing exten-  
23 sion program for the purpose of calculating the share of  
24 the costs that has been or is being undertaken by such  
25 participants. A participant that is a small business con-

cern may use funds received under the Small Business In-  
novation Research Program or the Small Business Tech-  
nology Transfer Program to help pay the costs of the pro-  
gram, and any such funds so used shall be included in  
calculating the non-Federal Government share of such  
costs, unless the small business concern is participating  
in a program receiving the increased Federal share ar-  
rangement authorized in subparagraph (A) and the Sec-  
retary determines that the small business concern has not  
made a significant equity percentage contribution in the  
program from non-Federal sources.”.

(e) DEFENSE DUAL-USE ASSISTANCE EXTENSION  
PROGRAM.—Section 2524(d) of such title is amended to  
read as follows:

“(d) FINANCIAL COMMITMENT OF NON-FEDERAL  
GOVERNMENT PARTICIPANTS.—(1) Except as provided in  
paragraph (2), the Secretary shall ensure that the amount  
of funds provided by the Secretary to a program under  
this section does not exceed 50 percent of the total cost  
of the program.

“(2) The Secretary may increase the Federal share  
of the costs of a program under this section to not more  
than 70 percent of such costs in the case of a program  
in which the entity proposing the program and a majority  
of the non-Government participants—

1           “(A) are small business concerns; and

2           “(B) are determined by the Secretary to have  
3 individually contributed a significant equity percent-  
4 age toward the non-Federal contribution in relation,  
5 if applicable, to the participants that are not small  
6 business concerns.

7           “(3) The Secretary shall prescribe regulations to pro-  
8 vide for consideration of in-kind contributions by non-Fed-  
9 eral Government participants in a program under this sec-  
10 tion for the purpose of calculating the share of the costs  
11 that has been or is being undertaken by such participants.  
12 A participant that is a small business concern may use  
13 funds received under the Small Business Innovation Re-  
14 search Program or the Small Business Technology Trans-  
15 fer Program to help pay the costs of the program, and  
16 any such funds so used shall be included in calculating  
17 the non-Federal Government share of such costs, unless  
18 the small business concern is participating in a program  
19 receiving the financial commitment arrangement author-  
20 ized in paragraph (2) and the Secretary determines that  
21 the small business concern has not made a significant eq-  
22 uity percentage contribution in the program from non-  
23 Federal sources.”.

1 (f) DEFINITIONS.—Section 2491 of such title is  
2 amended by adding at the end the following new para-  
3 graphs:

4 “(13) The term ‘Small Business Innovation Re-  
5 search Program’ means the program established  
6 under the following provisions of section 9 of the  
7 Small Business Act (15 U.S.C. 638):

8 “(A) Paragraphs (4) through (7) of sub-  
9 section (b).

10 “(B) Subsections (e) through (k).

11 “(14) The term ‘Small Business Technology  
12 Transfer Program’ means the program established  
13 under the following provisions of such section:

14 “(A) Paragraphs (4) through (7) of sub-  
15 section (b).

16 “(B) Subsections (e) and (n) through (p).

17 “(15) The term ‘significant equity percentage’  
18 means—

19 “(A) a level of contribution and participa-  
20 tion determined, when compared to the other  
21 non-Federal participants, to demonstrate a  
22 comparable long-term financial commitment to  
23 the product or process development involved;  
24 and

1           “(B) any other criteria the Secretary may  
2           consider necessary to ensure an appropriate eq-  
3           uity mix among the participants.”.

4 **SEC. 1318. ADDITIONAL CRITERIA FOR THE SELECTION OF**  
5 **REGIONAL TECHNOLOGY ALLIANCES.**

6           Section 2513(h) of title 10, United States Code, is  
7 amended—

8           (1) by redesignating paragraph (5) as para-  
9           graph (7); and

10           (2) by striking out paragraph (4) and inserting  
11           in lieu thereof the following new paragraphs:

12           “(4) The potential for the regional technology  
13           alliance to combine financial assistance provided  
14           under this section with assistance available from  
15           other Federal, State, or local agencies, institutions  
16           of higher education, and private nonprofit entities.

17           “(5) The potential for the regional technology  
18           alliance to increase industrial competitiveness.

19           “(6) The potential for the regional technology  
20           alliance to meet the needs of small- and medium-  
21           sized defense-dependent companies across multiple  
22           activity areas including—

23                   “(A) outreach;

24                   “(B) manufacturing education and train-  
25           ing;

1 “(C) technology development;

2 “(D) technology deployment; and

3 “(E) business counseling.”.

4 **Subtitle B—Community Adjust-**  
5 **ment and Assistance Programs**

6 **SEC. 1321. ADJUSTMENT AND DIVERSIFICATION ASSIST-**  
7 **ANCE FOR STATES AND LOCAL GOVERN-**  
8 **MENTS FROM THE OFFICE OF ECONOMIC AD-**  
9 **JUSTMENT.**

10 (a) FUNDING FOR FISCAL YEAR 1994.—Of the  
11 amount made available pursuant to section 1302(a),  
12 \$69,000,000 shall be available as community adjustment  
13 and economic diversification assistance under section  
14 2391(b) of title 10, United States Code.

15 (b) PREPARATION ASSISTANCE.—The Secretary of  
16 Defense may use up to five percent of the amount speci-  
17 fied in subsection (a) for the purpose of providing prepara-  
18 tion assistance to those States intending to establish the  
19 types of programs for which assistance is authorized under  
20 section 2391(b) of title 10, United States Code.

21 (c) FEASIBILITY STUDY TO GUARANTEE ASSISTANCE  
22 TO ADVERSELY AFFECTED COMMUNITIES.—(1) The Sec-  
23 retary of Defense shall conduct a study to determine the  
24 feasibility of assisting local communities recovering from  
25 the adverse economic impact of the closure or major re-

1 alignment of a military installation under a base closure  
2 law by reserving for grants to the communities under sec-  
3 tion 2391(b) of title 10, United States Code, an amount  
4 equal to not less than 10 percent of the total projected  
5 savings to be realized by the Department of Defense in  
6 the first 10 years after the closure or major realignment  
7 of the installation as a result of the closure or realignment.

8 (2) Not later than March 1, 1994, the Secretary shall  
9 submit a report to Congress containing the results of the  
10 study required by this subsection. The report shall  
11 include—

12 (A) an estimate of the amount of the projected  
13 savings described in paragraph (1) to be realized by  
14 the Department of Defense as a result of each base  
15 closure or major realignment underway or an-  
16 nounced as of the date of the enactment of this Act;  
17 and

18 (B) a recommendation regarding the funding  
19 sources within the budget for the Department of De-  
20 fense from which amounts for the grants described  
21 in paragraph (1) could be derived.

22 (3) For purposes of this subsection, the term “base  
23 closure law” means each of the following:

1 (A) The Defense Base Closure and Re-  
2 alignment Act of 1990 (part A of title XXIX of  
3 Public Law 101–510; 10 U.S.C. 2687 note).

4 (B) Title II of the Defense Authorization  
5 Amendments and Base Closure and Realign-  
6 ment Act (Public Law 100–526; 10 U.S.C.  
7 2687 note).

8 **SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AF-**  
9 **FECTED BY CATASTROPHIC OR MULTIPLE**  
10 **BASE CLOSURES OR REALIGNMENTS.**

11 (a) ASSISTANCE.—Section 2391 of title 10, United  
12 States Code, is amended by adding at the end the follow-  
13 ing new subsection:

14 “(f) EMPHASIS ON COMMUNITIES WITH CATA-  
15 STROPHIC OR MULTIPLE BASE CLOSURES OR  
16 REALIGNMENTS.—(1) Not less than 50 percent of the  
17 funds made available for a fiscal year to carry out sub-  
18 section (b) shall be used by the Secretary of Defense under  
19 paragraphs (1) and (4) of such subsection to make grants,  
20 conclude cooperative agreements, and supplement funds  
21 available under other Federal programs in order to assist  
22 State and local governments in planning and carrying out  
23 community adjustments and economic diversification in  
24 any community determined by the Secretary—

1           “(A) to be likely to experience a loss of not less  
2           than five percent of the total number of civilian jobs  
3           in the community as a result of the realignment or  
4           closure of a military installation under the base clo-  
5           sure laws; or

6           “(B) to be adversely affected by the realign-  
7           ment or closure of more than one military installa-  
8           tion under the base closure laws.

9           “(2) To the extent practicable, the amount of assist-  
10          ance provided under subsection (b) in a fiscal year to as-  
11          sist a community described in paragraph (1) that is se-  
12          lected to receive such assistance in that fiscal year should  
13          be not less than—

14                 “(A) \$1,000,000 to plan community adjust-  
15                 ments and economic diversification; and

16                 “(B) \$5,000,000 to carry out a community ad-  
17                 justments and economic diversification program.”.

18          (b) TIME FOR CONSIDERATION OF APPLICATIONS.—  
19          Subsection (b) of such section is amended by adding at  
20          the end the following new paragraphs:

21                 “(6) To the extent practicable, the Secretary of De-  
22                 fense shall inform a State or local government applying  
23                 for assistance under this subsection of the approval or re-  
24                 jection by the Secretary of the application for such assist-  
25                 ance before the end of—

1           “(A) the 7-day period beginning on the date on  
2           which the Secretary receives the application, in the  
3           case of an application for a planning grant; and

4           “(B) the 30-day period beginning on such date,  
5           in the case of an application for assistance to carry  
6           out a community adjustments and economic diver-  
7           sification program.

8           “(7) In attempting to complete consideration of appli-  
9           cations within the time periods specified in paragraph (6),  
10          the Secretary shall give priority to those applications re-  
11          questing assistance for a community described in sub-  
12          section (f)(1). If an application is rejected by the Sec-  
13          retary, the Secretary shall promptly inform the State or  
14          local government of the reasons for the rejection of the  
15          application.”.

16          (c) DEFINITION.—Subsection (d) of such section is  
17          amended by adding at the end the following new para-  
18          graph:

19                 “(3) The term ‘base closure laws’ means—

20                         “(A) the Defense Base Closure and Re-  
21                         alignment Act of 1990 (part A of title XXIX of  
22                         Public Law 101–510; 10 U.S.C. 2687 note);

23                         “(B) title II of the Defense Authorization  
24                         Amendments and Base Closure and Realign-

1           ment Act (Public Law 100–526; 10 U.S.C.  
2           2687 note);

3           “(C) section 2687 of this title; and

4           “(D) any other similar law enacted after  
5           October 1, 1993.”.

6   **SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE**  
7                           **ECONOMIC ADJUSTMENT PLANNING.**

8           (a) CONTINUATION OF PROGRAM.—Subsection (a) of  
9           section 4302 of the Defense Conversion, Reinvestment,  
10          and Transition Assistance Act of 1992 (division D of Pub-  
11          lic Law 102–484; 10 U.S.C. 1091 note) is amended by  
12          striking out “fiscal year 1993” and inserting in lieu there-  
13          of “fiscal years 1993 and 1994”.

14          (b) FUNDING FOR FISCAL YEAR 1994.—Of the  
15          amount made available pursuant to section 1302(a),  
16          \$1,000,000 shall be made available to continue the pilot  
17          project required under section 4302 of the Defense Con-  
18          version, Reinvestment, and Transition Assistance Act of  
19          1992 (division D of Public Law 102–484; 10 U.S.C. 1091  
20          note) with respect to those projects involving relieving the  
21          adverse effects upon a community from a combination of  
22          the closure or realignment of a military installation and  
23          changes in the mission of a national laboratory.

1 **SEC. 1324. CONSIDERATION OF LOCAL AND REGIONAL ECO-**  
2 **NOMIC NEEDS AS PART OF THE DISPOSITION**  
3 **OF REAL PROPERTY AND FACILITIES UNDER**  
4 **BASE CLOSURE LAWS.**

5 (a) CONSIDERATION OF ECONOMIC NEEDS.—In  
6 order to maximize local and regional benefit from the  
7 reuse of military installations that are closed or realigned,  
8 or selected for closure or realignment, pursuant to the op-  
9 eration of a base closure law, the Secretary of Defense  
10 shall incorporate locally and regionally delineated eco-  
11 nomic development needs and priorities into the disposi-  
12 tion process by which the Secretary disposes of real prop-  
13 erty and facilities as part of the closure or realignment  
14 of a military installation under a base closure law. In de-  
15 termining such needs and priorities, the Secretary shall  
16 use the community base reuse plan developed for the mili-  
17 tary installation involved.

18 (b) COOPERATION.—The Secretary shall cooperate  
19 with the State in which a military installation referred to  
20 in subsection (a) is located, with the entity established to  
21 develop a community base reuse plan for the installation,  
22 and with local governments and other interested persons  
23 in communities located near the installation to implement  
24 the entire disposition process of real property and facilities  
25 at the installation.

1 (c) ECONOMIC DEVELOPMENT CRITERIA.—In evalu-  
2 ating the highest and best reuse options for real property  
3 and facilities at a military installation referred to in sub-  
4 section (a), the Secretary shall employ the following eco-  
5 nomic development criteria:

6 (1) The creation of jobs, including manufactur-  
7 ing and other primary labor market jobs.

8 (2) A significant economic multiplier effect on  
9 the local and regional economies.

10 (3) A significant direct economic impact on the  
11 local and regional economies through future con-  
12 tracting for goods and services, and construction ac-  
13 tivities.

14 (4) New tax revenue generated to the State and  
15 locality.

16 (5) The creation, rehabilitation, operation, and  
17 maintenance of local infrastructure.

18 (6) The incorporation of local and regional eco-  
19 nomic development needs and priorities into the  
20 reuse plan.

21 (7) The economic viability of the proposed de-  
22 velopment.

23 (8) The timely economic impact of the proposed  
24 development.

1           (9) Need for public financial assistance to ac-  
2           quire or develop the property.

3           (d) PRIORITIES.—The criteria specified in subsection  
4 (d) shall be prioritized at the local and regional level for  
5 each military installation referred to in subsection (a) to  
6 establish a site specific weighting system for individual ob-  
7 jectives. These criteria shall be considered to be costs or  
8 benefits depending upon the degree to which priorities are  
9 met. The highest and best use for real property and facili-  
10 ties at the installation shall be considered to be the reuse  
11 option that produces the greatest benefit according to  
12 these criteria.

13          (e) DEFINITIONS.—For purposes of this section:

14           (1) The term “base closure law” means each of  
15           the following:

16                   (A) The Defense Base Closure and Re-  
17                   alignment Act of 1990 (part A of title XXIX of  
18                   Public Law 101–510; 10 U.S.C. 2687 note).

19                   (B) Title II of the Defense Authorization  
20                   Amendments and Base Closure and Realign-  
21                   ment Act (Public Law 100–526; 10 U.S.C.  
22                   2687 note).

23                   (C) Section 2687 of title 10, United States  
24                   Code.

1 (D) Any other similar law enacted after  
2 the date of the enactment of this Act.

3 (2) The term “disposition process” includes  
4 scheduling, planning, economic, environmental, and  
5 infrastructure assessments, market research, mar-  
6 keting programs, permit procedures, and transfers  
7 of real and personal property carried out as part of  
8 the disposition of real property and facilities at a  
9 military installation closed or realigned under a base  
10 closure law.

11 **SEC. 1325. SHIPYARD CONVERSION AND REUSE STUDIES.**

12 (a) STUDIES REQUIRED.—The Secretary of Defense  
13 shall make community adjustment and diversification as-  
14 sistance available under section 2391(b) of title 10, United  
15 States Code, for the purpose of conducting studies regard-  
16 ing the feasibility of converting and reutilizing the follow-  
17 ing military shipyards as facilities primarily oriented to-  
18 ward commercial use:

19 (1) Charleston Naval Shipyard, South Carolina.

20 (2) Mare Island Naval Shipyard, California.

21 (b) FUNDING.—Of the amount made available pursu-  
22 ant to section 1302(a), \$500,000 shall be available to  
23 carry out each of the studies required by subsection (a).

1 **Subtitle C—Personnel Adjustment,**  
2 **Education, and Training Programs**

3 **SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S**  
4 **AIDE PLACEMENT PROGRAMS.**

5 (a) PLACEMENT PROGRAMS REQUIRED.—(1) Section  
6 1151 of title 10, United States Code, is amended—

7 (A) in subsection (a), by striking out “may” in  
8 the matter preceding paragraph (1) and inserting in  
9 lieu thereof “shall” and;

10 (B) in subsections (b), (c)(1), (e)(1), and (f), by  
11 striking out “program authorized” each place it ap-  
12 pears and inserting in lieu thereof “program re-  
13 quired”.

14 (2) Section 1598 of such title is amended—

15 (A) in subsection (a), by striking out “may” in  
16 the matter preceding paragraph (1) and inserting in  
17 lieu thereof “shall”; and

18 (B) in subsections (b)(1) and (f), by striking  
19 out “program authorized” both places it appears  
20 and inserting in lieu thereof “program required”.

21 (3) Section 2410j of such title is amended—

22 (A) in subsection (a), by striking out “may” in  
23 the matter preceding paragraph (1) and inserting in  
24 lieu thereof “shall offer to”; and

1 (B) in subsection (b)(1), by striking out “agree-  
2 ment authorized” and inserting in lieu thereof  
3 “agreement entered into”.

4 (b) COVERAGE OF CERTAIN MEMBERS INADVERT-  
5 ENTLY EXCLUDED.—Section 1151(e)(1) of such title, as  
6 amended by subsection (a)(1)(B), is further amended by  
7 inserting before the period at the end of the first sentence  
8 the following: “or within one year after the date of the  
9 discharge or release”.

10 (c) EXTENSION OF PERIOD OF REQUIRED SERV-  
11 ICE.—(1) Section 1151 of such title, as amended by sub-  
12 section (a)(1), is further amended—

13 (A) in subsection (f)(2), by striking out “two  
14 school years” both places it appears and inserting in  
15 lieu thereof “five school years”;

16 (B) in subsection (h)(3)(A), by striking out  
17 “two consecutive school years” and inserting in lieu  
18 thereof “five consecutive school years”;

19 (C) in subsection (h)(5), by striking out “two  
20 years” both places it appears and inserting in lieu  
21 thereof “five years”; and

22 (D) in subsection (i)(1), by striking out “two  
23 years” both places it appears and inserting in lieu  
24 thereof “five years”.

1           (2) Section 1598(d)(2) of such title is amended by  
2 striking out “two school years” both places it appears and  
3 inserting in lieu thereof “five school years”.

4           (3) Section 2410j(f)(2) of such title is amended by  
5 striking out “two school years” both places it appears and  
6 inserting in lieu thereof “five school years”.

7           (d) GRANT PAYMENTS.—Section 1151(h)(3)(B) of  
8 such title is amended by striking out “equal to the  
9 lesser of—” and all that follows through “\$50,000.” and  
10 inserting in lieu thereof the following: “based upon the  
11 basic salary paid by the local educational agency to the  
12 participant as a teacher or teacher’s aide. The rate of pay-  
13 ment by the Secretary shall be as follows:

14                   “(i) For the first school year of employ-  
15                   ment, 50 percent of the basic salary, except  
16                   that the payment may not exceed \$25,000.

17                   “(ii) For the second school year of employ-  
18                   ment, 40 percent of the basic salary, except  
19                   that the payment may not exceed \$10,000.

20                   “(iii) For the third school year of employ-  
21                   ment, 30 percent of the basic salary, except  
22                   that the payment may not exceed \$7,500.

23                   “(iv) For the fourth school year of employ-  
24                   ment, 20 percent of the basic salary, except  
25                   that the payment may not exceed \$5,000.

1           “(v) For the fifth year of employment, 10  
2           percent of the basic salary, except that the pay-  
3           ment may not exceed \$2,500.”.

4           (e) INCREASED FLEXIBILITY IN PROVIDING STI-  
5           PENDS AND PLACEMENT GRANTS.—Section 1151(h)(1) of  
6           such is amended by striking out “shall” and inserting in  
7           lieu thereof “may”.

8           (f) APPLICATION OF CERTAIN AMENDMENTS.—The  
9           amendments made by subsections (c) and (d) shall not  
10          apply with respect to—

11           (1) persons selected by the Secretary of Defense  
12          before the date of the enactment of this Act to par-  
13          ticipate in the teacher and teacher’s aide placement  
14          programs required by sections 1151, 1598, and  
15          2410j of title 10, United States Code, or

16           (2) agreements entered into by the Secretary  
17          before such date with local educational agencies  
18          under such sections.

19       **SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS OF**  
20                               **THE ARMED FORCES IN EMPLOYMENT POSI-**  
21                               **TIONS WITH LAW ENFORCEMENT AGENCIES**  
22                               **AND HEALTH CARE PROVIDERS.**

23           (a) PLACEMENT PROGRAM WITH LAW ENFORCE-  
24          MENT AGENCIES.—Chapter 58 of title 10, United States

1 Code, is amended by adding at the end the following new  
2 section:

3 **“§ 1152. Assistance to separated members to obtain**  
4 **employment with law enforcement agen-**  
5 **cies**

6 “(a) PLACEMENT PROGRAM.—The Secretary of De-  
7 fense shall establish a program to assist eligible members  
8 of the armed forces to obtain employment by State and  
9 local law enforcement agencies upon their discharge or re-  
10 lease from active duty.

11 “(b) ELIGIBLE MEMBERS.—(1) Except as provided  
12 in paragraph (2), a member of the armed forces may apply  
13 to participate in the program established under subsection  
14 (a) if the member—

15 “(A) is selected for involuntary separation, is  
16 approved for separation under section 1174a or  
17 1175 of this title, or is given early retirement under  
18 section 4403 of the Defense Conversion, Reinvest-  
19 ment, and Transition Assistance Act of 1992 (divi-  
20 sion D of Public Law 102–484; 10 U.S.C. 1293  
21 note) during the four-year period beginning on Octo-  
22 ber 1, 1993;

23 “(B) has a military occupational specialty,  
24 training, or experience related to law enforcement,

1       such as service as a member of the military police;  
2       and

3               “(C) satisfies such other criteria for selection as  
4       the Secretary of Defense may prescribe.

5       “(2) A member who is discharged or released from  
6       service under other than honorable conditions shall not be  
7       eligible to participate in the program.

8       “(c) SELECTION OF PARTICIPANTS.—(1) The Sec-  
9       retary of Defense shall select members to participate in  
10      the program established under subsection (a) on the basis  
11      of applications submitted to the Secretary before the date  
12      of the discharge or release of the members from active  
13      duty. An application shall be in such form and contain  
14      such information as the Secretary may require.

15      “(2) The Secretary may not select a member to par-  
16      ticipate in the program unless the Secretary has sufficient  
17      appropriations for the placement program available at the  
18      time of the selection to satisfy the obligations to be in-  
19      curred by the United States under subsection (d) with re-  
20      spect to that member.

21      “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)  
22      The Secretary of Defense may enter into agreements with  
23      State and local law enforcement agencies to assist eligible  
24      members selected under subsection (c) to obtain suitable  
25      employment with these agencies. Under the agreement,

1 the law enforcement agency shall agree to employ a partic-  
2 ipant in the program on a full-time basis for at least a  
3 five-year period.

4 “(2) Under an agreement referred to in paragraph  
5 (1), the Secretary shall agree to pay to the law enforce-  
6 ment agency involved an amount based upon the basic sal-  
7 ary paid by the law enforcement agency to the participant  
8 as a law enforcement officer. The rate of payment by the  
9 Secretary shall be as follows:

10 “(A) For the first year of employment, 50 per-  
11 cent of the basic salary, except that the payment  
12 may not exceed \$25,000.

13 “(B) For the second year of employment, 40  
14 percent of the basic salary, except that the payment  
15 may not exceed \$10,000.

16 “(C) For the third year of employment, 30 per-  
17 cent of the basic salary, except that the payment  
18 may not exceed \$7,500.

19 “(D) For the fourth year of employment, 20  
20 percent of the basic salary, except that the payment  
21 may not exceed \$5,000.

22 “(E) For the fifth year of employment, 10 per-  
23 cent of the basic salary, except that the payment  
24 may not exceed \$2,500.



1       “(b) ELIGIBLE MEMBERS.—(1) Except as provided  
2 in paragraph (2), a member shall be eligible for selection  
3 by the Secretary of Defense to participate in the program  
4 established under subsection (a) if the member—

5           “(A) is selected for involuntary separation, is  
6 approved for separation under section 1174a or  
7 1175 of this title, or is given early retirement under  
8 section 4403 of the Defense Conversion, Reinvest-  
9 ment, and Transition Assistance Act of 1992 (divi-  
10 sion D of Public Law 102–484; 10 U.S.C. 1293  
11 note) during the four-year period beginning on Octo-  
12 ber 1, 1993;

13           “(B) has received an associate degree, bacca-  
14 laureate, or advanced degree from an accredited in-  
15 stitution of higher education or a junior or commu-  
16 nity college;

17           “(C) has a military occupational specialty,  
18 training, or experience related to health care or is  
19 likely to be able to obtain such training in a short  
20 period of time, as determined by the Secretary; and

21           “(D) satisfies such other criteria for selection  
22 as the Secretary may prescribe.

23       “(2) A member who is discharged or released from  
24 service under other than honorable conditions shall not be  
25 eligible to participate in the program.

1       “(c) SELECTION OF PARTICIPANTS.—(1) The Sec-  
2 retary of Defense shall select members to participate in  
3 the program established under subsection (a) on the basis  
4 of applications submitted to the Secretary before the date  
5 of the discharge or release of the members from active  
6 duty. An application shall be in such form and contain  
7 such information as the Secretary may require.

8       “(2) The Secretary may not select a member to par-  
9 ticipate in the program unless the Secretary has sufficient  
10 appropriations for the placement program available at the  
11 time of the selection to satisfy the obligations to be in-  
12 curred by the United States under subsection (d) with re-  
13 spect to that member.

14       “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)  
15 The Secretary of Defense may enter into an agreement  
16 with a health care provider to assist eligible members se-  
17 lected under subsection (c) to obtain suitable employment  
18 with the health care provider. Under the agreement, the  
19 provider shall agree to employ a participant in the pro-  
20 gram on a full-time basis for at least a five-year period.

21       “(2) Under an agreement referred to in paragraph  
22 (1), the Secretary shall agree to pay to the health care  
23 provider involved an amount based upon the basic salary  
24 paid by the health care provider to the participant. The  
25 rate of payment by the Secretary shall be as follows:

1           “(A) For the first year of employment, 50 per-  
2           cent of the basic salary, except that the payment  
3           may not exceed \$25,000.

4           “(B) For the second year of employment, 40  
5           percent of the basic salary, except that the payment  
6           may not exceed \$10,000.

7           “(C) For the third year of employment, 30 per-  
8           cent of the basic salary, except that the payment  
9           may not exceed \$7,500.

10          “(D) For the fourth year of employment, 20  
11          percent of the basic salary, except that the payment  
12          may not exceed \$5,000.

13          “(E) For the fifth year of employment, 10 per-  
14          cent of the basic salary, except that the payment  
15          may not exceed \$2,500.

16          “(3) Payments required under paragraph (2) may be  
17          made by the Secretary in such installments as the Sec-  
18          retary may determine.

19          “(4) If a participant who is placed under this pro-  
20          gram leaves the employment of the health care provider  
21          before the end of the five years of required employment  
22          service, the provider shall reimburse the Secretary in an  
23          amount that bears the same ratio to the total amount al-  
24          ready paid under the agreement as the unserved portion  
25          bears to the five years of required service.

1       “(5) The Secretary may not make a grant under this  
2 subsection to a health care provider if the Secretary deter-  
3 mines that the provider terminated the employment of an-  
4 other employee in order to fill the vacancy so created with  
5 a participant in this program.”.

6       (c)     PRESEPARATION     COUNSELING.—Section  
7 1142(b)(4) of title 10, United States Code, is amended  
8 by striking out “program established under section 1151  
9 of this title to assist members to obtain employment as  
10 elementary or secondary school teachers or teachers’  
11 aides.” and inserting in lieu thereof “programs established  
12 under sections 1151, 1152, and 1153 of this title.”.

13       (d)     STUDY ON EXPANSION OF THE LAW ENFORCE-  
14 MENT PLACEMENT PROGRAM TO INCLUDE THE BORDER  
15 PATROL.—(1) The Secretary of Defense, in consultation  
16 with the Commissioner of the Immigration and Natu-  
17 ralization Service, shall conduct a study regarding the fea-  
18 sibility of expanding the law enforcement placement pro-  
19 gram established under section 1152 of title 10, United  
20 States Code, as added by subsection (a), to include the  
21 placement of members of the Armed Forces who are dis-  
22 charged or released from active duty with the Border Pa-  
23 trol of the Immigration and Naturalization Service.

1 (2) Not later than March 1, 1994, the Secretary shall  
2 submit a report to Congress containing the results of the  
3 study required by this subsection.

4 (e) CLERICAL AMENDMENT.—The table of sections  
5 at the beginning of such chapter is amended by adding  
6 at the end the following new items:

“1152. Assistance to separated members to obtain employment with law enforce-  
ment agencies.

“1153. Assistance to separated members to obtain employment with health care  
providers.”.

7 **SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDU-**  
8 **CATION TO PROVIDE EDUCATION AND TRAIN-**  
9 **ING IN ENVIRONMENTAL RESTORATION TO**  
10 **DISLOCATED DEFENSE WORKERS AND**  
11 **YOUNG ADULTS.**

12 (a) GRANT PROGRAM REQUIRED.—(1) The Secretary  
13 of Defense shall establish a program to provide dem-  
14 onstration grants to institutions of higher education to as-  
15 sist such institutions in providing education and training  
16 in environmental restoration and hazardous waste man-  
17 agement to eligible dislocated defense workers and young  
18 adults described in subsection (d). The Secretary shall  
19 award the grants pursuant to a merit-based selection proc-  
20 ess.

21 (2) A grant provided under this subsection may cover  
22 a period of not more than three fiscal years, except that  
23 the payments under the grant for the second and third

1 fiscal year shall be subject to the approval of the Secretary  
2 and to the availability of appropriations to carry out this  
3 section in that fiscal year.

4 (b) APPLICATION.—To be eligible for a grant under  
5 subsection (a), an institution of higher education shall  
6 submit an application to the Secretary at such time, in  
7 such form, and containing such information as the Sec-  
8 retary may require. The application shall include the fol-  
9 lowing:

10 (1) An assurance by the institution of higher  
11 education that it will use the grant to supplement  
12 and not supplant non-Federal funds that would oth-  
13 erwise be available for the education and training ac-  
14 tivities funded by the grant.

15 (2) A proposal by the institution of higher edu-  
16 cation to provide expertise, training, and education  
17 in hazardous materials and waste management and  
18 other environmental fields applicable to defense  
19 manufacturing sites and Department of Defense and  
20 Department of Energy defense facilities.

21 (c) USE OF GRANT FUNDS.—(1) An institution of  
22 higher education receiving a grant under subsection (a)  
23 shall use the grant to establish a consortium consisting  
24 of the institution and one or more of each of the entities  
25 described in paragraph (2) for the purpose of establishing

1 and conducting a program to provide education and train-  
2 ing in environmental restoration and waste management  
3 to eligible individuals described in subsection (d). To the  
4 extent practicable, the Secretary shall authorize the con-  
5 sortium to use a military installation closed or selected to  
6 be closed under a base closure law in providing on-site  
7 basic skills training to participants in the program.

8 (2) The entities referred to in paragraph (1) are the  
9 following:

10 (A) Representatives of appropriate State and  
11 local agencies.

12 (B) Private industry councils (as described in  
13 section 102 of the Job Training Partnership Act (29  
14 U.S.C. 1512)).

15 (C) Community-based organizations (as defined  
16 in section 4(5) of such Act (29 U.S.C. 103(5))).

17 (D) Businesses.

18 (E) Organized labor.

19 (F) Other appropriate educational institutions.

20 (d) ELIGIBLE INDIVIDUALS.—A program established  
21 or conducted using funds provided under subsection (a)  
22 may provide education and training in environmental res-  
23 toration and waste management to—

24 (1) individuals who have been terminated or  
25 laid off from employment (or have received notice of

1 termination or lay off) as a consequence of reduc-  
2 tions in expenditures by the United States for de-  
3 fense, the cancellation, termination, or completion of  
4 a defense contract, or the closure or realignment of  
5 a military installation under a base closure law, as  
6 determined in accordance with regulations prescribed  
7 by the Secretary; or

8 (2) individuals who have attained the age of 16  
9 but not the age of 25.

10 (e) ELEMENTS OF EDUCATION AND TRAINING PRO-  
11 GRAM.—In establishing or conducting an education and  
12 training program using funds provided under subsection  
13 (a), the institution of higher education shall meet the fol-  
14 lowing requirements:

15 (1) The institution of higher education shall es-  
16 tablish and provide a work-based learning system  
17 consisting of education and training in environ-  
18 mental restoration—

19 (A) which may include basic educational  
20 courses, on-site basic skills training, and men-  
21 tor assistance to individuals described in sub-  
22 section (d) who are participating in the pro-  
23 gram; and

1 (B) which may lead to the awarding of a  
2 certificate or degree at the institution of higher  
3 education.

4 (2) The institution of higher education shall un-  
5 dertake outreach and recruitment efforts to encour-  
6 age participation by eligible individuals in the edu-  
7 cation and training program.

8 (3) The institution of higher education shall se-  
9 lect participants for the education and training pro-  
10 gram from among eligible individuals described in  
11 paragraph (1) or (2) of subsection (d).

12 (4) To the extent practicable, in the selection of  
13 young adults described in subsection (d)(2) to par-  
14 ticipate in the education and training program, the  
15 institution of higher education shall give priority to  
16 those young adults who—

17 (A) have not attended and are otherwise  
18 unlikely to be able to attend an institution of  
19 higher education; or

20 (B) have, or are members of families who  
21 have, received a total family income that, in re-  
22 lation to family size, is not in excess of the  
23 higher of—

24 (i) the official poverty line (as defined  
25 by the Office of Management and Budget,

1 and revised annually in accordance with  
2 section 673(2) of the Omnibus Budget  
3 Reconciliation Act of 1981 (42 U.S.C.  
4 9902(2)); or

5 (ii) 70 percent of the lower living  
6 standard income level.

7 (5) To the extent practicable, the institution of  
8 higher education shall select instructors for the edu-  
9 cation and training program from institutions of  
10 higher education, appropriate community programs,  
11 and industry and labor.

12 (6) To the extent practicable, the institution of  
13 higher education shall consult with appropriate Fed-  
14 eral, State, and local agencies carrying out environ-  
15 mental restoration programs for the purpose of  
16 achieving coordination between such programs and  
17 the education and training program conducted by  
18 the consortium.

19 (f) SELECTION OF GRANT RECIPIENTS.—To the ex-  
20 tent practicable, the Secretary shall provide grants to in-  
21 stitutions of higher education under subsection (a) in a  
22 manner which will equitably distribute such grants among  
23 the various regions of the United States.

24 (g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE  
25 RECIPIENT.—The amount of a grant under subsection (a)

1 that may be made to a single institution of higher edu-  
2 cation in a fiscal year may not exceed  $\frac{1}{3}$  of the amount  
3 made available to provide grants under such subsection  
4 for that fiscal year.

5 (h) REPORTING REQUIREMENTS.—(1) The Secretary  
6 may provide a grant to an institution of higher education  
7 under subsection (a) only if the institution agrees to sub-  
8 mit to the Secretary, in each fiscal year in which the Sec-  
9 retary makes payments under the grant to the institution,  
10 a report containing—

11 (A) a description and evaluation of the edu-  
12 cation and training program established by the con-  
13 sortium formed by the institution under subsection  
14 (c); and

15 (B) such other information as the Secretary  
16 may reasonably require.

17 (2) Not later than 18 months after the date of the  
18 enactment of this Act, the Secretary shall submit to the  
19 President and Congress an interim report containing—

20 (A) a compilation of the information contained  
21 in the reports received by the Secretary from each  
22 institution of higher education under paragraph (1);  
23 and

1 (B) an evaluation of the effectiveness of the  
2 demonstration grant program authorized by this  
3 section.

4 (3) Not later than January 1, 1997, the Secretary  
5 shall submit to the President and Congress a final report  
6 containing—

7 (A) a compilation of the information described  
8 in the interim report; and

9 (B) a final evaluation of the effectiveness of the  
10 demonstration grant program authorized by this sec-  
11 tion, including a recommendation as to the feasibil-  
12 ity of continuing the program.

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

14 (1) BASE CLOSURE LAW.—The term “base clo-  
15 sure law” means the following:

16 (A) The Defense Base Closure and Re-  
17 alignment Act of 1990 (part A of title XXIX of  
18 Public Law 101–510; 104 Stat. 1808; 10  
19 U.S.C. 2687 note).

20 (B) Title II of the Defense Authorization  
21 Amendments and Base Closure and Realign-  
22 ment Act (Public Law 100–526; 102 Stat.  
23 2627; 10 U.S.C. 2687 note).

24 (C) Section 2687 of title 10, United States  
25 Code.

1 (D) Any other similar law enacted after  
2 the date of the enactment of this Act.

3 (2) ENVIRONMENTAL RESTORATION.—The term  
4 “environmental restoration” means actions taken  
5 consistent with a permanent remedy to prevent or  
6 minimize the release of hazardous substances into  
7 the environment so that such substances do not mi-  
8 grate to cause substantial danger to present or fu-  
9 ture public health or welfare or the environment.

10 (3) INSTITUTION OF HIGHER EDUCATION.—The  
11 term “institution of higher education” has the  
12 meaning given such term in section 1201(a) of the  
13 Higher Education Act of 1965 (20 U.S.C. 1141(a)).

14 (4) SECRETARY.—The term “Secretary” means  
15 the Secretary of Defense.

16 (j) CONFORMING REPEAL.—Section 4452 of the De-  
17 fense Conversion, Reinvestment, and Transition Assist-  
18 ance Act of 1992 (division D of Public Law 102–484; 10  
19 U.S.C. 2701 note) is repealed.

20 **SEC. 1334. REVISION TO IMPROVEMENTS TO EMPLOYMENT**  
21 **AND TRAINING ASSISTANCE FOR DIS-**  
22 **LOCATED WORKERS.**

23 The matter inserted by the amendment made by sec-  
24 tion 4467(f)(1) of the Defense Conversion, Reinvestment,  
25 and Transition Assistance Act of 1992 (division D of Pub-

1 lic Law 102–484; 106 Stat. 2751) is amended to read as  
2 follows:

3 “(s)(1) Notwithstanding title II of the Federal Prop-  
4 erty and Administrative Services Act of 1949 and any  
5 other provision of law, the Secretary and the Secretary  
6 of Education shall receive priority by the Secretary of De-  
7 fense for the direct transfer, on a nonreimbursable basis,  
8 of the property described in paragraph (2) for use in car-  
9 rying out programs under this Act or under any other Act.

10 “(2) The property described in this paragraph is both  
11 real and personal property under the control of the De-  
12 partment of Defense that is not used by such Department,  
13 including property that the Secretary of Defense deter-  
14 mines is in excess of current and projected requirements  
15 of such Department.”.

16 **SEC. 1335. DEMONSTRATION PROGRAM FOR THE TRAINING**  
17 **OF RECENTLY DISCHARGED VETERANS FOR**  
18 **EMPLOYMENT IN CONSTRUCTION AND IN**  
19 **HAZARDOUS WASTE REMEDIATION.**

20 (a) ESTABLISHMENT.—The Secretary of Defense  
21 shall establish a demonstration program to promote the  
22 training and employment of veterans in the construction  
23 and hazardous waste remediation industries. Using funds  
24 made available to carry out this section the Secretary shall  
25 make grants under the demonstration program to organi-

1 zations that meet the eligibility criteria specified in sub-  
2 section (b).

3 (b) GRANT ELIGIBILITY CRITERIA.—An organization  
4 is eligible to receive a grant from the Secretary under sub-  
5 section (a) if it—

6 (1) demonstrates, to the satisfaction of the Sec-  
7 retary, an ability to recruit and counsel veterans for  
8 participation in the demonstration program under  
9 this section;

10 (2) has entered into an agreement with a joint  
11 labor-management training fund established pursu-  
12 ant to section 8(f) of the National Labor Relations  
13 Act (29 U.S.C. 158(f)) to implement and operate a  
14 training and employment program for veterans;

15 (3) agrees under the agreement referred to in  
16 paragraph (2) to use grant funds to carry out a pro-  
17 gram that will provide eligible veterans with training  
18 for employment in the construction and hazardous  
19 waste remediation industries;

20 (4) provides such training for eligible veterans  
21 during a period that does not exceed 18 months;

22 (5) demonstrates actual experience in providing  
23 training for veterans under an agreement referred to  
24 in paragraph (2);

1           (6) agrees to make, along with all subgrantees,  
2           a substantial in-kind contribution (as determined by  
3           the Secretary of Defense) from non-Federal sources  
4           to the demonstration program under this section;  
5           and

6           (7) gives its assurances, to the satisfaction of  
7           the Secretary, that full time, permanent jobs will be  
8           available for individuals successfully completing the  
9           training program, with a special emphasis on jobs  
10          with employers in construction and hazardous waste  
11          remediation on Department of Defense facilities.

12          (c) ELIGIBLE VETERANS.—An individual is an eligi-  
13          ble veteran for the purposes of subsection (b)(3) if the  
14          individual—

15               (1)(A) served in the active military, naval, or  
16               air service for a period of at least two years;

17               (B) was discharged or released from active duty  
18               because of a service-connected disability; or

19               (C) is entitled to compensation (or who but for  
20               the receipt of military retired pay would be entitled  
21               to compensation) under the laws administered by the  
22               Secretary of Veterans Affairs for a disability rated  
23               at 30 percent or more; and

1           (2) was discharged or released on or after Au-  
2           gust 2, 1990, under conditions other than dishonor-  
3           able.

4           (d) PREFERENCE.—In carrying out the demonstra-  
5           tion program under this section, the Secretary shall ensure  
6           that a preference is given to eligible veterans whose pri-  
7           mary or secondary occupational specialty in the Armed  
8           Forces is (as determined under regulations prescribed by  
9           the Secretary and in effect before the date of such separa-  
10          tion) not readily transferable to the civilian work force.

11          (e) HAZARDOUS WASTE OPERATIONS TRAINING  
12          GOAL.—It is the sense of Congress that at least 20 per-  
13          cent of the total number of veterans completing training  
14          under the demonstration program under this section  
15          should complete the training required—

16                (1) for certification under section 126 of the  
17                Superfund Amendments and Reauthorization Act of  
18                1986 (29 U.S.C. 655 note), and

19                (2) under any other Federal law which requires  
20                certification for employees engaged in hazardous  
21                waste operations.

22          (f) USE OF FUNDS.—Funds made available to carry  
23          out this section may only be used for tuition and stipends  
24          to cover the living and travel expenses of participants, ex-  
25          cept that the Secretary may provide that not more than

1 a total of four percent of all the funds made available  
2 under this section may be used for administrative expenses  
3 of grantees and subgrantees.

4 (g) LIMITATION ON TUITION CHARGED.—The  
5 amount of tuition charged with respect to veterans partici-  
6 pating in the demonstration program under this section  
7 may not exceed the amount of tuition charged to non-  
8 veterans participating in programs substantially similar to  
9 such demonstration program.

10 (h) CAP ON EXPENDITURES PER PARTICIPANT.—Of  
11 the funds made available to carry out this section—

12 (1) not more than \$1,000 may be expended  
13 with respect to each veteran participating in the con-  
14 struction phase of the demonstration program, and

15 (2) not more than an additional \$1,000 may be  
16 expended with respect to each veteran participating  
17 in the hazardous waste remediation phase of the  
18 demonstration program, except that the Secretary  
19 may authorize an additional \$300 for the training of  
20 a veteran participating in such phase if the Sec-  
21 retary determines that such additional amount is  
22 necessary because of the type of training needed for  
23 the particular kind of hazardous waste remediation  
24 involved.

1           (i) REPORTS.—(1) Not later than November 1, 1994,  
2 the Secretary shall submit an interim report to the Con-  
3 gress describing the manner in which the demonstration  
4 program is being carried out under this section, including  
5 a detailed description of the number of grants made, the  
6 number of veterans involved, the kinds of training re-  
7 ceived, and any job placements that have occurred or that  
8 are anticipated.

9           (2) Not later than December 31, 1995, the Secretary  
10 shall submit a final report to the Congress containing a  
11 description of the results of the demonstration program  
12 with a detailed description of the number of grants made,  
13 the number of veterans involved, the number of veterans  
14 who completed the program, the number of veterans who  
15 were placed in jobs, the number of veterans who failed  
16 to complete the program along with the reasons for such  
17 failure, and any recommendations the Secretary deems ap-  
18 propriate.

19           (j) TERMINATION.—Not later than October 1, 1994,  
20 the Secretary shall obligate, in accordance with the provi-  
21 sions of this section, the funds made available to carry  
22 out the demonstration program under this section.

1 **SEC. 1336. SERVICE MEMBERS OCCUPATIONAL CONVER-**  
2 **SION AND TRAINING.**

3 (a) AUTHORIZATION FOR FISCAL YEAR 1994.—(1)  
4 Section 4495(a)(1) of the Service Members Occupational  
5 Conversion and Training Act of 1992 (subtitle G of title  
6 XLIV of Public Law 102–484; 106 Stat. 2768) is amend-  
7 ed by inserting after the first sentence the following: “Of  
8 the amounts made available pursuant to section 1302(a)  
9 of the National Defense Authorization Act for Fiscal Year  
10 1994, \$25,000,000 shall be made available for the purpose  
11 of making payments to employers under this subtitle.”.

12 (2) Section 4496 of such Act (106 Stat. 2769) is  
13 amended—

14 (A) in paragraph (1), by striking “September  
15 30, 1995” and inserting “September 30, 1996”; and

16 (B) in paragraph (2), by striking “March 31,  
17 1996” and inserting “March 31, 1997”.

18 (b) PROVISION OF TRAINING THROUGH EDU-  
19 CATIONAL INSTITUTIONS.—Section 4489 of such Act (106  
20 Stat. 2764) is amended by inserting “or any other institu-  
21 tion offering a program of job training, as approved by  
22 the Secretary of Veterans Affairs,” after “United States  
23 Code,”.

1 **SEC. 1337. AMENDMENTS TO DEFENSE DIVERSIFICATION**  
2 **PROGRAM UNDER JOB TRAINING PARTNER-**  
3 **SHIP ACT.**

4 (a) DEMONSTRATION PROJECTS.—Section  
5 325A(k)(1) of the Job Training Partnership Act is  
6 amended—

7 (1) in subparagraph (B), by striking out “and”  
8 after the semicolon;

9 (2) in subparagraph (C), by striking out the pe-  
10 riod and inserting in lieu thereof a semicolon; and

11 (3) by adding at the end the following new sub-  
12 paragraphs:

13 “(D) projects involving teams of transition  
14 assistance specialists from Federal, State, and  
15 local agencies to provide onsite services, includ-  
16 ing assisting affected communities in short-term  
17 and long-term planning and assisting affected  
18 individuals through counseling and referrals to  
19 appropriate services, at the site of such reduc-  
20 tions or closures within 60 days of the an-  
21 nouncement of such reductions or closures;

22 “(E) projects to assist in establishing tran-  
23 sition assistance centers at the installations  
24 where large dislocations occur to provide com-  
25 prehensive services to individuals affected by  
26 such dislocations;

1           “(F) projects involving the joint efforts of  
2 Federal agencies, such as the Department of  
3 Labor, the Department of Defense, the Depart-  
4 ment of Commerce, and the Small Business Ad-  
5 ministration, to assist communities affected by  
6 such reductions or closures in developing inte-  
7 grated community planning processes to facili-  
8 tate the retraining of affected individuals and  
9 the conversion of installations to commercial  
10 uses;

11           “(G) projects to develop new information  
12 and data systems to assist individuals and com-  
13 munities affected by such reductions or clo-  
14 sures, including the development of data bases  
15 with the capability to provide an affected indi-  
16 vidual with a civilian economy skills profile  
17 which takes into account the skills acquired  
18 while working on defense-related matters; and

19           “(H) projects to assist small and medium-  
20 sized firms affected by such reductions or clo-  
21 sures in the formation of learning consortia,  
22 which will promote joint efforts for staff train-  
23 ing, human resource development, product de-  
24 velopment, and the marketing of products.”.

1 (b) STAFF TRAINING, ADMINISTRATION, AND CO-  
2 ORDINATION.—Section 325A of the Job Training Partner-  
3 ship Act is amended—

4 (1) by redesignating subsection (l) as subsection  
5 (o); and

6 (2) by adding the following new subsections  
7 after subsection (k):

8 “(l) STAFF TRAINING AND TECHNICAL ASSIST-  
9 ANCE.—In carrying out the grant program established  
10 under subsection (a), the Secretary of Defense may pro-  
11 vide staff training and technical assistance services to  
12 States, communities, businesses, and labor organizations,  
13 and other entities involved in providing adjustment assist-  
14 ance to workers.

15 “(m) ADMINISTRATIVE EXPENSES.—Not more than  
16 2 percent of the funds available to the Secretary of De-  
17 fense to carry out this section for any fiscal year may be  
18 retained by the Secretary of Defense for the administra-  
19 tion of activities authorized under this section.

20 “(n) COORDINATION WITH TECHNOLOGY REINVEST-  
21 MENT PROJECTS.—The Secretary of Defense, in consulta-  
22 tion with the Secretary of Labor, shall ensure that activi-  
23 ties carried out under this section are coordinated with  
24 relevant activities carried out pursuant to title IV of the

1 Department of Defense Appropriations Act, 1993 (Public  
2 Law 102–396; 106 Stat. 1890).”.

3 **Subtitle D—Other Matters**

4 **SEC. 1341. ENCOURAGEMENT OF INDUSTRIAL DIVERSIFICA-**  
5 **TION PLANNING FOR CERTAIN DEFENSE**  
6 **CONTRACTORS.**

7 (a) DIVERSIFICATION PLANNING.—As part of each  
8 major defense contract entered into by the Secretary of  
9 Defense, the Secretary shall encourage that the contractor  
10 prepare an industrial diversification plan for the defense-  
11 related operations of the contractor.

12 (b) REGULATIONS.—Not later than 120 days after  
13 the date of the enactment of this Act, the Secretary shall  
14 prescribe regulations to carry out this section. With re-  
15 spect to major defense contracts, the regulations required  
16 by this subsection shall supersede any regulations pre-  
17 scribed by the Secretary pursuant to section 4239 of the  
18 Defense Conversion, Reinvestment, and Transition Assist-  
19 ance Act of 1992 (division D of Public Law 102–484; 10  
20 U.S.C. 2501 note).

21 (c) MAJOR DEFENSE CONTRACTOR DEFINED.—For  
22 purposes of this section, the term “major defense con-  
23 tract” means any contract for goods or services for the  
24 Department of Defense in an amount equal to or greater  
25 than \$5,000,000.

1           (d) APPLICATION OF PLANNING REQUIREMENTS.—  
2 Subsection (a) shall apply with respect to major defense  
3 contracts entered into by the Secretary on or after the  
4 date of the enactment of this Act.

5           (e) STUDIES REGARDING DEFENSE CONVERSION  
6 MARKET CREATION.—(1) To assist the defense diver-  
7 sification planning undertaken pursuant to subsection (a),  
8 the Secretary shall sponsor not more than five studies to  
9 identify economic sectors and strategies that will best fa-  
10 cilitate the process of defense conversion, diversification,  
11 and reinvestment. The studies shall be conducted by non-  
12 governmental entities selected pursuant to a contract with  
13 the Secretary. An entity selected to conduct a study under  
14 this subsection shall consult with representatives of both  
15 management and employees of defense contractors partici-  
16 pating in industrial diversification planning pursuant to  
17 subsection (a).

18           (2) Not later than 180 days after the date of the en-  
19 actment of this Act, the Secretary shall submit to Con-  
20 gress a report describing the results of the studies con-  
21 ducted pursuant to this subsection.

1 **SEC. 1342. ENCOURAGEMENT FOR THE PURCHASE OR**  
2 **LEASE OF VEHICLES PRODUCING ZERO OR**  
3 **VERY LOW EXHAUST EMISSIONS.**

4 From funds authorized to be appropriated in subtitle  
5 A of title I and section 301 for the purchase or lease of  
6 non-tactical administrative vehicles (such as automobiles,  
7 utility trucks, buses, and vans), the Secretary of Defense  
8 is encouraged to expend not less than 10 percent of such  
9 funds for the purchase or lease of vehicles producing zero  
10 or very low exhaust emissions.

11 **SEC. 1343. REVISION TO REQUIREMENTS FOR NOTICE TO**  
12 **CONTRACTORS UPON PROPOSED OR ACTUAL**  
13 **TERMINATION OF DEFENSE PROGRAMS.**

14 Section 4471 of the Defense Conversion, Reinvest-  
15 ment, and Transition Assistance Act of 1992 (106 Stat.  
16 2753; 10 U.S.C. 2501 note) is amended to read as follows:

17 **“SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES**  
18 **UPON PROPOSED AND ACTUAL TERMINATION**  
19 **OR SUBSTANTIAL REDUCTION IN MAJOR DE-**  
20 **FENSE PROGRAMS.**

21 “(a) NOTICE REQUIREMENT AFTER SUBMISSION OF  
22 PRESIDENT’S BUDGET TO CONGRESS.—Each year, in  
23 conjunction with the preparation of the President’s budget  
24 for the next fiscal year, the Secretary of Defense and the  
25 Secretary of Energy shall each assess which major defense  
26 programs (if any) under their respective jurisdictions are

1 proposed to be terminated or substantially reduced under  
2 the budget of the President for the next fiscal year. As  
3 soon as reasonably practicable after the date on which that  
4 budget is submitted to Congress pursuant to section 1105  
5 of title 31, United States Code, and not more than 180  
6 days after such date, each such Secretary, in accordance  
7 with regulations prescribed by that Secretary, shall pro-  
8 vide notice of the proposed termination of, or substantial  
9 reduction in, each such program—

10           “(1) directly to each prime contractor under  
11           that program; and

12           “(2) by general notice through publication in  
13           the Federal Register.

14           “(b) NOTICE REQUIREMENT AFTER ENACTMENT OF  
15           APPROPRIATIONS ACT.—

16           “(1) DEPARTMENT OF DEFENSE.—As soon as  
17           reasonably practicable after the enactment of an Act  
18           appropriating funds for the military functions of the  
19           Department of Defense, and not more than 180  
20           days after such date, the Secretary of Defense, in  
21           accordance with regulations prescribed by the  
22           Secretary—

23           “(A) shall determine which major defense  
24           programs (if any) of the Department of De-  
25           fense that were not previously identified under

1 subsection (a) are likely to be terminated or  
2 substantially reduced as a result of the funding  
3 levels provided in that Act; and

4 “(B) shall provide notice of the anticipated  
5 termination of, or substantial reduction in, that  
6 program—

7 “(i) directly to each prime contractor  
8 under that program;

9 “(ii) directly to the Secretary of  
10 Labor; and

11 “(iii) by general notice through publi-  
12 cation in the Federal Register.

13 “(2) DEPARTMENT OF ENERGY.—As soon as  
14 reasonably practicable after the enactment of an Act  
15 appropriating funds for national defense programs  
16 of the Department of Energy, and not more than  
17 180 days after such date, the Secretary of Energy,  
18 in accordance with regulations prescribed by the  
19 Secretary—

20 “(A) shall determine which major defense  
21 programs (if any) of the Department of Energy  
22 that were not previously identified under sub-  
23 section (a) are likely to be terminated or sub-  
24 stantially reduced as a result of the funding lev-  
25 els provided in that Act; and

1           “(B) shall provide notice of the anticipated  
2           termination of, or substantial reduction in, that  
3           program—

4                   “(i) directly to each prime contractor  
5                   under that program;

6                   “(ii) directly to the Secretary of  
7                   Labor; and

8                   “(iii) by general notice through publi-  
9                   cation in the Federal Register.

10          “(c) NOTICE TO SUBCONTRACTORS.—As soon as rea-  
11          sonably practicable after the date on which the prime con-  
12          tractor for a major defense program receives notice under  
13          subsection (a) or (b) of the termination of, or substantial  
14          reduction in, that program, and not more than 45 days  
15          after such date, the prime contractor shall—

16                   “(1) provide notice of that termination or sub-  
17                   stantial reduction to each person that is a first-tier  
18                   subcontractor under a contract in an amount not  
19                   less than \$500,000 for the program; and

20                   “(2) require that each such subcontractor (A)  
21                   provide such notice to each of its subcontractors in  
22                   an amount in excess of \$100,000 under the contract,  
23                   and (B) impose a similar notice and pass through  
24                   requirement to subcontractors in an amount in ex-  
25                   cess of \$100,000 at all tiers.

1       “(d) SIX-MONTH CONTRACTOR NOTICE TO EMPLOY-  
2 EES AND LOCAL GOVERNMENT BEFORE LAYOFFS.—A  
3 prime contractor receiving notice under subsection (a) or  
4 (b) or a subcontractor receiving notice under subsection  
5 (c) relating to a major defense program may not terminate  
6 the employment of an individual as a result of the actual  
7 termination or substantial reduction of that program until  
8 six months after the date on which the contractor or sub-  
9 contractor provides notice in writing of such contractor or  
10 subcontractor’s intent to terminate the employment of  
11 such individual—

12               “(1) to that employee and, if there is a labor  
13 representative of that employee, to that labor rep-  
14 resentative;

15               “(2) to the State dislocated worker unit or of-  
16 fice described in section 311(b)(2) of the Job Train-  
17 ing Partnership Act (29 U.S.C. 1661(b)(2)) for the  
18 State within which that individual resides; and

19               “(3) to the chief elected official of the unit of  
20 general local government within which that individ-  
21 ual resides.

22       “(e) CONSTRUCTIVE NOTICE.—The notice of termi-  
23 nation of, or substantial reduction in, a major defense pro-  
24 gram provided under subsection (d)(1) to an employee of  
25 a contractor or subcontractor shall have the same effect

1 as a notice of termination to such employee for the pur-  
2 poses of determining whether such employee is eligible for  
3 training, adjustment assistance, and employment services  
4 under section 325 or 325A of the Job Training Partner-  
5 ship Act, except where the employer has specified that the  
6 termination of, or reduction in, the program is not likely  
7 to result in plant closure or mass layoff. Any employee  
8 considered to have received such notice under the preced-  
9 ing sentence shall only be eligible to receive services under  
10 section 314(b) of such Act and under paragraphs (1)  
11 through (14), (16), and (18) of section 314(c) of such Act.

12 “(f) WITHDRAWAL OF NOTIFICATION UPON SUFFI-  
13 CIENT FUNDING FOR PROGRAM TO CONTINUE.—

14 “(1) NOTICE TO PRIME CONTRACTOR.—In any  
15 case in which—

16 “(A) the Secretary of Defense or Secretary  
17 of Energy has provided a notification under  
18 subsection (a) with respect to a major defense  
19 program based upon the budget of the Presi-  
20 dent for any fiscal year; and

21 “(B) that Secretary determines, upon en-  
22 actment of an Act appropriating funds for the  
23 military functions of the Department of De-  
24 fense or for national defense programs of the  
25 Department of Energy for that fiscal year, as

1           the case may be, that due to a sufficient level  
2           of funding for the program having been pro-  
3           vided in that Act there will not be a termination  
4           of, or substantial reduction in, that program,  
5           that Secretary shall provide notice of withdrawal of  
6           the notification provided under subsection (a) to  
7           each prime contractor that received that notice  
8           under subsection (a). Any such notice of withdrawal  
9           shall be provided as soon as reasonably practicable  
10          after the date of the enactment of the appropriations  
11          Act concerned. In any such case, the Secretary shall  
12          at the same time provide general notice of such  
13          withdrawal by publication in the Federal Register.

14           “(2) NOTICE TO SUBCONTRACTORS.—As soon  
15          as reasonably practicable after the date on which the  
16          prime contractor for a major defense program re-  
17          ceives notice under paragraph (1) of the withdrawal  
18          of a notification previously provided to the contrac-  
19          tor under subsection (a), and not more than 45 days  
20          after that date, the prime contractor shall provide  
21          notice of such withdrawal to each person that is a  
22          first-tier subcontractor under a contract in an  
23          amount not less than \$500,000 for the program and  
24          shall require that each such subcontractor provide

1 such notice to each subcontractor in an amount not  
2 less than \$100,000 at any tier in a contract.

3 “(3) NOTICE TO EMPLOYEES.—As soon as rea-  
4 sonably practicable after the date on which a prime  
5 contractor receives notice of withdrawal under para-  
6 graph (1) or a subcontractor receives such notice  
7 under paragraph (2), and not more than two weeks  
8 after that date, the contractor or subcontractor shall  
9 provide notice of such withdrawal—

10 “(A) to each representative of employees  
11 whose work is directly related to the defense  
12 contract under the program and who are em-  
13 ployed by the contractor or subcontractor or, if  
14 there is no such representative at that time,  
15 each such employee;

16 “(B) to the State dislocated worker unit or  
17 office described in section 311(b)(2) of the Job  
18 Training Partnership Act (29 U.S.C.  
19 1661(b)(2)) and the chief elected official of the  
20 unit of general local government within which  
21 the adverse effect may occur; and

22 “(C) to each grantee under section 325(a)  
23 or 325A(a) of the Job Training Partnership  
24 Act providing training, adjustment assistance,

1           and employment services to an employee de-  
2           scribed in this paragraph.

3           “(4) LOSS OF ELIGIBILITY.—An employee who  
4           receives notice of withdrawal under paragraph (2)  
5           shall not be eligible for training, adjustment assist-  
6           ance, and employment services under section 325 or  
7           325A of the Job Training Partnership Act beginning  
8           on the date on which the employee receives the no-  
9           tice.

10          “(g) TERMINATION AND OTHER REMEDIES FOR  
11 FAILURE TO GIVE REQUIRED NOTICE.—A contractor  
12 that willfully fails to provide notice as required by any pro-  
13 vision of this section may be subject to termination for  
14 default of the instant contract, suspension, or debarment,  
15 or other remedies as determined by the Secretary of De-  
16 fense or Secretary of Energy, as appropriate.

17          “(h) DEFINITIONS.—For purposes of this section:

18               “(1) MAJOR DEFENSE PROGRAM.—The term  
19               ‘major defense program’ means—

20                       “(A) in the case of the Department of De-  
21                       fense, a program that is carried out to produce  
22                       or acquire a major system (as defined in section  
23                       2302(5) of title 10, United States Code); and

24                       “(B) in the case of the Department of En-  
25                       ergy, a program that meets the dollar threshold

1 criteria for treatment of a Department of De-  
2 fense program as a major system.

3 “(2) SUBSTANTIAL REDUCTION.—The term  
4 ‘substantial reduction’, with respect to a major de-  
5 fense program, means a reduction of 25 percent or  
6 more in the total dollar value of contracts under the  
7 program.”.

8 **SEC. 1344. REGIONAL RETRAINING SERVICES CLEARING-**  
9 **HOUSES.**

10 (a) ESTABLISHMENT REQUIRED.—The Secretary of  
11 Labor, in consultation with the Secretary of Defense, shall  
12 carry out a demonstration project to establish one or more  
13 regional retraining services clearinghouses to serve eligible  
14 persons described in subsection (b).

15 (b) PERSONS ELIGIBLE FOR CLEARINGHOUSE SERV-  
16 ICES.—The following persons shall be eligible to receive  
17 services through the clearinghouses:

18 (1) Members of the Armed Forces who are dis-  
19 charged or released from active duty.

20 (2) Civilian employees of the Department of  
21 Defense who are terminated from such employment  
22 as a result of reductions in defense spending or the  
23 closure or realignment of a military installation, as  
24 determined by the Secretary of Defense.

1           (3) Employees of defense contractors who have  
2           been terminated or laid off (or receive a notice of  
3           termination or lay off) as a result of the completion  
4           or termination of a defense contract or program or  
5           reductions in defense spending, as determined by the  
6           Secretary of Defense.

7           (c) INFORMATIONAL ACTIVITIES OF CLEARING-  
8           HOUSES.—The clearinghouses shall—

9           (1) collect educational materials which have  
10          been prepared for the purpose of providing informa-  
11          tion to eligible persons regarding available retraining  
12          programs, in particular those programs dealing with  
13          critical skills needed in advanced manufacturing and  
14          skill areas in which shortages of skilled employees  
15          exist;

16          (2) establish and maintain a data base for the  
17          purpose of storing and categorizing such materials  
18          based on the different needs of eligible persons; and

19          (3) furnish such materials, upon request, to  
20          such educational institutions and other interested  
21          persons.

22          (d) FUNDING.—From funds made available under  
23          section 4465(c) of the National Defense Authorization Act  
24          for Fiscal Year 1993 (Public Law 102–484; 29 U.S.C.  
25          1662d–1 note) to carry out section 325A of the Job Train-

1 ing Partnership Act (29 U.S.C. 1662d-1), not more than  
2 \$10,000,000 shall be available to the Secretary of Labor  
3 to carry out this section during fiscal year 1994. Funds  
4 made available under section 1302 for defense conversion,  
5 reinvestment, and transition assistance programs shall not  
6 be used to carry out this section.

7 **Subtitle E—National Shipbuilding**  
8 **Initiative**

9 **SEC. 1351. SHORT TITLE.**

10 This subtitle may be cited as the “National Ship-  
11 building and Shipyard Conversion Act of 1993”.

12 **SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.**

13 (a) ESTABLISHMENT OF PROGRAM.—There shall be  
14 a National Shipbuilding Initiative program, to be carried  
15 out to support the industrial base for national security ob-  
16 jectives by assisting in the reestablishment of the United  
17 States shipbuilding industry as a self-sufficient, inter-  
18 nationally competitive industry.

19 (b) ADMINISTERING DEPARTMENTS.—The program  
20 shall be carried out—

21 (1) by the Secretary of Defense, with respect to  
22 programs under the jurisdiction of the Secretary of  
23 Defense; and

1           (2) by the Secretary of Transportation, with re-  
2           spect to programs under the jurisdiction of the Sec-  
3           retary of Transportation.

4           (c) PROGRAM ELEMENTS.—The National Shipbuild-  
5           ing Initiative shall consist of the following program ele-  
6           ments:

7           (1) FINANCIAL INCENTIVES PROGRAM.—A fi-  
8           nancial incentives program to provide loan guaran-  
9           tees to initiate commercial ship construction for do-  
10          mestic and export sales, encourage shipyard mod-  
11          ernization, and support increased productivity, as  
12          provided in title XI of the Merchant Marine Act,  
13          1936 (as amended by this subtitle).

14          (2) TECHNOLOGY DEVELOPMENT PROGRAM.—A  
15          technology development program, to be carried out  
16          within the Department of Defense by the Advanced  
17          Research Projects Agency, to improve the technology  
18          base for advanced shipbuilding technologies and re-  
19          lated dual-use technologies through activities includ-  
20          ing a development program for innovative commer-  
21          cial ship design and production processes and tech-  
22          nologies.

23          (3) NAVY'S AFFORDABILITY THROUGH COM-  
24          MONALITY PROGRAM.—Enhanced support by the  
25          Secretary of Defense for the shipbuilding program of

1 the Department of the Navy known as the Afford-  
2 ability Through Commonality (ATC) program, to in-  
3 clude enhanced support (A) for the development of  
4 common modules for military and commercial ships,  
5 and (B) to foster civil-military integration into the  
6 next generation of Naval surface combatants.

7 (4) NAVY'S MANUFACTURING TECHNOLOGY AND  
8 TECHNOLOGY BASE PROGRAMS.—Enhanced support  
9 by the Secretary of Defense for, and strengthened  
10 funding for, that portion of the Manufacturing  
11 Technology program of the Navy, and that portion  
12 of the Technology Base program of the Navy, that  
13 are in the areas of shipbuilding technologies and  
14 ship repair technologies.

15 **SEC. 1353. DEPARTMENT OF DEFENSE PROGRAM MANAGE-**  
16 **MENT THROUGH ADVANCED RESEARCH**  
17 **PROJECTS AGENCY.**

18 The Secretary of Defense shall designate the Ad-  
19 vanced Research Projects Agency of the Department of  
20 Defense as the lead agency of the Department of Defense  
21 for activities of the Department of Defense which are part  
22 of the National Shipbuilding Initiative program. Those ac-  
23 tivities shall be carried out as part of defense conversion  
24 activities of the Department of Defense.

1 **SEC. 1354. ADVANCED RESEARCH PROJECTS AGENCY**  
2 **FUNCTIONS.**

3 The Secretary of Defense, acting through the Direc-  
4 tor of the Advanced Research Projects Agency, shall carry  
5 out the following functions with respect to the National  
6 Shipbuilding Initiative program:

7 (1) Consultation with the Maritime Administra-  
8 tion, the Office of Economic Adjustment, the Na-  
9 tional Economic Council, the National Shipbuilding  
10 Research Project, the Coast Guard, the National  
11 Oceanic and Atmospheric Administration, appro-  
12 priate naval commands and activities, and other ap-  
13 propriate Federal agencies on—

14 (A) development and transfer to the pri-  
15 vate sector of dual-use shipbuilding tech-  
16 nologies, ship repair technologies, and ship-  
17 building management technologies;

18 (B) assessments of potential markets for  
19 maritime products; and

20 (C) recommendation of industrial entities,  
21 partnerships, joint ventures, or consortia for  
22 short- and long-term manufacturing technology  
23 investment strategies.

24 (2) Funding and program management activi-  
25 ties to develop innovative design and production

1 processes and the technologies required to implement  
2 those processes.

3 (3) Facilitation of industry and Government  
4 technology development and technology transfer ac-  
5 tivities (including education and training, market as-  
6 sessments, simulations, hardware models and proto-  
7 types, and national and regional industrial base  
8 studies).

9 (4) Integration of promising technology ad-  
10 vances made in the Technology Reinvestment Pro-  
11 gram of the Advanced Research Projects Agency  
12 into the National Shipbuilding Initiative to effect  
13 full defense conversion potential.

14 **SEC. 1355. ELIGIBLE SHIPYARDS.**

15 (a) ELIGIBILITY.—To be eligible to receive any as-  
16 sistance or otherwise to participate in any program carried  
17 out under the National Shipbuilding Initiative, a shipyard  
18 must be located in the United States and, in the case of  
19 a private shipyard, must be owned and operated by a  
20 United States company.

21 (b) DEFINITION OF UNITED STATES COMPANY.—  
22 For purposes of this section, the term “United States  
23 company” means a company that is not owned or con-  
24 trolled, directly or indirectly, by citizens or nationals of  
25 a foreign country. For purposes of the preceding sentence,

1 a company is owned or controlled directly or indirectly by  
2 citizens or nationals of a foreign country if—

3 (1) 50 percent or more of the voting stock of  
4 the company is owned by one or more citizens or na-  
5 tionals of the foreign country;

6 (2) the title to 50 percent or more of the stock  
7 of the company is held subject to trust or fiduciary  
8 obligations in favor of one or more citizens or na-  
9 tionals of the foreign country;

10 (3) 50 percent or more of the voting stock of  
11 the company is vested in or exercisable on behalf of  
12 one or more citizens or nationals of the foreign  
13 country; or

14 (4) in the case of a corporation—

15 (A) the number of its directors necessary  
16 to constitute a quorum are citizens or national  
17 of the foreign country; or

18 (B) the corporation is organized under the  
19 laws of the foreign country or any subdivision,  
20 territory, or possession thereof.

21 **SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.**

22 Title XI of the Merchant Marine Act, 1936 (46 App.  
23 U.S.C. 1271 et seq.) is amended as follows:

1           (1) ELIGIBLE EXPORT VESSEL DEFINED.—Sec-  
2           tion 1101 is amended by adding at the end the fol-  
3           lowing new subsection:

4           “(o) The term ‘eligible export vessel’ means a vessel  
5           constructed, reconstructed, or reconditioned in the United  
6           States for use in world-wide trade which will, upon deliv-  
7           ery or redelivery, be placed under or continued to be docu-  
8           mented under the laws of a country other than the United  
9           States.”.

10           (2) LIMITATIONS ON GUARANTEE OBLIGA-  
11           TIONS.—Section 1103 is amended—

12           (A) by amending the first sentence of sub-  
13           section (f) to read as follows: “The aggregate  
14           unpaid principal amount of the obligations  
15           guaranteed under this section and outstanding  
16           at any one time shall not exceed  
17           \$12,000,000,000, of which (1) \$850,000,000  
18           shall be limited to obligations pertaining to  
19           guarantees of obligations for fishing vessels and  
20           fishery facilities made under this title, and (2)  
21           \$3,000,000,000 shall be limited to obligations  
22           pertaining to guarantees of obligations for eligi-  
23           ble export vessels.”; and

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

1       “(g)(1) The Secretary may not issue a commitment  
2 to guarantee obligations for an eligible export vessel un-  
3 less, after considering—

4               “(A) the status of pending applications for com-  
5 mitments to guarantee obligations for vessels docu-  
6 mented under the laws of the United States and op-  
7 erating or to be operated in the domestic or foreign  
8 commerce of the United States,

9               “(B) the economic soundness of the applica-  
10 tions referred to in subparagraph (A), and

11              “(C) the amount of guarantee authority avail-  
12 able,

13 the Secretary determines, in the sole discretion of the Sec-  
14 retary, that the issuance of a commitment to guarantee  
15 obligations for an eligible export vessel will not result in  
16 the denial of an economically sound application to issue  
17 a commitment to guarantee obligations for vessels docu-  
18 mented under the laws of the United States operating in  
19 the domestic or foreign commerce of the United States.

20       “(2) The Secretary may not issue commitments to  
21 guarantee obligations for eligible export vessels under this  
22 section after the later of—

23              “(A) the 5th anniversary of the date on which  
24 the Secretary publishes final regulations setting  
25 forth the application procedures for the issuance of

1 commitments to guarantee obligations for eligible ex-  
2 port vessels,

3 “(B) the last day of any 5-year period in which  
4 funding and guarantee authority for obligations for  
5 eligible export vessels have been continuously avail-  
6 able, or

7 “(C) the last date on which those commitments  
8 may be issued under any treaty, convention, or other  
9 international agreement entered into after the date  
10 of the enactment of the Shipbuilding Conversion Act  
11 of 1993 that prohibits guarantee of those obliga-  
12 tions.”.

13 (3) AUTHORITY TO GUARANTEE OBLIGATIONS  
14 FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is  
15 amended—

16 (A) by amending so much of subsection  
17 (a)(1) as precedes the proviso to read as fol-  
18 lows:

19 “(1) financing, including reimbursement of an  
20 obligor for expenditures previously made for, con-  
21 struction, reconstruction, or reconditioning of a ves-  
22 sel (including an eligible export vessel), which is de-  
23 signed principally for research, or for commercial  
24 use (A) in the coastwise or intercoastal trade; (B) on  
25 the Great Lakes, or on bays, sounds, rivers, harbors,

1 or inland lakes of the United States; (C) in foreign  
2 trade as defined in section 905 of this Act for pur-  
3 poses of title V of this Act; or (D) as an ocean ther-  
4 mal energy conversion facility or plantship; (E) with  
5 respect to floating drydocks in the construction, re-  
6 construction, reconditioning, or repair of vessels; or  
7 (F) with respect to an eligible export vessel, in  
8 world-wide trade;”;

9 (B) by amending subsection (b)(2)—

10 (i) by striking “subject to the provi-  
11 sions of paragraph (1) of subsection (c) of  
12 this section,” and inserting “subject to the  
13 provisions of subsection (c)(1) and sub-  
14 section (i),”, and

15 (ii) by inserting before the semicolon  
16 at the end the following: “: *Provided, fur-*  
17 *ther* That in the case of an eligible export  
18 vessel, such obligations may be in an ag-  
19 gregate principal amount which does not  
20 exceed 87½ of the actual cost or depre-  
21 ciated actual cost of the eligible export ves-  
22 sel”;

23 (C) by amending subsection (b)(6) by in-  
24 serting after “United States Coast Guard” the  
25 following: “or, in the case of an eligible export

1 vessel, of the appropriate national flag authori-  
2 ties under a treaty, convention, or other inter-  
3 national agreement to which the United States  
4 is a party”;

5 (D) in subsection (d), by adding at the end  
6 the following new paragraph:

7 “(3) No commitment to guarantee, or guaran-  
8 tee of an obligation may be made by the Secretary  
9 under this title for the construction, reconstruction  
10 or reconditioning of an eligible export vessel  
11 unless—

12 “(A) the Secretary finds that the construc-  
13 tion, reconstruction, or reconditioning of such  
14 eligible export vessel will aid in the transition of  
15 United States shipyards to commercial activities  
16 or will preserve shipbuilding assets that would  
17 be essential in time of war or national emer-  
18 gency, and

19 “(B) the owner of the eligible export vessel  
20 agrees with the Secretary that the vessel shall  
21 not be transferred to any country designated by  
22 the Secretary as a country whose interests are  
23 hostile to the interests of the United States.”;  
24 and

1 (E) by adding at the end the following new  
2 subsection:

3 “(i) The Secretary may not, with respect to—

4 “(1) the general 75 percent or less limitation in  
5 subsection (b)(2);

6 “(2) the 87½ percent or less limitation in the  
7 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or  
8 section 1111(b); or

9 “(3) the 80 percent or less limitation in the 3rd  
10 proviso to such subsection;

11 establish by rule, regulation, or procedure any percentage  
12 within any such limitation that is, or is intended to be,  
13 applied uniformly to all guarantees or commitments to  
14 guarantee made under this section that are subject to the  
15 limitation.”.

16 (4) LIMITATION ON AUTHORITY TO ESTABLISH  
17 UNIFORM PERCENTAGE LIMITATION.—Section  
18 1104B is amended by adding at the end of sub-  
19 section (b) the following flush sentence:

20 “The Secretary may not by rule, regulation, or procedure  
21 establish any percentage within the 87½ percent or less  
22 limitation in paragraph (2) that is, or is intended to be,  
23 applied uniformly to all guarantees or commitments to  
24 guarantee made under this section.”.

1           (5) CONFORMING AMENDMENT.—Section  
2           1103(a) is amended in the first sentence by striking  
3           “, upon application by a citizen of the United  
4           States,”.

5   **SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZA-**  
6                           **TION AND IMPROVEMENT.**

7           (a) IN GENERAL.—Title XI of the Merchant Marine  
8           Act, 1936, is further amended by adding at the end the  
9           following new section:

10          “SEC. 1111. (a) The Secretary, under section  
11          1103(a) and subject to the terms the Secretary shall pre-  
12          scribe, may guarantee or make a commitment to guaran-  
13          tee the payment of the principal of, and the interest on,  
14          an obligation for advanced shipbuilding technology and  
15          modern shipbuilding technology of a general shipyard fa-  
16          cility located in the United States.

17          “(b) Guarantees or commitments to guarantee under  
18          this section are subject to the extent applicable to all the  
19          laws requirements, regulations, and procedures that apply  
20          to guarantees or commitments to guarantee made under  
21          this title, except that guarantees or commitments to guar-  
22          antee made under this section may be in the aggregate  
23          principal amount that does not exceed 87½ percent of the  
24          actual cost of the advanced shipbuilding technology or  
25          modern shipbuilding technology.

1       “(c) The Secretary may accept the transfer of funds  
2 from any other department, agency, or instrumentality of  
3 the United States Government and may use those funds  
4 to cover the cost (as defined in section 502 of the Federal  
5 Credit Reform Act of 1990) of making guarantees or com-  
6 mitments to guarantee loans entered into under this sec-  
7 tion.

8       “(d) For purposes of this section:

9           “(1) The term ‘advanced shipbuilding tech-  
10 nology’ includes—

11               “(A) numerically controlled machine tools,  
12 robots, automated process control equipment,  
13 computerized flexible manufacturing systems,  
14 associated computer software, and other tech-  
15 nology for improving shipbuilding and related  
16 industrial production which advance the state-  
17 of-the-art; and

18               “(B) novel techniques and processes de-  
19 signed to improve shipbuilding quality, produc-  
20 tivity, and practice, and to promote sustainable  
21 development, including engineering design,  
22 quality assurance, concurrent engineering, con-  
23 tinuous process production technology, energy  
24 efficiency, waste minimization, design for  
25 recyclability or parts reuse, inventory manage-

1           ment, upgraded worker skills, and communica-  
2           tions with customers and suppliers.

3           “(2) The term ‘modern shipbuilding technology’  
4           means the best available proven technology, tech-  
5           niques, and processes appropriate to enhancing the  
6           productivity of shipyards.

7           “(3) The term ‘general shipyard facility’  
8           means—

9           “(A) for operations on land—

10           “(i) any structure or appurtenance  
11           thereto designed for the construction, re-  
12           pair, rehabilitation, refurbishment or re-  
13           building of any vessel (as defined in title 1,  
14           United States Code) and including graving  
15           docks, building ways, ship lifts, wharves,  
16           and pier cranes;

17           “(ii) the land necessary for any struc-  
18           ture or appurtenance described in clause  
19           (i); and

20           “(iii) equipment that is for the use in  
21           connection with any structure or appur-  
22           tenance and that is necessary for the per-  
23           formance of any function referred to in  
24           subparagraph (A);

1           “(B) for operations other than on land,  
2           any vessel, floating drydock or barge built in  
3           the United States and used for, equipped to be  
4           used for, or of a type that is normally used for  
5           activities referred to in subparagraph (A)(i) of  
6           this paragraph.”.

7           (b) CONFORMING AMENDMENT.—Section 1101(n) of  
8           that Act (46 App. U.S.C. 1271(n)) is amended by striking  
9           “vessels.” and inserting “vessels and general shipyard fa-  
10          cilities (as defined in section 1111(d)(3)).”.

11   **SEC. 1358. FUNDING FOR CERTAIN LOAN GUARANTEE COM-**  
12                           **MITMENTS FOR FISCAL YEAR 1994.**

13           (a) FUNDING.—Amounts appropriated to the Sec-  
14           retary of Defense pursuant to the authorization of appro-  
15           priations in section 109 shall be available only for transfer  
16           to the Secretary of Transportation. Of such amounts—

17           (1) \$175,000,000 shall be available only for  
18           costs (as defined in section 502 of the Federal Cred-  
19           it Reform Act of 1990 (2 U.S.C. 661a)) of new loan  
20           guarantee commitments under section 1104A(a)(1)  
21           of the Merchant Marine Act, 1936 (46 App. U.S.C.  
22           1274(a)(1)), as amended by section 1356, for vessels  
23           of at least 10,000 gross tons that are commercially  
24           marketable on the international market (including  
25           eligible export vessels); and

1           (2) \$25,000,000 shall be available only for costs  
2           (as defined in section 502 of the Federal Credit Re-  
3           form Act of 1990) of new loan guarantee commit-  
4           ments under section 1111 of the Merchant Marine  
5           Act, 1936, as added by section 1357.

6           (b) TRANSFER TO SECRETARY OF TRANSPOR-  
7           TATION.—Subject to the provisions of appropriations Acts,  
8           amounts made available under subsection (a) shall be  
9           transferred to the Secretary of Transportation for use as  
10          described in that subsection. Any such transfer shall be  
11          made not later than 90 days after the date of the enact-  
12          ment of an Act appropriating the funds to be transferred.

13       **SEC. 1359. AUTHORIZATIONS OF APPROPRIATIONS.**

14          (a) AUTHORIZATIONS FOR DEPARTMENT OF TRANS-  
15          PORTATION.—There is authorized to be appropriated to  
16          the Secretary of Transportation for fiscal year 1994 the  
17          sum of \$10,000,000 to pay administrative costs related  
18          to new loan guarantee commitments described in sub-  
19          section (a) of section 1358, of which—

20               (1) \$8,000,000 shall be for administrative costs  
21               related to new loan guarantee commitments de-  
22               scribed in paragraph (1) of that subsection; and

23               (2) \$2,000,000 shall be for administrative costs  
24               related to new loan guarantee commitments de-  
25               scribed in paragraph (2) of that subsection.

1 (b) AVAILABILITY OF AMOUNTS.—Amounts appro-  
2 priated under the authority of this section shall remain  
3 available until expended.

4 **SEC. 1360. RESTRICTION ON USE OF DEFENSE CONVERSION**  
5 **FUNDS FOR THE SALE OR TRANSFER OF DE-**  
6 **FENSE ARTICLES OR DEFENSE SERVICES.**

7 (a) RESTRICTION.—Except as provided in subsection  
8 (b), none of the funds appropriated pursuant to an author-  
9 ization of appropriations in this Act and made available  
10 for defense conversion programs may be used to finance  
11 (whether directly or through the use of loan guarantees)  
12 the sale or transfer to foreign countries or foreign entities  
13 of any defense article or defense service, including defense  
14 articles and defense services subject to section 38 of the  
15 Arms Export Control Act (22 U.S.C. 2778).

16 (b) CIVILIAN-END USE.—The Secretary of Defense  
17 may grant exemptions from the restriction of subsection  
18 (a) with respect to sales or transfers of defense articles  
19 or defense services for civilian end-use.

20 (c) DEFINITIONS.—For purposes of this section:

21 (1) The term “defense article” has the meaning  
22 given that term in paragraph (3) of section 47 of the  
23 Arms Export Control Act (22 U.S.C. 2794).

24 (2) The term “defense service” has the mean-  
25 ing given that term in paragraph (4) of such section.

1 **TITLE XIV—NATIONAL COMMIS-**  
2 **SION ON ROLES AND MIS-**  
3 **SIONS OF THE ARMED**  
4 **FORCES**

5 **SEC. 1401. SHORT TITLE.**

6 This title may be cited as the “National Commission  
7 on Roles and Missions of the Armed Forces Act”.

8 **SEC. 1402. FINDINGS.**

9 Congress makes the following findings:

10 (1) The current allocation of roles and missions  
11 among the Armed Forces evolved from the practice  
12 during World War II to meet the Cold War threat  
13 and may no longer be appropriate for the post-Cold  
14 War era.

15 (2) Many analysts believe that a realignment of  
16 those roles and mission is essential for the efficiency  
17 and effectiveness of the Armed Forces, particularly  
18 in light of lower budgetary resources that will be  
19 available to the Department of Defense in the fu-  
20 ture.

21 (3) The existing process of a triennial review of  
22 roles and missions by the Chairman of the Joint  
23 Chiefs of Staff pursuant to provisions of law enacted  
24 by the Goldwater-Nichols Department of Defense

1 Reauthorization Act of 1986 has not produced the  
2 comprehensive review envisioned by Congress.

3 (4) It is difficult for any organization, and may  
4 be particularly difficult for the Department of De-  
5 fense, to reform itself without the benefit and au-  
6 thority provided by external perspectives and analy-  
7 sis.

8 **SEC. 1403. ESTABLISHMENT OF COMMISSION.**

9 (a) ESTABLISHMENT.—There is hereby established in  
10 the executive branch of the Government a commission to  
11 be known as the National Commission on Roles and Mis-  
12 sions of the Armed Forces (hereinafter in this title re-  
13 ferred to as the “Commission”).

14 (b) COMPOSITION AND QUALIFICATIONS.—

15 (1) The Commission shall be composed of seven  
16 members. Members of the Commission shall be ap-  
17 pointed by the President.

18 (2) The Commission shall be appointed from  
19 among private United States citizens with appro-  
20 priate and diverse military, organizational, and man-  
21 agement experiences and historical perspectives.

22 (3) The President shall designate one of the  
23 members as chairman of the Commission.

24 (c) PERIOD OF APPOINTMENT; VACANCIES.—Mem-  
25 bers shall be appointed for the life of the Commission. Any

1 vacancy in the Commission shall not affect its powers, but  
2 shall be filled in the same manner as the original appoint-  
3 ment.

4 (d) INITIAL ORGANIZATIONAL REQUIREMENTS.—

5 (1) The President shall make all appointments  
6 to the Commission within 45 days after the date of  
7 the enactment of this Act.

8 (2) The Commission shall convene its first  
9 meeting within 30 days after the first date on which  
10 all members of the Commission have been appointed.  
11 At that meeting, the Commission shall develop an  
12 agenda and a schedule for carrying out its duties.

13 **SEC. 1404. DUTIES OF COMMISSION.**

14 (a) IN GENERAL.—Over the period of fiscal years  
15 1994 through 1998, the Commission shall—

16 (1) review the efficacy and appropriateness for  
17 the post-Cold War era of the current allocations  
18 among the Armed Forces of roles, missions, and  
19 functions;

20 (2) evaluate and report on alternative assign-  
21 ments of those roles, missions and functions; and

22 (3) make recommendations for changes in the  
23 current definition and distribution of those roles,  
24 functions, and missions.

1           (b) REVIEW OF POTENTIAL MILITARY OPER-  
2 ATIONS.—The Commission shall review the types of mili-  
3 tary operations that may be required in the post-Cold War  
4 era, taking into account the requirements for success in  
5 various types of operations. As part of such review, the  
6 Commission shall take into consideration the official stra-  
7 tegic planning of the Department of Defense. The types  
8 of operations to be considered by the Commission as part  
9 of such review shall include the following:

10           (1) Defense of the United States.

11           (2) Warfare against other national military  
12 forces.

13           (3) Limited military action for political effect.

14           (4) Action against nuclear, chemical, and bio-  
15 logical weapons capabilities in hostile hands.

16           (5) Support of law enforcement.

17           (6) Other types of operations as specified by  
18 the chairman of the Commission.

19           (c) DEFINITION OF BROAD MISSION AREAS AND KEY  
20 SUPPORT REQUIREMENTS.—As a result of the review  
21 under subsection (b), the Commission shall define broad  
22 mission areas and key support requirements for the Unit-  
23 ed States military establishment as a whole.

24           (d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK  
25 FOR ORGANIZATIONAL ALLOCATIONS.—The Commission

1 shall determine a conceptual framework for the review of  
2 the organizational allocation among the Armed Forces of  
3 military roles, missions, and functions. In developing that  
4 framework, the Commission shall consider—

5 (1) static efficiency (such as duplicative over-  
6 head and economies of scale);

7 (2) dynamic effectiveness (including the benefits  
8 of competition and the effect on innovation);

9 (3) interoperability, responsiveness, and other  
10 aspects of military effectiveness in the field;

11 (4) gaps in mission coverage and so-called or-  
12 phan missions that are inadequately served by exist-  
13 ing organizational entities;

14 (5) division of responsibility on the battlefield;

15 (6) exploitation of new technology and oper-  
16 ational concepts;

17 (7) civilian control of the military;

18 (8) the degree of disruption that a change in  
19 roles and missions would entail; and

20 (9) the experience of other nations.

21 The Commission shall evaluate the costs and benefits of  
22 unifying the Armed Forces into a single military service  
23 as a baseline for assessing the maximum benefits that may  
24 be achieved from less sweeping reforms.

1           (e) RECOMMENDATIONS CONCERNING MILITARY  
2 ROLES AND MISSIONS.—Using the conceptual framework  
3 developed under subsection (d) to evaluate possible  
4 changes to the existing allocation among the Armed  
5 Forces of military roles, missions, and functions, the Com-  
6 mission shall recommend (1) the functions for which each  
7 military department should organize, train, and equip  
8 forces, (2) the missions of combatant commands, and (3)  
9 the roles that Congress should assign to the various mili-  
10 tary elements of the Department of Defense.

11           (f) RECOMMENDATIONS CONCERNING CIVILIAN ELE-  
12 MENTS OF DEPARTMENT OF DEFENSE.—The Commission  
13 may address the roles, missions, and functions of civilian  
14 portions of the Department of Defense and other national  
15 security agencies to the extent that changes in these areas  
16 are collateral to changes considered in military roles, func-  
17 tions, and mission.

18           (g) RECOMMENDATIONS CONCERNING PROCESS FOR  
19 FUTURE CHANGES.—The Commission shall also rec-  
20 ommend a process for maintaining roles, missions, and  
21 functions in congruence with the strategic environment as  
22 it changes in the future.

23 **SEC. 1405. REPORTS.**

24           (a) IMPLEMENTATION PLAN.—Not later than three  
25 months after the date on which the Commission is estab-

1 lished, the Commission shall transmit to the Committees  
2 on Armed Services of the Senate and House of Represent-  
3 atives a report setting forth a multiyear plan for the work  
4 of the Commission, including the subjects to be addressed  
5 in the program of the Commission for each year of its  
6 existence. The plan shall be developed following discus-  
7 sions with the Secretary of Defense, the Chairman of the  
8 Joint Chiefs of Staff, and the chairmen of those commit-  
9 tees.

10 (b) ANNUAL REPORT.—The Commission shall, not  
11 later than March 1 of each year from 1995 through 1999,  
12 submit to the committees named in subsection (a) a report  
13 setting forth the activities of the Commission during the  
14 preceding year and any recommendations for legislation  
15 that the Commission considers advisable. The Commission  
16 shall submit a preliminary version of each such annual re-  
17 port to the Secretary of Defense and Chairman of the  
18 Joint Chiefs of Staff not later than December 25 of the  
19 preceding year, and the Secretary and Chairman shall  
20 submit comments thereon to the Commission not later  
21 than the following February 1.

22 (c) ASSESSMENT OF IMPLEMENTATION.—In each re-  
23 port under subsection (b) after the first, the Commission  
24 shall include its assessment of the performance of the De-  
25 partment of Defense to that date in carrying out any rec-

1 ommendations made by the Commission in any previous  
2 reports under this section.

3 (d) COORDINATION WITH TRIENNIAL JCS ROLES  
4 AND MISSIONS REPORT.—Any report of the Chairman of  
5 the Joint Chiefs of Staff under section 153(b) of title 10,  
6 United States Code, that is submitted to the Secretary of  
7 Defense during the period of the existence of the Commis-  
8 sion shall also be submitted to the Commission. In its next  
9 report under subsection (b) after receiving any such report  
10 of the Chairman of the Joint Chiefs of Staff, the Commis-  
11 sion shall provide its assessment of the Chairman's report.

12 **SEC. 1406. POWERS.**

13 (a) HEARINGS.—The Commission or, at its direction,  
14 any panel or member of the Commission, may, for the pur-  
15 pose of carrying out the provisions of this title, hold hear-  
16 ings, sit and act at times and places, take testimony, re-  
17 ceive evidence, and administer oaths to the extent that the  
18 Commission or any panel or member considers advisable.

19 (b) INFORMATION.—The Commission may secure di-  
20 rectly from the Department of Defense and any other Fed-  
21 eral department or agency any information that the Com-  
22 mission considers necessary to enable the Commission to  
23 carry out its responsibilities under this subpart. Upon re-  
24 quest of the chairman of the Commission, the head of such

1 department or agency shall furnish such information expe-  
2 ditiously to the Commission.

3 **SEC. 1407. COMMISSION PROCEDURES.**

4 (a) MEETINGS.—The Commission shall meet at the  
5 call of the chairman.

6 (b) QUORUM.—

7 (1) Four members of the Commission shall con-  
8 stitute a quorum, but a lesser number of members  
9 may hold hearings.

10 (2) The Commission shall act by resolution  
11 agreed to by a majority of the members of the Com-  
12 mission.

13 (c) PANELS.—The Commission may establish panels  
14 composed of less than the full membership of the Commis-  
15 sion for the purpose of carrying out the Commission's du-  
16 ties. The actions of each such panel shall be subject to  
17 the review and control of the Commission. Any findings  
18 and determinations made by such a panel shall not be con-  
19 sidered the findings and determinations of the Commis-  
20 sion unless approved by the Commission.

21 (d) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-  
22 MISSION.—Any member or agent of the Commission may,  
23 if authorized by the Commission, take any action which  
24 the Commission is authorized to take under this title.

1 **SEC. 1408. PERSONNEL MATTERS.**

2 (a) PAY OF MEMBERS.—Each member of the Com-  
3 mission shall be paid at a rate equal to the daily equivalent  
4 of the annual rate of basic pay payable for level V of the  
5 Executive Schedule under section 5316 of title 5, United  
6 States Code, for each day (including travel time) during  
7 which the member is engaged in the performance of the  
8 duties of the Commission. All members of the Commission  
9 who are officers or employees of the United States shall  
10 serve without pay in addition to that received for their  
11 services as officers or employees of the United States.

12 (b) TRAVEL EXPENSES.—The members of the Com-  
13 mission shall be allowed travel expenses, including per  
14 diem in lieu of subsistence, at rates authorized for employ-  
15 ees of agencies under subchapter I of chapter 57 of title  
16 5, United States Code, while away from their homes or  
17 regular places of business in the performance of services  
18 for the Commission.

19 (c) STAFF.—(1) The chairman of the Commission  
20 may, without regard to the provisions of title 5, United  
21 States Code, governing appointments in the competitive  
22 service, appoint a staff director and such additional per-  
23 sonnel as may be necessary to enable the Commission to  
24 perform its duties. The appointment of a staff director  
25 shall be subject to the approval of the Commission.

1           (2) The chairman of the Commission may fix the pay  
2 of the staff director and other personnel without regard  
3 to the provisions of chapter 51 and subchapter III of chap-  
4 ter 53 of title 5, United States Code, relating to classifica-  
5 tion of positions and General Schedule pay rates, except  
6 that the rate of pay fixed under this paragraph for the  
7 staff director may not exceed the rate payable for level  
8 V of the Executive Schedule under section 5316 of such  
9 title and the rate of pay for other personnel may not ex-  
10 ceed the maximum rate payable for grade GS-15 of the  
11 General Schedule.

12           (d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon  
13 request of the chairman of the Commission, the head of  
14 any Federal department or agency may detail, on a  
15 nonreimbursable basis, any personnel of that department  
16 or agency to the Commission to assist it in carrying out  
17 its duties.

18           (e) PROCUREMENT OF TEMPORARY AND INTERMIT-  
19 TENT SERVICES.—The chairman of the Commission may  
20 procure temporary and intermittent services under section  
21 3109(b) of title 5, United States Code, at rates for individ-  
22 uals which do not exceed the daily equivalent of the annual  
23 rate of basic pay payable for level V of the Executive  
24 Schedule under section 5316 of such title.

1 **SEC. 1409. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

2 (a) **POSTAL AND PRINTING SERVICES.**—The Com-  
3 mission may use the United States mails and obtain print-  
4 ing and binding services in the same manner and under  
5 the same conditions as other departments and agencies of  
6 the Federal Government.

7 (b) **MISCELLANEOUS ADMINISTRATIVE AND SUP-**  
8 **PORT SERVICES.**—The Secretary of Defense shall furnish  
9 the Commission, on a reimbursable basis, any administra-  
10 tive and support services requested by the Commission.

11 (c) **GIFTS.**—The Commission may accept, use, and  
12 dispose of gifts or donations of services or property.

13 (d) **TRAVEL.**—To the maximum extent practicable,  
14 the members and employees of the Commission shall travel  
15 on military aircraft, military ships, military vehicles, or  
16 other military conveyances when travel is necessary in the  
17 performance of a responsibility of the Commission, except  
18 that no such aircraft, ship, vehicle, or other conveyance  
19 may be scheduled primarily for the transportation of any  
20 such member or employee when the cost of commercial  
21 transportation is less expensive.

22 **SEC. 1410. PAYMENT OF COMMISSION EXPENSES.**

23 The compensation, travel expenses, and per diem al-  
24 lowances of members and employees of the Commission  
25 shall be paid out of funds available to the Department of  
26 Defense for the payment of compensation, travel allow-

1 ances, and per diem allowances, respectively, of civilian  
2 employees of the Department of Defense. The other ex-  
3 penses of the Commission shall be paid out of funds avail-  
4 able to the Department of Defense for the payment of  
5 similar expenses incurred by that Department.

6 **SEC. 1411. TERMINATION OF THE COMMISSION.**

7 The Commission shall terminate 90 days after the  
8 date on which it submits its final report under section  
9 1405.

10 **TITLE XV—NATIONAL COMMIS-**  
11 **SION ON ARMS CONTROL**

12 **SEC. 1501. SHORT TITLE.**

13 This title may be cited as the “National Commission  
14 on Arms Control Act”.

15 **SEC. 1502. FINDINGS.**

16 Congress finds that—

17 (1) the global proliferation of strategic and con-  
18 ventional military weapons and related equipment  
19 and the technology necessary to produce such weap-  
20 ons and equipment undermines regional security and  
21 international stability;

22 (2) regional arms races involving such military  
23 weapons and related equipment diverts vital re-  
24 sources from economic development and increases  
25 the risk of aggressive and preemptive war;

1           (3) national self-restraint in the export of such  
2           military weapons and related equipment requires  
3           multilateral cooperation; and

4           (4) as a world leader, the United States has a  
5           responsibility to help stop such global proliferation  
6           and guide all countries toward a safer world.

7 **SEC. 1503. ESTABLISHMENT.**

8           There is established a commission to be known as the  
9           “National Commission on Arms Control” (in this title re-  
10          ferred to as the “Commission”).

11 **SEC. 1504. DUTIES.**

12          (a) **STUDY.**—The Commission shall conduct a study  
13          of the factors which contribute to the global proliferation  
14          of strategic and conventional military weapons and related  
15          equipment and the technology necessary to produce such  
16          weapons and equipment.

17          (b) **CONDUCT OF STUDY.**—In carrying out the study  
18          under subsection (a), the Commission shall—

19                 (1) identify those factors contributing to global  
20                 weapons proliferation which can be most effectively  
21                 regulated;

22                 (2) study the factors essential to promoting and  
23                 implementing a policy of redirecting and converting  
24                 existing foreign and domestic defense industries  
25                 from the production of strategic and conventional

1 military weapons and related equipment to the pro-  
2 duction and distribution of non-military goods and  
3 services;

4 (3) examine the training program options re-  
5 quired for defense industry personnel likely to be di-  
6 rectly affected by any program aimed at conversion  
7 of defense industries to civilian purposes;

8 (4) identify and assess policy approaches the  
9 United States could utilize to discourage transfers of  
10 strategic and conventional military weapons and re-  
11 lated equipment and the technology necessary to  
12 produce such weapons and equipment to developing  
13 nations;

14 (5) assess the effectiveness of current multilat-  
15 eral efforts to control transfers of such military  
16 weapons and related equipment and the technology  
17 necessary to produce such weapons and equipment  
18 to developing nations; and

19 (6) identify and examine methods by which the  
20 United States could independently discourage trans-  
21 fers of such military weapons and related equipment  
22 and the technology necessary to produce such weap-  
23 ons and equipment to developing nations, including  
24 placing conditions on assistance provided by the  
25 United States to such developing nations.

1 **SEC. 1505. MEMBERSHIP.**

2 (a) VOTING MEMBERS.—

3 (1) NUMBER AND APPOINTMENT.—The Com-  
4 mission may be composed of 12 voting members, to  
5 be appointed not later than 60 days after the date  
6 of the enactment of this Act, as follows:

7 (A) 4 members appointed by the President.

8 (B) 2 members appointed by the majority  
9 leader of the Senate.

10 (C) 2 members appointed by the minority  
11 leader of the Senate.

12 (D) 2 members appointed by the Speaker  
13 of the House of Representatives.

14 (E) 2 members appointed by the minority  
15 leader of the House of Representatives.

16 (2) QUALIFICATIONS.—The voting members  
17 shall be chosen from among individuals with exper-  
18 tise in defense issues, defense conversion, worker  
19 training, arms control, diplomacy or international af-  
20 fairs, business, and international economics.

21 (b) NONVOTING MEMBERS.—The Commission may  
22 appoint not more than 6 nonvoting members who shall be  
23 chosen from among—

24 (1) individuals with expertise in defense conver-  
25 sion and worker training; and

1           (2) executives from the defense industry, finan-  
2           cial institutions, and entities organized for the pur-  
3           pose of conducting interdisciplinary research in polit-  
4           ical, economic, and social issues.

5           (c) TERMS.—

6           (1) IN GENERAL.—Each member shall be ap-  
7           pointed for the life of the Commission.

8           (2) VACANCIES.—A vacancy in the Commission  
9           shall be filled in the manner in which the original  
10          appointment was made.

11          (d) BASIC PAY.—

12          (1) RATES OF PAY.—Except as provided in  
13          paragraph (2), each member may be paid at a rate  
14          not to exceed the daily equivalent of the annual rate  
15          of basic pay payable for grade GS-17 of the General  
16          Schedule under section 5332 of title 5, United  
17          States Code, for each day during which such mem-  
18          ber is engaged in the actual performance of duties  
19          of the Commission.

20          (2) PROHIBITION OF COMPENSATION OF FED-  
21          ERAL EMPLOYEES.—Except as provided in sub-  
22          section (e), members of the Commission who are  
23          full-time officers or employees of the United States  
24          may not receive additional pay, allowances, or bene-  
25          fits, by reason of their service on the Commission.

1 (e) TRAVEL EXPENSES.—Each member may receive  
2 travel expenses, including per diem in lieu of subsistence,  
3 in accordance with sections 5702 and 5703 of title 5,  
4 United States Code.

5 (f) QUORUM.—A majority of the voting members of  
6 the Commission shall constitute a quorum, but a lesser  
7 number may hold hearings.

8 (g) CHAIRPERSON.—The Chairperson of the Commis-  
9 sion shall be elected by a majority of the voting members.

10 (h) MEETINGS.—The Commission shall meet at the  
11 call of the Chairperson.

12 **SEC. 1506. DIRECTOR AND STAFF; EXPERTS AND CONSULT-**  
13 **ANTS.**

14 (a) DIRECTOR.—The Commission may have a Direc-  
15 tor, who shall be appointed by the Chairperson. The Direc-  
16 tor may be paid at a rate not to exceed the maximum  
17 rate of basic pay payable for GS-16 of the General Sched-  
18 ule under section 5332 of title 5, United States Code.

19 (b) STAFF.—Subject to rules prescribed by the Com-  
20 mission, the Chairperson may appoint and fix the pay of  
21 additional personnel as the Chairperson considers appro-  
22 priate.

23 (c) APPLICABILITY OF CERTAIN CIVIL SERVICE  
24 LAWS.—The Director and staff of the Commission may  
25 be appointed without regard to the provisions of title 5,

1 United States Code, governing appointments in the com-  
2 petitive service, and may be paid without regard to the  
3 provisions of chapter 51 and subchapter III of chapter 53  
4 of that title relating to classification and General Schedule  
5 pay rates, except that an individual so appointed may not  
6 receive pay in excess of the annual rate of basic pay pay-  
7 able for GS-16 of the General Schedule.

8 (d) EXPERTS AND CONSULTANTS.—The Commission  
9 may procure temporary and intermittent services under  
10 section 3109(b) of title 5, United States Code, at rates  
11 for individuals not to exceed the maximum annual rate  
12 of basic pay payable for GS-17 of the General Schedule.

13 (e) STAFF OF FEDERAL AGENCIES.—Upon request  
14 of the Commission, the head of any Federal agency may  
15 detail, on a reimbursable basis, any of the personnel of  
16 the agency to the Commission to assist the Commission  
17 in carrying out its duties under section 1504.

18 **SEC. 1507. POWERS.**

19 (a) HEARINGS AND SESSIONS.—The Commission  
20 may, for the purpose of carrying out section 1504, hold  
21 hearings, sit and act at times and places, take testimony,  
22 and receive evidence as the Commission considers appro-  
23 priate. The Commission may administer oaths or affirma-  
24 tions to witnesses appearing before it.

1           (b) POWERS OF MEMBERS AND AGENTS.—Any mem-  
2 ber or agent of the Commission may, if authorized by the  
3 Commission, take any action which the Commission is au-  
4 thorized to take by this section.

5           (c) OBTAINING OFFICIAL DATA.—The Commission  
6 may secure directly from any Federal agency any informa-  
7 tion necessary to enable the Commission to carry out sec-  
8 tion 1504. Upon request of the Chairperson of the Com-  
9 mission, the head of the agency shall furnish such infor-  
10 mation to the Commission to the extent such information  
11 is not prohibited from disclosure by law.

12          (d) MAILS.—The Commission may use the United  
13 States mails in the same manner and under the same con-  
14 ditions as other Federal agencies.

15          (e) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
16 the request of the Commission, the Administrator of Gen-  
17 eral Services shall provide to the Commission, on a reim-  
18 bursable basis, the administrative support services nec-  
19 essary for the Commission to carry out its responsibilities  
20 under this Act.

21          (f) CONTRACT AUTHORITY.—The Commission may  
22 contract with and compensate government and private  
23 agencies or persons for the purpose of conducting research  
24 or surveys necessary to enable the Commission to carry  
25 out its duties under section 1504, and for other services.

1 **SEC. 1508. REPORT.**

2 Not later than 18 months after the date on which  
3 the initial members of the Commission have been ap-  
4 pointed under section 1505(a), the Commission shall sub-  
5 mit a report to the President and the Congress which shall  
6 contain—

7 (1) a detailed statement of the findings and  
8 conclusions of the study conducted under section  
9 1504; and

10 (2) recommendations to support and undertake  
11 both unilateral and multilateral initiatives to—

12 (A) stop the global proliferation of strate-  
13 gic and conventional military weapons and re-  
14 lated equipment and the technology necessary  
15 to produce such weapons and equipment; and

16 (B) promote and implement the conversion  
17 of existing foreign and domestic defense indus-  
18 tries from the production of strategic and con-  
19 ventional military weapons and related equip-  
20 ment to the production of non-military goods  
21 and services.

22 **SEC. 1509. TERMINATION.**

23 The Commission shall terminate 30 days after sub-  
24 mitting its report pursuant to section 1508.

1 **SEC. 1510. AUTHORIZATION OF APPROPRIATIONS.**

2       There is authorized to be appropriated for fiscal years  
3 1993 and 1994 such sums as may be necessary to carry  
4 out this title.

5 **DIVISION     B—MILITARY     CON-**  
6 **STRUCTION             AUTHORIZA-**  
7 **TIONS**

8 **SEC. 2001. SHORT TITLE.**

9       This division may be cited as the “Military Construc-  
10 tion Authorization Act for Fiscal Year 1994”.

11 **TITLE XXI—ARMY**

12 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**  
13 **ACQUISITION PROJECTS.**

14       (a) **INSIDE THE UNITED STATES.**—Using amounts  
15 appropriated pursuant to the authorization of appropria-  
16 tions in section 2104(a)(1), the Secretary of the Army  
17 may acquire real property and carry out military construc-  
18 tion projects for the installations and locations inside the  
19 United States, and in the amounts, set forth in the follow-  
20 ing table:

**Army: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alabama .....	Fort Rucker .....	\$42,650,000
Arizona .....	Fort Huachuca .....	\$8,850,000
California .....	Fort Irwin .....	\$5,900,000
Colorado .....	Fort Carson .....	\$4,050,000
	Fitzsimons Medical Center .....	\$10,000,000
Georgia .....	Fort Benning .....	\$37,650,000
	Fort Stewart .....	\$18,800,000

**Army: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Hawaii .....	Schofield Barracks .....	\$18,600,000
Kentucky .....	Fort Campbell .....	\$40,300,000
	Fort Knox .....	\$41,350,000
Maryland .....	Aberdeen Proving Ground .....	\$21,700,000
	Fort Detrick .....	\$2,000,000
Missouri .....	Fort Leonard Wood .....	\$1,000,000
Nevada .....	Hawthorne Army Ammunition Plant .....	\$7,000,000
New Jersey .....	Fort Monmouth .....	\$7,500,000
	Picatinny Arsenal .....	\$11,050,000
New Mexico .....	White Sands Missile Range .....	\$3,300,000
New York .....	Fort Drum .....	\$4,500,000
	United States Military Academy, West Point .....	\$13,800,000
North Carolina .....	Fort Bragg .....	\$118,690,000
Oklahoma .....	Fort Sill .....	\$27,200,000
Pennsylvania .....	Tobyhanna Army Depot .....	\$750,000
South Carolina .....	Fort Jackson .....	\$2,700,000
Texas .....	Fort Bliss .....	\$29,600,000
	Fort Hood .....	\$56,500,000
	Fort Sam Houston .....	\$5,651,000
Utah .....	Dugway Proving Ground .....	\$16,500,000
	Tooele Army Depot .....	\$1,500,000
Virginia .....	Fort Belvoir .....	\$860,000
	Fort Lee .....	\$32,600,000
	Fort Myer .....	\$6,800,000
Washington .....	Fort Lewis .....	\$14,200,000
CONUS Various .....	Classified Locations .....	\$1,852,000

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2104(a)(2), the Secretary of the Army  
4 may acquire real property and carry out military construc-  
5 tion projects for the installations and locations outside the  
6 United States, and in the amounts, set forth in the follow-  
7 ing table:

**Army: Outside the United States**

Country	Installation or location	Amount
Johnston Island .....	Johnston Island .....	\$1,700,000
Kwajalein Atoll .....	Kwajalein .....	\$21,200,000
OCONUS Classified ...	Classified Locations .....	\$3,600,000

**1 SEC. 2102. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2104(a)(6)(A), the Secretary of the  
5 Army may construct or acquire family housing units (in-  
6 cluding land acquisition) at the installations, for the pur-  
7 poses, and in the amounts set forth in the following table:

**Army: Family Housing**

State	Installation	Purpose	Amount
California .....	Fort Irwin .....	220 units .....	\$25,000,000
Hawaii .....	Schofield Bar- racks .....	348 units .....	\$52,000,000
Maryland .....	Fort Meade .....	275 units .....	\$26,000,000
Nevada .....	Hawthorne Army Ammunition Plant .....	Demolition .....	\$500,000
New York .....	U.S. Military Academy, West Point .....	100 units .....	\$15,000,000
North Carolina	Fort Bragg .....	224 units .....	\$18,000,000
Wisconsin .....	Fort McCoy .....	16 units .....	\$2,950,000

8 (b) PLANNING AND DESIGN.—Using amounts appro-  
9 priated pursuant to the authorization of appropriations in  
10 section 2104(a)(6)(A), the Secretary of the Army may  
11 carry out architectural and engineering services and con-  
12 struction design activities with respect to the construction

1 or improvement of family housing units in an amount not  
2 to exceed \$11,805,000.

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
4 **UNITS.**

5 Subject to section 2825 of title 10, United States  
6 Code, and using amounts appropriated pursuant to the  
7 authorization of appropriations in section 2104(a)(6)(A),  
8 the Secretary of the Army may improve existing military  
9 family housing in an amount not to exceed \$69,630,000.

10 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

11 (a) IN GENERAL.—Funds are hereby authorized to  
12 be appropriated for fiscal years beginning after September  
13 30, 1993, for military construction, land acquisition, and  
14 military family housing functions of the Department of the  
15 Army in the total amount of \$2,402,338,000 as follows:

16 (1) For military construction projects inside the  
17 United States authorized by section 2101(a),  
18 \$615,403,000.

19 (2) For military construction projects outside  
20 the United States authorized by section 2101(b),  
21 \$26,500,000.

22 (3) For the construction of the Ammunition  
23 Demilitarization Facility, Anniston Army Depot,  
24 Alabama, authorized in section 2101(a) of the Mili-  
25 tary Construction Authorization Act for Fiscal Year

1 1991 (division B of Public Law 101-510; 104 Stat.  
2 1758), section 2101(a) of the Military Construction  
3 Authorization Act for Fiscal Year 1992 (division B  
4 of Public Law 102-190; 105 Stat. 1508), and sec-  
5 tion 2101(a) of the Military Construction Authoriza-  
6 tion Act for Fiscal Year 1993 (division B of Public  
7 Law 102-484; 106 Stat. 2586), \$110,900,000.

8 (4) For unspecified minor military construction  
9 projects authorized by section 2805 of title 10, Unit-  
10 ed States Code, \$12,000,000.

11 (5) For architectural and engineering services  
12 and construction design under section 2807 of title  
13 10, United States Code, \$115,161,000.

14 (6) For military family housing functions:

15 (A) For construction and acquisition of  
16 military family housing and facilities,  
17 \$220,885,000.

18 (B) For support of military family housing  
19 (including the functions described in section  
20 2833 of title 10, United States Code),  
21 \$1,150,089,000 of which not more than  
22 \$268,139,000 may be obligated or expended for  
23 the leasing of military family housing world-  
24 wide.

1           (7) For the Homeowners Assistance Program  
2           as authorized by section 2832 of title 10, United  
3           States Code, \$151,400,000, to remain available until  
4           expended.

5           (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
6 PROJECTS.—Notwithstanding the cost variations author-  
7 ized by section 2853 of title 10, United States Code, and  
8 any other cost variation authorized by law, the total cost  
9 of all projects carried out under section 2101 of this Act  
10 may not exceed the total amount authorized to be appro-  
11 priated under paragraphs (1) and (2) of subsection (a).

12 **SEC. 2105. CONSTRUCTION OF CHEMICAL MUNITIONS DIS-**  
13 **POSAL FACILITIES.**

14           (a) LIMITATION ON CONSTRUCTION.—None of the  
15 amounts appropriated pursuant to the authorization of ap-  
16 propriations in section 2104(a) may be obligated for the  
17 construction of a new chemical munitions disposal facility  
18 at Anniston Army Depot, Alabama, until the Secretary of  
19 Defense submits a certification described in subsection  
20 (b).

21           (b) CERTIFICATION.—A certification referred to in  
22 subsection (a) is a certification submitted by the Secretary  
23 of Defense to Congress that—

24           (1) the Johnston Atoll Chemical Agent Disposal  
25           System has been fully operational for a period of six

1 consecutive months, has met all required environ-  
 2 mental and safety standards, and has proven to be  
 3 operationally effective; and

4 (2) if the Secretary of the Army awards a con-  
 5 struction contract for the chemical munitions dis-  
 6 posal facility at Anniston Army Depot, Alabama, the  
 7 Secretary of the Army will schedule the award of a  
 8 construction contract for a chemical munitions dis-  
 9 posal facility at another non-low-volume chemical  
 10 weapons storage site in the continental United  
 11 States during the same 12-month period in which  
 12 the construction contract for the facility at the An-  
 13 niston Army Depot is awarded.

14 **TITLE XXII—NAVY**

15 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**  
 16 **ACQUISITION PROJECTS.**

17 (a) INSIDE THE UNITED STATES.—Using amounts  
 18 appropriated pursuant to the authorization of appropria-  
 19 tions in section 2204(a)(1), the Secretary of the Navy may  
 20 acquire real property and carry out military construction  
 21 projects for the installations and locations inside the Unit-  
 22 ed States, and in the amounts, set forth in the following  
 23 table:

**Navy: Inside the United States**

	State	Installation or location	Amount
	California .....	Alameda Naval Air Station .....	\$4,700,000

## Navy: Inside the United States—Continued

State	Installation or location	Amount
	Barstow Marine Corps Logistics Base .....	\$8,690,000
	Camp Pendleton Marine Corps Air Station .....	\$3,850,000
	Camp Pendleton Marine Corps Base .....	\$11,130,000
	El Toro Marine Corps Air Station	\$1,950,000
	Fallbrook Naval Weapons Station Annex .....	\$4,630,000
	Lemoore Naval Air Station .....	\$1,930,000
	Oakland Naval Supply Center ....	\$10,000,000
	San Diego Naval Hospital .....	\$2,700,000
	San Diego Fleet Industrial Supply Center .....	\$2,270,000
	San Diego Marine Corps Recruit Depot .....	\$1,130,000
	San Diego Naval Training Center	\$700,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center .....	\$7,900,000
Connecticut .....	New London Naval Submarine Base .....	\$40,940,000
District of Columbia	Washington COMNAVDIST .....	\$3,110,000
	Washington NRL .....	\$2,380,000
Florida .....	Cecil Field, Naval Air Station ....	\$1,500,000
	Jacksonville Naval Air Station ....	\$14,420,000
	Mayport Naval Station .....	\$3,260,000
	Pensacola Naval Air Station .....	\$6,420,000
Georgia .....	Albany Marine Corps Logistics Base .....	\$940,000
	Kings Bay Naval Submarine Base	\$10,920,000
	Kings Bay Tri-Training Facility .	\$3,870,000
Hawaii .....	Barbers Point Naval Air Station .	\$4,050,000
	Honolulu NCTAMS EPAC .....	\$9,120,000
	Pearl Harbor NISMF .....	\$2,620,000
	Pearl Harbor Naval Submarine Base .....	\$54,140,000
	Pearl Harbor Public Works Center .....	\$27,540,000
Indiana .....	Crane Naval Surface Warfare Center .....	\$9,600,000
Maine .....	Kittery Portsmouth Naval Shipyard .....	\$4,780,000
Maryland .....	Bethesda National Naval Medical Center .....	\$3,090,000
	Indian Head Naval Surface Warfare Center .....	\$3,400,000
	Patuxent River Naval Air Warfare Center .....	\$9,300,000
New Jersey .....	Earle Naval Weapons Station .....	\$2,580,000
Nevada .....	Fallon Naval Air Station .....	\$1,600,000
North Carolina .....	Camp Lejeune Marine Corps Base .....	\$41,290,000
	Camp Lejeune Naval Hospital ....	\$2,370,000
	Cherry Point Marine Corps Air Station .....	\$7,500,000
Pennsylvania .....	Philadelphia ASO .....	\$1,900,000

**Navy: Inside the United States**—Continued

State	Installation or location	Amount
	Philadelphia NISMF .....	\$8,660,000
	Philadelphia Naval Shipyard .....	\$13,500,000
Rhode Island .....	Newport Naval Education and Training Center .....	\$18,300,000
South Carolina .....	Beaufort Marine Corps Air Station .....	\$10,900,000
	Charleston Naval Weapons Station .....	\$580,000
Tennessee .....	Memphis Naval Air Station .....	\$2,050,000
Texas .....	Corpus Christi Naval Air Station	\$1,670,000
Virginia .....	Chesapeake MCSFBN NW .....	\$5,380,000
	Craney Island FISC Annex .....	\$11,740,000
	Norfolk Armed Forces College .....	\$8,800,000
	Norfolk COMOPTEVFOR .....	\$8,100,000
	Norfolk NADEP .....	\$17,800,000
	Norfolk Naval Air Station .....	\$12,270,000
	Norfolk Naval Station .....	\$3,000,000
	Norfolk Public Works Center .....	\$5,330,000
	Oceana Naval Air Station .....	\$7,100,000
	Portsmouth Norfolk Naval Shipyard .....	\$13,420,000
	Quantico MCOMBDEV CMD ...	\$7,450,000
	Wallops Island NSURFWPN CND .....	\$10,170,000
Washington .....	Bangor Naval Submarine Base ...	\$3,100,000
	Everett Naval Station .....	\$34,000,000
	Keyport NUWC Division .....	\$8,980,000
Various Locations ..	Wastewater Collection and Treatment Facilities .....	\$3,260,000
	Land Acquisition .....	\$540,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
 2 appropriated pursuant to the authorization of appropria-  
 3 tions in section 2204(a)(2), the Secretary of the Navy may  
 4 acquire real property and carry out military construction  
 5 projects for the installations and locations outside the  
 6 United States, and in the amounts, set forth in the follow-  
 7 ing table:

**Navy: Outside the United States**

Country	Installation or location	Amount
Guam .....	Naval Hospital .....	\$2,460,000
	MSCO .....	\$2,170,000
	Anderson Air Force Base NAF ...	\$7,310,000

**Navy: Outside the United States**—Continued

	<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
		Naval Magazine .....	\$3,750,000
		Naval Ocean Communication Center .....	\$690,000
		Naval Station .....	\$14,520,000
		Fleet/Industrial Supply Center ....	\$22,440,000
		Public Works Center .....	\$20,680,000
	Italy .....	Naples NSA .....	\$11,740,000
		Sigonella Naval Air Station .....	\$13,760,000
	Spain .....	Rota Naval Station .....	\$2,670,000
	Various Locations ....	Host Nation Infrastructure Support .....	\$2,960,000
		Land Acquisition .....	\$800,000

**1 SEC. 2202. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
3 amounts appropriated pursuant to the authorization of ap-  
4 propriations in section 2204(a)(5)(A), the Secretary of the  
5 Navy may construct or acquire family housing units (in-  
6 cluding land acquisition) at the installations, for the pur-  
7 poses, and in the amounts set forth in the following table:

**Navy: Family Housing**

<b>State</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
California .....	San Diego Navy Public Works Center .....	318 units .....	\$36,571,000
District of Columbia .....	Washington Navy Public Works Center .....	188 units .....	\$21,556,000
Florida .....	Pensacola Navy Public Works Center .....	Housing Self Help/Warehouse .....	\$300,000
Georgia .....	Kings Bay NSB ...	Housing Office/Self Help/Warehouse ....	\$790,000
Maine .....	Brunswick NAS ...	Mobile Home Spaces .....	\$490,000
Virginia .....	Norfolk PWC/NAB Little Creek .....	392 units .....	\$50,674,000
	Oceana NAS .....	Community Center .....	\$860,000

**Navy: Family Housing**—Continued

<b>State</b>	<b>Installation</b>	<b>Purpose</b>	<b>Amount</b>
Washington .....	Bangor NAVSUBASE ..	290 units .....	\$27,438,000
United Kingdom	London NAVACTS .....	81 units .....	\$15,470,000

1           (b) PLANNING AND DESIGN.—Using amounts appro-  
2    priated pursuant to the authorization of appropriations in  
3    section 2204(a)(5)(A), the Secretary of the Navy may  
4    carry out architectural and engineering services and con-  
5    struction design activities with respect to the construction  
6    or improvement of military family housing units in an  
7    amount not to exceed \$22,924,000.

8    **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9                                   **UNITS.**

10           Subject to section 2825 of title 10, United States  
11    Code, and using amounts appropriated pursuant to the  
12    authorization of appropriations in section 2204(a)(5)(A),  
13    the Secretary of the Navy may improve existing military  
14    family housing units in the amount of \$190,696,000.

15    **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

16           (a) IN GENERAL.—Funds are hereby authorized to  
17    be appropriated for fiscal years beginning after September  
18    30, 1993, for military construction, land acquisition, and  
19    military family housing functions of the Department of the  
20    Navy in the total amount of \$1,978,167,000 as follows:

1 (1) For military construction projects inside the  
2 United States authorized by section 2201(a),  
3 \$550,320,000.

4 (2) For military construction projects outside  
5 the United States authorized by section 2201(b),  
6 \$105,950,000.

7 (3) For unspecified minor construction projects  
8 authorized by section 2805 of title 10, United States  
9 Code, \$5,500,000.

10 (4) For architectural and engineering services  
11 and construction design under section 2807 of title  
12 10, United States Code, \$78,573,000.

13 (5) For military family housing functions:

14 (A) For construction and acquisition of  
15 military family housing and facilities,  
16 \$367,769,000.

17 (B) For support of military housing (in-  
18 cluding functions described in section 2833 of  
19 title 10, United States Code), \$860,055,000, of  
20 which not more than \$113,308,000 may be obli-  
21 gated or expended for the leasing of military  
22 family housing units worldwide.

23 (6) For the construction of the large anechoic  
24 chamber facility at the Patuxent River Naval War-  
25 fare Center, Aircraft Division, Maryland, authorized

1 by section 2201(a) of the Military Construction Au-  
 2 thorization Act for Fiscal Year 1993 (Public Law  
 3 102-484, 106 Stat. 2590), \$10,000,000.

4 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION  
 5 PROJECTS.—Notwithstanding the cost variations author-  
 6 ized by section 2853 of title 10, United States Code, and  
 7 any other cost variation authorized by law, the total cost  
 8 of all projects carried out under section 2201 of this Act  
 9 may not exceed the total amount authorized to be appro-  
 10 priated under paragraphs (1) and (2) of subsection (a).

## 11 **TITLE XXIII—AIR FORCE**

### 12 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 13 **LAND ACQUISITION PROJECTS.**

14 (a) INSIDE THE UNITED STATES.—Using amounts  
 15 appropriated pursuant to the authorization of appropria-  
 16 tions in section 2304(a)(1), the Secretary of the Air Force  
 17 may acquire real property and carry out military construc-  
 18 tion projects for the installations and locations inside the  
 19 United States, and in the amounts, set forth in the follow-  
 20 ing table:

#### **Air Force: Inside the United States**

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
Alabama .....	Gunter Air Force Base Annex .....	\$4,680,000
	Maxwell Air Force Base .....	\$16,170,000
Alaska .....	Eielson Air Force Base .....	\$7,800,000
	Elmendorf Air Force Base .....	\$30,805,000
Arizona .....	Davis Monthan Air Force Base .....	\$7,350,000
	Luke Air Force Base .....	\$12,750,000
	Navajo Army Depot .....	\$7,250,000
Arkansas .....	Little Rock Air Force Base .....	\$4,500,000

**Air Force: Inside the United States**—Continued

<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
California .....	Beale Air Force Base .....	\$3,150,000
	Edwards Air Force Base .....	\$11,300,000
	McClellan Air Force Base .....	\$10,200,000
	Travis Air Force Base .....	\$19,140,000
	Vandenberg Air Force Base .....	\$20,728,000
Colorado .....	Buckley Air National Guard Base .	\$21,500,000
	Cheyenne Mountain Air Force Base .....	\$4,450,000
	Peterson Air Force Base .....	\$21,030,000
	United States Air Force Academy .	\$11,680,000
Delaware .....	Dover Air Force Base .....	\$7,760,000
District of Columbia	Bolling Air Force Base .....	\$2,000,000
Florida .....	Cape Canaveral Air Force Station .	\$19,200,000
	Eglin Air Force Base .....	\$12,050,000
	Eglin Auxiliary Field No. 9 .....	\$7,829,000
	Patrick Air Force Base .....	\$3,850,000
	Tyndall Air Force Base .....	\$2,600,000
Georgia .....	Moody Air Force Base .....	\$13,700,000
	Robins Air Force Base .....	\$40,370,000
Hawaii .....	Hickam Air Force Base .....	\$10,250,000
	Kaena Point .....	\$7,350,000
Illinois .....	Scott Air Force Base .....	\$7,450,000
Kansas .....	McConnell Air Force Base .....	\$1,900,000
Louisiana .....	Barksdale Air Force Base .....	\$2,560,000
Maryland .....	Andrews Air Force Base .....	\$17,990,000
Mississippi .....	Columbus Air Force Base .....	\$2,900,000
	Keesler Air Force Base .....	\$8,710,000
Missouri .....	Whiteman Air Force Base .....	\$36,388,000
Montana .....	Malmstrom Air Force Base .....	\$7,700,000
Nebraska .....	Offutt Air Force Base .....	\$11,000,000
Nevada .....	Nellis Air Force Base .....	\$10,100,000
New Jersey .....	McGuire Air Force Base .....	\$4,000,000
New Mexico .....	Cannon Air Force Base .....	\$11,915,000
	Holloman Air Force Base .....	\$9,200,000
	Kirtland Air Force Base .....	\$11,944,000
New York .....	Plattsburg Air Force Base .....	\$5,100,000
North Carolina .....	Pope Air Force Base .....	\$8,600,000
	Seymour Johnson Air Force Base .	\$5,380,000
North Dakota .....	Grand Forks Air Force Base .....	\$5,850,000
	Minot Air Force Base .....	\$2,000,000
Ohio .....	Wright-Patterson Air Force Base ..	\$27,650,000
Oklahoma .....	Altus Air Force Base .....	\$7,710,000
	Tinker Air Force Base .....	\$20,749,000
	Vance Air Force Base .....	\$11,000,000
South Carolina .....	Charleston Air Force Base .....	\$1,100,000
	Shaw Air Force Base .....	\$5,870,000
South Dakota .....	Ellsworth Air Force Base .....	\$6,830,000
Tennessee .....	Arnold Air Force Base .....	\$1,500,000
	Memphis Naval Air Station .....	\$6,200,000
Texas .....	Brooks Air Force Base .....	\$8,400,000

**Air Force: Inside the United States**—Continued

	<b>State</b>	<b>Installation or location</b>	<b>Amount</b>
		Dyess Air Force Base .....	\$15,590,000
		Goodfellow Air Force Base .....	\$3,700,000
		Kelly Air Force Base .....	\$27,481,000
		Lackland Air Force Base .....	\$30,093,000
		Laughlin Air Force Base .....	\$8,650,000
		Randolph Air Force Base .....	\$5,300,000
		Reese Air Force Base .....	\$900,000
		Sheppard Air Force Base .....	\$18,030,000
	Utah .....	Hill Air Force Base .....	\$27,980,000
	Virginia .....	Langley Air Force Base .....	\$12,450,000
	Washington .....	Fairchild Air Force Base .....	\$3,500,000
		McChord Air Force Base .....	\$10,900,000
	Wyoming .....	F.E. Warren Air Force Base .....	\$12,640,000
	Various Locations ....	Classified .....	\$8,140,000

1           (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-  
3 tions in section 2304(a)(2), the Secretary of the Air Force  
4 may acquire real property and may carry out military con-  
5 struction projects for the installations and locations out-  
6 side the United States, and in the amounts, set forth in  
7 the following table:

**Air Force: Outside the United States**

	<b>Country</b>	<b>Installation or location</b>	<b>Amount</b>
	Antigua Island .....	Antigua Air Station .....	\$1,000,000
	Ascension Island .....	Ascension Auxiliary Air Field .....	\$3,400,000
	Germany .....	Ramstein Air Base .....	\$3,100,000
	Greenland .....	Thule Air Base .....	\$5,492,000
	Guam .....	Andersen Air Force Base .....	\$4,100,000
	Indian Ocean .....	Diego Garcia Air Base .....	\$2,260,000
	Oman .....	Thumrait Air Base .....	\$1,800,000
	Turkey .....	Incirlik Air Base .....	\$2,400,000
	United Kingdom .....	RAF Mildenhall .....	\$4,800,000
	Classified .....	Classified Location .....	\$5,500,000

1 **SEC. 2302. FAMILY HOUSING.**

2 (a) CONSTRUCTION AND ACQUISITION.—Using  
 3 amounts appropriated pursuant to the authorization of ap-  
 4 propriations in section 2304(a)(7)(A), the Secretary of the  
 5 Air Force may construct or acquire family housing units  
 6 (including land acquisition) at the installations, for the  
 7 purposes, and in the amounts set forth in the following  
 8 table:

**Air Force: Family Housing**

State or Country	Installation	Purpose	Amount
Alabama .....	Maxwell Air Force Base .....	55 units .....	\$4,080,000
Arkansas .....	Little Rock Air Force Base .....	Housing Office/Maintenance Facility .....	\$980,000
California .....	Vandenberg Air Force Base .....	166 units .....	\$21,907,000
Florida .....	Patrick Air Force Base .....	155 units .....	\$15,388,000
	Tyndall Air Force Base .....	Infrastructure ..	\$5,732,000
Georgia .....	Robins Air Force Base .....	117 units .....	\$7,424,000
Louisiana .....	Barksdale Air Force Base .....	118 units .....	\$8,578,000
Massachusetts ..	Hanscom Air Force Base .....	48 units .....	\$5,135,000
Montana .....	Malmstrom Air Force Base .....	Housing Office .	\$581,000
Texas .....	Dyess Air Force Base .....	Housing Maintenance Facility .....	\$281,000
	Lackland Air Force Base .....	111 units .....	\$8,770,000
Virginia .....	Langley Air Force Base .....	Housing Office .	\$452,000
Washington .....	Fairchild Air Force Base .....	1 unit .....	\$184,000
Wyoming .....	F.E. Warren Air Force Base .....	104 units .....	\$10,572,000
Italy .....	Comiso Air Base ..	460 units .....	\$20,200,000

1 (b) PLANNING AND DESIGN.—Using amounts appro-  
2 priated pursuant to the authorization of appropriations in  
3 section 2304(a)(7)(A), the Secretary of the Air Force may  
4 carry out architectural and engineering services and con-  
5 struction design activities with respect to the construction  
6 or improvement of military family housing units in an  
7 amount not to exceed \$11,901,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**  
9 **UNITS.**

10 Subject to section 2825 of title 10, United States  
11 Code, and using amounts appropriated pursuant to the  
12 authorization of appropriations in section 2304(a)(7)(A),  
13 the Secretary of the Air Force may improve existing mili-  
14 tary family housing units in an amount not to exceed  
15 \$61,181,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**  
17 **FORCE.**

18 (a) IN GENERAL.—Funds are hereby authorized to  
19 be appropriated for fiscal years beginning after September  
20 30, 1993, for military construction, land acquisition, and  
21 military family housing functions of the Department of the  
22 Air Force in the total amount of \$2,031,428,000 as fol-  
23 lows:

1           (1) For military construction projects inside the  
2 United States authorized by section 2301(a),  
3 \$794,492,000.

4           (2) For military construction projects outside  
5 the United States authorized by section 2301(b),  
6 \$33,852,000.

7           (3) For unspecified minor construction projects  
8 authorized by section 2805 of title 10, United States  
9 Code, \$11,844,000.

10           (4) For architectural and engineering services  
11 and construction design under section 2807 of title  
12 10, United States Code, \$63,882,000.

13           (5) For advances to the Secretary of Transpor-  
14 tation for construction of Defense Access Roads  
15 under section 210 of title 23, United States Code,  
16 \$7,150,000.

17           (6) For the balance of the amount authorized  
18 under section 2301(a) of the Military Construction  
19 Authorization Act for Fiscal Year 1993 (division B  
20 of Public Law 102-484; 106 Stat. 2594) for the  
21 construction of the climatic test chamber at Eglin  
22 Air Force Base, Florida, \$57,000,000.

23           (7) For military family housing functions:

1           (A) For construction and acquisition of  
2           military family housing and facilities,  
3           \$183,346,000.

4           (B) For support of military housing (in-  
5           cluding functions described in section 2833 of  
6           title 10, United States Code), \$869,862,000 of  
7           which not more than \$118,266,000 may be obli-  
8           gated or expended for leasing of military family  
9           housing units worldwide.

10          (8) For phase II of the relocation and construc-  
11          tion of up to 1,068 family housing units at Scott Air  
12          Force Base, Illinois, authorized by section 2302(a)  
13          of the Military Construction Authorization Act for  
14          Fiscal Year 1993 (Public Law 102-484, 106 Stat.  
15          2590), \$10,000,000.

16          (b) LIMITATION ON TOTAL COST OF CONSTRUCTION  
17          PROJECTS.—Notwithstanding the cost variations author-  
18          ized by section 2853 of title 10, United States Code, and  
19          any other cost variation authorized by law, the total cost  
20          of all projects carried out under section 2301 of this Act  
21          may not exceed the total amount authorized to be appro-  
22          priated under paragraphs (1) and (2) of subsection (a).

1 **SEC. 2305. RELOCATION OF AIR FORCE ACTIVITIES FROM**  
2 **SIERRA ARMY DEPOT, CALIFORNIA, TO**  
3 **BEALE AIR FORCE BASE, CALIFORNIA.**

4 (a) STUDENT DORMITORY.—Section 2301(a) of the  
5 National Defense Authorization Act for Fiscal Year 1991  
6 (division B of Public Law 101–510; 104 Stat. 1769) is  
7 amended in the matter under the heading “CALIFOR-  
8 NIA”—

9 (1) by striking out “Sierra Army Depot,  
10 \$3,650,000.”; and

11 (2) by striking out “Beale Air Force Base,  
12 \$6,300,000.” and inserting in lieu thereof the follow-  
13 ing: “Beale Air Force Base, \$9,950,000.”.

14 (b) MUNITION MAINTENANCE FACILITY.—Section  
15 2301(a) of the Military Construction Authorization Act  
16 for Fiscal Year 1992 (division B of Public Law 102–190;  
17 105 Stat. 1521) is amended in the matter under the head-  
18 ing “CALIFORNIA”—

19 (1) by striking out “Sierra Army Depot,  
20 \$2,700,000.”; and

21 (2) by striking out “Beale Air Force Base,  
22 \$2,250,000.” and inserting in lieu thereof the follow-  
23 ing: “Beale Air Force Base, \$4,950,000.”.

1 **SEC. 2306. COMBAT ARMS TRAINING AND MAINTENANCE**  
2 **FACILITY RELOCATION FROM WHEELER AIR**  
3 **FORCE BASE, HAWAII, TO UNITED STATES**  
4 **ARMY SCHOFIELD BARRACKS OPEN RANGE,**  
5 **HAWAII.**

6 Section 2301(a) of the Military Construction Author-  
7 ization Act for Fiscal Year 1991 (division B of Public Law  
8 101-510; 104 Stat. 1770) is amended in the matter under  
9 the heading “HAWAII”—

10 (1) by striking out “Wheeler Air Force Base,  
11 \$3,500,000.” and inserting in lieu thereof the follow-  
12 ing: “Wheeler Air Force Base, \$2,100,000.”; and

13 (2) by inserting after the item relating to  
14 Hickam Air Force Base the following new item:

15 “United States Army Schofield Barracks Open  
16 Range, \$1,400,000.”.

17 **SEC. 2307. AUTHORITY TO TRANSFER FUNDS AS PART OF**  
18 **THE IMPROVEMENT OF DYSART CHANNEL,**  
19 **LUKE AIR FORCE BASE, ARIZONA.**

20 (a) TRANSFER AUTHORITY.—Subject to subsections  
21 (b) and (c), the Secretary of the Air Force may transfer  
22 to Maricopa County, Arizona (in this section referred to  
23 as the “County”), funds appropriated for fiscal years be-  
24 ginning after September 30, 1993, for a project, author-  
25 ized in section 2301(a) of this Act, to widen and make

1 other improvements to the Dysart Channel that are need-  
2 ed to prevent flooding of Luke Air Force Base, Arizona.

3 (b) USE OF FUNDS.—All funds transferred pursuant  
4 to subsection (a) shall be used by the County only for the  
5 purpose of conducting the project described in such sub-  
6 section.

7 (c) CONDITIONS ON TRANSFER.—Funds may not be  
8 transferred pursuant to subsection (a) until after the date  
9 on which the Secretary and the County enter into an  
10 agreement that addresses cost sharing for the widening  
11 and other improvements to be made to the Dysart Channel  
12 and such other matters associated with the project as the  
13 Secretary considers to be appropriate.

14 (d) LIMITATION ON AIR FORCE COST SHARE.—The  
15 Air Force share of the costs of the project described in  
16 subsection (a) may not exceed the lesser of—

17 (1) 50 percent of the total project cost; or

18 (2) \$6,000,000.

19 (e) ACQUISITION OF REAL PROPERTY.—Any acquisi-  
20 tion of real property for the project described in subsection  
21 (a) by the County on behalf of the Air Force shall require  
22 the approval of the Secretary of the Air Force. Upon com-  
23 pletion of the project, all right, title, and interest in real  
24 property contiguous to the existing right-of-way so ac-  
25 quired shall be transferred to the United States.

1 **SEC. 2308. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL**  
2 **CONSTRUCTION FOR LACKLAND AIR FORCE**  
3 **BASE, TEXAS.**

4 (a) TRANSFER AUTHORITY.—Subject to subsection  
5 (b), the Secretary of the Air Force may transfer to the  
6 Lackland Independent School District, Texas, not more  
7 than \$8,000,000 of the funds appropriated by the Military  
8 Construction Appropriations Act, 1993 (Public Law 102–  
9 380; 106 Stat. 1366), pursuant to the authorization of  
10 appropriations in section 2304(a)(1) of the Military Con-  
11 struction Authorization Act for Fiscal Year 1993 (division  
12 B of Public Law 102–484; 106 Stat. 2596) for military  
13 construction relating to Lackland Air Force Base, Texas,  
14 as authorized in section 2301(a) of such Act.

15 (b) USE OF FUNDS.—All funds transferred pursuant  
16 to subsection (a) shall be used by the Lackland Independ-  
17 ent School District to pay for the design and construction  
18 of a new high school, the renovation of an elementary  
19 school, and the design and construction of a new kinder-  
20 garten and special education facility.

21 **SEC. 2309. AUTHORITY TO TRANSFER FUNDS AS PART OF**  
22 **THE REPLACEMENT FAMILY HOUSING**  
23 **PROJECT AT SCOTT AIR FORCE BASE, ILLI-**  
24 **NOIS.**

25 (a) TRANSFER AUTHORITY.—Subject to subsection  
26 (b), the Secretary of the Air Force may transfer to the

1 County of St. Clair, Illinois (in this section referred to as  
 2 the “County”), funds appropriated for the construction of  
 3 1,068 units of military family housing at Scott Air Force  
 4 Base, Illinois, as authorized in section 2302(a) of the Mili-  
 5 tary Construction Authorization Act for Fiscal Year 1993  
 6 (division B of Public Law 102–484; 106 Stat. 2595).

7 (b) USE OF FUNDS.—All funds transferred pursuant  
 8 to subsection (a) shall be used by the County to pay for  
 9 the construction of a replacement family housing complex  
 10 for Scott Air Force Base at a location acceptable to the  
 11 Secretary of the Air Force.

## 12 **TITLE XXIV—DEFENSE** 13 **AGENCIES**

### 14 **SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-** 15 **TION AND LAND ACQUISITION PROJECTS.**

16 (a) INSIDE THE UNITED STATES.—Using amounts  
 17 appropriated pursuant to the authorization of appropria-  
 18 tions in section 2403(a)(1), the Secretary of Defense may  
 19 acquire real property and carry out military construction  
 20 projects for the installations and locations inside the Unit-  
 21 ed States, and in the amounts, set forth in the following  
 22 table:

#### **Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Defense Logistics Agency .....	Defense Reutilization and Marketing Office, Fairbanks, Alaska ....	\$6,500,000

**Defense Agencies: Inside the United States**—Continued

Agency	Installation or location	Amount
	Defense Reutilization and Marketing Office, March Air Force Base, California .....	\$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii .....	\$2,250,000
	Defense Construction Supply Center, Columbia, Ohio .....	\$3,100,000
	Defense Electronic Supply Center, Dayton, Ohio .....	\$6,000,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah .....	\$1,700,000
	Defense General Supply Center, Richmond, Virginia .....	\$17,000,000
	Fort Belvoir, Virginia .....	\$5,200,000
	Marine Corps Air Station, Yuma, Arizona .....	\$6,000,000
Defense Medical Facility Office .....	Cannon Air Force Base, New Mexico .....	\$13,600,000
	Edwards Air Force Base, California .....	\$1,700,000
	Ellsworth Air Force Base, South Dakota .....	\$1,400,000
	Fairchild Air Force Base, Washington .....	\$8,250,000
	Fort Detrick, Maryland .....	\$4,300,000
	Fort Eustis, Virginia .....	\$3,650,000
	Fort Sam Houston, Texas .....	\$4,800,000
	Grand Forks Air Force Base, North Dakota .....	\$860,000
	Naval Education Training Center, Rhode Island .....	\$4,000,000
	Offutt Air Force Base, Nebraska ..	\$1,100,000
National Security Agency .....	Fort Meade, Maryland .....	\$53,630,000
Office Secretary of Defense .....	Various Locations, Special Activities, Air Force .....	\$16,355,000
Section 6 Schools .....	Camp Lejeune, North Carolina .....	\$1,793,000
	Fort Bragg, North Carolina .....	\$8,838,000
	Fort Campbell, Kentucky .....	\$13,182,000
	Fort Knox, Kentucky .....	\$7,707,000
	Fort McClellan, Alabama .....	\$2,798,000
	Quantico Marine Corps Base, Virginia .....	\$422,000
	Robins Air Force Base, Georgia ...	\$3,160,000
Special Operations Force .....	Eglin Auxiliary Field No. 9, Florida .....	\$19,582,000
	Fort Campbell, Kentucky .....	\$4,300,000
	Fort Bragg, North Carolina .....	\$38,450,000
	Little Creek Naval Amphibious Base, Virginia .....	\$7,500,000
	Olmstead Field, Pennsylvania .....	\$1,300,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts  
2 appropriated pursuant to the authorization of appropria-

1 tions in section 2403(a)(2), the Secretary of Defense may  
 2 acquire real property and carry out military construction  
 3 projects for the installations and locations outside the  
 4 United States, and in the amounts, set forth in the follow-  
 5 ing table:

**Defense Agencies: Outside the United States**

Agency	Installation or location	Amount
Defense Logistics Agency .....	Diego Garcia .....	\$9,558,000
	Roosevelt Roads, Puerto Rico .....	\$5,800,000

6 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

7 Using amounts appropriated pursuant to the author-  
 8 ization of appropriations in section 2403(a)(12), the Sec-  
 9 retary of Defense may carry out energy conservation  
 10 projects under section 2865 of title 10, United States  
 11 Code.

12 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DE-**  
 13 **FENSE AGENCIES.**

14 (a) IN GENERAL.—Funds are hereby authorized to  
 15 be appropriated for fiscal years beginning after September  
 16 30, 1993, for military construction, land acquisition, and  
 17 military family housing functions of the Department of  
 18 Defense (other than the military departments), in the total  
 19 amount of \$4,198,684,000 as follows:

1           (1) For military construction projects inside the  
2 United States authorized by section 2401(a),  
3 \$271,057,000.

4           (2) For military construction projects outside  
5 the United States authorized by section 2401(b),  
6 \$15,358,000.

7           (3) For military construction projects at Fort  
8 Sam Houston, Texas, hospital replacement, author-  
9 ized by section 2401(a) of the Military Construction  
10 Authorization Act, 1987 (division B of Public Law  
11 99-661; 100 Stat. 4035), \$75,000,000.

12           (4) For military construction projects at Ports-  
13 mouth Naval Hospital, Virginia, authorized by sec-  
14 tion 2401(a) of the Military Construction Authoriza-  
15 tion Act for Fiscal Years 1990 and 1991 (division  
16 B of Public Law 101-189; 103 Stat. 1640),  
17 \$20,000,000.

18           (5) For military construction projects at Walter  
19 Reed Institute of Research, Maryland, authorized by  
20 section 2401(a) of the Military Construction Author-  
21 ization Act for Fiscal Year 1993 (division B of Pub-  
22 lic Law 102-484; 106 Stat. 2599), \$48,140,000.

23           (6) For military construction projects at El-  
24 mendorf Air Force Base, Alaska, hospital replace-  
25 ment, authorized by section 2401(a) of the Military

1 Construction Authorization Act for Fiscal Year 1993  
2 (division B of Public Law 102-484; 106 Stat.  
3 2599), \$37,000,000.

4 (7) For military construction projects at Fort  
5 Bragg, North Carolina, hospital replacement, au-  
6 thorized by section 2401(a) of the Military Construc-  
7 tion Authorization Act for Fiscal Year 1993 (divi-  
8 sion B of Public Law 102-484; 106 Stat. 2599),  
9 \$35,000,000.

10 (8) For military construction projects at  
11 Millington Naval Air Station, Tennessee, authorized  
12 by section 2401(a) of the Military Construction Au-  
13 thorization Act for Fiscal Year 1993 (division B of  
14 Public Law 102-484; 106 Stat. 2599), \$5,000,000.

15 (9) For unspecified minor construction projects  
16 authorized by section 2805 of title 10, United States  
17 Code, \$21,658,000.

18 (10) For contingency construction projects of  
19 the Secretary of Defense under section 2804 of title  
20 10, United States Code, \$12,200,000.

21 (11) For architectural and engineering services  
22 and for construction design under section 2807 of  
23 title 10, United States Code, \$42,405,000.

24 (12) For energy conservation projects author-  
25 ized by section 2402, \$60,000,000.

1           (13) For base closure and realignment activities  
2 as authorized by title II of the Defense Authoriza-  
3 tion Amendments and Base Closure and Realign-  
4 ment Act (Public Law 100–526; 10 U.S.C. 2687  
5 note), \$127,870,000.

6           (14) For base closure and realignment activities  
7 as authorized by the Defense Base Closure and Re-  
8 alignment Act of 1990 (part A of title XXIX of  
9 Public Law 101–510; 10 U.S.C. 2687 note):

10           (A) For military installations selected for  
11 closure or realignment in 1991,  
12 \$2,200,500,000.

13           (B) For military installations selected for  
14 closure or realignment in 1993,  
15 \$1,306,000,000.

16           (15) For military family housing functions (in-  
17 cluding functions described in section 2833 of title  
18 10, United States Code), \$27,496,000, of which not  
19 more than \$22,882,000 may be obligated or ex-  
20 pended for the leasing of military family housing  
21 units worldwide.

22           (b) LIMITATION OF TOTAL COST OF CONSTRUCTION  
23 PROJECTS.—Notwithstanding the cost variations author-  
24 ized by section 2853 of title 10, United States Code, and  
25 any other cost variations authorized by law, the total cost

1 of all projects carried out under section 2401 of this Act  
2 may not exceed the total amount authorized to be appro-  
3 priated under paragraphs (1) and (2) of subsection (a)  
4 and subsection (b).

5 **TITLE XXV—NORTH ATLANTIC**  
6 **TREATY ORGANIZATION IN-**  
7 **FRASTRUCTURE**

8 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**  
9 **ACQUISITION PROJECTS.**

10 The Secretary of Defense may make contributions for  
11 the North Atlantic Treaty Organization Infrastructure  
12 Program as provided in section 2806 of title 10, United  
13 States Code, in an amount not to exceed the sum of the  
14 amount authorized to be appropriated for this purpose in  
15 section 2502 and the amount collected from the North At-  
16 lantic Treaty Organization as a result of construction pre-  
17 viously financed by the United States.

18 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

19 Funds are hereby authorized to be appropriated for  
20 fiscal years beginning after September 30, 1993, for con-  
21 tributions by the Secretary of Defense under section 2806  
22 of title 10, United States Code, for the share of the United  
23 States of the cost of projects for the North Atlantic Treaty  
24 Organization Infrastructure Program as authorized by  
25 section 2501, in the amount of \$240,000,000.

1           **TITLE XXVI—GUARD AND**  
2           **RESERVE FORCES FACILITIES**

3           **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**  
4           **TION AND LAND ACQUISITION PROJECTS.**

5           (a) AUTHORIZATION OF APPROPRIATIONS.—There  
6 are authorized to be appropriated for fiscal years begin-  
7 ning after September 30, 1993, for the costs of acquisi-  
8 tion, architectural and engineering services, and construc-  
9 tion of facilities for the Guard and Reserve Forces, and  
10 for contributions therefor, under chapter 133 of title 10,  
11 United States Code (including the cost of acquisition of  
12 land for those facilities), the following amounts:

13           (1) For the Department of the Army—

14                   (A) for the Army National Guard of the  
15 United States, \$229,023,000; and

16                   (B) for the Army Reserve, \$88,433,000.

17           (2) For the Department of the Navy, for the  
18 Naval and Marine Corps Reserve, \$20,591,000.

19           (3) For the Department of the Air Force—

20                   (A) for the Air National Guard of the  
21 United States, \$218,114,000; and

22                   (B) for the Air Force Reserve,  
23 \$84,004,000.

24           (b) INCREASE IN ARMY NATIONAL GUARD AUTHOR-  
25 IZATION.—The amount provided in subsection (a)(1)(A)

1 for the Army National Guard of the United States is here-  
2 by increased by \$4,867,000.

3 (c) OFFSETTING REDUCTION.—The amount provided  
4 in section 2104(a) for military construction, land acqui-  
5 sition, and military family housing functions of the Depart-  
6 ment of the Army, and the amount provided in paragraph  
7 (3) of such section for construction of the Chemical De-  
8 militarization Facility, Anniston Army Depot, Alabama,  
9 are each hereby reduced by \$4,867,000.

10 **SEC. 2602. TERMINATION OF AUTHORITY TO CARRY OUT**  
11 **LAND ACQUISITION FOR ARMY NATIONAL**  
12 **GUARD TRAINING AREA IN MUSKINGUM**  
13 **COUNTY, OHIO.**

14 (a) REDUCTION IN FISCAL YEAR 1991 AUTHORIZA-  
15 TION.—Section 2601(1)(A) of the National Defense Au-  
16 thorization Act for Fiscal Year 1991 (Public Law 101-  
17 510; 104 Stat. 1781), as amended by section 2602(a)(1)  
18 of the National Defense Authorization Act for Fiscal  
19 Years 1992 and 1993 (Public Law 102-190; 105 Stat.  
20 1535), is further amended by striking out  
21 “\$314,887,000” and inserting in lieu thereof  
22 “\$309,217,000”.

23 (b) PURPOSE OF REDUCTION.—The amount of the  
24 reduction in the amount authorized to be appropriated for  
25 the Army National Guard of the United States under sec-

1 tion 2601(1)(A) of the National Defense Authorization  
2 Act for Fiscal Year 1991 corresponds to the amount au-  
3 thorized to be appropriated by such section for land acqui-  
4 sition to establish an Army National Guard Training Area  
5 in Muskingum County, Ohio, and the authority of the Sec-  
6 retary of Defense or the Secretary of the Army to carry  
7 out such land acquisition is hereby terminated.

8 **TITLE XXVII—EXPIRATION AND**  
9 **EXTENSION OF AUTHORIZA-**  
10 **TIONS**

11 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**  
12 **AMOUNTS REQUIRED TO BE SPECIFIED BY**  
13 **LAW.**

14 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE  
15 YEARS.—Except as provided in subsection (b), all author-  
16 izations contained in titles XXI through XXVI for military  
17 construction projects, land acquisition, family housing  
18 projects and facilities, and contributions to the North At-  
19 lantic Treaty Organization Infrastructure program (and  
20 authorizations of appropriations therefor) shall expire on  
21 the later of—

22 (1) October 1, 1996; or

23 (2) the date of the enactment of an Act author-  
24 izing funds for military construction for fiscal year  
25 1997.

1 (b) EXCEPTION.—Subsection (a) shall not apply to  
2 authorizations for military construction projects, land ac-  
3 quisition, family housing projects and facilities, and con-  
4 tributions to the North Atlantic Treaty Organization In-  
5 frastructure program (and authorizations of appropria-  
6 tions therefor), for which appropriated funds have been  
7 obligated before the later of—

8 (1) October 1, 1996; or

9 (2) the date of the enactment of an Act author-  
10 izing funds for fiscal year 1997 for military con-  
11 struction projects, land acquisition, family housing  
12 projects and facilities, or contributions to the North  
13 Atlantic Treaty Organization Infrastructure pro-  
14 gram.

15 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
16 **FISCAL YEAR 1991 PROJECTS.**

17 (a) EXTENSIONS.—Notwithstanding section 2701(b)  
18 of the Military Construction Authorization Act for Fiscal  
19 Year 1991 (division B of Public Law 101–510, 104 Stat.  
20 1758), authorizations for the projects set forth in the ta-  
21 bles in subsection (b), as provided in section 2101, 2301,  
22 or 2401 of that Act and extended by section 2702(a) of  
23 the Military Construction Authorization Act for Fiscal  
24 Year 1992 (division B of Public Law 102–190; 105 Stat.  
25 1535), shall remain in effect until October 1, 1994, or the

1 date of the enactment of an Act authorizing funds for mili-  
 2 tary construction for fiscal year 1995, whichever is later.

3 (b) TABLES.—The tables referred to in subsection (a)  
 4 are as follows:

**Army: Extension of 1991 Project Authorizations**

State	Installation or location	Project	Amount
Maryland .....	Aberdeen Proving Ground .....	Toxicology Research Facility	\$33,000,000
Missouri .....	Fort Leonard Wood	Child Development Center ...	\$3,050,000
Virginia .....	Fort Myer .....	Child Development Center ...	\$2,150,000

**Air Force: Extension of 1991 Project Authorizations**

State	Installation or location	Project	Amount
Alaska .....	Clear Air Force Station .....	Alter Dormitory (Phase II) .....	\$5,000,000
California .....	Sierra Army Depot	Dormitory .....	\$3,650,000
Colorado .....	Buckley Air National Guard Base .....	Child Development Center ...	\$4,550,000
	United States Air Force Academy ...	Consolidated Education & Training Facility .....	\$15,000,000
Hawaii .....	Hickam Air Force Base .....	Dormitory .....	\$6,100,000
	Wheeler Air Force Base .....	Combat Arms Training & Maintenance Facility .....	\$1,400,000
Oklahoma .....	Tinker Air Force Base .....	AWACS Aircraft Fire Protection	\$2,750,000
Texas .....	Dyess Air Force Base .....	Corrosion Control Facility ...	\$4,100,000
Utah .....	Hill Air Force Base	Depot Warehouse .....	\$16,000,000

**Defense Agencies: Extension of 1991 Project Authorizations**

State	Installation or location	Project	Amount
Maryland .....	DLA, Defense Reutilization and Marketing Office, Fort Meade .....	Covered Storage	\$9,500,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**  
2 **FISCAL YEAR 1990 PROJECTS.**

3 (a) EXTENSIONS.—Notwithstanding section 2701(b)  
4 of the Military Construction Authorization Act for Fiscal  
5 Years 1990 and 1991 (division B of Public Law 101–189,  
6 103 Stat. 1645), authorizations for the projects set forth  
7 in the table in subsection (b), as provided in section 2301  
8 of that Act (103 Stat. 1631) and extended by section  
9 2702(b) of the Military Construction Authorization Act  
10 for Fiscal Year 1992 (division B of Public Law 102–190;  
11 105 Stat. 1535) and section 2702 of the Military Con-  
12 struction Authorization Act for Fiscal Year 1993 (division  
13 B of Public Law 102–484; 106 Stat. 2604), shall remain  
14 in effect until October 1, 1994, or the date of the enact-  
15 ment of an Act authorizing funds for military construction  
16 for fiscal year 1995, whichever is later.

17 (b) TABLE.—The table referred to in subsection (a)  
18 is as follows:

**Air Force: Extension of 1990 Project Authorizations**

State	Installation	Project	Amount
Colorado .....	Lowry Air Force Base .....	Computer operations facility ..	\$15,500,000

**Air Force: Extension of 1990 Project Authorizations—**  
Continued

State	Installation	Project	Amount
		Logistics support facility .....	\$3,500,000

1 **SEC. 2704. EFFECTIVE DATE.**

2 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI  
3 shall take effect on the later of—

4 (1) October 1, 1993; and

5 (2) the date of the enactment of this Act.

6 **TITLE XXVIII—GENERAL**  
7 **PROVISIONS**

8 **Subtitle A—Military Construction**  
9 **Program and Military Family**  
10 **Housing Changes**

11 **SEC. 2801. INCREASE IN THE MAXIMUM AMOUNT AUTHOR-**  
12 **IZED TO BE OBLIGATED FOR EMERGENCY**  
13 **CONSTRUCTION IN A FISCAL YEAR.**

14 Section 2803(c)(1) of title 10, United States Code,  
15 is amended by striking out “\$30,000,000” and inserting  
16 in lieu thereof “\$50,000,000”.

17 **SEC. 2802. MILITARY FAMILY HOUSING LEASING PRO-**  
18 **GRAMS.**

19 (a) LEASES IN UNITED STATES, PUERTO RICO, OR  
20 GUAM.—Subsection (b) of section 2828 of title 10, United

1 States Code, is amended by adding at the end the follow-  
2 ing new paragraph:

3 “(4) The maximum rental amount under paragraphs  
4 (2) and (3) shall be adjusted annually at the beginning  
5 of each fiscal year by an amount which corresponds to the  
6 change in the Consumer Price Index for all Urban Con-  
7 sumers, published by the Bureau of Labor Statistics of  
8 the Department of Labor, for the previous one-year period  
9 ending on September 30.”.

10 (b) LEASES IN FOREIGN COUNTRIES.—Subsection  
11 (e) of such section is amended—

12 (1) in the first sentence of paragraph (1), by  
13 striking out “as adjusted for foreign currency fluc-  
14 tuation from October 1, 1987.” and inserting in lieu  
15 thereof “, except that 300 units may be leased for  
16 not more than \$25,000 per unit per year.”; and

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

19 “(3) The dollar limitations contained in paragraph  
20 (1) shall be adjusted—

21 “(A) for foreign currency fluctuation from Oc-  
22 tober 1, 1987; and

23 “(B) annually at the beginning of each fiscal  
24 year by an amount which corresponds to the change  
25 in the Consumer Price Index for all Urban Consum-

1       ers, published by the Bureau of Labor Statistics for  
2       the Department of Labor, for the previous one-year  
3       period ending on September 30.”.

4       **SEC. 2803. SALE OF ELECTRICITY FROM ALTERNATE EN-**  
5                               **ERGY AND COGENERATION PRODUCTION FA-**  
6                               **CILITIES.**

7       Section 2483 of title 10, United States Code, is  
8       amended—

9               (1) in subsection (b), by inserting before the pe-  
10       riod the following: “and may be used, subject to the  
11       availability of appropriations for this purpose, to  
12       carry out energy-related military construction  
13       projects as authorized in sections 2805(a)(1) and  
14       2865(a)(3) of this title”; and

15              (2) by adding at the end the following new sub-  
16       section:

17       “(c) When a decision is made to carry out an energy-  
18       related military construction project under section  
19       2805(a)(1) or 2865(a)(3) of this title using proceeds from  
20       sales under subsection (a), the Secretary concerned shall  
21       notify Congress in writing of that decision, of the justifica-  
22       tion for the project, and of the estimated cost of the  
23       project. The project may then be carried out only after  
24       the end of the 21-day period beginning on the date the  
25       notification is received by Congress.”.

1 **SEC. 2804. ENERGY SAVINGS AT MILITARY INSTALLATIONS.**

2 (a) ENERGY EFFICIENT MAINTENANCE.—Subsection  
3 (a) of section 2865 of title 10, United States Code, is  
4 amended—

5 (1) in paragraph (3), by inserting “, including  
6 energy efficient maintenance,” after “conservation  
7 measures”; and

8 (2) by adding at the end the following new  
9 paragraph:

10 “(4) For purposes of paragraph (3), the term ‘energy  
11 efficient maintenance’ includes—

12 “(A) the repair by replacement of equipment or  
13 systems with the best available technology to meet  
14 the same end needs, such as lighting, heating, cool-  
15 ing, or industrial process; and

16 “(B) improvements in the operation and main-  
17 tenance process that result in energy cost savings,  
18 such as training or improved controls.”.

19 (b) USE OF AMOUNTS FROM SALES OF ELEC-  
20 TRICITY.—Subsection (b)(2) of such section is amended  
21 by inserting “and pursuant to section 2483(b) of this  
22 title” after “under paragraph (1)”.

1 **SEC. 2805. AUTHORIZATION TO ACQUIRE EXISTING FACILI-**  
2 **TIES IN LIEU OF CARRYING OUT CONSTRUC-**  
3 **TION AUTHORIZED BY LAW.**

4 (a) ESTABLISHMENT OF AUTHORITY.—Subchapter I  
5 of chapter 169 of title 10, United States Code, is amended  
6 by adding at the end the following new section:

7 **“SEC. 2813. ACQUISITION OF EXISTING FACILITIES IN LIEU**  
8 **OF CONSTRUCTION.**

9 “(a) ACQUISITION AUTHORITY.—Subject to sub-  
10 sections (b) and (c), if the Secretary concerned determines  
11 that an existing facility at or near a military installation  
12 would satisfy the requirements of a military construction  
13 project authorized by law, the Secretary may acquire that  
14 facility, including real property, using the funds appro-  
15 priated for the authorized construction project in lieu of  
16 carrying out the authorized construction project.

17 “(b) REQUIRED DETERMINATION.—The authority  
18 provided by this section may only be exercised if the Sec-  
19 retary concerned makes a determination that the acquisi-  
20 tion of an existing facility in lieu of new construction is  
21 in the best interests of the Government.

22 “(c) NOTICE AND WAIT REQUIREMENTS.—A con-  
23 tract may not be entered into under this section until the  
24 end of the 21-day period beginning on the date the Sec-  
25 retary concerned notifies Congress in writing of the trans-

1 action proposed in the contract, the justification for the  
2 transaction, and the estimated cost of the transaction.”.

3 (b) APPLICATION OF SECTION.—Section 2813 of title  
4 10, United States Code, as added by subsection (a), shall  
5 apply with respect to—

6 (1) projects authorized on or after the date of  
7 the enactment of this Act; and

8 (2) projects authorized before that date for  
9 which construction contracts have not been awarded.

10 (c) CLERICAL AMENDMENT.—The table of sections  
11 at the beginning of such subchapter is amended by adding  
12 at the end the following new item:

“2813. Acquisition of existing facilities in lieu of construction.”.

13 **SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPART-**  
14 **MENT OF STATE HOUSING POOLS.**

15 Section 2834(b) of title 10, United States Code, is  
16 amended to read as follows:

17 “(b) The maximum lease amount specified in section  
18 2828(e)(1) of this title for the rental of family housing  
19 in foreign countries shall not apply to housing made avail-  
20 able to the Department of Defense under this section. To  
21 the extent that the lease amount for units of housing made  
22 available under this subsection exceeds such maximum  
23 lease amount, such units shall not be counted in applying  
24 the limitation contained in such section on the number of

1 units of family housing for which the Secretary concerned  
2 may waive such maximum lease amount.”.

3 **SEC. 2807. NAVY HOUSING INVESTMENT AGREEMENTS AND**  
4 **HOUSING INVESTMENT BOARD.**

5 (a) IN GENERAL.—Chapter 649 of title 10, United  
6 States Code, is amended by inserting after section 7573  
7 the following new sections:

8 **“§7574. Investment agreements with private devel-**  
9 **opers of housing**

10 “(a) INVESTMENT AGREEMENTS.—The Secretary of  
11 the Navy may enter into investment agreements with pri-  
12 vate developers to encourage the construction of housing  
13 and accessory structures within commuting distance of a  
14 military installation under the jurisdiction of the Secretary  
15 at which there is a shortage of suitable housing to meet  
16 the requirements of members of the naval service with or  
17 without dependents.

18 “(b) COLLATERAL INCENTIVE AGREEMENTS.—The  
19 Secretary may also enter into collateral incentive agree-  
20 ments with private developers who enter into an invest-  
21 ment agreement under subsection (a) to ensure that,  
22 where appropriate—

23 “(1) members of the naval service will have pri-  
24 ority for a fair share of any housing within the scope  
25 of the investment contract; or

1           “(2) rental rates or sale prices, as appropriate,  
2           for some or all of the units will be affordable for  
3           such members.

4           “(c) TRANSFER OF NAVY LANDS PROHIBITED.—  
5           Nothing in this section shall be construed to permit the  
6           Secretary, as part of an agreement entered into under this  
7           section, to transfer the right, title, or interest of the Unit-  
8           ed States in any real property under the jurisdiction of  
9           the Secretary.

10          “(d) EXPIRATION OF AUTHORITY.—The authority of  
11          the Secretary to enter into an agreement under this sec-  
12          tion shall expire on September 30, 1998.

13          **“§ 7575. Navy Housing Investment Board**

14          “(a) ESTABLISHMENT.—The Secretary of the Navy  
15          may establish a board to be known as the ‘Navy Housing  
16          Investment Board’.

17          “(b) MEMBERS.—(1) The Navy Housing Investment  
18          Board shall be composed of seven members appointed for  
19          a two-year term by the Secretary. The Secretary may ap-  
20          point to the Board, without regard to the civil service laws,  
21          two persons from the private sector who have knowledge  
22          and experience in the financing and the construction of  
23          housing.

24          “(2) The Secretary shall designate one of the mem-  
25          bers as chairperson of the Board.

1       “(3) Members of the Board, other than those mem-  
2 bers regularly employed by the Federal Government, may  
3 be paid while attending meetings of the Board or other-  
4 wise serving at the request of the Secretary, compensation  
5 at a rate equal to the daily equivalent of the minimum  
6 annual rate of basic pay payable for level IV of the Execu-  
7 tive Schedule under section 5315 of title 5, United States  
8 Code, for each day (including travel time) during which  
9 the member is engaged in the actual performance of duties  
10 vested in the Board. Members shall receive travel ex-  
11 penses, including per diem in lieu of subsistence, in ac-  
12 cordance with sections 5702 and 5703 of title 5, United  
13 States Code.

14       “(c) DUTIES.—The Navy Housing Investment Board  
15 shall—

16               “(1) advise the Secretary regarding which pro-  
17 posed investment agreements under section 7574 of  
18 this title, if any, are financially and otherwise sound  
19 investments for meeting the objectives of such sec-  
20 tion; and

21               “(2) assist the Secretary in such other ways as  
22 the Secretary determines to be necessary and appro-  
23 priate.

24       “(d) SELECTION OF INVESTMENT OPPORTUNI-  
25 TIES.—Any investment agreement under section 7574 of

1 this title may be made through the use of publicly adver-  
2 tised, competitively bid or competitively negotiated, con-  
3 tracting procedures, as provided in chapter 137 of this  
4 title, or such other contracting procedures as the Sec-  
5 retary considers to be appropriate.

6 “(e) ACCOUNT.—(1) There is hereby established on  
7 the books of the Treasury an account to be known as the  
8 ‘Navy Housing Investment Account’, which shall be ad-  
9 ministered by the Navy Housing Investment Board.

10 “(2) There shall be deposited into the Account—

11 “(A) such funds as may be authorized for and  
12 appropriated to the Account; and

13 “(B) any proceeds received from the repayment  
14 of investments or profits on investments under sec-  
15 tion 7574 of this title.

16 “(3) The Account shall be available without fiscal  
17 year limitation for contracts, investments, and expenses  
18 necessary for the implementation of this section and sec-  
19 tion 7574 of this title.

20 “(f) REPORT.—Not later than 60 days after the end  
21 of each fiscal year in which the Secretary and Navy Hous-  
22 ing Investment Board carry out activities under section  
23 7574 of this title, the Secretary shall transmit a report  
24 to Congress specifying the amount and nature of the de-  
25 posits into, and the expenditures from, the Account during

1 such fiscal year and of the amount and nature of all other  
2 expenditures made pursuant to such section during such  
3 fiscal year.

4 “(g) TERMINATION OF BOARD.—The Navy Housing  
5 Investment Board shall terminate on November 30,  
6 1998.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
8 at the beginning of such chapter is amended by inserting  
9 after the item relating to section 7573 the following new  
10 items:

“7574. Investment agreements with private developers of housing.

“7575. Navy Housing Investment Board.”.

## 11 **Subtitle B—Defense Base Closure** 12 **and Realignment**

### 13 **SEC. 2811. BASE CLOSURE ACCOUNT MANAGEMENT FLEXI-** 14 **BILITY.**

15 (a) BASE CLOSURES UNDER 1988 ACT.—Section  
16 207(a) of the Defense Authorization Amendments and  
17 Base Closure and Realignment Act (title II of Public Law  
18 100–526; 10 U.S.C. 2687 note) is amended by adding at  
19 the end the following new paragraph:

20 “(7) Proceeds received after September 30, 1995,  
21 from the transfer or disposal of any property at a military  
22 installation closed or realigned under this title shall be de-  
23 posited directly into the Department of Defense Base Clo-  
24 sure Account 1990, as established by section 2906(a) of

1 the Defense Base Closure and Realignment Act of 1990  
2 (part A of title XXIX of Public Law 101-510; 10 U.S.C.  
3 2687 note).”.

4 (b) BASE CLOSURES UNDER 1990 ACT.—Section  
5 2906 of the Defense Base Closure and Realignment Act  
6 of 1990 (part A of title XXIX of Public Law 101-510;  
7 10 U.S.C. 2687 note) is amended—

8 (1) in subsection (a)(2)—

9 (A) by striking out “and” at the end of  
10 subparagraph (B);

11 (B) by striking out the period at the end  
12 of subparagraph (C) and inserting in lieu there-  
13 of “; and”; and

14 (C) by adding at the end the following new  
15 subparagraph:

16 “(D) proceeds received after September 30,  
17 1995, from the transfer or disposal of any property  
18 at a military installation closed or realigned under  
19 title II of the Defense Authorization Amendments  
20 and Base Closure and Realignment Act (Public Law  
21 100-526; 10 U.S.C. 2687 note).”; and

22 (2) in subsection (b), by striking out paragraph  
23 (1) and inserting in lieu thereof the following new  
24 paragraph:

1       “(1) The Secretary may use the funds in the Account  
2 only for the purposes described in section 2905 or, after  
3 September 30, 1995, for environmental restoration and  
4 property management and disposal at installations closed  
5 or realigned under title II of the Defense Authorization  
6 Amendments and Base Closure and Realignment Act  
7 (Public Law 100–526; 10 U.S.C. 2687 note).”.

8       (c) TECHNICAL CORRECTION.—Paragraphs (2) and  
9 (3) of section 2906(c) of the Defense Base Closure and  
10 Realignment Act of 1990 (part A of title XXIX of Public  
11 Law 101–510; 10 U.S.C. 2687 note) are amended by  
12 striking out “after the termination of the Commission”  
13 and inserting in lieu thereof “after the termination of the  
14 authority of the Secretary to carry out a closure or re-  
15 alignment under this part”.

16 **SEC. 2812. AUTHORITY TO CONTRACT FOR CERTAIN FUNC-**  
17 **TIONS AT INSTALLATIONS BEING CLOSED OR**  
18 **REALIGNED.**

19       (a) BASE CLOSURES UNDER 1988 ACT.—(1) Section  
20 204(b) of the Defense Authorization Amendments and  
21 Base Closure and Realignment Act (title II of Public Law  
22 100–526; 10 U.S.C. 2687 note) is amended by adding at  
23 the end the following new paragraph:

24       “(5) The Secretary of Defense may contract with  
25 local governments for community services, including police

1 and fire protection, at those military installations to be  
2 closed under this title if the Secretary determines that it  
3 is in the best interest of the Department to have these  
4 services provided by local governmental entities.”.

5 (2) Section 205 of such Act is amended—

6 (A) by striking out “and” at the end of para-  
7 graph (1);

8 (B) by striking out the period at the end of  
9 paragraph (2) and inserting in lieu thereof “; and”;  
10 and

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

13 “(3) chapter 146 of title 10, United States  
14 Code.”.

15 (b) BASE CLOSURES UNDER 1990 ACT.—(1) Sub-  
16 section (b)(2) of section 2905 of the Defense Base Closure  
17 and Realignment Act of 1990 (part A of title XXIX of  
18 Public Law 101–510; 10 U.S.C. 2687 note) is amended—

19 (A) by redesignating subparagraph (E) as sub-  
20 paragraph (F); and

21 (B) by inserting after subparagraph (D) the fol-  
22 lowing new subparagraph:

23 “(E) The Secretary of Defense may contract with  
24 local governments for community services, including police  
25 and fire protection, at those military installations to be

1 closed under this part if the Secretary determines that it  
2 is in the best interest of the Department to have these  
3 services provided by local governmental entities.”.

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

5 (A) by striking out “and” at the end of para-  
6 graph (1);

7 (B) by striking out the period at the end of  
8 paragraph (2) and inserting in lieu thereof “; and”;  
9 and

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

12 “(3) chapter 146 of title 10, United States  
13 Code.”.

14 **SEC. 2813. INCREASED FUNDING SOURCES FOR ENVIRON-**  
15 **MENTAL RESTORATION AT MILITARY INSTAL-**  
16 **LATIONS TO BE CLOSED.**

17 (a) BASE CLOSURES UNDER 1988 ACT.—(1) Section  
18 207 of the Defense Authorization Amendments and Base  
19 Closure and Realignment Act (title II of Public Law 100–  
20 526; 10 U.S.C. 2687 note) is amended by striking out sub-  
21 section (b).

22 (b) BASE CLOSURES UNDER 1990 ACT.—(1) Section  
23 2906 of the Defense Base Closure and Realignment Act  
24 of 1990 (part A of title XXIX of Public Law 101–510;

1 10 U.S.C. 2687 note) is amended by striking out sub-  
2 section (e).

3 (2) Section 2905(a)(1)(C) of such Act is amended by  
4 inserting after “the Account” the following: “and, in addi-  
5 tion, may use for such purposes other funds appropriated  
6 to the Department of Defense and available for environ-  
7 mental restoration and mitigation”.

8 **SEC. 2814. TESTIMONY BEFORE DEFENSE BASE CLOSURE**  
9 **AND REALIGNMENT COMMISSION.**

10 (a) OATHS REQUIRED.—Section 2903(d)(1) of the  
11 Defense Base Closure and Realignment Act of 1990 (part  
12 A of title XXIX of Public Law 101–510; 10 U.S.C. 2687  
13 note) is amended by adding at the end the following new  
14 sentence: “All testimony before the Commission at a pub-  
15 lic hearing conducted under this paragraph shall be pre-  
16 sented under oath.”.

17 (b) APPLICATION OF AMENDMENT.—The amendment  
18 made by this section shall apply with respect to all public  
19 hearings conducted by the Defense Base Closure and Re-  
20 alignment Commission after the date of the enactment of  
21 this Act.

1 **SEC. 2815. EXPANSION OF CONVEYANCE AUTHORITY RE-**  
2 **GARDING FINANCIAL FACILITIES ON CLOSED**  
3 **MILITARY INSTALLATIONS TO INCLUDE ALL**  
4 **DEPOSITORY INSTITUTIONS.**

5 (a) INCLUSION OF OTHER DEPOSITORY INSTITU-  
6 TIONS IN ADDITION TO CREDIT UNIONS.—Section 2825  
7 of the National Defense Authorization Act for Fiscal  
8 Years 1992 and 1993 (10 U.S.C. 2687 note) is  
9 amended—

10 (1) by striking “credit union” each place it ap-  
11 pears and inserting in lieu thereof “depository insti-  
12 tution”;

13 (2) in subsection (c), by striking “business”;  
14 and

15 (3) by adding at the end the following new sub-  
16 section:

17 “(e) DEPOSITORY INSTITUTION DEFINED.—For pur-  
18 poses of this section, the term ‘depository institution’ has  
19 the meaning given that term in section 19(b)(1)(A) of the  
20 Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).”.

21 (b) CLERICAL AMENDMENT.—The heading of such  
22 section is amended to read as follows:

1 **“SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY**  
2 **INSTITUTIONS ON MILITARY INSTALLATIONS**  
3 **TO BE CLOSED.”.**

4 **SEC. 2816. AUTHORITY TO TRANSFER PROPERTY AT MILI-**  
5 **TARY INSTALLATIONS TO BE CLOSED TO**  
6 **PERSONS PAYING THE COST OF ENVIRON-**  
7 **MENTAL RESTORATION ACTIVITIES ON THE**  
8 **PROPERTY.**

9 (a) BASE CLOSURES UNDER 1988 ACT.—Section  
10 204 of the Defense Authorization Amendments and Base  
11 Closure and Realignment Act (title II of Public Law 100–  
12 526; 10 U.S.C. 2687 note) is amended by adding at the  
13 end the following new subsection:

14 “(d) TRANSFER AUTHORITY IN CONNECTION WITH  
15 PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

16 “(1) Subject to paragraph (2) and the require-  
17 ments specified in section 120(h) of the Comprehen-  
18 sive Environmental Response, Compensation, and  
19 Liability Act of 1980 (42 U.S.C. 9620(h)), the Sec-  
20 retary may enter into an agreement to transfer real  
21 property or facilities located at a military installa-  
22 tion closed or to be closed under this title with any  
23 person who agrees to pay all costs in connection with  
24 all environmental restoration, waste management,  
25 and environmental compliance activities that—

1           “(A) are required for the property or facili-  
2           ties under Federal and State laws, administra-  
3           tive decisions, agreements, and concurrences;  
4           and

5           “(B) are known to be necessary on the  
6           date of the agreement, or reasonably could have  
7           been known or foreseen to be necessary as a re-  
8           sult of Department of Defense activities at the  
9           military installation.

10          “(2) RELATION OF COSTS TO FAIR MARKET  
11          VALUE.—A transfer of real property or facilities may  
12          be made under paragraph (1) only if the Secretary  
13          certifies to Congress that—

14               “(A) the costs of all environmental restora-  
15               tion, waste management, and environmental  
16               compliance activities to be paid by the recipient  
17               of the property or facilities are equal to or  
18               greater than the fair market value of the prop-  
19               erty or facilities to be transferred, as deter-  
20               mined by the Secretary; or

21               “(B) if such costs are lower than the fair  
22               market value of the property or facilities, the  
23               recipient of the property or facilities agrees to  
24               pay the difference between the fair market  
25               value and such costs.

1           “(3) DISCLOSURE.—As part of an agreement  
2           under paragraph (1), the Secretary shall disclose to  
3           the person to whom the property or facilities will be  
4           transferred any information of the Secretary regard-  
5           ing the environmental restoration, waste manage-  
6           ment, and environmental compliance activities de-  
7           scribed in paragraph (1) that relate to the property  
8           or facilities. The Secretary shall provide this infor-  
9           mation as soon as possible before entering into the  
10          agreement.

11          “(4) APPLICATION OF CERCLA.—Nothing in  
12          this subsection shall be construed to modify or re-  
13          move the environmental restoration, waste manage-  
14          ment, and environmental compliance requirements  
15          imposed by section 120(h) of the Comprehensive En-  
16          vironmental Response, Compensation, and Liability  
17          Act of 1980 (42 U.S.C. 9620(h)).”.

18          (b) BASE CLOSURES UNDER 1990 ACT.—Section  
19          2905 of the Defense Base Closure and Realignment Act  
20          of 1990 (part A of title XXIX of Public Law 101–510;  
21          10 U.S.C. 2687 note) is amended by adding at the end  
22          the following new subsection:

23          “(e) TRANSFER AUTHORITY IN CONNECTION WITH  
24          PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—

1           “(1) Subject to paragraph (2) and the require-  
2           ments specified in section 120(h) of the Comprehen-  
3           sive Environmental Response, Compensation, and  
4           Liability Act of 1980 (42 U.S.C. 9620(h)), the Sec-  
5           retary may enter into an agreement to transfer real  
6           property or facilities located at a military installa-  
7           tion closed or to be closed under this title with any  
8           person who agrees to pay all costs in connection with  
9           all environmental restoration, waste management,  
10          and environmental compliance activities that—

11                   “(A) are required for the property or facili-  
12                   ties under Federal and State laws, administra-  
13                   tive decisions, agreements, and concurrences;  
14                   and

15                   “(B) are known to be necessary on the  
16                   date of the agreement, or reasonably could have  
17                   been known or foreseen to be necessary as a re-  
18                   sult of Department of Defense activities at the  
19                   military installation.

20           “(2) RELATION OF COSTS TO FAIR MARKET  
21           VALUE.—A transfer of real property or facilities may  
22           be made under paragraph (1) only if the Secretary  
23           certifies to Congress that—

24                   “(A) the costs of all environmental restora-  
25                   tion, waste management, and environmental

1 compliance activities to be paid by the recipient  
2 of the property or facilities are equal to or  
3 greater than the fair market value of the prop-  
4 erty or facilities to be transferred, as deter-  
5 mined by the Secretary; or

6 “(B) if such costs are lower than the fair  
7 market value of the property or facilities, the  
8 recipient of the property or facilities agrees to  
9 pay the difference between the fair market  
10 value and such costs.

11 “(3) DISCLOSURE.—As part of an agreement  
12 under paragraph (1), the Secretary shall disclose to  
13 the person to whom the property or facilities will be  
14 transferred any information of the Secretary regard-  
15 ing the environmental restoration, waste manage-  
16 ment, and environmental compliance activities de-  
17 scribed in paragraph (1) that relate to the property  
18 or facilities. The Secretary shall provide this infor-  
19 mation as soon as possible before entering into the  
20 agreement.

21 “(4) APPLICATION OF CERCLA.—Nothing in  
22 this subsection shall be construed to modify or re-  
23 move the environmental restoration, waste manage-  
24 ment, and environmental compliance requirements  
25 imposed by section 120(h) of the Comprehensive En-

1 vironmental Response, Compensation, and Liability  
2 Act of 1980 (42 U.S.C. 9620(h)).”.

3 **SEC. 2817. AUTHORITY TO LEASE PROPERTY PENDING**  
4 **FINAL DISPOSITION.**

5 (a) LEASE AUTHORITY.—Subsection (f) of section  
6 2667 of title 10, United States Code, is amended to read  
7 as follows:

8 “(f)(1) Pending the final disposition of real property  
9 (and associated personal property) located at a military  
10 installation to be closed or realigned under a base closure  
11 law, the Secretary of the military department concerned  
12 may lease the property to public or private entities under  
13 this subsection if the Secretary determines that such a  
14 lease would facilitate State or local economic adjustment  
15 efforts.

16 “(2) Notwithstanding subsection (b)(4), in the case  
17 of a lease under this subsection to a State or local govern-  
18 ment, the Secretary concerned may accept consideration  
19 in an amount that is less than the fair market value of  
20 the lease interest if the Secretary concerned determines  
21 that there is a public benefit accruing as a result of the  
22 lease.

23 “(3) The limitation contained in subsection (a)(3)  
24 shall not apply in selecting real or personal property to  
25 be leased under this subsection.”.

1 (b) DEFINITION.—Such section is further amended  
2 by adding at the end the following new subsection:

3 “(g) In this section, the term ‘base closure law’  
4 means each of the following:

5 “(1) The Defense Base Closure and Realign-  
6 ment Act of 1990 (part A of title XXIX of Public  
7 Law 101–510; 10 U.S.C. 2687 note).

8 “(2) Title II of the Defense Authorization  
9 Amendments and Base Closure and Realignment  
10 Act (Public Law 100–526; 10 U.S.C. 2687 note).

11 “(3) Section 2687 of this title.”.

12 **SEC. 2818. ELECTRIC POWER ALLOCATION AND ECONOMIC**  
13 **DEVELOPMENT AT CERTAIN MILITARY IN-**  
14 **STALLATIONS TO BE CLOSED IN THE STATE**  
15 **OF CALIFORNIA.**

16 For a 10-year period beginning on the date of the  
17 enactment of this Act, the electric power allocations pro-  
18 vided as of that date by the Western Area Power Adminis-  
19 tration from the Central Valley project to military installa-  
20 tions in the State of California selected for closure pursu-  
21 ant to the Defense Base Closure and Realignment Act of  
22 1990 (part A of title XXIX of Public Law 101–510; 10  
23 U.S.C. 2687 note) shall be reserved for sale through long-  
24 term contracts to preference entities that agree to use  
25 such power to promote economic development at a military

1 installation that is closed or selected for closure pursuant  
2 to that Act.

3 **SEC. 2819. EXPANSION OF BASE CLOSURE LAW TO INCLUDE**  
4 **CONSIDERATION OF MILITARY INSTALLA-**  
5 **TIONS OUTSIDE THE UNITED STATES FOR**  
6 **CLOSURE AND REALIGNMENT.**

7 (a) EXPANSION OF SCOPE OF BASE CLOSURE  
8 LAW.—The Defense Base Closure and Realignment Act  
9 of 1990 (Part A of title XXIX of Public Law 101–510;  
10 10 U.S.C. 2687 note) is amended—

11 (1) by redesignating sections 2910 and 2911 as  
12 sections 2911 and 2912, respectively; and

13 (2) by inserting after section 2909 the following  
14 new section:

15 **“SEC. 2910. CONSIDERATION OF MILITARY INSTALLATIONS**  
16 **OUTSIDE THE UNITED STATES.**

17 “(a) RECOMMENDATIONS FOR TERMINATION AND  
18 REDUCTIONS OF MILITARY OPERATIONS OUTSIDE THE  
19 UNITED STATES.—With respect to recommendations  
20 made in 1995 for the closure and realignment of military  
21 installations under this part, the Secretary and the Com-  
22 mission shall include recommendations for the termination  
23 and reduction of military operations carried out by the  
24 United States at military installations outside the United  
25 States.

1       “(b) SELECTION CRITERIA.—(1) Not later than De-  
2 cember 31, 1993, the Secretary shall publish in the Fed-  
3 eral Register and transmit to the congressional defense  
4 committees the criteria proposed to be used by the Depart-  
5 ment of Defense in making recommendations for terminat-  
6 ing and reducing military operations carried out by the  
7 United States at military installations outside the United  
8 States. The Secretary shall provide an opportunity for  
9 public comment on the proposed criteria for a period of  
10 at least 30 days and shall include notice of that oppor-  
11 tunity in the publication required under the preceding sen-  
12 tence.

13       “(2) Not later than February 15, 1994, the Secretary  
14 shall publish in the Federal Register and transmit to the  
15 congressional defense committees the final criteria to be  
16 used in making recommendations for terminating and re-  
17 ducing military operations carried out by the United  
18 States at military installations outside the United States.

19       “(3) The criteria developed under this subsection,  
20 along with the force-structure plan referred to in section  
21 2903(a), shall be the final criteria to be used in making  
22 recommendations for terminating and reducing military  
23 operations carried out by the United States at military  
24 installations outside the United States, unless the criteria  
25 are—

1           “(A) disapproved by a joint resolution of Con-  
2           gress enacted on or before March 15, 1994; or

3           “(B) amended by the Secretary in the manner  
4           described in section 2903(b)(2)(B).

5           “(c) RECOMMENDATIONS OF THE SECRETARY.—The  
6           Secretary shall transmit recommendations to the Commis-  
7           sion for the termination and reduction of military oper-  
8           ations of the United States at specified military installa-  
9           tions outside the United States. The recommendations  
10          shall be included in the recommendations transmitted to  
11          the Commission with respect to the closure and realign-  
12          ment of military installations inside the United States  
13          under section 2903(c).

14          “(d) REVIEW AND RECOMMENDATIONS BY COMMIS-  
15          SION.—The Commission shall review the recommendations  
16          transmitted by the Secretary under subsection (c). The  
17          Commission may make changes in the recommendations  
18          made by the Secretary only in the manner provided in sub-  
19          paragraphs (B), (C), and (D) of section 2903(d)(2). The  
20          Commission shall include, in its recommendations to the  
21          President under section 2903(d), its recommendations for  
22          the termination and reduction of military operations of the  
23          United States at specified military installations outside  
24          the United States.

1       “(e) REVIEW AND TRANSMITTAL BY THE PRESI-  
2 DENT.—The recommendations transmitted by the Presi-  
3 dent under section 2903(e) shall contain the recommenda-  
4 tions of the Commission for the termination and reduction  
5 of military operations of the United States at specified  
6 military installations outside the United States.”.

7       (b) EFFECT OF FAILURE TO INCLUDE SUFFICIENT  
8 OVERSEAS INSTALLATIONS.—Section 2903 of such Act is  
9 amended by adding at the end the following new sub-  
10 section:

11       “(f) FAILURE TO INCLUDE SUFFICIENT OVERSEAS  
12 INSTALLATIONS.—(1) In the case of the recommendations  
13 of the Commission required to be transmitted to the Con-  
14 gress in 1995 pursuant to subsection (e), if the closure  
15 or realignment of military installations outside the United  
16 States does not account for at least 25 percent of the clo-  
17 sure and realignment recommendations of the Commis-  
18 sion, as certified by the Commission under paragraph (2),  
19 then the process by which military installations may be  
20 selected for closure or realignment under this part with  
21 respect to that year shall be terminated.

22       “(2) In determining whether the percentage specified  
23 in paragraph (1) is satisfied, the Commission shall cal-  
24 culate such percentage both in terms of—

1           “(A) the number of military installations out-  
2           side the United States recommended for closure or  
3           realignment as a percentage of the total number of  
4           military installations recommended for closure or re-  
5           alignment that year; and

6           “(B) the number of military personnel and civil-  
7           ian employees of the Department of Defense sta-  
8           tioned or employed outside the United States di-  
9           rectly affected by the recommendations as a percent-  
10          age of the total number of military personnel and ci-  
11          vilian employees of the Department of Defense di-  
12          rectly affected by the recommendations.”.

13          (c) CONFORMING AMENDMENTS.—(1) Subsection (b)  
14 of section 2901 of such Act is amended to read as follows:

15          “(b) Purpose.—The purpose of this part is to provide  
16 a fair process that will result in the timely closure and  
17 realignment of military installations inside and outside the  
18 United States.”.

19          (2) Section 2911 of such Act, as redesignated by sub-  
20 section (a)(1), is amended—

21                 (A) in paragraph (4), by inserting after the  
22                 first sentence the following new sentence: “With re-  
23                 spect to military operations carried out by the Unit-  
24                 ed States outside the United States, such term in-  
25                 cludes the sites and facilities at which such oper-

1 ations are carried out without regard to whether the  
2 sites and facilities are owned by the United States.”;  
3 and

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

6 “(8) The terms ‘closure’ and ‘realignment’ in-  
7 clude, with respect to military operations carried out  
8 by the United States outside the United States, the  
9 termination or reduction of such operations.”.

10 **SEC. 2820. LIMITATIONS ON THE REMOVAL OR DISPOSAL**  
11 **OF PERSONAL PROPERTY AND EQUIPMENT**  
12 **IN CONNECTION WITH THE CLOSURE OR**  
13 **MAJOR REALIGNMENT OF MILITARY INSTAL-**  
14 **LATIONS.**

15 (a) LIMITATION.—Except as provided in this section,  
16 in connection with the closure or major realignment of a  
17 military installation pursuant to a base closure law, the  
18 Secretary of Defense shall not permit the removal or dis-  
19 posal of any related personal property that—

20 (1) is located at the installation; and

21 (2) would be suitable for use by a governmental  
22 or private entity obtaining real property at the in-  
23 stallation.

24 (b) AUTHORIZED REMOVALS AND DISPOSALS.—The  
25 limitation specified in subsection (a) shall not apply with

1 respect to the removal or disposal of related personal prop-  
2 erty from a military installation if—

3           (1) the property is regularly transferred or re-  
4           moved from the installation, such as in the case of  
5           military vehicles and aircraft;

6           (2) the property is unique to the military and  
7           its removal is required to support a specific mission  
8           of the Armed Forces; or

9           (3) the removal or disposal is pursuant to a  
10          reuse plan for the installation that is approved by  
11          the Secretary and consistent with the inventory re-  
12          quirements specified in subsections (c) and (d).

13          (c) INVENTORY OF RELATED PERSONAL PROP-  
14          ERTY.—As soon as practicable following the selection of  
15          a military installation for closure or major realignment  
16          pursuant to a base closure law, the Secretary of the mili-  
17          tary department exercising jurisdiction over the installa-  
18          tion shall order an inventory to be taken of related per-  
19          sonal property at the installation.

20          (d) SELECTION OF PERSONAL PROPERTY FOR RE-  
21          TENTION AT INSTALLATION.—Upon completion of the in-  
22          ventory under subsection (c) for a military installation, the  
23          entity recognized by the Secretary of Defense as develop-  
24          ing the community base reuse plan for the installation  
25          shall be given not less than 12 months within which to

1 decide whether or not to retain all or a portion of the relat-  
2 ed personal property at the installation.

3 (e) DISPOSAL AUTHORITY.—As consideration for the  
4 property selected by the entity under subsection (d) to be  
5 retained at the installation, the Secretary of Defense may  
6 require the entity to pay to the United States such  
7 amount, not to exceed the fair market value of the re-  
8 tained property, as the Secretary considers to be appro-  
9 priate. Related personal property that is not retained by  
10 the entity at the installation shall be removed or disposed  
11 of by the Secretary pursuant to subsection (b)(3).

12 (f) DEFINITIONS.—For purposes of this section:

13 (1) BASE CLOSURE LAW DEFINED.—The term  
14 “base closure law” means each of the following:

15 (A) The Defense Base Closure and Re-  
16 alignment Act of 1990 (part A of title XXIX of  
17 Public Law 101–510; 10 U.S.C. 2687 note).

18 (B) Title II of the Defense Authorization  
19 Amendments and Base Closure and Realign-  
20 ment Act (Public Law 100–526; 10 U.S.C.  
21 2687 note).

22 (C) Section 2687 of title 10, United States  
23 Code.

24 (D) Any other similar law enacted after  
25 the date of the enactment of this Act.

1           (2) RELATED PERSONAL PROPERTY DE-  
2 FINED.—The term “related personal property”  
3 means any personal property owned by the United  
4 States that—

5           (A) is an integral part of real property at  
6 a military installation or is related to, designed  
7 for, or specially adapted to the functional or  
8 productive capacity of the real property, and  
9 the removal of this personal property would sig-  
10 nificantly diminish the economic value of the  
11 real property; or

12           (B) is essential to implement a community  
13 base reuse plan and to make the installation  
14 fully functional for civilian operations, including  
15 such personal property as office furniture and  
16 equipment, machine tools and industrial pro-  
17 duction equipment, dormitory and food service  
18 equipment, airport operating equipment, edu-  
19 cational and instructional equipment, and spare  
20 parts for such personal property sufficient to  
21 cover the initial three years of civilian oper-  
22 ations.

23           (3) MAJOR REALIGNMENT.—The term “major  
24 realignment” means any action under a base closure  
25 law that—

1 (A) reduces and relocates functions and ci-  
2 vilian personnel positions at a military installa-  
3 tion; and

4 (B) affects 500 or more employees at the  
5 installation.

6 **SEC. 2821. PREFERENCE FOR LOCAL AND SMALL BUSI-**  
7 **NESSES.**

8 (a) PREFERENCE REQUIRED.—In entering into con-  
9 tracts with private entities as part of the closure or re-  
10 alignment of a military installation under a base closure  
11 law, the Secretary of Defense shall give preference, to the  
12 greatest extent practicable, to qualified businesses located  
13 in the vicinity of the installation and small business con-  
14 cerns. Contracts for which this preference shall be given  
15 shall include contracts to carry out activities for the envi-  
16 ronmental restoration and mitigation at a military instal-  
17 lation to be closed or realigned.

18 (b) DEFINITIONS.—For purposes of this section:

19 (1) The term “small business concern” has the  
20 meaning given such term in section 3 of the Small  
21 Business Act (15 U.S.C. 632).

22 (2) The term “base closure law” means the  
23 following:

24 (A) The Defense Base Closure and Re-  
25 alignment Act of 1990 (part A of title XXIX of

1 Public Law 101–510; 104 Stat. 1808; 10  
2 U.S.C. 2687 note).

3 (B) Title II of the Defense Authorization  
4 Amendments and Base Closure and Realign-  
5 ment Act (Public Law 100–526; 10 U.S.C.  
6 2687 note).

7 (C) Section 2687 of title 10, United States  
8 Code.

9 **SEC. 2822. PILOT PROGRAM TO CONVEY CLOSED MILITARY**  
10 **INSTALLATIONS TO NEIGHBORING COMMU-**  
11 **NITIES.**

12 (a) PILOT PROGRAM REQUIRED.—The Secretary of  
13 Defense shall establish a pilot program to develop, and  
14 evaluate the adequacy of, economic revitalization criteria  
15 to govern the conveyance of surplus real property and re-  
16 lated personal property at closed military installations to  
17 local redevelopment authorities in order to assist the com-  
18 munities adjacent to these installations recover from the  
19 adverse consequences of the closure of military installa-  
20 tions pursuant to the base closure laws.

21 (b) MILITARY INSTALLATIONS IN THE PILOT PRO-  
22 GRAM.—The pilot program required by this section shall  
23 be conducted at Naval Air Station Alameda, California,  
24 Naval Depot Alameda, California, Loring Air Force Base,

1 Maine, Gentile Air Force Station, Ohio, and military in-  
2 stallations in Charleston, South Carolina, to be closed.

3 (c) CONVEYANCE.—Subject to subsection (f), in the  
4 case of each military installation included in the pilot pro-  
5 gram, the Secretary shall convey all right, title, and inter-  
6 est of the United States in all surplus real property and  
7 related personal property at the installation to the local  
8 redevelopment authority for that installation. If a local re-  
9 development authority is in existence for such an installa-  
10 tion on the date of the enactment of this Act, the convey-  
11 ance shall be made to that local redevelopment authority.

12 (d) CONSIDERATION NOT TO BE REQUIRED.—No  
13 consideration may be required for a conveyance of prop-  
14 erty pursuant to this section.

15 (e) ECONOMIC REVITALIZATION CRITERIA.—As part  
16 of the pilot program, the Secretary shall develop economic  
17 revitalization criteria to be used as the basis for reviewing  
18 redevelopment plans submitted under subsection (f) to en-  
19 sure that the plans promote the economic revitalization of  
20 areas within, and surrounding, closed military installa-  
21 tions. Such criteria shall emphasize such factors as job  
22 creation, training, technology development, small business  
23 concerns, land use planning, and appropriate public pur-  
24 poses.

1           (f) REDEVELOPMENT PLAN REQUIRED.—To be eligi-  
2 ble to receive property under subsection (c), the local rede-  
3 velopment authority for a military installation included in  
4 the pilot project shall submit to the Secretary a redevelop-  
5 ment plan for the installation not later than 120 days  
6 after the date on which the installation is first included  
7 in the pilot program. Not later than 120 days after the  
8 submission of the redevelopment plan, the Secretary shall  
9 complete a review of the redevelopment plan using the eco-  
10 nomic revitalization criteria developed under subsection  
11 (e) and either approve the plan or reject the plan as in-  
12 complete or inadequate. If the Secretary determines that  
13 the redevelopment plan is incomplete or does not ade-  
14 quately address the redevelopment and reuse of the instal-  
15 lation, the Secretary shall inform the local redevelopment  
16 authority involved of the reasons for the determination  
17 and shall give the local development authority a sufficient  
18 period within which to resubmit an adequate redevelop-  
19 ment plan.

20           (g) TIME FOR CONVEYANCE.—The conveyance of all  
21 surplus real property and related personal property at a  
22 military installation included in the pilot program shall be  
23 completed pursuant to the terms of the approved redevelop-  
24 opment plan for the installation, but not later than the  
25 date the Secretary officially closes the installation.

1 (h) RELATIONSHIP TO CERCLA.—Nothing in this  
2 section shall be construed as superseding section 120(h)  
3 of the Comprehensive Environmental Response, Com-  
4 pensation, and Liability Act of 1980.

5 (i) REPORT.—Not later than three years after the  
6 date of the enactment of this Act, the Secretary shall sub-  
7 mit a report to Congress evaluating the success of the pilot  
8 program and containing such recommendations as the  
9 Secretary considers to be appropriate.

10 (j) DEFINITIONS.—For purposes of the section:

11 (1) The term “military installation” has the  
12 meaning given such term in section 2687(e)(1) of  
13 title 10, United States Code.

14 (2) The term “base closure law” means the  
15 following:

16 (A) The Defense Base Closure and Re-  
17 alignment Act of 1990 (part A of title XXIX of  
18 Public Law 101–510; 10 U.S.C. 2687 note).

19 (B) Title II of the Defense Authorization  
20 Amendments and Base Closure and Realign-  
21 ment Act (Public Law 100–526; 10 U.S.C.  
22 2687 note).

23 (C) Section 2687 of title 10, United States  
24 Code.

1 **SEC. 2823. BASE DISPOSAL MANAGEMENT COOPERATIVE**  
2 **AGREEMENT.**

3 (a) USE OF INDEPENDENT SITE MANAGER.—(1) In  
4 order to fulfill the responsibilities of the Secretary of De-  
5 fense under a base closure law, the Secretary may enter  
6 into not less than one and not more than 10 cooperative  
7 agreements described in section 6305 of title 31, United  
8 States Code, with independent entities (in this section re-  
9 ferred to as a “Site Manager”) to assist the Secretary in  
10 managing the site planning, approval, preparation, and  
11 disposal of excess and surplus real property under the au-  
12 thority delegated to the Secretary for military installations  
13 to be closed or realigned under a base closure law. The  
14 selection of a Site Manager under this subsection for a  
15 military installation shall be made by the Secretary, after  
16 suitable public notice, through the good faith exercise of  
17 the Secretary’s discretion and in consultation with the af-  
18 fected local community in which the military installation  
19 is located.

20 (2) During the term of a cooperative agreement en-  
21 tered under this subsection and the five-year period begin-  
22 ning on the termination date of the cooperative agreement,  
23 the Site Manager subject to that cooperative agreement  
24 (and its affiliates) shall be barred from bidding for or ac-  
25 quiring any interest in real property or facilities located  
26 at any of the military installations to be managed by the

1 Site Manager, unless such acquisition is necessary to exe-  
2 cute the terms of the cooperative agreement.

3 (b) QUALIFICATIONS.—In selecting a Site Manager  
4 under subsection (a), the Secretary of Defense shall en-  
5 sure that the Site Manager, either directly or through its  
6 principals, has had prior experience—

7 (1) in the site planning of properties located at  
8 Federal facilities;

9 (2) in dealing with local land use authorities in  
10 the States in which the military installations to be  
11 managed are located;

12 (3) in managing the cleanup of hazardous waste  
13 contamination;

14 (4) in resolving land use issues under the Na-  
15 tional Environmental Policy Act of 1969 (42 U.S.C.  
16 4321 et seq.) and the National Historic Preservation  
17 Act of 1966 (16 U.S.C. 470 et. seq.); and

18 (5) in meeting such other qualifications as the  
19 Secretary considers to be necessary to perform the  
20 tasks set forth in this section.

21 (c) DUTIES GENERALLY.—Under the cooperative  
22 agreement entered into under subsection (a), a Site Man-  
23 ager shall—

1           (1) analyze the land use potential of the mili-  
2           tary installations to be managed by the Site Man-  
3           ager;

4           (2) coordinate with the applicable State and  
5           local authorities to develop reuse options and obtain  
6           necessary zoning and infrastructure approvals with  
7           respect to these installations;

8           (3) manage the remediation of any adverse en-  
9           vironmental conditions on these installations in ac-  
10          cordance with remediation plans prepared and ap-  
11          proved pursuant to applicable laws;

12          (4) coordinate with State and Federal agencies  
13          to complete all reports and analyses required under  
14          applicable law with respect to these installations;

15          (5) initiate and coordinate the notices and con-  
16          sultations with Federal, State, regional, and local  
17          agencies contemplated under the authority delegated  
18          to the Secretary of Defense under a base closure law  
19          and the procedures contemplated under section 501  
20          of the Stewart B. McKinney Homeless Assistance  
21          Act (42 U.S.C. 11411);

22          (6) manage through the use of community as-  
23          sets the maintenance and interim use of these instal-  
24          lations pending final disposition;

1           (7) prepare real property and facilities at these  
2           installations for disposal; and

3           (8) manage the competitive public sale of sale  
4           parcels in accordance with subsection (f).

5           (d) BUDGET AND SUBCONTRACTS.—(1) A Site Man-  
6           ager and the Secretary of Defense shall jointly develop a  
7           detailed budget for each phase of the site preparation and  
8           approval process for each military installation to be man-  
9           aged by the Site Manager.

10          (2) The cooperative agreement entered into under  
11          subsection (a) shall authorize the Site Manager, through  
12          the sole exercise of its reasonable business judgment and  
13          in accordance with the approved budget, to engage con-  
14          tractors and other professionals to complete all aspects of  
15          the site preparation and approval process, including envi-  
16          ronmental remediation. A Site Manager shall enter into  
17          such contracts in accordance with such contracting guide-  
18          lines as the Secretary may reasonably require in the coop-  
19          erative agreement to promote fair competition, fair labor  
20          practices, and good faith commercially reasonable efforts  
21          to afford contracting opportunities to small business con-  
22          cerns owned by socially- or economically-disadvantaged  
23          persons.

24          (3) The Secretary shall reimburse the Site Manager  
25          for the reasonable overhead costs incurred by the Site

1 Manager and shall make funds available for the timely  
2 payment of amounts due under the contracts and sub-  
3 contracts entered into in accordance with the cooperative  
4 agreement and the approved budget.

5 (e) CONTINUED LIABILITY FOR ENVIRONMENTAL  
6 REMEDIATION.—Nothing in this section shall be consid-  
7 ered to diminish the liability of the Federal Government  
8 with respect to environmental conditions existing on a  
9 military installation managed by a Site Manager pursuant  
10 to a cooperative agreement entered into under subsection  
11 (a).

12 (f) SALE PROCEDURES.—After a sale parcel man-  
13 aged by a Site Manager has received all necessary approv-  
14 als and is otherwise ready for competitive public sale, the  
15 Site Manager shall sell the parcel, as an agent for the Sec-  
16 retary of Defense, in one or more transactions. Each sale  
17 shall be on terms acceptable to the Secretary, determined  
18 in consultation with the Site Manager and appropriate  
19 local authorities.

20 (g) DISPOSITION OF PROCEEDS.—The proceeds from  
21 each sale under subsection (f) shall be divided among the  
22 Department of Defense, the Site Manager involved, and  
23 appropriate local authorities as follows:

24 (1) The Secretary of Defense shall receive an  
25 amount equal to—

1           (A) the costs incurred by the Secretary  
2           under the cooperative agreement with the Site  
3           Manager and under applicable contracts and  
4           subcontracts entered into by the Site Manager  
5           pursuant to the cooperative agreement (other  
6           than environmental analysis and remediation  
7           costs, costs of preparing or conducting reports,  
8           analyses, notices, and consultations required  
9           under applicable law, property maintenance  
10          costs, and all other costs that the Secretary  
11          would be required to incur if the cooperative  
12          agreement with the Site Manager did not exist)  
13          and the reasonable costs of conducting the sale;  
14          and

15                 (B)  $\frac{1}{3}$  of the remainder of the proceeds.

16           (2) From amounts remaining after operation of  
17           paragraph (1), the applicable local authorities, as de-  
18           termined by the Secretary, shall receive  $\frac{1}{2}$  of the re-  
19           mainder. If the appropriate local authorities cannot  
20           be determined satisfactorily to the Secretary, the  
21           State in which the military installation involved is lo-  
22           cated shall receive the amount that would be distrib-  
23           uted pursuant to this paragraph.

1           (3) From amounts remaining after operation of  
2 paragraph (1), the Site Manager involved shall re-  
3 ceive 1/2 of the remainder.

4           (h) REPORTS.—(1) At such intervals as the Secretary  
5 of Defense may prescribe, each Site Manager shall submit  
6 to the Secretary reports describing the activities of the  
7 Site Manager under a cooperative agreement entered into  
8 under subsection (a) and such other information as the  
9 Secretary may require.

10          (2) Not later than May 31, 1994, and May 31, 1995,  
11 the Secretary of Defense shall submit to Congress a report  
12 regarding all military installations covered by a coopera-  
13 tive agreement under this section and the status of the  
14 site preparation and disposal process at the installations.

15          (i) BASE CLOSURE LAW DEFINED.—For purposes of  
16 this section, the term “base closure law” means each of  
17 the following:

18           (1) The Defense Base Closure and Realignment  
19 Act of 1990 (part A of title XXIX of Public Law  
20 101–510; 10 U.S.C. 2687 note).

21           (2) Title II of the Defense Authorization  
22 Amendments and Base Closure and Realignment  
23 Act (Public Law 100–526; 10 U.S.C. 2687 note).

24           (3) Section 2687 of title 10, United States  
25 Code.



1 a portion of Fort Lauderdale-Hollywood International Air-  
2 port, Florida.

3 (b) CONSIDERATION.—As consideration for the con-  
4 veyance by the Secretary of the parcel of real property  
5 under subsection (a), the County shall elect either—

6 (1) to construct (or pay the costs of construct-  
7 ing) at a location selected by the Secretary within  
8 the County a suitable replacement facility for the  
9 improvements conveyed as part of such conveyance;  
10 or

11 (2) to pay to the United States an amount  
12 equal to the fair market value of the parcel conveyed  
13 under subsection (a), including improvements there-  
14 on.

15 (c) REPLACEMENT FACILITY.—If the County elects  
16 to pay the fair market value of the real property under  
17 subsection (b)(2), the Secretary shall use the amount paid  
18 by the County, subject to the availability of appropriations  
19 for this purpose, to construct a suitable facility to replace  
20 the improvements conveyed under subsection (a).

21 (d) DETERMINATION OF FAIR MARKET VALUE.—  
22 The Secretary shall determine the fair market value of the  
23 parcel of real property to be conveyed under subsection  
24 (a). Such determination shall be final.

1 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
2 and legal description of the parcel of real property to be  
3 conveyed under subsection (a) shall be determined by sur-  
4 veys that are satisfactory to the Secretary. The cost of  
5 the surveys shall be borne by the County.

6 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
7 retary may require any additional terms and conditions  
8 in connection with the conveyance under subsection (a)  
9 that the Secretary considers appropriate to protect the in-  
10 terests of the United States.

11 **SEC. 2826. LAND CONVEYANCE, NAVAL AIR STATION**  
12 **OCEANA, VIRGINIA.**

13 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
14 the Navy may convey to the City of Virginia Beach, Vir-  
15 ginia (in this section referred to as the “City”), all right,  
16 title, and interest of the United States in and to a parcel  
17 of real property included on the real property inventory  
18 of Naval Air Station Oceana in Virginia Beach, Virginia,  
19 and consisting of approximately 3.5 acres. As part of the  
20 conveyance of such parcel, the Secretary shall grant the  
21 City an easement on such additional acreage as may be  
22 necessary to provide adequate ingress and egress to the  
23 parcel.

24 (b) CONSIDERATION.—As consideration for the con-  
25 veyance and easement under subsection (a), the City shall

1 pay to the United States an amount equal to the fair mar-  
2 ket value of the property to be conveyed and the fair mar-  
3 ket value of the easement to be granted. The Secretary  
4 shall determine fair market value, and such determination  
5 shall be final.

6 (c) CONDITION OF CONVEYANCE.—The conveyance  
7 authorized by subsection (a) shall be subject to the condi-  
8 tion that the City may use the property conveyed only for  
9 the following purposes:

10 (1) The maintenance, repair, storage, and  
11 berthing of erosion control and beach replenishment  
12 equipment and materiel, including a dredge.

13 (2) The berthing of police boats.

14 (3) The provision of operational and adminis-  
15 trative personnel space related to the purposes speci-  
16 fied in paragraphs (1) and (2).

17 (d) REVERSION.—All right, title and interest in and  
18 to the property conveyed under subsection (a) (including  
19 any improvements thereon) and the easement granted  
20 under such subsection shall revert to the United States,  
21 and the United States shall have the right of immediate  
22 reentry on the property, if the Secretary determines—

23 (1) at any time, that the property conveyed  
24 under subsection (a) is not being used for the pur-  
25 poses specified in subsection (c); or

1           (2) at the end of the 10-year period beginning  
2           on the date of the conveyance, that no significant  
3           improvements associated with such purposes have  
4           been constructed on the property.

5           (e) DESCRIPTION OF PROPERTY.—The exact acreage  
6           and legal description of the property to be conveyed under  
7           subsection (a) and the easement to be granted under such  
8           subsection shall be determined by a survey satisfactory to  
9           the Secretary. The cost of such survey shall be borne by  
10          the City.

11          (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
12          retary may require such additional terms and conditions  
13          in connection with the conveyance and easement under  
14          subsection (a) as the Secretary determines are appropriate  
15          to protect the interests of the United States.

16          **SEC. 2827. RELEASE OF REVERSIONARY INTEREST, OLD**  
17                                   **SPANISH TRAIL ARMORY, HARRIS COUNTY,**  
18                                   **TEXAS.**

19          (a) AUTHORITY TO RELEASE.—The Secretary of the  
20          Army may release the reversionary interest of the United  
21          States in and to approximately 6.89 acres of real property,  
22          including improvements thereon, containing the Old Span-  
23          ish Trail Armory in Harris County, Texas. The United  
24          States acquired the reversionary interest by virtue of a  
25          quitclaim deed dated June 18, 1936.

1 (b) CONDITION.—The Secretary may effectuate the  
2 release authorized in subsection (a) only after obtaining  
3 satisfactory assurances that the State of Texas shall ob-  
4 tain, in exchange for the real property referred to in sub-  
5 section (a), a parcel of real property that—

6 (1) is at least equal in value to the real prop-  
7 erty referred to in subsection (a), and

8 (2) beginning on the date on which the State  
9 first obtains the new parcel of real property, is sub-  
10 ject to the same restrictions and covenants with re-  
11 spect to the United States as are applicable on the  
12 date of the enactment of this Act to the real prop-  
13 erty referred to in subsection (a).

14 (c) LEGAL DESCRIPTION OF REAL PROPERTY.—The  
15 exact acreage and legal descriptions of the real property  
16 referred to in subsection (a) shall be determined by a sur-  
17 vey satisfactory to the Secretary.

18 **SEC. 2828. LEASE AND JOINT USE OF CERTAIN REAL PROP-**  
19 **ERTY, MARINE CORPS BASE, CAMP PENDLE-**  
20 **TON, CALIFORNIA.**

21 (a) LEASE AUTHORIZED.—The Secretary of the  
22 Navy may lease to Tri-Cities Municipal Water District,  
23 a special governmental district of the State of California  
24 (in the section referred to as the “district”), such interests  
25 in real property located on, under, and within the northern

1 portion of the Marine Corps Base, Camp Pendleton, Cali-  
2 fornia, as the Secretary determines to be necessary for the  
3 district to develop, operate, and maintain water extraction  
4 and distribution facilities for the mutual benefit of the dis-  
5 trict and the base. The lease may be for a period of up  
6 to 50 years, or such additional period as the Secretary  
7 determines to be in the interests of the United States.

8 (b) CONSIDERATION.—As consideration for the lease  
9 of real property under subsection (a), the district shall—

10 (1) construct, operate, and maintain such im-  
11 provements as are necessary to fully develop the po-  
12 tential of the lower San Mateo Water Basin for sus-  
13 tained yield and storage of imported water for the  
14 joint benefit of the district and the base;

15 (2) assume operating and maintenance respon-  
16 sibilities for the existing water extraction, storage,  
17 distribution, and related infrastructure within the  
18 northern portion of the base; and

19 (3) pay to the United States, in the form of  
20 cash or additional required services, an amount  
21 equal to the amount, if any, by which the fair mar-  
22 ket value of the real property interests leased under  
23 subsection (a) exceeds the fair market value of the  
24 services provided under paragraphs (1) and (2).

1 (c) DETERMINATION OF FAIR MARKET VALUE.—The  
2 Secretary shall establish a system of accounts to establish  
3 the relative costs and benefits accruing to the district and  
4 the United States under the lease under subsection (a)  
5 and to ensure that the United States receives at least fair  
6 market value, as determined by an independent appraisal  
7 acceptable to the Secretary.

8 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
9 Secretary may require such additional terms and condi-  
10 tions in connection with the lease under subsection (a) as  
11 the Secretary determines are appropriate to protect the  
12 interests of the United States.

13 **SEC. 2829. LAND CONVEYANCE, CRANEY ISLAND FUEL**  
14 **DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.**

15 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
16 the Navy may convey to the City of Portsmouth, Virginia,  
17 (in this section referred to as the “City”) all right, title,  
18 and interest of the United States in and to a parcel of  
19 real property consisting of approximately 135.7 acres, in-  
20 cluding improvements thereon, comprising a portion of the  
21 Craney Island Fuel Depot, Naval Supply Center, Norfolk,  
22 Virginia.

23 (b) CONDITIONS OF CONVEYANCE.—(1) Inasmuch as  
24 the City has used the real property referred to in sub-  
25 section (a) as a landfill while the property has been in

1 the ownership of the United States, the conveyance au-  
2 thorized by subsection (a) shall be subject to the condition  
3 that the City of Portsmouth accept the property as is, not-  
4 withstanding the requirements specified in section 120(h)  
5 of the Comprehensive Environmental Response, Com-  
6 pensation, and Liability Act of 1980 (42 U.S.C. 9260(h)).

7 (2) Except as provided in paragraph (4), with respect  
8 to the real property to be conveyed under subsection (a),  
9 the United States shall not be subject to liability as a prior  
10 owner or operator under section 107(a)(2) of the Com-  
11 prehensive Environmental Response, Compensation, and  
12 Liability Act of 1980 (42 U.S.C. 9607(a)(2)), section  
13 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973),  
14 or any similar State or local environmental liability law  
15 or regulation with respect to any release of hazardous sub-  
16 stances or petroleum products from the landfill situated  
17 on such property or arising out of the City's use of the  
18 property to operate a landfill.

19 (3) Except as provided in paragraph (4), the indem-  
20 nification provisions contained in the third proviso in the  
21 undesignated paragraph under the heading "ENVIRON-  
22 MENTAL RESTORATION, DEFENSE" in title II of the De-  
23 partment of Defense Appropriations Act, 1993 (Public  
24 Law 102-396; 106 Stat. 1883) shall not apply with re-  
25 spect to the presence, release, or threatened release of haz-

1 arduous substances, pollutants, or contaminants resulting  
2 from the use of the real property to be conveyed under  
3 subsection (a) by the City as a landfill.

4 (4) Nothing in paragraph (2) or (3) alters any liabil-  
5 ity of the United States with respect to—

6 (A) releases of hazardous substances or petro-  
7 leum products from properties other than the real  
8 property to be conveyed under subsection (a); or

9 (2) sites 3 and 12 located within the real prop-  
10 erty to be conveyed under subsection (a).

11 (c) CONSIDERATION.—As consideration for the con-  
12 veyance under subsection (a), the City shall pay to the  
13 United States an amount equal to the fair market value  
14 of the real property to be conveyed. The Secretary shall  
15 determine the fair market value of the property. Such de-  
16 termination shall be final.

17 (d) DEPOSIT OF PROCEEDS.—The Secretary shall de-  
18 posit amounts received as consideration for the conveyance  
19 under subsection (a) in the special account established  
20 pursuant to section 204(h) of the Federal Property and  
21 Administrative Services Act of 1949 (40 U.S.C. 485(h)).

22 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
23 and legal description of the real property to be conveyed  
24 under subsection (a) shall be determined by a survey satis-

1 factory to the Secretary. The cost of such survey shall be  
2 borne by the City.

3 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
4 retary may require such additional terms and conditions  
5 in connection with the conveyance under subsection (a) as  
6 the Secretary considers to be necessary to protect the in-  
7 terests of the United States and are agreed to by the City.

8 **SEC. 2830. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

9 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
10 the Navy may convey to Peck Iron and Metal Company,  
11 Inc. (in this section referred to as “Peck”), all right, title,  
12 and interest of the United States in and to a parcel of  
13 real property consisting of approximately 1.45 acres, in-  
14 cluding improvements thereon, located in Portsmouth,  
15 Virginia, that, on the date of the enactment of this Act,  
16 is leased to Peck pursuant to Department of the Navy  
17 lease N62470–91–RP–00261, effective August 1, 1991.

18 (b) CONSIDERATION.—As consideration for the con-  
19 veyance under subsection (a), Peck shall pay to the United  
20 States an amount equal to the fair market value of the  
21 property to be conveyed, as determined by the Secretary.

22 (c) USE OF PROCEEDS.—The Secretary shall deposit  
23 the amount received from Peck under subsection (b) in  
24 the special account established pursuant to section 204(h)

1 of the Federal Property and Administrative Services Act  
2 of 1949 (40 U.S.C. 485(h)).

3 (d) CONDITIONS.—Inasmuch as Peck has been the  
4 only occupant of the property referred to in subsection (a)  
5 while the property has been in the ownership of the United  
6 States, the conveyance authorized by subsection (a) shall  
7 be subject to the conditions that—

8 (1) Peck accept the property as is, notwith-  
9 standing section 120(h) of the Comprehensive Envi-  
10 ronmental Response, Compensation, and Liability  
11 Act of 1980 (42 U.S.C. 9620(h)); and

12 (2) Peck indemnify the United States against  
13 all liability in connection with any hazardous mate-  
14 rials, substances, or conditions which may be found  
15 on the property.

16 (e) DESCRIPTION OF PROPERTY.—The exact acreage  
17 and legal description of the real property to be conveyed  
18 under subsection (a) shall be determined by a survey satis-  
19 factory to the Secretary. The cost of such survey shall be  
20 borne by Peck.

21 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-  
22 retary may require such additional terms and conditions  
23 in connection with the conveyance under subsection (a) as  
24 the Secretary determines appropriate to protect the inter-  
25 ests of the United States.

1 **SEC. 2834. TRANSFER OF NATURAL GAS DISTRIBUTION SYS-**  
2 **TEM AT FORT BELVOIR, VIRGINIA, TO THE**  
3 **WASHINGTON GAS COMPANY.**

4 (a) CONVEYANCE.—Subject to subsection (b), the  
5 Secretary of the Army may convey to the Washington Gas  
6 Company, Virginia, all right, title, and interest of the  
7 United States in the following real property natural gas  
8 system:

9 (1) All Government-owned utility fixtures,  
10 structures, and improvements used to provide natu-  
11 ral gas service to Fort Belvoir, Virginia, without the  
12 underlying fee (land).

13 (2) Transfer includes a natural gas distribution  
14 system consisting of approximately 15.6 miles of  
15 natural gas distribution lines and other improve-  
16 ments thereon and appurtenances thereto at Fort  
17 Belvoir, Virginia.

18 (3) A utility easement and right of way appur-  
19 tenant which may be necessary or appropriate to  
20 provide for ingress and egress to and from the natu-  
21 ral gas system and to satisfy any buffer zone re-  
22 quirements imposed by any Federal or State agency.

23 (b) CONSIDERATION.—In consideration for the con-  
24 veyance authorized in subsection (a), the Washington Gas  
25 Company, shall—

1           (1) accept the natural gas system to be con-  
2           veyed under this section in its existing condition;

3           (2) provide natural gas service to Fort Belvoir,  
4           Virginia, at a beneficial rate to the Government;

5           (3) comply with all applicable environmental  
6           laws and regulations including any permit or license  
7           requirements;

8           (4) not expand the existing on-post natural gas  
9           distribution system unless approved by the Installa-  
10          tion Commander or his or her designee;

11          (5) take over the responsibility for ownership,  
12          maintenance, repair, safety inspections, and leak test  
13          surveys for the entire Fort Belvoir natural gas dis-  
14          tribution system; and

15          (6) upgrade natural gas system at no cost to  
16          the Government based on anticipated fuel oil conver-  
17          sions to natural gas.

18          (c) TERMS.—Conveyance specified in subsection (a)  
19          shall be subject to negotiation by and approval of the Sec-  
20          retary of the Army as determined by him to be in the best  
21          interests of the United States.

22          (d) REVERSION.—If the Secretary of the Army deter-  
23          mines at any time that the Washington Gas Company is  
24          not complying with the conditions specified in this section,  
25          all right, title, and interest in and to the natural gas sys-

1 tem conveyed pursuant to subsection (a), including im-  
2 provements to the natural gas system, shall revert to the  
3 United States and the United States shall have the right  
4 to access and operation of the natural gas system.

5 (e) DETERMINATION OF FAIR MARKET VALUE.—The  
6 aggregate value of this transfer (value defined as benefits  
7 to the Army), shall be certified by the Secretary to be of  
8 equal or greater value than the fair market value of the  
9 facility.

10 (f) DESCRIPTION OF PROPERTY.—The exact legal de-  
11 scription of the equipment and facilities to be conveyed  
12 pursuant to this section shall be determined by surveys  
13 satisfactory to the Secretary. The cost of such surveys  
14 shall be borne by the Washington Gas Company.

15 (g) ENVIRONMENTAL COMPLIANCE.—The Washing-  
16 ton Gas Company, Virginia, shall be responsible for own-  
17 ing, operating and installing natural gas distribution lines.  
18 The Secretary of the Army will be responsible for clean-  
19 up of any contaminated property prior to transfer pursu-  
20 ant to the Comprehensive Environmental Response, Com-  
21 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et  
22 seq.).

1 **SEC. 2832. TRANSFER OF WATER DISTRIBUTION SYSTEM AT**  
2 **FORT LEE, VIRGINIA, TO THE AMERICAN**  
3 **WATER COMPANY.**

4 (a) CONVEYANCE.—Subject to subsection (b), the  
5 Secretary of the Army may convey to the American Water  
6 Company, Virginia, all right, title, and interest of the  
7 United States in the following real property water system:

8 (1) All Government-owned utility fixtures,  
9 structures, and improvements used to provide water  
10 service and water distribution service to Fort Lee,  
11 Virginia, without the underlying fee (land).

12 (2) Water system includes approximately 7  
13 miles of transmission mains, 85 miles of distribution  
14 and service lines, 416 fire hydrants, 3 elevated stor-  
15 age tanks, 2 pumping stations and other improve-  
16 ments thereon and appurtenances thereto at Fort  
17 Lee, Virginia.

18 (3) A utility easement and right-of-way appur-  
19 tenant which may be necessary or appropriate to  
20 provide for ingress and egress to and from the water  
21 system and to satisfy any buffer zone requirements  
22 imposed by any Federal or State agency.

23 (b) CONSIDERATION.—In consideration for the con-  
24 veyance authorized in subsection (a), the American Water  
25 Company shall—

1           (1) accept the water system to be conveyed  
2           under this section in its existing condition;

3           (2) provide water service to Fort Lee, Virginia,  
4           at a beneficial rate to the Government;

5           (3) comply with all applicable environmental  
6           laws and regulations including any permit or license  
7           requirements; and

8           (4) not expand the existing onpost water dis-  
9           tribution system unless approved by the Installation  
10          Commander or his or her designee.

11          (c) TERMS.—Conveyance specified in subsection (a)  
12          shall be subject to negotiation by and approval of the Sec-  
13          retary of the Army as determined by him to be in the best  
14          interests of the United States.

15          (d) REVERSION.—If the Secretary of the Army deter-  
16          mines at any time that the American Water Company is  
17          not complying with the conditions specified in this section,  
18          all right, title, and interest in and to the water system  
19          conveyed pursuant to subsection (a), including improve-  
20          ments to the water system, shall revert to the United  
21          States and the United States shall have the right of access  
22          and operation of the water system.

23          (e) DETERMINATION OF FAIR MARKET VALUE.—The  
24          aggregate value of this transfer (value defined as benefits  
25          to the Army), shall be certified by the Secretary to be of

1 equal or greater value than the fair market value of the  
2 facility.

3 (f) DESCRIPTION OF PROPERTY.—The exact legal de-  
4 scription of the equipment and facilities to be conveyed  
5 pursuant to this section shall be determined by surveys  
6 satisfactory to the Secretary. The cost of such surveys will  
7 be borne by the American Water Company.

8 (g) ENVIRONMENTAL COMPLIANCE.—The American  
9 Water Company will be responsible for compliance with  
10 all applicable environmental laws and regulations includ-  
11 ing any permit or license requirements. The American  
12 Water Company will be responsible for executing and con-  
13 structing environmental betterments to the water system  
14 as required by applicable law. The United States Army,  
15 based on the availability of appropriated funding, will  
16 share future environmental compliance costs based on a  
17 pro rata share of the water distribution system as deter-  
18 mined by the Secretary under subsection (c). The Army  
19 will be responsible for cleanup of any contaminated prop-  
20 erty prior to transfer pursuant to the Comprehensive En-  
21 vironmental Response, Compensation, and Liability Act of  
22 1980 (42 U.S.C. 9601 et seq.).

1 **SEC. 2833. TRANSFER OF WASTE WATER TREATMENT FA-**  
2 **CILITY AT FORT PICKETT, VIRGINIA, TO**  
3 **BLACKSTONE, VIRGINIA.**

4 (a) CONVEYANCE.—Subject to subsection (b), the  
5 Secretary of the Army may convey to the town of Black-  
6 stone, Virginia (in this section referred to as the “town”),  
7 all right, title, and interest of the United States in the  
8 following real property waste water treatment facility:

9 (1) A parcel of real property consisting of ap-  
10 proximately 11.5 acres, including a waste water  
11 treatment facility and other improvements thereon  
12 and appurtenances thereto at Fort Pickett, Virginia.

13 (2) All utility easements and right-of-way ap-  
14 purtenant which may be necessary or appropriate to  
15 provide for ingress and egress to and from the facil-  
16 ity and to satisfy any buffer zone requirements im-  
17 posed by any Federal or State agency.

18 (b) CONSIDERATION.—In consideration for the con-  
19 veyance authorized in subsection (a), the town shall—

20 (1) design and construct an environmental up-  
21 grade to the existing plant to meet environmental  
22 standards;

23 (2) provide waste water treatment service to  
24 Fort Pickett, Virginia, at a beneficial rate to the  
25 Government;

1           (3) comply with all applicable environmental  
2 laws and regulations, including any permit or license  
3 requirements;

4           (4) reserve 75 percent of the existing Fort  
5 Pickett, Virginia, waste water plant capacity for the  
6 Army's use at Fort Pickett, Virginia, should a fu-  
7 ture need arise due to force realignment and mission  
8 requirements; and

9           (5) become responsible for future environmental  
10 cleanup of the facility in accordance with the Com-  
11 prehensive Environmental Response, Compensation  
12 and Liability Act resulting from customers other  
13 than the United States Army.

14       (c) TERMS.—Conveyance specified in subsection (a)  
15 shall be subject to negotiation by and approval of the Sec-  
16 retary of the Army as determined by him to be in the best  
17 interests of the United States.

18       (d) REVERSION.—If the Secretary of the Army deter-  
19 mines at any time that the town is not complying with  
20 the conditions specified in this section, all right, title, and  
21 interest in and to the waste water treatment system con-  
22 veyed pursuant to subsection (a), including improvements  
23 to the waste water treatment system, shall revert to the  
24 United States and the United States shall have the right

1 of access and operation of the waste water treatment sys-  
2 tem.

3 (e) DETERMINATION OF FAIR MARKET VALUE.—The  
4 aggregate value of this transfer (value defined as benefits  
5 to the Army), shall be certified by the Secretary to be of  
6 equal or greater value than the fair market value of the  
7 facility.

8 (f) DESCRIPTION OF PROPERTY.—The exact acreage  
9 and legal description of the property to be conveyed pursu-  
10 ant to this section shall be determined by surveys satisfac-  
11 tory to the Secretary. The cost of such surveys shall be  
12 borne by the town.

13 (g) ENVIRONMENTAL COMPLIANCE.—The town shall  
14 be responsible for compliance with all applicable environ-  
15 mental laws and regulations including any permit or li-  
16 cense requirements. The town shall also be responsible for  
17 executing and constructing environmental betterments to  
18 the plan as required by applicable law. The United States  
19 Army based on the availability of appropriated funding  
20 and the town will share future environmental compliance  
21 costs based on a pro rata share of reserved plant capacity  
22 as determined by the Secretary under subsection (c). The  
23 Army will be responsible for cleanup of any contaminated  
24 property prior to transfer pursuant to the Comprehensive

1 Environmental Response, Compensation, and Liability Act  
2 of 1980 (42 U.S.C. 9601 et seq.).

3 **SEC. 2834. TRANSFER OF WATER DISTRIBUTION SYSTEM**  
4 **AND RESERVOIR AT STEWART ARMY**  
5 **SUBPOST TO NEW WINDSOR, NEW YORK.**

6 (a) CONVEYANCE.—Subject to subsection (b), the  
7 Secretary of the Army may convey to the town of New  
8 Windsor, New York (in this section referred to as the  
9 “town”), all right, title, and interest of the United States  
10 in the following real property water system:

11 (1) All Government-owned utility fixtures,  
12 structures, water reservoir, distribution plant, and  
13 improvements currently used to provide water serv-  
14 ice and water distribution service to Stewart Army  
15 Subpost, New York, and the surrounding area, to in-  
16 clude the underlying fee (land) of the reservoir and  
17 the water treatment plan.

18 (2) Transfer also includes all water trans-  
19 mission mains, water distribution and service lines,  
20 fire hydrants, water pumping stations, and other im-  
21 provements thereon and appurtenances thereto at  
22 Stewart Army Subpost, New York.

23 (3) A utility easement and right-of-way appur-  
24 tenant which may be necessary or appropriate to  
25 provide for ingress and egress to and from the water

1 system and to satisfy any buffer zone requirements  
2 imposed by any Federal or State agency.

3 (b) CONSIDERATION.—In consideration for the con-  
4 veyance authorized in subsection (a), the town shall—

5 (1) accept the water system to be conveyed  
6 under this section in its existing conditions;

7 (2) provide water service to Stewart Army  
8 Subpost, New York, at a beneficial rate to the Gov-  
9 ernment;

10 (3) comply with all applicable environmental  
11 laws and regulations including any permit or license  
12 requirements; and

13 (4) not expand the existing on-post water serv-  
14 ice system unless approved by the Installation Com-  
15 mander or his or her designee.

16 (c) TERMS.—Conveyance specified in subsection (a)  
17 shall be subject to negotiation by and approval of the Sec-  
18 retary of the Army as determined by him to be in the best  
19 interests of the United States.

20 (d) REVERSION.—If the Secretary of the Army deter-  
21 mines at any time that the town is not complying with  
22 the conditions specified in this section, all right, title, and  
23 interest in and to the water system conveyed pursuant to  
24 subsection (a), including improvements to the water sys-  
25 tem, shall revert to the United States and the United

1 States shall have the right of access and operation of the  
2 water system.

3 (e) DETERMINATION OF FAIR MARKET VALUE.—The  
4 aggregate value of this transfer (value defined as benefits  
5 to the Army), shall be certified by the Secretary to be of  
6 equal or greater value than the fair market value of the  
7 facility.

8 (f) DESCRIPTION OF PROPERTY.—The exact legal de-  
9 scription of the equipment and facilities to be conveyed  
10 pursuant to this section shall be determined by surveys  
11 satisfactory to the Secretary. The cost of such surveys will  
12 be borne by the town.

13 (g) ENVIRONMENTAL COMPLIANCE.—The town will  
14 be responsible for compliance with all applicable environ-  
15 mental laws and regulations including any permit or li-  
16 cense requirements. The town will be responsible for exe-  
17 cuting and constructing environmental betterments to the  
18 water system as required by applicable law. The United  
19 States Army, based on the availability of appropriated  
20 funding, will share future environmental compliance costs  
21 based on a pro rata share of the water distribution system  
22 as determined by the Secretary under subsection (c). The  
23 Army will be responsible for cleanup of any contaminated  
24 property prior to transfer pursuant to the Comprehensive

1 Environmental Response, Compensation, and Liability Act  
2 of 1980 (42 U.S.C. 9601 et seq.).

3 **SEC. 2835. EXPANSION OF LAND TRANSACTION AUTHORITY**  
4 **INVOLVING HUNTERS POINT NAVAL SHIP-**  
5 **YARD, SAN FRANCISCO, CALIFORNIA.**

6 Section 2824(a) of the Military Construction Author-  
7 ization Act for Fiscal Year 1991 (division B of Public Law  
8 101–510; 104 Stat. 1790) is amended by adding at the  
9 end the following new paragraph:

10 “(3) In lieu of entering into a lease under paragraph  
11 (1), the Secretary may convey the property described in  
12 such paragraph to the City (or a local reuse organization  
13 approved by the City) for such consideration and under  
14 such terms as the Secretary considers to be appropriate.”.

15 **SEC. 2836. MODIFICATION OF LEASE AUTHORITY, NAVAL**  
16 **SUPPLY CENTER, OAKLAND, CALIFORNIA.**

17 (a) EXPANSION OF LEASE AUTHORITY.—Paragraph  
18 (1) of subsection (b) of section 2834 of the Military Con-  
19 struction Authorization Act for Fiscal Year 1993 (division  
20 B of Public Law 102–484; 106 Stat. 2614) is amended  
21 by striking out “not more than 195 acres of real property”  
22 and all that follows through the period and inserting in  
23 lieu thereof “those portions of the Naval Supply Center,  
24 Oakland, California, that the Secretary determines to be  
25 available for lease.”.

1 (b) CONSIDERATION.—Paragraph (2) of such sub-  
2 section is amended—

3 (1) by striking out “and” at the end of sub-  
4 paragraph (A);

5 (2) by striking out the period at the end of sub-  
6 paragraph (B) and inserting in lieu thereof “; and”;  
7 and

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

10 “(C) be for nominal consideration.”.

11 (c) CONFORMING AMENDMENTS.—Such subsection is  
12 further amended—

13 (1) by striking out paragraphs (3), (4), and (5);  
14 and

15 (2) by redesignating paragraph (6) as para-  
16 graph (3).

17 **SEC. 2837. LAND CONVEYANCE, IOWA ARMY AMMUNITION**  
18 **PLANT, IOWA.**

19 (a) CONVEYANCE AUTHORIZED.—The Secretary of  
20 the Army may convey to the City of Middletown, Iowa (in  
21 this section referred to as the “City”), all right, title, and  
22 interest of the United States in and to a tract of real prop-  
23 erty (including improvements thereon) consisting of ap-  
24 proximately 127 acres at the Iowa Army Ammunition

1 Plant, Iowa. The conveyance shall be made at the request  
2 of the City.

3 (b) CONSIDERATION.—As consideration for the con-  
4 veyance under subsection (a), the City shall pay to the  
5 United States an amount equal to the fair market value  
6 of the property to be conveyed. The Secretary shall deter-  
7 mine fair market value, and such determination shall be  
8 final.

9 (c) LEGAL DESCRIPTION AND SURVEY.—The exact  
10 acreage and legal description of the property authorized  
11 to be conveyed under subsection (a) shall be determined  
12 by a survey that is satisfactory to the Secretary.

13 (d) OTHER TERMS AND CONDITIONS.—The Sec-  
14 retary may require such other terms and conditions with  
15 respect to the conveyance as the Secretary considers ap-  
16 propriate to protect the interests of the United States.

17 **SEC. 2838. TRANSFER OF ELECTRIC POWER DISTRIBUTION**  
18 **SYSTEM AT NAVAL AIR STATION, ALAMEDA,**  
19 **CALIFORNIA, TO THE CITY OF ALAMEDA BU-**  
20 **REAU OF ELECTRICITY.**

21 (a) CONVEYANCE.—The Secretary of the Navy may  
22 convey to the Bureau of Electricity of the City of Alameda,  
23 California (in this section referred to as the “Bureau”),  
24 all right, title, and interest of the United States in and  
25 to the electric power distribution system located at the

1 Naval Air Station, Alameda, California, including such  
2 utility easements and right of ways as may be necessary  
3 or appropriate to provide for ingress and egress to and  
4 from the system.

5 (b) CONSIDERATION.—(1) As consideration for the  
6 conveyance authorized in subsection (a), the Bureau  
7 shall—

8 (A) accept the system to be conveyed under this  
9 section in its existing condition;

10 (B) provide electric power to the Naval Air Sta-  
11 tion at a beneficial rate to the Government;

12 (C) comply with all applicable environmental  
13 laws and regulations, including any permit or license  
14 requirements;

15 (D) not expand the existing system without the  
16 approval of the Secretary; and

17 (E) take over the responsibility for ownership,  
18 operation, maintenance, repair, and safety inspec-  
19 tions for the system.

20 (c) TERMS.—Conveyance specified in subsection (a)  
21 shall be subject to negotiation by and approval of the Sec-  
22 retary.

23 (d) REVERSION.—If the Secretary determines at any  
24 time that the Bureau is not complying with the conditions  
25 specified in this section, all right, title, and interest in and

1 to the system conveyed pursuant to subsection (a), includ-  
2 ing improvements to the system, shall revert to the United  
3 States and the United States shall have the right to access  
4 and operation of the system.

5 (e) DETERMINATION OF FAIR MARKET VALUE.—The  
6 aggregate value of this conveyance (value defined as bene-  
7 fits to the Navy), shall be certified by the Secretary to  
8 be of equal or greater value than the fair market value  
9 of the system.

10 (f) DESCRIPTION OF PROPERTY.—The exact legal de-  
11 scription of the equipment and facilities to be conveyed  
12 under this section shall be determined by surveys satisfac-  
13 tory to the Secretary. The cost of such surveys shall be  
14 borne by the Bureau.

15 (g) ADDITIONAL TERMS AND CONDITIONS.—The  
16 Secretary may require such additional terms and condi-  
17 tions in connection with the conveyance under subsection  
18 (a) as the Secretary considers to be necessary to protect  
19 the interests of the United States.

20 **SEC. 2839. CONVEYANCE OF SURPLUS REAL PROPERTY,**  
21 **FORT ORD, CALIFORNIA.**

22 (a) CONVEYANCE.—The Secretary of the Army shall  
23 convey to the Regents of the University of California and  
24 the Trustees of the California State University (in this  
25 section referred to as the “recipient institutions”) all

1 right, title, and interest of the United States in and to  
2 certain parcels of real property located at Ford Ord, Cali-  
3 fornia, and described in subsection (b). The conveyance  
4 shall include all land and water rights applicable to the  
5 parcels, all air quality permits to operate facilities and air  
6 emission reduction credits applicable to the parcels, and  
7 all infrastructure and improvements on the parcels.

8 (b) DESCRIPTION OF PARCELS.—The parcels to be  
9 conveyed under subsection (a) shall either—

10 (1) substantially conform to the description of  
11 the land and facilities in the Educational Public  
12 Benefit Transfer Applications submitted by the re-  
13 cipient institutions with regard to Fort Ord on or  
14 before March 8, 1993, as supplemented or amended  
15 through September 30, 1993; or

16 (2) consist of such alternative parcels as shall,  
17 after negotiation, be mutually acceptable to the Sec-  
18 retary and the recipient institutions.

19 (c) CONDITIONS.—The conveyance required by sub-  
20 section (a) shall be subject to the following conditions:

21 (1) The recipient institutions shall accept the  
22 conveyed parcels as is.

23 (2) The recipient institutions shall agree to pro-  
24 vide the United States, its agents and assigns, ac-  
25 cess to Fort Ord in order to conduct the ongoing

1 Fort Ord Installation Restoration Program and to  
2 comply with the responsibilities of the United States  
3 under the amendments enacted by the Federal Facil-  
4 ity Compliance Act of 1992 (Public Law 102–386;  
5 106 Stat. 1505).

6 (3) The recipient institutions shall agree to en-  
7 sure that they and their successors, agents, and as-  
8 signs do not disrupt, destroy, or impede the remedial  
9 actions performed at Fort Ord by the United States,  
10 its agents or assigns.

11 (d) LEGAL DESCRIPTIONS AND SURVEYS.—The  
12 exact acreage and legal description of the parcels to be  
13 conveyed under subsection (a) shall be determined by sur-  
14 veys satisfactory to the Secretary. The cost of such sur-  
15 veys shall be borne by the recipient institutions.

16 (e) ADDITIONAL TERMS AND CONDITIONS.—The  
17 Secretary may require such additional terms and condi-  
18 tions in connection with the conveyance under subsection  
19 (a) as the Secretary determines appropriate to protect the  
20 interests of the United States.

## 21 **Subtitle D—Other Matters**

### 22 **SEC. 2841. FLOOD CONTROL PROJECT.**

23 (a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA  
24 COUNTY, CALIFORNIA.—The Secretary of the Army is di-  
25 rected to construct a flood control project for Coyote and

1 Berryessa Creeks in Santa Clara County, California, using  
2 amounts appropriated for civil works activities of the  
3 Corps of Engineers for fiscal year 1994.

4 (b) MAXIMUM COST REQUIREMENT.—Section 902 of  
5 the Water Resources Development Act of 1986 (100 Stat.  
6 4183) shall not apply with respect to the project described  
7 in subsection (a).

8 **SEC. 2842. USE OF ARMY CORPS OF ENGINEERS TO MAN-**  
9 **AGE MILITARY CONSTRUCTION PROJECTS IN**  
10 **HAWAII.**

11 All military construction and military family housing  
12 carried out in the State of Hawaii for the Armed Forces  
13 and Defense Agencies using funds appropriated pursuant  
14 to an authorization of appropriations contained in this di-  
15 vision shall be designed and conducted through the use  
16 of the Army Corps of Engineers.

17 **SEC. 2843. SPECIAL RULE FOR MILITARY CONSTRUCTION**  
18 **ON CERTAIN LANDS IN THE STATE OF HA-**  
19 **WAI.**

20 (a) CONSULTATION AND CONCURRENCE.—In the  
21 case of any military construction project in the State of  
22 Hawaii to be carried out at a military installation located  
23 on public lands that were ceded to the United States by  
24 the Republic of Hawaii under the joint resolution of an-  
25 nexation approved July 7, 1898 (30 Stat. 750), or that

1 have been acquired in exchange for such lands, the Sec-  
2 retary concerned may not enter into any obligation or  
3 make any expenditure in connection with the project until  
4 the Secretary concerned has—

5 (1) consulted with the Governor of the State of  
6 Hawaii regarding the purpose and extent of the  
7 project; and

8 (2) obtained the written concurrence of the  
9 Governor to proceed with the project.

10 (b) DEFINITIONS.—For purposes of this section:

11 (1) The term “Secretary concerned” means—

12 (A) the Secretary of Defense, in the case  
13 of military construction functions (including  
14 military family housing functions) of the De-  
15 partment of Defense, other than the military  
16 departments; and

17 (B) the Secretary of a military depart-  
18 ment, in the case of military construction func-  
19 tions (including military family housing func-  
20 tions) of that department.

21 (2) The term “military installation” means any  
22 base, camp, post, station, yard, center, homeport fa-  
23 cility for any ship, or other activity under the juris-  
24 diction of the Department of Defense.

1           (3) The term “military construction” has the  
2 meaning given that term in section 2801(a) of title  
3 10, United States Code.

4           (c) APPLICATION.—This section shall apply with re-  
5 spect to military construction projects described in sub-  
6 section (a) for which appropriated funds are first obligated  
7 after the date of the enactment of this Act.

8 **DIVISION C—DEPARTMENT OF**  
9 **ENERGY NATIONAL SECURITY**  
10 **AUTHORIZATIONS AND**  
11 **OTHER AUTHORIZATIONS**

12 **TITLE XXXI—DEPARTMENT OF**  
13 **ENERGY NATIONAL SECURITY**  
14 **PROGRAMS**

15 **Subtitle A—National Security**  
16 **Programs Authorizations**

17 **SEC. 3101. WEAPONS ACTIVITIES.**

18           (a) OPERATING EXPENSES.—Funds are hereby au-  
19 thorized to be appropriated to the Department of Energy  
20 for fiscal year 1994 for operating expenses incurred in car-  
21 rying out weapons activities necessary for national secu-  
22 rity programs in the amount of \$3,662,954,000, to be allo-  
23 cated as follows:

24           (1) For research and development,  
25 \$1,119,325,000.

1           (2) For testing, \$222,383,000.

2           (3) For stockpile support, \$1,802,280,000.

3           (4) For program direction, \$280,466,000.

4           (5) For complex reconfiguration, \$138,500,000.

5           (6) For stockpile stewardship, \$100,000,000.

6           (b) PLANT PROJECTS.—Funds are hereby authorized  
7 to be appropriated to the Department of Energy for fiscal  
8 year 1994 for plant projects (including maintenance, res-  
9 toration, planning, construction, acquisition, modification  
10 of facilities, and the continuation of projects authorized  
11 in prior years, and land acquisition related thereto) in car-  
12 rying out weapons activities necessary for national secu-  
13 rity programs as follows:

14                   Project GPD-101, general plant projects,  
15                   various locations, \$11,500,000.

16                   Project GPD-121, general plant projects,  
17                   various locations, \$7,700,000.

18                   Project 94-D-102, nuclear weapons re-  
19                   search, development, and testing facilities revi-  
20                   talization, Phase V, various locations,  
21                   \$11,110,000.

22                   Project 94-D-124, hydrogen fluoride sup-  
23                   ply system, Oak Ridge Y-12 Plant, Oak Ridge,  
24                   Tennessee, \$5,000,000.

1           Project 94-D-125, upgrade life safety,  
2           Kansas City Plant, Kansas City, Missouri,  
3           \$1,000,000.

4           Project 94-D-127, emergency notification  
5           system, Pantex Plant, Amarillo, Texas,  
6           \$1,000,000.

7           Project 94-D-128, environmental safety  
8           and health analytical laboratory, Pantex Plant,  
9           Amarillo, Texas, \$800,000.

10          Project 93-D-102, Nevada support facil-  
11          ity, North Las Vegas, Nevada, \$4,000,000.

12          Project 93-D-122, life safety upgrades,  
13          Y-12 Plant, Oak Ridge, Tennessee,  
14          \$5,000,000.

15          Project 93-D-123, complex-21, various lo-  
16          cations, \$25,000,000.

17          Project 92-D-102, nuclear weapons re-  
18          search, development, and testing facilities revi-  
19          talization, Phase IV, various locations,  
20          \$27,479,000.

21          Project 92-D-126, replace emergency noti-  
22          fication systems, various locations,  
23          \$10,500,000.

24          Project 90-D-102, nuclear weapons re-  
25          search, development, and testing facilities revi-

1           talization, Phase III, various locations,  
2           \$30,805,000.

3           Project 88-D-106, nuclear weapons re-  
4           search, development, and testing facilities revi-  
5           talization, Phase II, various locations,  
6           \$39,624,000.

7           Project 88-D-122, facilities capability as-  
8           surance program, various locations,  
9           \$27,100,000.

10           Project 88-D-123, security enhancements,  
11           Pantex Plant, Amarillo, Texas, \$20,000,000.

12           (c) CAPITAL EQUIPMENT.—Funds are hereby author-  
13           ized to be appropriated to the Department of Energy for  
14           fiscal year 1994 for capital equipment not related to con-  
15           struction in carrying out weapons activities necessary for  
16           national security programs in the amount of  
17           \$123,034,000, to be allocated as follows:

18           (1) For research and development,  
19           \$82,879,000.

20           (2) For testing, \$24,400,000.

21           (3) For stockpile support, \$12,136,000.

22           (4) For program direction, \$3,619,000.

23           (d) ADJUSTMENTS FOR SAVINGS.—The total amount  
24           authorized to be appropriated pursuant to this section is  
25           the sum of the amounts specified in subsections (a)

1 through (c) reduced by \$420,641,000 for use of prior year  
2 balances.

3 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**  
4 **MANAGEMENT.**

5 (a) OPERATING EXPENSES.—Funds are hereby au-  
6 thorized to be appropriated to the Department of Energy  
7 for fiscal year 1994 for operating expenses incurred in car-  
8 rying out environmental restoration and waste manage-  
9 ment activities necessary for national security programs  
10 in the amount of \$4,832,213,000, to be allocated as fol-  
11 lows:

12 (1) For corrective activities, \$2,170,000.

13 (2) For environmental restoration,  
14 \$1,536,027,000.

15 (3) For waste management, \$2,275,441,000.

16 (4) For technology development, \$371,150,000.

17 (5) For transportation management,  
18 \$19,730,000.

19 (6) For program direction, \$82,427,000.

20 (7) For facility transition, \$545,268,000.

21 (b) PLANT PROJECTS.—Funds are hereby authorized  
22 to be appropriated to the Department of Energy for fiscal  
23 year 1994 for plant projects (including maintenance, res-  
24 toration, planning, construction, acquisition, modification  
25 of facilities, and the continuation of projects authorized

1 in prior years, and land acquisition related thereto) in car-  
2 rying out environmental restoration and waste manage-  
3 ment activities necessary for national security programs  
4 as follows:

5 Project GPD-171, general plant projects, var-  
6 ious locations, \$49,015,000.

7 Project 94-D-122, underground storage tanks,  
8 Rocky Flats, Colorado, \$700,000.

9 Project 94-D-400, high explosive wastewater  
10 treatment system, Los Alamos National Laboratory,  
11 Los Alamos, New Mexico, \$1,000,000.

12 Project 94-D-401, emergency response facility,  
13 Idaho National Engineering Laboratory, Idaho,  
14 \$1,190,000.

15 Project 94-D-402, liquid waste treatment sys-  
16 tem, Nevada Test Site, Nevada, \$491,000.

17 Project 94-D-404, Melton Valley storage tank  
18 capacity increase, Oak Ridge National Laboratory,  
19 Oak Ridge, Tennessee, \$9,400,000.

20 Project 94-D-405, central neutralization facil-  
21 ity pipeline extension project, K-25, Oak Ridge,  
22 Tennessee, \$1,714,000.

23 Project 94-D-406, low-level waste disposal fa-  
24 cilities, K-25, Oak Ridge, Tennessee, \$6,000,000.

1           Project 94-D-407, initial tank retrieval sys-  
2           tems, Richland, Washington, \$7,000,000.

3           Project 94-D-408, office facilities—200 East,  
4           Richland, Washington, \$1,200,000.

5           Project 94-D-411, solid waste operation com-  
6           plex, Richland, Washington, \$7,100,000.

7           Project 94-D-412, 300 area process sewer pip-  
8           ing upgrade, Richland, Washington, \$1,100,000.

9           Project 94-D-414, site 300 explosive waste  
10          storage facility, Lawrence Livermore National Lab-  
11          oratory, Livermore, California, \$370,000.

12          Project 94-D-415, medical facilities, Idaho Na-  
13          tional Engineering Laboratory, Idaho, \$1,110,000.

14          Project 94-D-416, solvent storage tanks instal-  
15          lation, Savannah River, South Carolina, \$1,500,000.

16          Project 94-D-417, intermediate level and low  
17          activity waste vaults, Savannah River Site, Aiken,  
18          South Carolina, \$1,000,000.

19          Project 94-D-451, infrastructure replacement,  
20          Rocky Flats Plant, Golden, Colorado, \$6,600,000.

21          Project 93-D-172, electrical upgrade, Idaho  
22          National Engineering Laboratory, Idaho,  
23          \$9,600,000.

1           Project 93-D-174, plant drain waste water  
2 treatment upgrades, Y-12 Plant, Oak Ridge, Ten-  
3 nessee, \$3,500,000.

4           Project 93-D-175, industrial waste compaction  
5 facility, Y-12 Plant, Oak Ridge, Tennessee,  
6 \$1,800,000.

7           Project 93-D-176, Oak Ridge reservation stor-  
8 age facility, K-25 Plant, Oak Ridge, Tennessee,  
9 \$6,039,000.

10          Project 93-D-177, disposal of K-1515 sanitary  
11 water treatment plant waste, K-25 Plant, Oak  
12 Ridge, Tennessee, \$7,100,000.

13          Project 93-D-178, building 374 liquid waste  
14 treatment facility, Rocky Flats, Golden, Colorado,  
15 \$1,000,000.

16          Project 93-D-181, radioactive liquid waste line  
17 replacement, Richland, Washington, \$6,700,000.

18          Project 93-D-182, replacement of cross-site  
19 transfer system, Richland, Washington, \$6,500,000.

20          Project 93-D-183, multi-tank waste storage fa-  
21 cility, Richland, Washington, \$52,615,000.

22          Project 93-D-184, 325 facility compliance/ren-  
23 ovation, Richland, Washington, \$3,500,000.

1           Project 93-D-185, landlord program safety  
2 compliance, Phase II, Richland, Washington,  
3 \$1,351,000.

4           Project 93-D-187, high-level waste removal  
5 from filled waste tanks, Savannah River, Aiken,  
6 South Carolina, \$13,230,000.

7           Project 93-D-188, new sanitary landfill, Sa-  
8 vannah River, Aiken, South Carolina, \$1,020,000.

9           Project 92-D-125, master safeguards and secu-  
10 rity agreement/materials surveillance task force se-  
11 curity upgrades, Rocky Flats Plant, Golden, Colo-  
12 rado, \$3,900,000.

13          Project 92-D-172, hazardous waste treatment  
14 and processing facility, Pantex Plant, Amarillo,  
15 Texas, \$300,000.

16          Project 92-D-173, nitrogen oxide abatement  
17 facility, Idaho Chemical Processing Plant, Idaho Na-  
18 tional Engineering Laboratory, Idaho, \$10,000,000.

19          Project 92-D-177, tank 101-AZ waste re-  
20 trieval system Richland, Washington, \$7,000,000.

21          Project 92-D-181, INEL fire and life safety  
22 improvements, Idaho National Engineering Labora-  
23 tory, Idaho, \$5,000,000.

1 Project 92-D-182, INEL sewer system up-  
2 grade, Idaho National Engineering Laboratory,  
3 Idaho, \$1,450,000.

4 Project 92-D-183, INEL transportation com-  
5 plex, Idaho National Engineering Laboratory, Idaho,  
6 \$7,198,000.

7 Project 92-D-184, Hanford infrastructure un-  
8 derground storage tanks, Richland, Washington,  
9 \$300,000.

10 Project 92-D-186, steam system rehabilitation,  
11 Phase II, Richland, Washington, \$4,300,000.

12 Project 92-D-187, 300 area electrical distribu-  
13 tion, conversion, and safety improvements, Phase II,  
14 Richland, Washington, \$10,276,000.

15 Project 92-D-188, waste management ES&H,  
16 and compliance activities, various locations,  
17 \$8,568,000.

18 Project 92-D-403, tank upgrade project, Law-  
19 rence Livermore National Laboratory, California,  
20 \$3,888,000.

21 Project 91-D-171, waste receiving and process-  
22 ing facility, module 1, Richland, Washington,  
23 \$17,700,000.

1           Project 91-D-175, 300 area electrical distribu-  
2           tion, conversion, and safety improvements, Phase I,  
3           Richland, Washington, \$1,500,000.

4           Project 90-D-172, aging waste transfer line,  
5           Richland, Washington, \$5,600,000.

6           Project 90-D-175, landlord program safety  
7           compliance-I, Richland, Washington, \$1,800,000.

8           Project 90-D-177, RWMC transuranic (TRU)  
9           waste characterization and storage facility, Idaho  
10          National Engineering Laboratory, Idaho,  
11          \$21,700,000.

12          Project 89-D-172, Hanford environmental  
13          compliance, Richland, Washington, \$11,700,000.

14          Project 89-D-173, tank farm ventilation up-  
15          grade, Richland, Washington, \$1,800,000.

16          Project 89-D-174, replacement high-level waste  
17          evaporator, Savannah River, South Carolina,  
18          \$23,974,000.

19          Project 89-D-175, hazardous waste/mixed  
20          waste disposal facility, Savannah River, South Caro-  
21          lina, \$7,000,000.

22          Project 88-D-173, Hanford waste vitrification  
23          plant, Richland, Washington, \$85,000,000.

1           Project 87–D–181, diversion box and pump pit  
2           containment buildings, Savannah River, South Caro-  
3           lina, \$2,137,000.

4           Project 86–D–103, decontamination and waste  
5           treatment facility, Lawrence Livermore National  
6           Laboratory, California, \$10,260,000.

7           Project 83–D–148, nonradioactive hazardous  
8           waste management, Savannah River, South Caro-  
9           lina, \$9,769,000.

10          Project 81–T–105, defense waste processing fa-  
11          cility, Savannah River, South Carolina, \$43,873,000.

12          (c) CAPITAL EQUIPMENT.—Funds are hereby author-  
13          ized to be appropriated to the Department of Energy for  
14          fiscal year 1994 for capital equipment not related to con-  
15          struction in carrying out environmental restoration and  
16          waste management activities necessary for national secu-  
17          rity programs in the amount of \$203,826,000, to be allo-  
18          cated as follows:

19                 (1) For corrective activities, \$600,000.

20                 (2) For waste management, \$138,781,000.

21                 (3) For technology development, \$29,850,000.

22                 (4) For transportation management, \$400,000.

23                 (5) For program direction, \$9,469,000.

24                 (6) For facility transition and management,  
25                 \$24,726,000.

1 (d) ADJUSTMENTS.—The total amount authorized to  
2 be appropriated pursuant to this section is the sum of the  
3 amounts specified in subsections (a) through (c) reduced  
4 by \$299,100,000 for use of prior year balances and for  
5 a general reduction.

6 **SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DE-**  
7 **FENSE PROGRAMS.**

8 (a) OPERATING EXPENSES.—Funds are hereby au-  
9 thorized to be appropriated to the Department of Energy  
10 for fiscal year 1994 for operating expenses incurred in car-  
11 rying out nuclear materials support and other defense pro-  
12 grams necessary for national security programs in the  
13 amount of \$2,226,039,000, to be allocated as follows:

14 (1) For nuclear materials support,  
15 \$901,166,000.

16 (2) For verification and control technology,  
17 \$349,741,000.

18 (3) For nuclear safeguards and security,  
19 \$86,246,000.

20 (4) For security investigations, \$53,335,000.

21 (5) For security evaluations, \$14,961,000.

22 (6) For nuclear safety, \$24,859,000.

23 (7) For worker training and adjustment,  
24 \$100,000,000.

1           (8) For naval reactors, including enrichment  
2 materials, \$695,731,000.

3           (b) PLANT PROJECTS.—Funds are hereby authorized  
4 to be appropriated to the Department of Energy for fiscal  
5 year 1994 for plant projects (including maintenance, res-  
6 toration, planning, construction, acquisition, modification  
7 of facilities, and the continuation of projects authorized  
8 in prior years, and land acquisition related thereto) in car-  
9 rying out nuclear materials production and other defense  
10 programs necessary for national security programs as fol-  
11 lows:

12           (1) For materials support:

13                 Project GPD-146, general plant projects,  
14 various locations, \$31,760,000.

15                 Project 93-D-147, domestic water system  
16 upgrade, Phases I and II, Savannah River,  
17 South Carolina, \$7,720,000.

18                 Project 93-D-148, replace high-level drain  
19 lines, Savannah River, South Carolina,  
20 \$1,800,000.

21                 Project 93-D-152, environmental modi-  
22 fication for production facilities, Savannah  
23 River, South Carolina, \$20,000,000.

1           Project 92–D–140, F&H canyon exhaust  
2           upgrades, Savannah River, South Carolina,  
3           \$15,000,000.

4           Project 92–D–142, nuclear material proc-  
5           essing training center, Savannah River, South  
6           Carolina, \$8,900,000.

7           Project 92–D–143, health protection in-  
8           strument calibration facility, Savannah River,  
9           South Carolina, \$9,600,000.

10          Project 92–D–150, operations support fa-  
11          cilities, Savannah River, South Carolina,  
12          \$26,900,000.

13          Project 92–D–153, engineering support fa-  
14          cility, Savannah River, South Carolina,  
15          \$9,500,000.

16          Project 90–D–149, plantwide fire protec-  
17          tion, Phases I and II, Savannah River, South  
18          Carolina, \$25,950,000.

19          Project 86–D–149, productivity retention  
20          program, Phases I, II, III, IV, V, and VI, var-  
21          ious locations, \$3,700,000.

22          (2) For verification and control technology:

23          Project 90–D–186, center for national se-  
24          curity and arms control, Sandia National Lab-

1            laboratories, Albuquerque, New Mexico,  
2            \$8,515,000.

3            (3) For naval reactors development:

4                    Project GPN-101, general plant projects,  
5            various locations, \$7,500,000.

6                    Project 93-D-200, engineering services fa-  
7            cilities, Knolls Atomic Power Laboratory,  
8            Niskayuna, New York, \$7,000,000.

9                    Project 92-D-200, laboratories facilities  
10            upgrades, various locations, \$2,800,000.

11                    Project 90-N-102, expended core facility  
12            dry cell project, Naval Reactors Facility, Idaho,  
13            \$7,800,000.

14            (c) CAPITAL EQUIPMENT.—Funds are hereby author-  
15            ized to be appropriated to the Department of Energy for  
16            fiscal year 1994 for capital equipment not related to con-  
17            struction in carrying out nuclear materials production and  
18            other defense programs necessary for national security  
19            programs as follows:

20                    (1) For materials support, \$75,209,000.

21                    (2) For verification and control technology,  
22            \$15,573,000.

23                    (3) For nuclear safeguards and security,  
24            \$4,101,000.

25                    (4) For nuclear safety, \$50,000.

1 (5) For naval reactors, \$46,900,000.

2 (d) ADJUSTMENTS.—The total amount that may be  
3 appropriated pursuant to this section is the sum of the  
4 amounts specified in subsections (a) through (c)—

5 (1) reduced by—

6 (A) \$100,000,000, for recovery of overpay-  
7 ment to the Savannah River Pension Fund;

8 (B) \$251,065,000, for use of prior year  
9 balances for materials support and other de-  
10 fense programs;

11 (C) \$100,067,000, for use of prior year  
12 balances for the new production reactor; and

13 (D) \$110,000,000, for a general reduction;  
14 and

15 (2) increased by \$58,000,000 for education pro-  
16 grams.

17 (e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the  
18 amount provided under subsection (a)(7) for worker train-  
19 ing and adjustment, \$6,000,000 shall be available for pro-  
20 viding economic assistance and development funding for  
21 local counties or localities containing the property of the  
22 Department of Energy defense nuclear facility known as  
23 the Savannah River Site. To the extent practicable, the  
24 amount of assistance to be provided should be distributed  
25 as follows:

1           (1) \$1,000,000 to plan community adjustments  
2           and economic diversification.

3           (2) \$5,000,000 to carry out a community ad-  
4           justments and economic diversification program.

5           (f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE  
6 SAVANNAH RIVER SITE.—Of amounts authorized to be  
7 appropriated in section 3101 for research and develop-  
8 ment and in this section for nuclear materials support and  
9 other defense programs, there are hereby authorized to be  
10 appropriated \$4,000,000 for technology transfer activities  
11 at the Department of Energy defense production facility  
12 at the Savannah River Site, South Carolina.

13 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

14           Funds are authorized to be appropriated to the De-  
15 partment of Energy for fiscal year 1994 for operating ex-  
16 penses incurred in carrying out the nuclear waste fund  
17 program in the amount of \$120,000,000.

18 **SEC. 3105. FUNDING USES AND LIMITATIONS.**

19           (a) DEFENSE INERTIAL CONFINEMENT FUSION PRO-  
20 GRAM.—Of the funds authorized to be appropriated to the  
21 Department of Energy for fiscal year 1994 for operating  
22 expenses and plant and capital equipment, \$188,413,000  
23 shall be available for the defense inertial confinement fu-  
24 sion program.

1           (b) PAYMENT OF PENALTY.—The Secretary of En-  
2   ergy may pay to the Hazardous Substance Superfund,  
3   from funds appropriated to the Department of Energy for  
4   environmental restoration and waste management activi-  
5   ties pursuant to section 3102, a stipulated civil penalty  
6   in the amount of \$100,000 assessed in accordance with  
7   Article XIX of the Hanford Consent Agreement and Com-  
8   pliance Order.

9           (c) CERTAIN WATER MANAGEMENT PROGRAMS.—  
10   From funds authorized to be appropriated pursuant to  
11   section 3102 to the Department of Energy for environ-  
12   mental restoration and waste management activities, the  
13   Secretary of Energy may reimburse the cities of West-  
14   minster, Broomfield, Thornton, and Northglen, in the  
15   State of Colorado, \$11,300,000 for the cost of implement-  
16   ing water management programs.

17          (d) TECHNOLOGY TRANSFER ACTIVITIES.—(1)(A)  
18   The Secretary of Energy may use for technology transfer  
19   activities described in subparagraph (B) funds appro-  
20   priated or otherwise made available to the Department of  
21   Energy for fiscal year 1994 for stockpile support under  
22   section 3101 and for nuclear materials support and other  
23   defense programs under section 3103.

24          (B) The technology transfer activities that may be  
25   funded under this paragraph are those that are deter-

1 mined by the Secretary of Energy to facilitate the mainte-  
2 nance and enhancement of critical skills required for re-  
3 search on, and development of, any dual-use critical tech-  
4 nology.

5 (2) The Secretary of Energy shall conduct the tech-  
6 nology transfer activities funded under paragraph (1) in  
7 accordance with applicable laws and regulations relating  
8 to grants, contracts, and cooperative agreements of the  
9 Department of Energy, including the Stevenson-Wydler  
10 Technology Innovation Act of 1980 (15 U.S.C. 3701 et  
11 seq.), the National Competitiveness Technology Transfer  
12 Act of 1989 (Public Law 101-189; 103 Stat. 1674), and  
13 section 3136 of the National Defense Authorization Act  
14 for Fiscal Years 1992 and 1993 (Public Law 102-190;  
15 105 Stat. 1577).

16 (3) For purposes of this subsection, the term “dual-  
17 use critical technology” has the meaning given that term  
18 by section 3136(b) of the National Defense Authorization  
19 Act for Fiscal Years 1992 and 1993 (Public Law 102-  
20 190; 105 Stat. 1577).

21 (4) Section 12(d) of the Stevenson-Wydler Act of  
22 1980 (15 U.S.C. 3710a(d)) is amended—

23 (A) in paragraph (2)(B)—

1 (i) by inserting “(including a weapon pro-  
2 duction facility of the Department of Energy)”  
3 after “facilities under a common contract”; and

4 (ii) by inserting “and production” after  
5 “research and development”;

6 (B) in paragraph (2), by striking out “propul-  
7 sion program; and” and inserting in lieu thereof  
8 “propulsion program;”;

9 (C) in paragraph (3), by striking out the period  
10 and inserting in lieu thereof “; and”; and

11 (D) by adding at the end the following new  
12 paragraph:

13 “(4) the term ‘weapon production facility of the  
14 Department of Energy’ means a facility under the  
15 control or jurisdiction of the Secretary of Energy  
16 that is operated for national security purposes and  
17 is engaged in the production of a nuclear weapon or  
18 its components.”.

19 (e) PROHIBITION ON RESEARCH AND DEVELOPMENT  
20 OF LOW-YIELD NUCLEAR WEAPONS.—(1) The Congress  
21 finds the following:

22 (A) Section 507 of the Energy and Water De-  
23 velopment Appropriations Act, 1993 (Public Law  
24 102–377; 106 Stat. 1345) places severe restrictions

1 on the underground testing of a nuclear weapon by  
2 the United States.

3 (B) The use of low-yield nuclear weapons  
4 threatens to blur the distinction between nuclear and  
5 non-nuclear conflict.

6 (2) It shall be the policy of the United States not  
7 to conduct research and development of new low-yield nu-  
8 clear weapons, including the precision low-yield warhead.

9 (3) No funds appropriated pursuant to this Act or  
10 any other Act in any fiscal year may be used to conduct  
11 or provide for the research and development of any low-  
12 yield nuclear weapon which, as of the date of the enact-  
13 ment of this Act, has not entered production.

14 (4) In this subsection, the term “low-yield nuclear  
15 weapon” means a nuclear weapon that has a yield of less  
16 than five kilotons.

17 **Subtitle B—Recurring General**  
18 **Provisions**

19 **SEC. 3121. REPROGRAMMING.**

20 (a) NOTICE TO CONGRESS.—

21 (1) Except as otherwise provided in this title—

22 (A) no amount appropriated pursuant to  
23 this title may be used for any program in excess  
24 of the lesser of—

1 (i) 105 percent of the amount author-  
2 ized for that program by this title; or

3 (ii) \$10,000,000 more than the  
4 amount authorized for that program by  
5 this title; and

6 (B) no amount appropriated pursuant to  
7 this title may be used for any program which  
8 has not been presented to, or requested of, the  
9 Congress.

10 (2) An action described in paragraph (1) may  
11 not be taken until—

12 (A) the Secretary of Energy has submitted  
13 to the congressional defense committees a re-  
14 port containing a full and complete statement  
15 of the action proposed to be taken and the facts  
16 and circumstances relied upon in support of  
17 such proposed action; and

18 (B) a period of 30 days has elapsed after  
19 the date on which the report is received by the  
20 committees.

21 (3) In the computation of the 30-day period  
22 under paragraph (2), there shall be excluded any  
23 day on which either House of Congress is not in ses-  
24 sion because of an adjournment of more than 3 cal-  
25 endar days to a day certain.

1 (b) LIMITATION ON AMOUNT OBLIGATED.—In no  
2 event may the total amount of funds obligated pursuant  
3 to this title exceed the total amount authorized to be ap-  
4 propriated by this title.

5 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

6 (a) IN GENERAL.—The Secretary of Energy may  
7 carry out any construction project under the general plant  
8 projects provisions authorized by this title if the total esti-  
9 mated cost of the construction project does not exceed  
10 \$1,200,000.

11 (b) REPORT TO CONGRESS.—If, at any time during  
12 the construction of any general plant project authorized  
13 by this title, the estimated cost of the project is revised  
14 because of unforeseen cost variations and the revised cost  
15 of the project exceeds \$1,200,000, the Secretary shall im-  
16 mediately furnish a complete report to the congressional  
17 defense committees explaining the reasons for the cost  
18 variation.

19 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

20 (a) IN GENERAL.—

21 (1) Except as provided in paragraph (2), con-  
22 struction on a construction project may not be start-  
23 ed or additional obligations incurred in connection  
24 with the project above the total estimated cost,  
25 whenever the current estimated cost of the construc-

1       tion project, which is authorized by sections 3101,  
2       3102, 3103, and 3104 of this title, or which is in  
3       support of national security programs of the Depart-  
4       ment of Energy and was authorized by any previous  
5       Act, exceeds by more than 25 percent the higher  
6       of—

7               (A) the amount authorized for the project;

8               or

9               (B) the amount of the total estimated cost  
10              for the project as shown in the most recent  
11              budget justification data submitted to Congress.

12             (2) An action described in paragraph (1) may  
13             be taken if—

14               (A) the Secretary of Energy has submitted  
15               to the congressional defense committees a re-  
16               port on the actions and the circumstances mak-  
17               ing such actions necessary; and

18               (B) a period of 30 days has elapsed after  
19               the date on which the report is received by the  
20               committees.

21             (3) In the computation of the 30-day period  
22             under paragraph (2), there shall be excluded any  
23             day on which either House of Congress is not in ses-  
24             sion because of an adjournment of more than 3 cal-  
25             endar days to a day certain.

1 (b) EXCEPTION.—Subsection (a) shall not apply to  
2 any construction project which has a current estimated  
3 cost of less than \$5,000,000.

4 **SEC. 3124. FUND TRANSFER AUTHORITY.**

5 Funds appropriated pursuant to this title may be  
6 transferred to other agencies of the Government for the  
7 performance of the work for which the funds were appro-  
8 priated, and funds so transferred may be merged with the  
9 appropriations of the agency to which the funds are trans-  
10 ferred.

11 **SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.**

12 (a) IN GENERAL.—

13 (1) Within the amounts authorized by this title  
14 for plant engineering and design, the Secretary of  
15 Energy may carry out advance planning and con-  
16 struction design (including architectural and engi-  
17 neering services) in connection with a proposed con-  
18 struction project for a national security program if  
19 the total estimated cost for such planning and de-  
20 sign does not exceed \$2,000,000.

21 (2) In the case of any such project in which the  
22 total estimated cost for advance planning and design  
23 exceeds \$300,000, the Secretary shall notify the con-  
24 gressional defense committees in writing of the de-  
25 tails of such project at least 30 days before any

1 funds are obligated for design services for such  
2 project.

3 (b) SPECIFIC AUTHORITY REQUIRED.—In any case  
4 in which the total estimated cost for advance planning and  
5 construction design in connection with any such construc-  
6 tion project exceeds \$2,000,000, funds for such planning  
7 and design must be specifically authorized by law.

8 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**  
9 **SIGN, AND CONSTRUCTION ACTIVITIES.**

10 (a) AUTHORITY.—The Secretary of Energy may use  
11 any funds available to the Department of Energy, includ-  
12 ing those funds authorized to be appropriated for advance  
13 planning and construction design under sections 3101,  
14 3102, 3103, 3104, to perform planning, design, and con-  
15 struction activities for any Department of Energy defense  
16 activity construction project that, as determined by the  
17 Secretary, must proceed expeditiously in order to protect  
18 public health and safety, meet the needs of national de-  
19 fense, or protect property.

20 (b) LIMITATION.—The Secretary may not exercise  
21 the authority under subsection (a) in the case of any con-  
22 struction project until the Secretary has submitted to the  
23 congressional defense committees a report on the activities  
24 that the Secretary intends to carry out under this section  
25 and the circumstances making such activities necessary.

1 (c) SPECIFIC AUTHORITY.—The requirement of sec-  
2 tion 3125(b) does not apply to emergency planning, de-  
3 sign, and construction activities conducted under this sec-  
4 tion.

5 (d) REPORT.—The Secretary of Energy shall prompt-  
6 ly report to the congressional defense committees any ex-  
7 ercise of authority under this section.

8 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**  
9 **RITY PROGRAMS OF THE DEPARTMENT OF**  
10 **ENERGY.**

11 Subject to the provisions of appropriation Acts and  
12 section 3121, amounts appropriated pursuant to this title  
13 for management and support activities and for general  
14 plant projects are available for use, when necessary, in  
15 connection with all national security programs of the De-  
16 partment of Energy.

17 **SEC. 3128. AVAILABILITY OF FUNDS.**

18 When so specified in an appropriation Act, amounts  
19 appropriated for operating expenses or for plant and cap-  
20 ital equipment may remain available until expended.

1           **Subtitle C—Other Provisions**

2   **SEC. 3131. IMPROVED CONGRESSIONAL OVERSIGHT OF DE-**  
3                   **PARTMENT OF ENERGY SPECIAL ACCESS**  
4                   **PROGRAMS.**

5           (a) IN GENERAL.—Chapter 9 of the Atomic Energy  
6 Act of 1954 (42 U.S.C. 2121 et seq.) is amended by add-  
7 ing at the end the following new section:

8   **“SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL AC-**  
9                   **CESS PROGRAMS.**

10           “(a) ANNUAL REPORT ON SPECIAL ACCESS PRO-  
11 GRAMS.—

12                   “(1) IN GENERAL.—Not later than February 1  
13 of each year, the Secretary of Energy shall submit  
14 to the congressional defense committees a report on  
15 special access programs of the Department of En-  
16 ergy carried out under the atomic energy defense ac-  
17 tivities of the Department.

18                   “(2) MATTERS TO BE INCLUDED.—Each such  
19 report shall set forth—

20                           “(A) the total amount requested for such  
21 programs in the President’s budget for the next  
22 fiscal year submitted under section 1105 of title  
23 31, United States Code; and

24                           “(B) for each such program in that budget  
25 the following:

1                   “(i) A brief description of the pro-  
2                   gram.

3                   “(ii) A brief discussion of the major  
4                   milestones established for the program.

5                   “(iii) The actual cost of the program  
6                   for each fiscal year during which the pro-  
7                   gram has been conducted before the fiscal  
8                   year during which that budget is submit-  
9                   ted.

10                  “(iv) The estimated total cost of the  
11                  program and the estimated cost of the pro-  
12                  gram for (I) the current fiscal year, (II)  
13                  the fiscal year for which the budget is sub-  
14                  mitted, and (III) each of the four succeed-  
15                  ing fiscal years during which the program  
16                  is expected to be conducted.

17                  “(b) ANNUAL REPORT ON NEW SPECIAL ACCESS  
18 PROGRAMS.—

19                  “(1) IN GENERAL.—Not later than February 1  
20                  of each year, the Secretary of Energy shall submit  
21                  to the congressional defense committees a report  
22                  that, with respect to each new special access pro-  
23                  gram, provides—

24                                  “(A) notice of the designation of the pro-  
25                                  gram as a special access program; and

1           “(B) justification for such designation.

2           “(2) MATTERS TO BE INCLUDED.—A report  
3 under paragraph (1) with respect to a program shall  
4 include—

5           “(A) the current estimate of the total pro-  
6 gram cost for the program; and

7           “(B) an identification of existing programs  
8 or technologies that are similar to the tech-  
9 nology, or that have a mission similar to the  
10 mission, of the program that is the subject of  
11 the notice.

12           “(3) NEW SPECIAL ACCESS PROGRAM DE-  
13 FINED.—In this subsection, the term ‘new special  
14 access program’ means a special access program  
15 that has not previously been covered in a notice and  
16 justification under this subsection.

17           “(c) REPORTS ON CHANGES IN CLASSIFICATION OF  
18 SPECIAL ACCESS PROGRAMS.—

19           “(1) NOTICE TO CONGRESSIONAL COMMIT-  
20 TEES.—Whenever a change in the classification of a  
21 special access program of the Department of Energy  
22 is planned to be made or whenever classified infor-  
23 mation concerning a special access program of the  
24 Department of Energy is to be declassified and  
25 made public, the Secretary of Energy shall submit to

1 the congressional defense committees a report con-  
2 taining a description of the proposed change, the  
3 reasons for the proposed change, and notice of any  
4 public announcement planned to be made with re-  
5 spect to the proposed change.

6 “(2) TIME FOR NOTICE.—Except as provided in  
7 paragraph (3), any report referred to in paragraph  
8 (1) shall be submitted not less than 14 days before  
9 the date on which the proposed change or public an-  
10 nouncement is to occur.

11 “(3) TIME WAIVER FOR EXCEPTIONAL CIR-  
12 CUMSTANCES.—If the Secretary determines that be-  
13 cause of exceptional circumstances the requirement  
14 of paragraph (2) cannot be met with respect to a  
15 proposed change or public announcement concerning  
16 a special access program of the Department of En-  
17 ergy, the Secretary may submit the report required  
18 by paragraph (1) regarding the proposed change or  
19 public announcement at any time before the pro-  
20 posed change or public announcement is made and  
21 shall include in the report an explanation of the ex-  
22 ceptional circumstances.

23 “(d) NOTICE OF CHANGE IN SAP DESIGNATION CRI-  
24 TERIA.—Whenever there is a modification or termination  
25 of the policy and criteria used for designating a program

1 of the Department of Energy as a special access program,  
2 the Secretary of Energy shall promptly notify the congres-  
3 sional defense committees of such modification or termi-  
4 nation. Any such notification shall contain the reasons for  
5 the modification or termination and, in the case of a modi-  
6 fication, the provisions of the policy as modified.

7 “(e) WAIVER AUTHORITY.—

8 “(1) IN GENERAL.—The Secretary of Energy  
9 may waive any requirement under subsection (a),  
10 (b), or (c) that certain information be included in a  
11 report under that subsection if the Secretary deter-  
12 mines that inclusion of that information in the re-  
13 port would adversely affect the national security.  
14 Any such waiver shall be made on a case-by-case  
15 basis.

16 “(2) LIMITED NOTICE REQUIRED.—If the Sec-  
17 retary exercises the authority provided under para-  
18 graph (1), the Secretary shall provide the informa-  
19 tion described in that subsection with respect to the  
20 special access program concerned, and the justifica-  
21 tion for the waiver, jointly to the chairman and  
22 ranking minority member of each of the congres-  
23 sional defense committees.

1       “(f) REPORT AND WAIT FOR INITIATING NEW PRO-  
2 GRAMS.—A special access program may not be initiated  
3 until—

4               “(1) the congressional defense committees are  
5 notified of the program; and

6               “(2) a period of 30 days elapses after such noti-  
7 fication is received.

8       “(g) CONGRESSIONAL DEFENSE COMMITTEES DE-  
9 FINED.—In this section, the term ‘congressional defense  
10 committees’ means the Committees on Armed Services  
11 and the Committees on Appropriations of the Senate and  
12 House of Representatives.”.

13       (b) CLERICAL AMENDMENT.—The table of contents  
14 at the beginning of the Atomic Energy Act of 1954 is  
15 amended by inserting after the item relating to section 92  
16 the following new item:

“Sec. 93. Congressional oversight of special access programs.”.

17 **SEC. 3132. BASELINE ENVIRONMENTAL MANAGEMENT RE-**  
18 **PORTS.**

19       (a) ENVIRONMENTAL RESTORATION REPORT.—At  
20 the same time the President submits to the Congress the  
21 budget for each fiscal year, the Secretary of Energy shall  
22 submit to the Congress a report on the activities and  
23 projects necessary to complete the environmental restora-  
24 tion of all Department of Energy defense nuclear facilities  
25 not later than the year 2019.

1 (b) WASTE MANAGEMENT REPORT.—Not later than  
2 30 days after the date on which the President submits  
3 to the Congress the budget for each fiscal year, the Sec-  
4 retary of Energy shall submit to the Congress a report  
5 on all activities and projects for waste management, de-  
6 contamination and decommissioning, and technology re-  
7 search and development that are necessary for Depart-  
8 ment of Energy defense nuclear facilities through the year  
9 2019.

10 (c) CONTENTS OF REPORTS.—A report required  
11 under subsection (a) or (b) shall be based on compliance  
12 with all applicable provisions of law and shall—

13 (1) provide the estimated total cost of, and the  
14 complete schedule for, the activities and projects  
15 covered by the report; and

16 (2) with respect to each such activity and  
17 project, contain—

18 (A) a description of the activity or project;

19 (B) a description of the problem addressed  
20 by the activity or project;

21 (C) the proposed remediation of the prob-  
22 lem, if the remediation is known or decided;

23 (D) the estimated cost to complete the ac-  
24 tivity or project, including, where appropriate,  
25 the cost for every five-year increment; and

1           (E) the estimated date for completion of  
2           the project or activity, including, where appro-  
3           priate, progress milestones for every five-year  
4           increment.

5           (d) ANNUAL STATUS AND VARIANCE REPORT.—(1)  
6           The Secretary of Energy shall annually submit to the Con-  
7           gress, at the same time the President submits to the Con-  
8           gress the budget for a fiscal year (pursuant to section  
9           1105 of title 31, United States Code), a status and vari-  
10          ance report on environmental restoration and waste man-  
11          agement activities and projects at Department of Energy  
12          defense nuclear facilities. The status and variance report  
13          shall contain the following:

14           (A) Information on each such activity and  
15           project for which funds were appropriated for the  
16           fiscal year immediately prior to the fiscal year dur-  
17           ing which the status report is submitted, including  
18           the following:

19           (i) Information on whether or not the ac-  
20           tivity or project has been completed, and infor-  
21           mation on the estimated date of completion for  
22           activities or projects that have not been com-  
23           pleted.

24           (ii) The total amount of funds expended  
25           for the activity or project, including the amount

1 of funds expended from amounts made available  
2 as the result of supplemental appropriations or  
3 a transfer of funds, and an estimate of the total  
4 amount of funds required to complete the activ-  
5 ity or project.

6 (iii) Information on whether the President  
7 requested in the budget an amount of funds for  
8 the activity or project for the fiscal year during  
9 which the status report is submitted, and  
10 whether such funds were appropriated or trans-  
11 ferred.

12 (iv) An explanation of the reasons for any  
13 projected cost variance of more than 10 percent  
14 or \$10,000,000, or any schedule delay of more  
15 than six months, for the activity or project.

16 (B) A disaggregation of the funds appropriated  
17 for Department of Energy defense environmental  
18 restoration and waste management, for the fiscal  
19 year during which the status report is submitted,  
20 into the activities and projects (including discrete  
21 parts of multi-year activities and projects) that the  
22 Secretary of Energy expects to accomplish during  
23 that fiscal year.

24 (C) A disaggregation of the Department of En-  
25 ergy defense environmental restoration and waste

1 management budget request for the fiscal year for  
2 which the budget is submitted into the activities and  
3 projects (including discrete parts of multi-year ac-  
4 tivities and projects) that the Secretary of Energy  
5 expects to accomplish during that fiscal year.

6 (2) The first annual report required under paragraph  
7 (1) shall be submitted at the same time the President sub-  
8 mits to the Congress the budget for fiscal year 1995. A  
9 subsequent annual report under this subsection shall be  
10 submitted for each fiscal year following fiscal year 1995  
11 during which the Secretary of Energy conducts environ-  
12 mental restoration activities and projects.

13 (e) COMPLIANCE TRACKING.—In preparing a report  
14 under this section, the Secretary of Energy shall provide  
15 with respect to each activity and project identified in the  
16 report information which is sufficient to track the Depart-  
17 ment of Energy's compliance with relevant Federal and  
18 State regulatory milestones.

19 **SEC. 3133. EXPANSION OF AUTHORITY TO LOAN PERSON-**  
20 **NEL AND FACILITIES.**

21 (a) AUTHORITY TO LOAN PERSONNEL.—Subsection  
22 (a)(1)(A) of section 1434 of the National Defense Author-  
23 ization Act, Fiscal Year 1989 (Public Law 100-456; 102  
24 Stat. 2074) is amended—

1 (1) in clause (i), by striking out “and” after the  
2 semicolon;

3 (2) in clause (ii), by striking out the period and  
4 inserting in lieu thereof “; and”; and

5 (3) by adding after clause (ii) the following new  
6 clause:

7 “(iii) at the Savannah River Site, South Caro-  
8 lina, to loan personnel in accordance with this sec-  
9 tion to the community development organization  
10 known as the Savannah River Regional Diversifica-  
11 tion Initiative.”.

12 (b) PURPOSE.—Subsection (a)(1)(B) of such section  
13 is amended by striking out “the Hanford Reservation and  
14 the Idaho National Engineering Laboratory” and insert-  
15 ing in lieu thereof “the Hanford Reservation, the Idaho  
16 National Engineering Laboratory, and the Savannah  
17 River Site”.

18 (c) AUTHORITY TO LOAN FACILITIES.—Subsection  
19 (b) of such section is amended by striking out “or the  
20 Idaho National Engineering Laboratory, Idaho,” and in-  
21 serting in lieu thereof “the Idaho National Engineering  
22 Laboratory, Idaho, and the Savannah River Site, South  
23 Carolina,”.

24 (d) DURATION OF PROGRAM.—Subsection (c) of such  
25 program is amended by striking out “terminate on” and

1 all that follows through the period and inserting in lieu  
2 thereof the following: “terminate on—

3 “(1) September 30, 1993, with respect to the  
4 Hanford Reservation;

5 “(2) September 30, 1994, with respect to the  
6 Idaho National Engineering Laboratory; and

7 “(3) September 30, 1995, with respect to the  
8 Savannah River Site.”.

9 **SEC. 3134. MODIFICATION OF PAYMENT PROVISION.**

10 Section 1532(a) of the Department of Defense Au-  
11 thorization Act, 1986 (42 U.S.C. 2391 note), is amended  
12 by striking out “1996” and inserting in lieu thereof  
13 “1995”.

14 **SEC. 3135. STOCKPILE STEWARDSHIP PROGRAM.**

15 (a) ESTABLISHMENT.—The Secretary of Energy  
16 shall establish a stewardship program to ensure the pres-  
17 ervation of the core intellectual and technical competencies  
18 of the United States in nuclear weapons, including weap-  
19 ons design, system integration, manufacturing, security,  
20 use control, reliability assessment, and certification.

21 (b) PROGRAM ELEMENTS.—The program shall in-  
22 clude the following:

23 (1) An increased level of effort for advanced  
24 computational capabilities to enhance the simulation  
25 and modeling capabilities of the United States.

1           (2) An increased level of effort for above-  
2           ground experimental programs, such as  
3           hydrotesting, high-energy lasers, inertial confine-  
4           ment fusion, plasma physics and materials research.

5           (3) Support for new facilities construction  
6           projects that contribute to the experimental capabili-  
7           ties of the United States, such as an advanced  
8           hydrodynamics facility, the National Ignition Facil-  
9           ity, and other facilities for above-ground experiments  
10          to assess weapon effects.

11          (c) AUTHORIZATION OF APPROPRIATIONS.—Of funds  
12          authorized to be appropriated to the Secretary of Energy  
13          for fiscal year 1994 for weapons activities, \$100,000,000  
14          shall be available for the stewardship program established  
15          in subsection (a).

16          **SEC. 3136. COUNTER-PROLIFERATION PROGRAM.**

17          (a) ESTABLISHMENT.—The Secretary of Energy,  
18          with the concurrence of the Secretary of Defense and the  
19          Secretary of State, shall establish a program to counter  
20          the increasing threat of nuclear weapons proliferation.

21          (b) PROGRAM ELEMENTS.—The program established  
22          pursuant to subsection (a) shall include the following:

23                  (1) Ongoing counter-proliferation efforts within  
24                  the national security programs of the Department of  
25                  Energy.

1           (2) The establishment of a database and track-  
2           ing system to account for production, storage, and  
3           usage of weapons-grade plutonium, uranium, and  
4           tritium in the newly independent states of the  
5           former Soviet Union and in other states, as appro-  
6           priate.

7           (3) Increased research and development with  
8           respect to the detection and disablement of terrorist  
9           weapons.

10          (4) Increased support for—

11                (A) weapons dismantlement and storage;  
12                and

13                (B) information and intelligence gathering  
14                on world-wide nuclear arsenals, nuclear weap-  
15                ons development programs, and related nuclear  
16                programs.

17          (c) AUTHORIZATION OF APPROPRIATIONS.—Of funds  
18          authorized to be appropriated to the Secretary of Energy  
19          for fiscal year 1994 for operating expenses for verification  
20          and control technology, \$5,000,000 shall be available for  
21          the establishment of the database and tracking system re-  
22          ferred to in subsection (b)(2).

1 **SEC. 3137. LIMITATIONS ON THE RECEIPT AND STORAGE**  
2 **OF SPENT NUCLEAR FUEL FROM FOREIGN**  
3 **RESEARCH REACTORS.**

4 (a) PURPOSE.—It is the purpose of this section to  
5 regulate the receipt and storage of spent nuclear fuel at  
6 the Department of Energy defense nuclear facility located  
7 at the Savannah River Site, South Carolina.

8 (b) RECEIPT IN EMERGENCY SITUATIONS.—(1)  
9 When the Secretary of Energy determines that emergency  
10 circumstances make it necessary to receive spent nuclear  
11 fuel referred to in paragraph (2), the Secretary shall sub-  
12 mit a notification of that determination to the Committees  
13 on Armed Services of the Senate and House of Represent-  
14 atives. The Secretary may not receive the spent nuclear  
15 fuel at the Savannah River Site until 30 days (as com-  
16 puted in paragraph (3)) have expired following the date  
17 on which the notification is received by such committees.

18 (2) The spent nuclear fuel referred to in paragraph  
19 (1) is nuclear fuel that—

20 (A) is originally exported to a foreign country  
21 from the United States in the form of highly en-  
22 riched uranium; and

23 (B) is used in a research reactor by the Govern-  
24 ment of a foreign country or by a foreign-owned or  
25 foreign-controlled entity.

1           (3) For purposes of paragraph (1), days on which ei-  
2 ther House is not in session because of an adjournment  
3 of more than 3 days to a day certain or because of an  
4 adjournment sine die shall be excluded in the computation  
5 of such 30-day period.

6           (c) LIMITATION ON STORAGE.—The Secretary of En-  
7 ergy may not receive and store at the Department of En-  
8 ergy defense nuclear facility located at Savannah River  
9 Site, South Carolina any spent nuclear fuel referred to in  
10 subsection (b)(2) in excess of the amount that is the ca-  
11 pacity of such fuel that may be received and stored at such  
12 facility, until the completion of an environmental impact  
13 statement (and the signing by the Secretary of a record  
14 of decision following such completion) under section  
15 102(2)(c) of the National Environmental Policy Act of  
16 1969 (42 U.S.C. 4332(2)(c)) with respect to the receipt  
17 and storage of spent nuclear fuel from foreign research  
18 reactors.

19 **SEC. 3138. CONTRACT GOAL FOR SMALL DISADVANTAGED**  
20 **BUSINESSES AND CERTAIN INSTITUTIONS OF**  
21 **HIGHER EDUCATION.**

22           (a) GOAL.—Except as provided in subsection (c), a  
23 goal of 5 percent of the amount described in subsection  
24 (b) shall be the objective of the Department of Energy  
25 in carrying out national security programs of the Depart-

1 ment in each of fiscal years 1994 through 2000 for the  
2 total combined amount obligated for contracts and sub-  
3 contracts entered into with—

4 (1) small business concerns, including mass  
5 media and advertising firms, owned and controlled  
6 by socially and economically disadvantaged individ-  
7 uals (as such term is used in section 8(d) of the  
8 Small Business Act (15 U.S.C. 637(d)) and regula-  
9 tions issued under that section), the majority of the  
10 earnings of which directly accrue to such individuals;

11 (2) historically Black colleges and universities;  
12 and

13 (3) minority institutions (as defined in para-  
14 graphs (3), (4), and (5) of section 312(b) of the  
15 Higher Education Act of 1965 (20 U.S.C. 1058)),  
16 including any nonprofit research institution that was  
17 an integral part of a historically Black college or  
18 university before November 14, 1986.

19 (b) AMOUNT.—The requirements of subsection (a)  
20 for any fiscal year apply to the combined total of the funds  
21 obligated for contracts entered into by the Department of  
22 Energy pursuant to competitive procedures for such fiscal  
23 year for purposes of carrying out military applications of  
24 nuclear energy and other national security programs of  
25 the Department.

1 (c) APPLICABILITY.—Subsection (a) does not apply—

2 (1) to the extent to which the Secretary of En-  
3 ergy determines that compelling national security  
4 considerations require otherwise; and

5 (2) if the Secretary notifies Congress of such a  
6 determination and the reasons for the determination.

7 **SEC. 3139. PROHIBITION ON CONDUCT OF SAFEGUARD C**  
8 **PROGRAM.**

9 None of the funds appropriated pursuant to this Act  
10 or any other Act for any fiscal year may be available to  
11 conduct the Safeguard C program or any other program  
12 to maintain the capability of the United States to conduct  
13 atmospheric testing of a nuclear weapon.

14 **SEC. 3140. TRANSFER OR LEASE OF PROPERTY AT DEPART-**  
15 **MENT OF ENERGY WEAPON PRODUCTION FA-**  
16 **CILITIES.**

17 (a) FINDINGS.—Congress makes the following find-  
18 ings:

19 (1) The termination or reconfiguration of weap-  
20 on production activities at facilities of the Depart-  
21 ment of Energy within the United States is a nec-  
22 essary consequence of the end of the Cold War and  
23 of changed United States national security require-  
24 ments.

1           (2) A facility of the Department of Energy is  
2 a significant source of employment for many com-  
3 munities, and the closure or reconfiguration of such  
4 a facility may cause economic hardship for the work-  
5 ers and the communities.

6           (3) It is in the interest of the United States  
7 that the Federal Government facilitate the economic  
8 recovery of communities that experience adverse eco-  
9 nomic circumstances as the result of the closure or  
10 reconfiguration of a Department of Energy facility  
11 and, where possible, prevent the occurrence of ad-  
12 verse economic circumstances.

13           (4) It is in the interest of the United States  
14 that the Federal Government work with communities  
15 that experience adverse economic circumstances as  
16 the result of the closure or reconfiguration of De-  
17 partment of Energy facilities to identify and imple-  
18 ment means of reutilizing or redeveloping such facili-  
19 ties in a beneficial manner.

20           (5) The Federal Government may provide such  
21 assistance by closing or reconfiguring such facilities  
22 and conveying the real property in a manner that  
23 best ensures environmental protection and the bene-  
24 ficial reutilization or redevelopment of such facilities  
25 by such communities.

1           (6) The Federal Government may best ensure  
2           such reutilization and redevelopment by making  
3           available real and personal property of the closing or  
4           reconfigured Department of Energy facilities to com-  
5           munities affected by such closures or  
6           reconfigurations on a timely basis, and, if appro-  
7           priate, at less than fair market value.

8           (7) Preservation of the national technology and  
9           industrial base could be assisted by the appropriate  
10          transfer, lease, or reutilization of property, facilities,  
11          and equipment which currently are not needed for  
12          the Department of Energy weapon production mis-  
13          sion.

14          (8) A delay in the transfer, lease, or  
15          reutilization of such property, facilities, and equip-  
16          ment for commercial use will reduce the national  
17          technology and industrial base because of lost skilled  
18          personnel and lost business opportunities.

19          (b) MANAGEMENT AND DISPOSAL OF PROPERTY.—

20          (1) The Administrator of General Services shall delegate  
21          to the Secretary of Energy, with respect to property cov-  
22          ered under subsection (d)—

23                  (A) the authority of the Administrator to utilize  
24          excess property under section 202 of the Federal

1 Property and Administrative Services Act of 1949  
2 (40 U.S.C. 483);

3 (B) the authority of the Administrator to dis-  
4 pose of surplus property under section 203 of that  
5 Act (40 U.S.C. 484); and

6 (C) the authority of the Administrator to grant  
7 approvals and make determinations under section  
8 13(g) of the Surplus Property Act of 1944 (50  
9 U.S.C. App. 1622(g)).

10 (2)(A) Subject to subparagraph (C), the Secretary of  
11 Energy shall exercise the authority delegated to the Sec-  
12 retary pursuant to paragraph (1) in accordance with—

13 (i) all regulations in effect on the date of the  
14 enactment of this Act governing the utilization of ex-  
15 cess property and the disposal of surplus property  
16 under the Federal Property and Administrative  
17 Services Act of 1949; and

18 (ii) all regulations in effect on the date of the  
19 enactment of this Act governing the conveyance and  
20 disposal of property under section 13(g) of the Sur-  
21 plus Property Act of 1944 (50 U.S.C. App.  
22 1622(g)).

23 (B) The Secretary, after consulting with the Adminis-  
24 trator of General Services, may issue regulations that are

1 necessary to carry out the delegation of authority required  
2 by paragraph (1).

3 (C) The authority required to be delegated by para-  
4 graph (1) to the Secretary by the Administrator of Gen-  
5 eral Services shall not include the authority to prescribe  
6 general policies and methods for utilizing excess property  
7 and disposing of surplus property.

8 (c) ADDITIONAL AUTHORITY TO TRANSFER AND  
9 LEASE.—(1) The Secretary of Energy may transfer or  
10 lease any or all right, title, and interest of the United  
11 States in and to the property referred to in subsection (d)  
12 to any public agency if the Secretary determines that such  
13 transfer or lease will mitigate the adverse economic con-  
14 sequences that might otherwise arise from the closure or  
15 reconfiguration of a Department of Energy facility.

16 (2)(A) The consideration to be paid to the United  
17 States for any transfer or lease under paragraph (1) shall  
18 be for the estimated fair market value of such property  
19 or leasehold interest, as determined by the Secretary of  
20 Energy, except that the Secretary may accept consider-  
21 ation for an amount that is not less than 50 percent of  
22 the estimated fair market value of such property if the  
23 Secretary determines that—

1           (i) the discount is required to implement the  
2 plans established in the report under subsection (i);  
3 and

4           (ii) 30 days after published notice, no private or  
5 public party has made a bona fide offer for such  
6 property at the estimated fair market value.

7       (B) The instrument transferring or leasing property  
8 for less than the estimated fair market value under this  
9 paragraph—

10           (i) shall contain a condition that all such prop-  
11 erty shall be used and maintained for the purpose  
12 for which it was transferred in perpetuity in accord-  
13 ance with the plans described in the report under  
14 subsection (i) or, in the case of a lease, for the term  
15 of the lease; and

16           (ii) may contain such additional terms, condi-  
17 tions, reservations, and restrictions as the Secretary  
18 determines to be necessary to safeguard the interests  
19 of the United States.

20       (C) The Secretary may—

21           (i) determine compliance with the terms, condi-  
22 tions, reservations, and restrictions contained in any  
23 instrument by which a transfer or lease of property  
24 is made;

1           (ii) reform, correct, or amend any such instru-  
2           ment by the execution of a corrective, reformatory,  
3           or amendatory instrument where necessary to cor-  
4           rect such instrument or to conform such transfer or  
5           lease to the requirements of applicable law; and

6           (iii)(I) grant releases from any of the terms,  
7           conditions, reservations, and restrictions contained  
8           in, and (II) convey, quitclaim, or release to the  
9           transferee any right or interest reserved to the Unit-  
10          ed States by, any instrument by which such transfer  
11          or lease is made, if the Secretary determines that  
12          the property transferred no longer serves the pur-  
13          pose for which it was transferred, or that such re-  
14          lease, conveyance, or quitclaim will not prevent ac-  
15          complishment of the purpose for which such prop-  
16          erty was so transferred.

17 Any such releases, conveyance, or quitclaim may be grant-  
18 ed on, or made subject to, such terms and conditions as  
19 the Secretary considers necessary to protect or advance  
20 the interests of the United States.

21          (d) COVERED PROPERTY.—Property that may be  
22 transferred or leased under subsections (c) and (g) is the  
23 related personal property and acquired real property at  
24 a facility of the Department of Energy to be closed or  
25 reconfigured that the Secretary of Energy determines to

1 be no longer necessary for weapon production or other  
2 missions of the Department.

3 (e) APPLICABILITY OF OTHER LAWS.—Property  
4 transferred or leased under subsections (c) and (g) shall  
5 be transferred or leased in accordance with—

6 (1) the Federal Property and Administrative  
7 Services Act of 1949 (40 U.S.C. 471 et seq.), to the  
8 extent not inconsistent with this section; and

9 (2) all applicable environmental laws, including  
10 the Comprehensive Environmental Response, Com-  
11 pensation, and Liability Act of 1980 (42 U.S.C.  
12 9601 et seq.).

13 (f) LIMITATION ON RELOCATION OF EQUIPMENT.—  
14 The Secretary shall not relocate equipment from a facility,  
15 such as machine tools that could be useful in converting  
16 the facility, except in cases where buying new equipment  
17 would be significantly more costly or significantly more  
18 time-consuming than moving the equipment. The Sec-  
19 retary shall establish guidelines for determining costs  
20 under this subsection.

21 (g) REUTILIZATION.—To the extent practicable, the  
22 Secretary of Energy may make available for reutilization  
23 a facility or property of the Department of Energy that  
24 is not required for weapon production work in any case

1 in which the Secretary determines that such reutilization  
2 will—

3 (1) reduce the long-term cost to the Govern-  
4 ment, including the cost of worker displacement and  
5 retraining in the community in which the facility or  
6 property is located;

7 (2) contribute to the preservation of the na-  
8 tional technology and industrial base by using the  
9 equipment at the facility or property; or

10 (3) assist the economic development in the com-  
11 munity in which the facility or property is located.

12 (h) OTHER TERMS AND CONDITIONS.—The Sec-  
13 retary may require such additional terms and conditions  
14 with respect to a transfer or lease of property under sub-  
15 section (c) as the Secretary determines appropriate to pro-  
16 tect the interests of the United States.

17 (i) REPORT.—Not later than February 1, 1994, the  
18 Secretary of Energy shall submit to the Committees on  
19 Armed Services of the Senate and the House of Represent-  
20 atives, the Committee on Governmental Affairs of the Sen-  
21 ate, the Committee on Government Operations of the  
22 House of Representatives, and the Committee on Energy  
23 and Commerce of the House of Representatives a report  
24 on the plans of the Secretary in accordance with applicable  
25 law for the reutilization of real property, facilities, equip-

1 ment, and supplies at weapon production facilities of the  
2 Department of Energy that are planned or scheduled for  
3 the termination of weapon production activities.

4 (j) DEFINITION.—For purposes of this section, the  
5 term “reutilization” means the development of sites pre-  
6 viously used in the nuclear weapons complex of the De-  
7 partment of Energy for private commercial work or non-  
8 weapon production-related Government work. Such devel-  
9 opment may consist of—

10 (1) conversion of the site or portions of it to ex-  
11 clusively private or local government use;

12 (2) leasing of facilities or equipment to non-De-  
13 partment of Energy sources;

14 (3) use of Department of Energy facilities to  
15 enhance the national technology and industrial base  
16 through technology transfer and commercial work by  
17 Department of Energy contractors;

18 (4) development of a financial assistance ar-  
19 rangement with local communities to seek other uses  
20 for vacated or underutilized facilities;

21 (5) sale of all or portions of certain facilities to  
22 commercial concerns under terms that dictate eco-  
23 nomic development of the site; or

24 (6) any combination of paragraphs (1) through  
25 (5).

1 **SEC. 3141. PROHIBITION ON USE OF FUNDS FOR ADVANCED**  
2 **LIQUID METAL REACTOR.**

3 No funds authorized pursuant to this title or other-  
4 wise available for fiscal year 1994 or any previous fiscal  
5 year for the national security programs of the Department  
6 of Energy shall be used for the support of the advanced  
7 liquid metal reactor.

8 **TITLE XXXII—DEFENSE NU-**  
9 **CLEAR FACILITIES SAFETY**  
10 **BOARD AUTHORIZATION**

11 **SEC. 3201. AUTHORIZATION.**

12 There are authorized to be appropriated for fiscal  
13 year 1994, \$15,060,000 for the operation of the Defense  
14 Nuclear Facilities Safety Board under chapter 21 of the  
15 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

16 **TITLE XXXIII—NATIONAL**  
17 **DEFENSE STOCKPILE**

18 **SEC. 3301. DEFINITIONS.**

19 For purposes of this title:

20 (1) The term “National Defense Stockpile”  
21 means the stockpile provided for in section 4 of the  
22 Strategic and Critical Materials Stock Piling Act (50  
23 U.S.C. 98c).

24 (2) The term “National Defense Stockpile  
25 Transaction Fund” means the fund established  
26 under section 9(a) of such Act (50 U.S.C. 98h(a)).

1           (3) The term “annual materials plan” means  
2           the report containing an annual materials plan for  
3           the operation of the National Defense Stockpile re-  
4           quired to be submitted to Congress each year under  
5           section 11(b) of such Act (50 U.S.C. 98h-2(b)).

6   **SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATE-**  
7                           **RIALS CONTAINED IN THE NATIONAL DE-**  
8                           **FENSE STOCKPILE.**

9           The President may dispose of obsolete and excess ma-  
10          terials in the National Defense Stockpile, except that the  
11          amount of funds received from the sale of such materials  
12          may not exceed \$500,000,000 in any fiscal year. All funds  
13          received from the sale of materials under this section shall  
14          be deposited in the National Defense Stockpile Trans-  
15          action Fund.

16   **SEC. 3303. MODIFICATION OF NOTICE AND WAIT REQUIRE-**  
17                           **MENTS FOR DEVIATIONS FROM ANNUAL MA-**  
18                           **TERIALS PLAN.**

19          Section 5(a)(2) of the Strategic and Critical Mate-  
20          rials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended  
21          by striking out “and a period of 30 days” and all that  
22          follows through “more than three days to a day certain.”  
23          and inserting in lieu thereof “and a period of 45 days has  
24          passed from the date of the receipt of such statement by  
25          such committees.”.

1 **SEC. 3304. CONTINUATION OF LIMITATIONS ON THE DIS-**  
2 **POSAL OF CHROMITE AND MANGANESE ORES**  
3 **AND CHROMIUM AND MANGANESE FERRO.**

4 (a) LIMITATION REGARDING CHROMITE AND MAN-  
5 GANESE ORES.—During fiscal year 1994, the disposal of  
6 chromite and manganese ores of metallurgical grade from  
7 the National Defense Stockpile pursuant to any provision  
8 of law may be made only for processing within the United  
9 States and the territories and possessions of the United  
10 States.

11 (b) LIMITATION REGARDING CHROMIUM AND MAN-  
12 GANESE FERRO.—The disposal of chromium ferro and  
13 manganese ferro from the National Defense Stockpile pur-  
14 suant to any provision of law may not commence before  
15 October 1, 1994.

16 **SEC. 3305. CONVERSION OF CHROMIUM ORE TO HIGH PU-**  
17 **RITY ELECTROLYTIC CHROMIUM METAL.**

18 (a) REQUIRED UPGRADING.—During each of fiscal  
19 years 1994 through 1996, the President shall—

20 (1) obtain bids from domestic producers of high  
21 purity electrolytic chromium metal; and

22 (2) award contracts for the conversion of chro-  
23 mium ores held in the National Defense Stockpile  
24 into high purity electrolytic chromium metal.

25 (b) QUANTITIES TO BE UPGRADED.—(1) Contracts  
26 awarded under subsection (a) shall provide for the addi-

1 tion of not less than 800 short tons of high purity electro-  
2 lytic chromium metal to the National Defense Stockpile  
3 during each of the fiscal years covered by subsection (a).

4 (2) If, during any fiscal year referred to in subsection  
5 (a), the minimum quantity of high purity electrolytic chro-  
6 mium metal to be added to the National Defense Stock-  
7 pile, as required by paragraph (1), is not met, the quantity  
8 of such material to be added to the stockpile in the next  
9 fiscal year shall be increased by the quantity of the defi-  
10 ciency.

## 11 **TITLE XXXIV—CIVIL DEFENSE**

### 12 **SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

13 There is hereby authorized to be appropriated  
14 \$146,391,000 for fiscal year 1994 for the purpose of car-  
15 rying out the Federal Civil Defense Act of 1950 (50  
16 U.S.C. App. 2251 et seq.).

### 17 **SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYS-** 18 **TEM.**

19 (a) DECLARATION OF POLICY.—Section 2 of the Fed-  
20 eral Civil Defense Act of 1950 (50 U.S.C. App. 2251) is  
21 amended to read as follows:

#### 22 **“SEC. 2. DECLARATION OF POLICY.**

23 “The purpose of this Act is to provide a system of  
24 civil defense for the protection of life and property in the  
25 United States from hazards and to vest responsibility for

1 civil defense jointly in the Federal Government and the  
2 several States and their political subdivisions. The Con-  
3 gress recognizes that the organizational structure estab-  
4 lished jointly by the Federal Government and the several  
5 States and their political subdivisions for civil defense pur-  
6 poses can be effectively utilized to provide relief and assist-  
7 ance to people in areas of the United States struck by  
8 a hazard. The Federal Government shall provide necessary  
9 direction, coordination, and guidance and shall provide  
10 necessary assistance as authorized in this Act.”.

11 (b) DEFINITION OF HAZARD.—Section 3 of the Fed-  
12 eral Civil Defense Act of 1950 (50 U.S.C. App. 2252) is  
13 amended—

14 (1) by redesignating subsections (a) through (h)  
15 as subsections (b) through (i), respectively;

16 (2) by inserting before subsection (b), as so re-  
17 designated, the following new subsection (a):

18 “(a) The term ‘hazard’ means an emergency or disas-  
19 ter resulting from—

20 “(1) a natural disaster; or

21 “(2) an accidental or man-caused event, includ-  
22 ing a civil disturbance and an attack-related disas-  
23 ter.”;

24 (3) in subsection (b), as so redesignated—

1 (A) by striking out “attack” the first place  
2 it appears and inserting in lieu thereof “attack-  
3 related disaster”; and

4 (B) by striking out “atomic” and inserting  
5 in lieu thereof “nuclear”;

6 (4) in subsection (c), as so redesignated, by  
7 striking out “and, for the purposes of this Act” and  
8 all that follows through “natural disaster;” and in-  
9 serting in lieu thereof a period; and

10 (5) by striking out subsection (d), as so redesi-  
11 gnated, and inserting in lieu thereof the following new  
12 subsection:

13 “(d) The term ‘civil defense’ means all those activities  
14 and measures designed or undertaken to minimize the ef-  
15 fects of a hazard upon the civilian population, to deal with  
16 the immediate emergency conditions which would be cre-  
17 ated by the hazard, and to effectuate emergency repairs  
18 to, or the emergency restoration of, vital utilities and fa-  
19 cilities destroyed or damaged by the hazard. Such term  
20 shall include the following:

21 “(1) Measures to be undertaken in preparation  
22 for anticipated hazards (including the establishment  
23 of appropriate organizations, operational plans, and  
24 supporting agreements, the recruitment and training  
25 of personnel, the conduct of research, the procure-

1 ment and stockpiling of necessary materials and  
2 supplies, the provision of suitable warning systems,  
3 the construction or preparation of shelters, shelter  
4 areas, and control centers, and, when appropriate,  
5 the non-military evacuation of civil population).

6 “(2) Measures to be undertaken during a haz-  
7 ard (including the enforcement of passive defense  
8 regulations prescribed by duly established military or  
9 civil authorities, the evacuation of personnel to shel-  
10 ter areas, the control of traffic and panic, and the  
11 control and use of lighting and civil communica-  
12 tions).

13 “(3) Measures to be undertaken following a  
14 hazard (including activities for fire fighting, rescue,  
15 emergency medical, health and sanitation services,  
16 monitoring for specific dangers of special weapons,  
17 unexploded bomb reconnaissance, essential debris  
18 clearance, emergency welfare measures, and imme-  
19 diately essential emergency repair or restoration of  
20 damaged vital facilities).”.

21 (c) CONFORMING AMENDMENTS TO REFLECT DEFI-  
22 NITION OF HAZARD.—(1) Section 201 of the Federal Civil  
23 Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

1 (A) in subsection (c), by striking out “an attack  
2 or natural disaster” and inserting in lieu thereof “a  
3 hazard”;

4 (B) in subsection (d), by striking out “attacks  
5 and natural disasters” and inserting in lieu thereof  
6 “hazards”; and

7 (C) in subsection (g)—

8 (i) by striking out “an attack or natural  
9 disaster” the first place it appears and insert-  
10 ing in lieu thereof “a hazard”; and

11 (ii) by striking out “undergoing an attack  
12 or natural disaster” and inserting in lieu there-  
13 of “experiencing a hazard”.

14 (2) Section 205(d)(1) of such Act (50 U.S.C. App.  
15 2286(d)(1)) is amended by striking out “natural disas-  
16 ters” and inserting in lieu thereof “hazards”.

17 (d) STATE USE OF FUNDS FOR PREPARATION AND  
18 RESPONSE.—(1) Section 207 of the Federal Civil Defense  
19 Act of 1950 (50 U.S.C. App. 2289) is amended to read  
20 as follows:

21 **“SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND**  
22 **TO HAZARDS.**

23 “Funds made available to the States under this Act  
24 may be used by the States for the purposes of preparing  
25 for, and providing emergency assistance in response to

1 hazards. Regulations prescribed to carry out this section  
2 shall authorize the use of civil defense personnel, mate-  
3 rials, and facilities supported in whole or in part through  
4 contributions under this Act for civil defense activities and  
5 measures related to hazards.”.

6 (2) The item relating to section 207 in the table of  
7 contents in the first section of such Act is amended to  
8 read as follows:

“Sec. 207. Use of funds to prepare for and respond to hazards.”.

9 (e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V  
10 of the Federal Civil Defense Act of 1950 (50 U.S.C. App.  
11 2301-2303) is repealed.

12 (2) The table of contents in the first section of such  
13 Act is amended by striking out the items related to title  
14 V.

15 (f) TECHNICAL AND CONFORMING AMENDMENTS.—  
16 (1) The table of contents in the first section of the Federal  
17 Civil Defense Act of 1950 is amended—

18 (A) by inserting after the item relating to sec-  
19 tion 204 the following new item:

“Sec. 205. Contributions for personnel and administrative expenses.”; and

20 (B) by inserting after the item relating to sec-  
21 tion 412 the following new item:

“Sec. 413. Applicability of Reorganization Plan Numbered 1.”.

1       (2) Section 3 of such Act (50 U.S.C. App. 2252), as  
2 amended by subsection (b) of this section, is further  
3 amended—

4           (A) in each of subsections (b), (e), (f), and (g),  
5 as redesignated by subsection (b)(1) of this section,  
6 by striking out the semicolon at the end and insert-  
7 ing in lieu thereof a period; and

8           (B) in subsection (h), as so redesignated, by  
9 striking out “; and” and inserting in lieu thereof a  
10 period.

11       (3) Section 205 of such Act (50 U.S.C. App. 2286)  
12 is amended by striking out “SEC. 205.” and inserting in  
13 lieu thereof the following:

14 **“SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINIS-**  
15 **TRATIVE EXPENSES.”.**

16       (g) AMENDMENT FOR STYLISTIC CONSISTENCY.—  
17 The Federal Civil Defense Act of 1950 (50 U.S.C. App.  
18 2251 et seq.) is further amended so that the section des-  
19 ignation and section heading of each section of such Act  
20 shall be in the same form and typeface as the section des-  
21 ignation and heading of section 2 of such Act, as amended  
22 by subsection (a) of this section.

Passed the House of Representatives September 29,  
1993.

Attest:                   DONNALD K. ANDERSON,  
*Clerk.*

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