

Union Calendar No. 112

103D CONGRESS
1ST SESSION

H. R. 2401

[Report No. 103-200]

A BILL

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, and for other purposes.

JULY 30, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JUNE 14, 1993

Mr. DELLUMS (by request) introduced the following bill; which was referred to the Committee on Armed Services

JULY 30, 1993

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 14, 1993]

A BILL

To authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1994, 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,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “National Defense*
 3 *Authorization Act for Fiscal Year 1994”.*

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

6 (a) *DIVISIONS.*—*This Act is organized into three divi-*
 7 *sions as follows:*

8 (1) *Division A—Department of Defense Author-*
 9 *izations.*

10 (2) *Division B—Military Construction Author-*
 11 *izations.*

12 (3) *Division C—Department of Energy National*
 13 *Security Authorizations and Other Authorizations.*

14 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 15 *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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Sec. 102. Navy and Marine Corps.

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Sec. 105. Defense Inspector General.

Sec. 106. Defense Health Program.

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Sec. 108. Chemical demilitarization program.

Sec. 109. National Shipbuilding Initiative.

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- Sec. 131. Intertheater airlift program.*
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- Sec. 211. Demonstration program for ballistic missile post-launch destruct mechanism.*
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Sec. 237. Theater missile defense road map.
Sec. 238. Additional BMD programs.
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- Sec. 2825. Lease and joint use of certain real property, Marine Corps Base, Camp Pendleton, California.*
- Sec. 2826. Land conveyance, Craney Island Fuel Depot, Naval Supply Center, Virginia.*
- Sec. 2827. Land conveyance, Portsmouth, Virginia.*
- Sec. 2828. Transfer of natural gas distribution system at Fort Belvoir, Virginia, to the Washington Gas Company.*
- Sec. 2829. Transfer of water distribution system at Fort Lee, Virginia, to the American Water Company.*
- Sec. 2830. Transfer of waste water treatment facility at Fort Pickett, Virginia, to Blackstone, Virginia.*
- Sec. 2831. Transfer of water distribution system and reservoir at Stewart Army Subpost to New Windsor, New York.*
- Sec. 2832. Expansion of land transaction authority involving Hunters Point Naval Shipyard, San Francisco, California.*
- Sec. 2833. Modification of lease authority, Naval Supply Center, Oakland, California.*
- Sec. 2834. Land conveyance, Iowa Army Ammunition Plant, Iowa.*
- Sec. 2835. Transfer of electric power distribution system at Naval Air Station, Alameda, California, to the City of Alameda Bureau of Electricity.*

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

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- Sec. 3101. Weapons activities.*

- Sec. 3102. Environmental restoration and waste management.*
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- Sec. 3131. Improved Congressional oversight of Department of Energy special access programs.*
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- 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.*

*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 Services*
4 *and the Committees on Appropriations of the Senate and*
5 *House of Representatives.*

6 ***DIVISION A—DEPARTMENT OF***
7 ***DEFENSE AUTHORIZATIONS***
8 ***TITLE I—PROCUREMENT***
9 ***Subtitle A—Authorization of***
10 ***Appropriations***

11 **SEC. 101. ARMY.**

12 *Funds are hereby authorized to be appropriated for fis-*
13 *cal year 1994 for procurement for the Army as follows:*

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

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

16 *(3) For weapons and tracked combat vehicles,*
17 *\$876,997,000.*

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

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

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

21 *(a) NAVY.—Funds are hereby authorized to be appro-*
22 *priated for fiscal year 1994 for procurement for the Navy*
23 *as follows:*

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

25 *(2) For weapons, including missiles and tor-*
26 *pedoes, \$2,764,824,000.*

1 (3) For shipbuilding and conversion,
2 \$4,160,188,000.

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

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

7 **SEC. 103. AIR FORCE.**

8 Funds are hereby authorized to be appropriated for fis-
9 cal year 1994 for procurement for the Air Force as follows:

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

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

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

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

14 Funds are hereby authorized to be appropriated for fis-
15 cal year 1994 for defense-wide procurement in the amount
16 of \$2,177,082,000.

17 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

18 Funds are hereby authorized to be appropriated for fis-
19 cal year 1994 for procurement for the Defense Inspector
20 General in the amount of \$800,000.

21 **SEC. 106. DEFENSE HEALTH PROGRAM.**

22 Funds are hereby authorized to be appropriated for fis-
23 cal year 1994 for procurement for the Defense Health Pro-
24 gram in the amount of \$272,762,000.

1 **SEC. 107. RESERVE COMPONENTS.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1994 for procurement of aircraft, vehicles, commu-*
4 *nications equipment, and other equipment for the reserve*
5 *components of the Armed Forces as follows:*

6 (1) *For the Army National Guard, \$289,675,000.*

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

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

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

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

11 (6) *For the Marine Corps Reserve, \$65,500,000.*

12 **SEC. 108. CHEMICAL DEMILITARIZATION PROGRAM.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 1994 for the destruction of lethal chemical weapons*
15 *in accordance with section 1412 of the Department of De-*
16 *fense Authorization Act, 1986 (50 U.S.C. 1521), and for*
17 *the destruction of other chemical warfare materials that are*
18 *not in the chemical weapons stockpile in the amount of*
19 *\$114,500,000.*

20 **SEC. 109. NATIONAL SHIPBUILDING INITIATIVE.**

21 *Funds are hereby authorized to be appropriated for fis-*
22 *cal year 1994 for the National Shipbuilding Initiative*
23 *under subtitle F of title XIII of this Act in the amount*
24 *of \$200,000,000.*

1 **SEC. 110. DENIAL OF MULTIYEAR PROCUREMENT AUTHOR-**
2 **IZATION.**

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

7 **Subtitle B—Army Programs**

8 **SEC. 111. PROCUREMENT OF HELICOPTERS.**

9 *(a) AH-64 AIRCRAFT.—The prohibition in section*
10 *132(a)(2) of the National Defense Authorization Act for Fis-*
11 *cal Years 1990 and 1991 (Public Law 101-189; 103 Stat.*
12 *1382) does not apply to the obligation of funds in amounts*
13 *not to exceed \$150,000,000 for the procurement of not more*
14 *than 10 AH-64 aircraft from funds appropriated for fiscal*
15 *year 1994 pursuant to section 101.*

16 *(b) OH-58D AHIP AIRCRAFT.—The prohibition in*
17 *section 133(a)(2) of the National Defense Authorization Act*
18 *for Fiscal Years 1990 and 1991 (Public Law 101-189; 103*
19 *Stat. 1383) does not apply to the obligation of funds in*
20 *amounts not to exceed \$225,000,000 for the procurement of*
21 *not more than 36 OH-58D AHIP Scout aircraft from funds*
22 *appropriated for fiscal year 1994 pursuant to section 101.*

23 **SEC. 112. TOW MISSILE PROGRAM.**

24 *(a) IN GENERAL.—(1) The Secretary of Defense shall*
25 *terminate the TOW missile program in accordance with*
26 *this section.*

1 (2) *Except as provided in subsection (b), funds appro-*
2 *priated or otherwise made available to the Department of*
3 *Defense pursuant to this or any other Act may not be obli-*
4 *gated for the procurement of TOW missiles.*

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

7 (A) *the modification of, or the acquisition of*
8 *spare or repair parts for, TOW missiles described in*
9 *paragraph (2);*

10 (B) *completion of new production missiles de-*
11 *scribed in paragraph (2)(B); and*

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

17 (2) *The missiles referred to in paragraph (1)(A) are—*

18 (A) *TOW missiles acquired by the Department of*
19 *Defense on or before the date of the enactment of this*
20 *Act;*

21 (B) *TOW new production missiles for which*
22 *funds, other than funds for the procurement of long*
23 *lead items and other advance procurement, were obli-*
24 *gated before the date of the enactment of this Act and*

1 *which are delivered to the Department of Defense on*
2 *or after that date; and*

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

6 ***Subtitle C—Navy Programs***

7 ***SEC. 121. DDG-51 DESTROYER AND FAST SEALIFT PRO-***
8 ***GRAMS.***

9 *None of the funds appropriated pursuant to section*
10 *102 for shipbuilding and conversion for the Navy for fiscal*
11 *year 1994 may be obligated for the DDG-51 guided missile*
12 *destroyer program until—*

13 *(1) contracts for conversion of seven cargo vessels*
14 *specified under the National Sealift Program have*
15 *been awarded; and*

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

19 ***SEC. 122. ATTACK SUBMARINE PROGRAMS.***

20 *(a) SEAWOLF SUBMARINE PROGRAM COSTS.—(1)*
21 *None of the funds described in subsection (b) may be obli-*
22 *gated until the Secretary of Defense submits to the congres-*
23 *sional defense committees a report concerning the latest and*
24 *best estimated cost of producing the SSN-21 and SSN-22*
25 *Seawolf attack submarines, determined as of the date of the*

1 *enactment of this Act. The report shall state the full cost*
2 *for production of each vessel and shall identify the amount*
3 *and source of funds available to the Navy for each such ves-*
4 *sel from funds appropriated for fiscal years before fiscal*
5 *year 1994.*

6 *(2) If the report under paragraph (1) discloses a short-*
7 *fall of available funds for either or both of the SSN-21 and*
8 *SSN-22 vessels that is not funded by another source identi-*
9 *fied by the Secretary of Defense, the Secretary of Defense*
10 *shall, subject to the provisions of appropriations Acts, use*
11 *the funds described in subsection (b)(1) to the extent nec-*
12 *essary to complete production of those two vessels.*

13 *(b) FUNDS SUBJECT TO LIMITATION.—Funds subject*
14 *to the limitation under subsection (a) are the following:*

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 purposes*
19 *of preserving the industrial base for submarine con-*
20 *struction (as specified at page 27 of the report of the*
21 *committee of conference to accompany the conference*
22 *report on H.R. 4990 of the 102d Congress (House Re-*
23 *port 102-530)).*

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

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

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

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

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

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

5 (e) *RETROACTIVE AUTHORIZATION.*—*The amount re-*
6 *ferred to in subsection (b)(1) shall be treated for all purposes*
7 *as having been authorized by law for fiscal year 1992 in*
8 *accordance with section 114(a) of title 10, United States*
9 *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 described*
14 *in subsection (b) without regard to the provisions of section*
15 *2401 of title 10, United States Code, or section 9081 of the*
16 *Department of Defense Appropriations Act, 1990 (10*
17 *U.S.C. 2401 note).*

18 (b) *COVERED VESSELS.*—*Subsection (a) applies to any*
19 *double-hull tanker or oceanographic vessel constructed in a*
20 *United States shipyard after the date of the enactment of*
21 *this Act using assistance provided under the National Ship-*
22 *building 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 United*
2 *States to make payments under the contract in any*
3 *fiscal year is subject to appropriations being provided*
4 *specifically for that fiscal year and specifically for*
5 *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 constitute*
12 *an obligation of the United States.*

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

17 ***Subtitle D—Air Force Programs***
18 ***(Nonstrategic)***

19 ***SEC. 131. INTERTHEATER AIRLIFT PROGRAM.***

20 (a) *LIMITATION.—None of the funds appropriated pur-*
21 *suant to section 103 for procurement of airlift aircraft for*
22 *the Air Force for fiscal year 1994 may be obligated until*
23 *45 days after the date on which the Secretary of Defense*
24 *submits to the congressional defense committees the report*
25 *referred to in subsection (b).*

1 (b) *REPORT REQUIREMENT.*—A report under sub-
2 section (a) is a report in which the Secretary of Defense
3 provides—

4 (1) *the Secretary’s recommendation for the air-*
5 *craft or mix of aircraft to be procured for the*
6 *intertheater airlift mission; and*

7 (2) *the results of the activities under subsections*
8 *(c), (d), and (e).*

9 (c) *ESTABLISHMENT OF INTERTHEATER AIRLIFT RE-*
10 *QUIREMENTS.*—The Secretary of Defense, after the date of
11 the enactment of this Act, shall establish the qualitative and
12 quantitative intertheater airlift requirements of the Depart-
13 ment of Defense.

14 (d) *COST AND OPERATIONAL EFFECTIVENESS ANALY-*
15 *SIS.*—The Secretary of Defense, after the date of the enact-
16 ment of this Act, shall conduct a Cost and Operational Ef-
17 fectiveness Analysis to determine the most cost effective
18 intertheater airlift alternative to satisfy the requirements
19 established pursuant to subsection (c). In carrying out such
20 analysis, the Secretary—

21 (1) *shall consider all reasonable aircraft and*
22 *mixes of aircraft for the intertheater airlift mission,*
23 *including procurement of additional C-17 aircraft,*
24 *procurement of additional C-5 aircraft, procurement*
25 *of additional C-141 aircraft, carrying out a Service-*

1 *Life Extension Program (SLEP) for existing C-141*
2 *aircraft, and procurement of commercial wide-body*
3 *aircraft; and*

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

7 (e) *DAB REVIEW.*—*After the activities described in*
8 *subsections (c) and (d) have been completed, the Secretary*
9 *shall conduct a Defense Acquisition Board review based on*
10 *the results under those subsections.*

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

12 (a) *FISCAL YEAR 1994 FUNDS.*—*Of the funds author-*
13 *ized to be appropriated in section 103 for procurement of*
14 *aircraft for the Air Force for fiscal year 1994, \$93,200,000*
15 *shall be available for reengining and modifying two existing*
16 *C-135 aircraft to the latest RC-135 Rivet Joint configura-*
17 *tion plus improvements necessary to support unique Navy*
18 *requirements.*

19 (b) *FISCAL YEAR 1993 FUNDS.*—(1) *The amount of*
20 *\$56,962,000 made available under section 141 of the Na-*
21 *tional Defense Authorization Act for Fiscal Year 1993 (Pub-*
22 *lic Law 102-484; 106 Stat. 2338) for modernizing either*
23 *Navy EP-3 aircraft or Air Force RC-135 aircraft shall be*
24 *made available for improvements to existing RC-135 air-*

1 *craft as though that aircraft had been selected by the Sec-*
2 *retary of Defense under section 141(b)(2) of such Act.*

3 *(2) The amount of \$65,700,000 made available under*
4 *section 131(3) of the National Defense Authorization Act*
5 *for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2334)*
6 *to reengine three existing RC-135 aircraft, if the RC-135*
7 *was selected by the Secretary of Defense under section*
8 *141(b)(2) of such Act, shall be made available for RC-135*
9 *reengining as though that aircraft had been so selected.*

10 ***Subtitle E—Strategic Programs***

11 ***SEC. 151. B-2 BOMBER AIRCRAFT PROGRAM.***

12 *(a) AMOUNT FOR PROGRAM.—Of the amount appro-*
13 *priated pursuant to section 103 for the Air Force for fiscal*
14 *year 1994 for procurement of aircraft, not more than*
15 *\$911,300,000 may be obligated for procurement for the B-*
16 *2 bomber aircraft program.*

17 *(b) B-2 BUYOUT AND TERMINATION.—The funds re-*
18 *ferred to in subsection (a) may be obligated only for the*
19 *purpose of procurement associated with closing out the B-*
20 *2 bomber aircraft program, including amounts for procure-*
21 *ment of spares and parts for that aircraft.*

22 *(c) REAFFIRMATION OF LIMITATION ON NUMBER OF*
23 *B-2 AIRCRAFT.—As provided in section 151(c) of Public*
24 *Law 102-484 (106 Stat. 2339), the Secretary of the Air*
25 *Force may not procure more than 20 deployable B-2 air-*

1 *craft (plus one test aircraft which may not be made oper-*
2 *ational).*

3 *(d) LIMITATION ON OBLIGATION OF FY94 FUNDS.—*
4 *None of the funds appropriated pursuant to section 103 for*
5 *the Air Force for fiscal year 1994 may be obligated for the*
6 *B-2 bomber aircraft program until each of the conditions*
7 *specified in paragraphs (1), (2), and (3) of section 151(d)*
8 *of Public Law 102-484 (106 Stat. 2339), including the con-*
9 *dition requiring the enactment of an Act which permits the*
10 *obligation of certain funds for the procurement of B-2*
11 *bomber aircraft, has been satisfied.*

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

18 *(2) For the purposes of paragraph (1):*

19 *(A) The term “near-precise munitions capabil-*
20 *ity” means the capability that the Secretary of the*
21 *Air Force has proposed for the B-2 aircraft to be pro-*
22 *duced by the Global Positioning System-aided*
23 *targeting system and Global Positioning System-*
24 *aided munitions.*

1 (B) The term “interim”, with respect to a muni-
2 tions capability for the B-2 aircraft, means a capa-
3 bility proposed for the period before the availability
4 of the Joint Direct Attack Munition for that aircraft.

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

6 (a) *INTERIM NEAR-PRECISE MUNITIONS PROGRAM.*—
7 The Secretary of the Air Force shall initiate a program for
8 the production of Global Positioning System-aided muni-
9 tions (GAM) for 10 B-1 bomber aircraft. It shall be the
10 goal of the program to achieve an interim near-precise mu-
11 nitions capability on 10 B-1 aircraft by 1996.

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

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

22 (a) *FINAL PRODUCTION.*—Of amounts appropriated
23 pursuant to section 102 for procurement of weapons (in-
24 cluding missiles and torpedoes) for the Navy for fiscal year
25 1994—

1 (1) *not more than \$983,300,000 may be obligated*
2 *for procurement of Trident II (D-5) missiles; and*

3 (2) *not more than \$145,251,000 may be obligated*
4 *for advance procurement for production of D-5 mis-*
5 *siles for a fiscal year after fiscal year 1994.*

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

16 (c) *LIMITATION ON FY94 PRODUCTION AND ADVANCE*
17 *PROCUREMENT.—None of the funds appropriated for the*
18 *Navy referred to in subsection (a) may be obligated for pro-*
19 *duction or advance procurement of Trident II (D-5) mis-*
20 *siles until the later of (1) the date on which the President's*
21 *budget for fiscal year 1995 is submitted to Congress pursu-*
22 *ant to section 1105 of title 31, United States Code, or (2)*
23 *the date on which the report required by subsection (b) is*
24 *received by Congress.*

1 **SEC. 154. PROHIBITION ON RETROFITTING TRIDENT I SUB-**
2 **MARINES TO CARRY TRIDENT II (D-5) MIS-**
3 **SILES.**

4 *The Secretary of the Navy may not modify any Tri-*
5 *dent I submarine to enable that submarine to be deployed*
6 *with Trident II (D-5) missiles.*

7 **Subtitle F—Other Matters**

8 **SEC. 171. CHEMICAL MUNITIONS DISPOSAL FACILITIES,**
9 **TOOELE ARMY DEPOT, UTAH.**

10 (a) *LIMITATION PENDING CERTIFICATION.*—After
11 *January 1, 1994, none of the funds appropriated to the De-*
12 *partment of Defense for fiscal year 1993 or 1994 may be*
13 *obligated for the systemization of chemical munitions dis-*
14 *posal facilities at Tooele Army Depot, Utah, until the Sec-*
15 *retary of Defense submits to Congress a certification de-*
16 *scribed in subsection (b).*

17 (b) *CERTIFICATION REQUIREMENT.*—A certification
18 *referred to in subsection (a) is a certification submitted by*
19 *the Secretary of Defense to Congress that—*

20 (1) *the recommendations for the realignment of*
21 *Tooele Army Depot contained in the recommendations*
22 *of the Defense Base Closure and Realignment Com-*
23 *mission approved by the President on July 6, 1993,*
24 *will not jeopardize the health, safety, or welfare of the*
25 *community surrounding Tooele Army Depot; and*

1 (2) *adequate base support, management, over-*
2 *sight, and security personnel to ensure the public safe-*
3 *ty in the operation of chemical munitions disposal fa-*
4 *cilities constructed and operated at Tooele Army*
5 *Depot will remain at that depot after the completion*
6 *of the realignment of that depot in accordance with*
7 *those recommendations.*

8 (c) *SUPPORTING REPORT.*—*The Secretary of Defense*
9 *shall include with a certification under this section a report*
10 *specifying by job title and category all base support, man-*
11 *agement, oversight, and security personnel to be retained*
12 *at Tooele Army Depot after the realignment of that depot*
13 *is completed in accordance with the recommendations of the*
14 *Defense Base Closure and Realignment Commission re-*
15 *ferred to in subsection (b)(1).*

16 (d) *EXCEPTION.*—*Subsection (a) shall not apply if the*
17 *recommendations of the Defense Base Closure and Realign-*
18 *ment Commission approved by the President on July 6,*
19 *1993, are disapproved by law enacted in accordance with*
20 *section 2904(b) of the Defense Base Closure and Realign-*
21 *ment Act of 1990 (part A of title XXIX of Public Law 101–*
22 *510; 10 U.S.C. 2687 note).*

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

24 (a) *AUTHORITY.*—*The Secretary of the Navy may con-*
25 *vey to the Brownsville Navigation District of Brownsville,*

1 *Texas, all right, title, and interest of the United States in*
2 *and to the dry dock designated as Los Alamos (AFDB7).*

3 *(b) CONSIDERATION.—As consideration for the convey-*
4 *ance under subsection (a), the Brownsville Navigation Dis-*
5 *trict shall permit the Secretary of the Navy—*

6 *(1) to use real property which is (A) located on*
7 *and near a ship channel, (B) under the ownership or*
8 *control of the Brownsville Navigation District, and*
9 *(C) not used by the Brownsville Navigation District,*
10 *except that such use shall be only for training pur-*
11 *poses and shall be permitted for a five-year period be-*
12 *ginning on the date of the transfer;*

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

16 *(3) to use the dock for dockage services, without*
17 *reimbursement from the Secretary of the Navy, except*
18 *that such use shall be for not more than 45 days each*
19 *year during the period referred to in paragraph (1)*
20 *and shall be subject to all applicable Federal and*
21 *State laws, including laws on maintenance and*
22 *dredging.*

23 *(c) EXTENSION OF USE.—At the end of the five-year*
24 *period referred to in subsection (b)(1), the Secretary of the*
25 *Navy and the chief executive officer of the Brownsville Navi-*

1 gation District may enter into an agreement to extend the
2 period during which the Secretary may use real property
3 and dockage under subsection (b).

4 (d) *CONDITION.*—As a condition of the conveyance au-
5 thorized by subsection (a), the Secretary shall enter into an
6 agreement with the Brownsville Navigation District under
7 which the Brownsville Navigation District agrees to hold
8 the United States harmless for any claim arising with re-
9 spect to the drydock after the conveyance of the drydock
10 other than as a result of use of the dock by the Navy pursu-
11 ant to subsection (b) or an agreement under subsection (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, United
16 States Code, is amended by adding at the end the following
17 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 a
23 working-capital funded Army industrial facility (including
24 a Department of the Army arsenal) that manufactures large
25 caliber cannons, gun mounts, recoil mechanisms, ammuni-

1 *tion, munitions, or components thereof to sell manufactured*
2 *nondefense-related commercial articles or services to a per-*
3 *son outside the Department of Defense if—*

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

7 “(A) *for use in developing new products;*

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

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

15 “(D) *for use in commercial products;*

16 “(2) *in the case of an article, the purchaser is*
17 *determined by the Department of Defense to be quali-*
18 *fied to carry out the proposed work involving the arti-*
19 *cle to be purchased;*

20 “(3) *the sale is to be made on a basis that does*
21 *not interfere with performance of work by the facility*
22 *for the Department of Defense or for a contractor of*
23 *the Department of Defense; and*

24 “(4) *in the case of services, the services are relat-*
25 *ed to an article authorized to be sold under this sec-*

1 *tion and are to be performed in the United States for*
2 *the purchaser.*

3 “(b) *ADDITIONAL REQUIREMENTS.—The regulations*
4 *shall also—*

5 “(1) *require that the authority to sell articles or*
6 *services under the regulations be exercised at the level*
7 *of the commander of the major subordinate command*
8 *of the Army with responsibility over the facility con-*
9 *cerned;*

10 “(2) *authorize a purchaser of articles or services*
11 *to use advance incremental funding to pay for the ar-*
12 *ticles or services; and*

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

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

21 “(B) *to enter into a firm, fixed-price con-*
22 *tract or, if agreed by the buyer, a cost reimburse-*
23 *ment contract for the sale; and*

24 “(C) *to develop and maintain (from sources*
25 *other than appropriated funds) working capital*

1 *to be available for paying design costs, planning*
2 *costs, procurement costs, and other costs associ-*
3 *ated with the commercial articles or commercial*
4 *services sold.*

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

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

12 “(1) *The term ‘commercial article’ means an ar-*
13 *ticle that is usable for a nondefense purpose.*

14 “(2) *The term ‘commercial service’ means a serv-*
15 *ice that is usable for a nondefense purpose.*

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

20 “(A) *one or more partial payments before*
21 *the commencement of work or the incurring of*
22 *costs in connection with the production of the ar-*
23 *ticles or the performance of the services, as the*
24 *case may be; and*

1 “(B) subsequent progress payments that re-
2 sult in full payment being completed as the re-
3 quired work is being completed.

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

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

11 “(B) in the case of services, the extent of the
12 services sold.”.

13 (2) The table of sections at the beginning of such chap-
14 ter is amended by adding at the end the following new item:

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

15 (b) CONFORMING AMENDMENT.—Subsection (i) of sec-
16 tion 2208 of such title is amended to read as follows:

17 “(i) For provisions relating to sales outside the De-
18 partment of Defense of manufactured articles and services
19 by a working-capital funded Army industrial facility (in-
20 cluding a Department of the Army arsenal) that manufac-
21 tures large caliber cannons, gun mounts, recoil mechanisms,
22 ammunition, munitions, or components thereof, see section
23 4543 of this title.”.

1 (c) *DEADLINE FOR REGULATIONS.*—Regulations under
2 subsection (b) of section 4543 of title 10, United States
3 Code, as added by subsection (a), shall be prescribed not
4 later than 30 days after the date of the enactment of this
5 Act.

6 **TITLE II—RESEARCH, DEVELOP-**
7 **MENT, TEST, AND EVALUA-**
8 **TION**

9 **Subtitle A—Authorizations**

10 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

11 *Funds are hereby authorized to be appropriated for fis-*
12 *cal year 1994 for the use of the Department of Defense for*
13 *research, development, test, and evaluation, as follows:*

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

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

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

17 (4) *For Defense-wide activities, \$10,284,652,000,*

18 *of which—*

19 (A) *\$232,592,000 is authorized for the ac-*
20 *tivities of the Director, Test and Evaluation; and*

21 (B) *\$12,650,000 is authorized for the Direc-*
22 *tor of Operational Test and Evaluation.*

23 **SEC. 202. MANUFACTURING TECHNOLOGY DEVELOPMENT.**

24 (a) *FISCAL YEAR 1994.*—Of the amounts authorized
25 *to be appropriated by section 201, \$315,000,000 shall be*

1 available for, and may be obligated only for, manufacturing
2 technology development as follows:

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

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

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

6 (4) For the Defense Logistics Agency,
7 \$35,000,000, of which \$15,000,000 is available only
8 for the establishment of a pilot program for the
9 metalcasting industry.

10 (b) *INDUSTRIAL MODERNIZATION IMPROVEMENT PRO-*
11 *GRAM.*—The Secretary shall reestablish the Industrial Mod-
12 ernization Improvement Program (IMIP) of the Depart-
13 ment of Defense carried out through the Manufacturing
14 Technology programs and shall provide sufficient funding
15 for that program for fiscal year 1994 from funds referred
16 to in subsection (a).

17 (c) *WORKER SKILLS.*—Manufacturing technology de-
18 velopment programs conducted by or for the Department
19 of Defense, including those programs for which funds are
20 made available pursuant to subsection (a), shall include a
21 focus on production technologies designed to build on and
22 expand existing worker skills and experience in manufac-
23 turing production.

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

3 **SEC. 211. DEMONSTRATION PROGRAM FOR BALLISTIC MIS-**
4 **SILE POST-LAUNCH DESTRUCT MECHANISM.**

5 (a) *DEMONSTRATION PROGRAM.*—The Secretary of De-
6 fense shall conduct a demonstration program to develop and
7 test a ballistic missile post-launch destruct mechanism. The
8 program shall be carried out through the Advanced Re-
9 search Projects Agency.

10 (b) *FUNDING.*—The amount expended for the dem-
11 onstration program may not exceed \$15,000,000. Subject to
12 the provisions of appropriations Acts, the Secretary may
13 provide \$5,000,000 for the program from unexpended bal-
14 ances remaining available for obligation from funds appro-
15 priated to the Department of Defense for fiscal year 1993.

16 **SEC. 212. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE**
17 **PROGRAMS.**

18 (a) *AUTHORIZATION.*—Of the funds appropriated pur-
19 suant to section 201 for Defense-wide activities,
20 \$288,518,000 shall be available for airborne reconnaissance
21 programs.

22 (b) *LIMITATION.*—None of the funds referred to in sub-
23 section (a) or funds appropriated for fiscal year 1994 for
24 the Navy for research, development, test, and evaluation
25 may be obligated for Navy EP-3 aircraft modifications.

1 **SEC. 213. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
2 **MENT CENTERS.**

3 (a) *LIMITATION.*—During each of fiscal year 1994 and
4 fiscal year 1995, the Secretary of Defense may not obligate
5 funds for expenditure at a federally funded research and
6 development center described in subsection (b) in excess of
7 90 percent of the amount obligated by the Secretary for ex-
8 penditure at that center during fiscal year 1993.

9 (b) *COVERED ENTITIES.*—Subsection (a) applies with
10 respect to any federally funded research and development
11 center (other than a center that performs applied scientific
12 research under laboratory conditions) that during fiscal
13 years 1991 through 1993 had average annual expenditures
14 of funds derived from the Department of Defense in excess
15 of \$25,000,000.

16 **SEC. 214. HIGH PERFORMANCE COMPUTER MODERNIZA-**
17 **TION PROGRAM.**

18 *Funds made available for fiscal year 1994 for the De-*
19 *partment of Defense High Performance Computer (HPC)*
20 *Modernization Program for Department of Defense research*
21 *centers and laboratories may be used only for—*

22 (1) *the execution of upgrade options under an*
23 *existing contract for installed supercomputer facilities*
24 *that have not kept technically current; or*

25 (2) *the conduct of competitive procurement for*
26 *supercomputers that are architecturally stable and*

1 *production compatible and that can be successfully*
2 *demonstrated using statistically valid samples of the*
3 *current workloads of the research centers and labora-*
4 *tories that will be using the supercomputers without*
5 *substantive reprogramming or program conversion.*

6 **SEC. 215. HIGH PERFORMANCE COMPUTING AND COMMU-**
7 **NICATION INITIATIVE.**

8 *(a) INDEPENDENT STUDY.—The Secretary of Defense*
9 *shall request the National Research Council (NRC) of the*
10 *National Academy of Sciences to conduct a comprehensive*
11 *study of the inter-agency High Performance Computing*
12 *and Communications Initiative (HPCCI), with emphasis*
13 *on the elements of the program supported by the Depart-*
14 *ment of Defense and the relationship of those elements to*
15 *other elements of the program.*

16 *(b) MATTERS TO BE INCLUDED.—The study shall ad-*
17 *dress (at a minimum) the following aspects of the High Per-*
18 *formance Computing and Communications Initiative:*

19 *(1) The basic underlying rationale for the initia-*
20 *tive.*

21 *(2) The appropriateness of the goals and direc-*
22 *tions of the initiative.*

23 *(3) The balance between various elements of the*
24 *initiative.*

1 (4) *The likelihood that the various goals of the*
2 *initiative will be achieved.*

3 (5) *The management and coordination of the*
4 *initiative.*

5 (c) *COOPERATION WITH STUDY.*—*The Secretary of De-*
6 *fense shall direct all relevant defense agencies to cooperate*
7 *fully with the National Research Council in all aspects of*
8 *this study, and shall request similar cooperation from the*
9 *heads of all other appropriate Federal agencies.*

10 (d) *FUNDING.*—*The sum of \$800,000 shall be made*
11 *available from the Department's High Performance Com-*
12 *puting and Communications Program to provide funds for*
13 *the National Research Council to conduct the study under*
14 *subsection (a).*

15 (e) *REPORT.*—*A report on the results of the study*
16 *under subsection (a) shall be submitted to the Secretary of*
17 *Defense not later than July 1, 1995. The Secretary shall*
18 *promptly submit the report of the study to the Committees*
19 *on Armed Services of the Senate and House of Representa-*
20 *tives. The report shall be submitted to the committees in*
21 *unclassified form with classified annexes as necessary.*

22 **SEC. 216. SUPERCONDUCTING MAGNETIC ENERGY STOR-**
23 **AGE (SMES) PROGRAM.**

24 (a) *PROGRAM OFFICE.*—*The Secretary of Defense shall*
25 *establish within the Department of the Navy a program of-*

1 *vice to facilitate research and design studies leading to pos-*
2 *sible construction of Superconducting Magnetic Energy*
3 *Storage (SMES) test models.*

4 **(b) SCIENCE ADVISORY GROUP.**—(1) *The Secretary of*
5 *Defense shall establish an advisory committee in the De-*
6 *partment of Defense for Superconducting Magnetic Energy*
7 *Storage activities. The advisory committee shall be estab-*
8 *lished as a science advisory group and shall be independent*
9 *of the Department of the Navy.*

10 (2) *The membership of the advisory committee shall*
11 *include representatives from the President's Office of*
12 *Science and Technology Policy, the Department of Defense,*
13 *the Department of Energy, the Environmental Protection*
14 *Agency, the Army Corps of Engineers, and private indus-*
15 *try.*

16 (3) *The advisory committee shall conduct a review*
17 *every two years of the progress of the Department of Defense*
18 *program for Superconducting Magnetic Energy Storage de-*
19 *velopment. The advisory committee shall submit a report*
20 *on each such review to the Secretary as directed by the Sec-*
21 *retary. Such report shall include the advisory committee's*
22 *recommendations for outyear program options and funding.*
23 *The Secretary shall transmit each such report to Congress.*

24 (4) *The advisory committee shall continue in existence*
25 *until terminated by law.*

1 (c) *FUNDING.*—Immediately upon enactment of this
2 Act, the Secretary of Defense shall transfer from the Defense
3 Nuclear Agency to the Department of the Navy any funds
4 appropriated for fiscal years before fiscal year 1994 that
5 were designated for the Superconducting Magnetic Energy
6 Storage Project that remain available for obligation. Those
7 funds shall be obligated for (1) continued experimental work
8 (as defined in section 218(b)(4) of the National Defense Au-
9 thorization Act of 1993 (Public Law 102-484; 106 Stat.
10 2353)), (2) operation of the advisory group, and (3) study
11 of alternative SMES designs.

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

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

16 (a) *PROGRAM FUNDING.*—The Secretary of Defense
17 shall establish a Single Stage Rocket Technology program
18 and shall provide funds for that program within funds
19 available for the Advanced Research Projects Agency. That
20 program shall be managed within the Office of the Under
21 Secretary of Defense for Acquisition.

22 (b) *FUNDING.*—Of the amount appropriated pursuant
23 to section 201 for Defense-wide activities, \$79,880,000 shall
24 be available for, and may be obligated only for, Single Stage
25 Rocket Technology.

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

2 *Of the funds appropriated for research, development,*
3 *test, and evaluation for the Department of the Navy for fis-*
4 *cal year 1993 that remain available for obligation for Air*
5 *Systems Advanced Technology Development programs,*
6 *\$10,077,000 shall be obligated and expended only for test-*
7 *ing, design, and fabrication of a dual-mode seeker for the*
8 *Advanced Anti-Radiation Guided Missile using technology*
9 *that is derived from work done with funding provided*
10 *through the Small Business Innovative Research (SBIR)*
11 *program.*

12 **SEC. 219. DP-2 VECTORED THRUST TECHNOLOGY DEM-**
13 **ONSTRATION PROJECT.**

14 *Of the funds appropriated for research, development,*
15 *test, and evaluation for the Defense Agencies for fiscal year*
16 *1993 that remain available for obligation for Tactical Tech-*
17 *nology programs within the Advanced Research Projects*
18 *Agency, \$15,000,000 shall be obligated and expended only*
19 *for testing of the DP-2 Vectored Thrust Technology Dem-*
20 *onstration project for Special Operations Forces (SOF) ap-*
21 *plications.*

22 **SEC. 220. ADVANCED SELF PROTECTION JAMMER (ASPJ)**
23 **PROGRAM.**

24 *Notwithstanding section 122 of the National Defense*
25 *Authorization Act for Fiscal Year 1993 (Public Law 102-*
26 *484; 106 Stat. 2334), the Secretary of Defense may carry*

1 out material procurement, logistics support, and integra-
2 tion of existing Advanced Self Protection Jammer systems
3 from Department of Defense inventory into the F-14D air-
4 craft for testing and evaluation using funds appropriated
5 to the Department of Defense for fiscal year 1993 and prior
6 years.

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

8 (a) *DETAILED TEST AND EVALUATION BEFORE INI-*
9 *TIAL LOW-RATE PRODUCTION.*—The Secretary of Defense
10 shall ensure that any electronic combat system and any
11 command, control, and communications countermeasure
12 system is authorized to proceed into the low-rate initial pro-
13 duction stage only upon the completion of an appropriate,
14 rigorous, and structured test and evaluation regime. Such
15 a regime shall include testing and evaluation at each of the
16 following types of facilities: computer simulation and mod-
17 eling facilities, measurement facilities, system integration
18 laboratories, simulated threat hardware-in-the-loop test fa-
19 cilities, installed system test facilities, and open air ranges.

20 (b) *TIMELY TEST AND EVALUATION REQUIRED.*—The
21 Secretary shall ensure that test and evaluation of a system
22 as required by subsection (a) is conducted sufficiently early
23 in the development phase to allow (1) a correction-of-defi-
24 ciency plan to be developed and in place for deficiencies
25 identified by the testing before the system proceeds into low-

1 *rate initial production; and (2) the deficiencies identified*
2 *by test and evaluation be corrected before the system leaves*
3 *low-rate initial production.*

4 *(c) ANNUAL REPORT ON COMPLIANCE.—The Secretary*
5 *of Defense shall include in the annual Department of De-*
6 *fense Electronic Warfare Plan report a description of com-*
7 *pliance with this section during the preceding year. Such*
8 *a report shall include a description of the test and evalua-*
9 *tion process applied to each system, the results of that proc-*
10 *ess, and the adequacy of test and evaluation resources to*
11 *carry out that process.*

12 *(d) FUNDS USED FOR TESTING.—The costs of the test-*
13 *ing necessary to carry out this section with respect to any*
14 *system shall be paid from funds available for that system.*

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

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

22 *(a) LIMITATION.—The Secretary of Defense may not*
23 *conduct a launch of a missile as part of a test program*
24 *in any case in which an anticipated result of the launch*
25 *would be the release of debris in an area over land of the*

1 *United States outside a designated Department of Defense*
2 *test range.*

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

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

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

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

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

1 (1) \$57,000,000 shall be made available for de-
2 velopment and integration of a GPS-aided relative
3 targeting system and development of GPS-aided mu-
4 nitions as provided in subsection (a); and

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

8 **Subtitle C—Missile Defense**
9 **Programs**

10 **SEC. 231. FUNDING FOR FISCAL YEAR 1994.**

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

17 **SEC. 232. REPORT ON ALLOCATION OF FUNDS.**

18 *When the President's budget for fiscal year 1995 is sub-*
19 *mitted to Congress pursuant to section 1105 of title 31,*
20 *United States Code, the Secretary of Defense shall submit*
21 *to the congressional defense committees a report—*

22 (1) *setting forth the allocation by the Secretary*
23 *of funds appropriated for ballistic missile defense for*
24 *fiscal year 1994, and the proposed allocation of funds*
25 *for ballistic missile defense for fiscal year 1995, shown*

1 for Theater Missile Defense, Limited Defense System,
2 Other Follow-On Systems, Research and Support,
3 and the Small Business Innovation Research and
4 Small Business Technology Transfer programs of the
5 Small Business Administration, for each program,
6 project, and activity; and

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

16 **SEC. 233. TRANSFER AUTHORITIES FOR BALLISTIC MISSILE**
17 **DEFENSE.**

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

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

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

4 (2) may not result in an increase of more than
5 10 percent of the amount provided in the report for
6 the program element to which the transfer is made.

7 (c) *RESTRICTION*.—Transfer authority under sub-
8 section (a) may not be used for a decrease in funds identi-
9 fied in section 231(a) for the Theater Missile Defense Initia-
10 tive.

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

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

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

19 (1) *Section 232(a) is amended—*

20 (A) *in paragraph (1), by striking out*
21 *“while deploying” and inserting in lieu thereof*
22 *“while developing the option to deploy”; and*

23 (B) *in paragraph (3), by inserting “, as ap-*
24 *propriate,” before “to friends and allies of the*
25 *United States”.*

1 (2) *Section 232(b) is amended—*

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

5 (B) *in paragraph (2), by striking out*
6 *“Treaty, to include the down-loading of multiple*
7 *warhead ballistic missiles” and inserting in lieu*
8 *thereof “Treaties, to include the down-loading of*
9 *multiple warhead ballistic missiles, as appro-*
10 *priate”.*

11 (3) *Section 233(b) is amended—*

12 (A) *in paragraph (1), by inserting “in com-*
13 *pliance with the ABM Treaty” after “for deploy-*
14 *ment”;*

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

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

24 (C) *by striking out paragraph (3).*

1 (4) *Subsection (c) of section 233 is amended to*
2 *read as follows:*

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

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

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

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

20 “(b) *WAIVER AUTHORITY.—The Secretary may waive*
21 *the provisions of subsection (a) in the case of a particular*
22 *far-term follow-on technology that on December 5, 1991,*
23 *was under the Strategic Defense Initiative Organization*
24 *and provide that management and budget responsibility for*
25 *research and development of that technology shall be pro-*

1 vided through the Ballistic Missile Defense Organization if
2 the Secretary determines, and certifies to the congressional
3 defense committees, that providing management and budget
4 responsibility for research and development of that tech-
5 nology as provided in subsection (a) would not be in the
6 national security interests of the United States.

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

11 (6) Section 235 is amended—

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

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

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

20 (7) Section 236(c) is amended by striking out
21 “Strategic Defense Initiative Organization” and in-
22 serting in lieu thereof “Ballistic Missile Defense Orga-
23 nization”.

24 (8) Section 238 is amended—

1 (A) by striking out “As deployment” and
2 inserting in lieu thereof “As time for a decision
3 concerning exercising the option for deploy-
4 ment”; and

5 (B) by striking out “to the deployment
6 date”.

7 **SEC. 235. PATRIOT ADVANCED CAPABILITY-3 THEATER MIS-**
8 **SILE DEFENSE SYSTEM.**

9 (a) *COMPETITION FOR MISSILE SELECTION.*—The Sec-
10 retary of Defense shall continue the strategy being carried
11 out by the Ballistic Missile Defense Organization as of July
12 1, 1993, for selection of the best technology (in terms of cost,
13 schedule, risk, and performance) to meet the missile require-
14 ments for the Patriot Advanced Capability-3 (PAC-3) thea-
15 ter missile defense system. That strategy, consisting of flight
16 testing, ground testing, simulations, and other analyses of
17 the two competing missiles (the Patriot Multimode Missile
18 and the Extended Range Interceptor (ERINT) missile),
19 shall be continued until the Secretary determines that the
20 Ballistic Missile Defense Organization has adequate infor-
21 mation upon which to base a decision as to which missile
22 will be selected to proceed into the Engineering and Manu-
23 facturing Development stage.

1 (b) *FUNDS FOR DEMONSTRATION AND VALIDATION.*—
2 *Of the funds authorized to be appropriated by section 201*
3 *for the Ballistic Missile Defense Organization—*

4 (1) *not less than \$44,100,000 shall be available*
5 *for demonstration and validation purposes for the Pa-*
6 *triot Multimode Missile program;*

7 (2) *not less than \$55,900,000 shall be available*
8 *for demonstration and validation purposes for the Ex-*
9 *tended Range Interceptor program; and*

10 (3) *not less than \$52,700,000 shall be available*
11 *for demonstration and validation and for the Engi-*
12 *neering and Manufacturing Development stage for the*
13 *system selected and for appropriate risk mitigation*
14 *activities.*

15 (c) *IMPLICATIONS OF DELAY.*—*If there is a delay*
16 *(based upon the schedule in effect in mid-1993) in the selec-*
17 *tion described in subsection (a) of the missile for the Patriot*
18 *Advanced Capability–3 system, the Secretary of Defense*
19 *shall ensure that demonstration and validation of both com-*
20 *peting systems can continue as needed to support an in-*
21 *formed decision for such selection.*

1 **SEC. 236. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC**
2 **MISSILE SYSTEMS OR COMPONENTS TO BE**
3 **CARRIED OUT IN ACCORDANCE WITH TRADI-**
4 **TIONAL INTERPRETATION OF ANTI-BALLIS-**
5 **TIC MISSILE TREATY.**

6 (a) *LIMITATION.*—Funds appropriated to the Depart-
7 ment of Defense for fiscal year 1994, or otherwise made
8 available to the Department of Defense from any funds ap-
9 propriated for fiscal year 1994 or for any fiscal year before
10 1994, may not be obligated or expended—

11 (1) for any development or testing of anti-ballis-
12 tic missile systems or components except for develop-
13 ment and testing consistent with the interpretation of
14 the 1972 ABM Treaty set forth in the enclosure to the
15 July 13, 1993, ACDA letter; or

16 (2) for the acquisition of any material or equip-
17 ment (including any long lead materials, components,
18 piece parts, test equipment, or any modified space
19 launch vehicle) required or to be used for the develop-
20 ment or testing of anti-ballistic missile systems or
21 components, except for material or equipment re-
22 quired for development or testing consistent with the
23 interpretation of the 1972 ABM Treaty set forth in
24 the enclosure to the July 13, 1993, ACDA letter.

25 (b) *EXCEPTION.*—The limitation under subsection (a)
26 shall not apply to funds transferred to or for the use of the

1 *Ballistic Missile Defense Organization for fiscal year 1994*
2 *if the transfer is made in accordance with section 1001 of*
3 *this Act.*

4 (c) *DEFINITION.*—*In this section, the term “July 13,*
5 *1993, ACDA letter” means the letter dated July 13, 1993,*
6 *from the Acting Director of the Arms Control and Disar-*
7 *mament Agency to the chairman of the Committee on For-*
8 *eign Relations of the Senate relating to the correct interpre-*
9 *tation of the 1972 ABM Treaty and accompanied by an*
10 *enclosure setting forth such interpretation.*

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

12 (a) *INTEGRATION AND COMPATIBILITY.*—*In carrying*
13 *out the Theater Missile Defense Initiative, the Secretary of*
14 *Defense shall—*

15 (1) *seek to maximize the use of existing systems*
16 *and technologies; and*

17 (2) *seek to promote joint use by the military de-*
18 *partments of existing and future ballistic missile de-*
19 *fense equipment (rather than each military depart-*
20 *ment developing its own systems that would largely*
21 *overlap in their capabilities).*

22 *The Secretaries of the military departments shall seek the*
23 *maximum integration and compatibility of their ballistic*
24 *missile defense systems as well as of the respective roles and*
25 *missions of those systems.*

1 (b) *TMD ANALYSIS.*—*The Secretary of Defense shall*
2 *submit to Congress a report containing a thorough and*
3 *complete analysis of the future of theater missile defense*
4 *programs. The analysis shall include the following:*

5 (1) *A description of the mission and scope of*
6 *Theater Missile Defense.*

7 (2) *A description of the role of each of the Armed*
8 *Forces in Theater Missile Defense.*

9 (3) *A description of how those roles interact and*
10 *complement each other.*

11 (4) *An evaluation of the cost and relative effec-*
12 *tiveness of each interceptor and sensor under develop-*
13 *ment as part of a Theater Missile Defense system by*
14 *the Ballistic Missile Defense Organization.*

15 (5) *An analysis and comparison of the projected*
16 *life-cycle costs of each Theater Missile Defense system*
17 *intended for production (shown separately for re-*
18 *search, development, test, and evaluation, for procure-*
19 *ment, for operation and maintenance, and for person-*
20 *nel costs for each element).*

21 (6) *Specification of the baseline production rate*
22 *for each year of the program through completion of*
23 *procurement.*

24 (7) *Estimation of the unit cost and capabilities*
25 *of each element.*

1 (c) *DESCRIPTION OF TESTING PROGRAM.*—The Sec-
2 retary of Defense shall include in the report under sub-
3 section (b) a description of the current and projected testing
4 program for theater missile defense systems and major com-
5 ponents. The report shall include an evaluation of the ade-
6 quacy of the testing program to simulate conditions similar
7 to those the systems and components would actually be ex-
8 pected to encounter if and when deployed (such as the abil-
9 ity to track and engage multiple targets with multiple
10 interceptors, to discriminate targets from decoys and other
11 incoming objects, and to be employed in a shoot-look-shoot
12 firing mode).

13 (d) *RELATIONSHIP TO ARMS CONTROL TREATIES.*—
14 The Secretary shall include in the report under subsection
15 (b) a statement of how production and deployment of any
16 projected Theater Missile Program will conform to existing
17 Anti-Ballistic Missile Treaty and Intermediate Nuclear
18 Forces Treaty Regimes. The report shall describe any poten-
19 tial noncompliance with either Regime, when such non-
20 compliance is expected to occur, and whether provisions
21 need to be renegotiated within that Regime to address future
22 contingencies.

23 (e) *SUBMISSION OF REPORT.*—The report required by
24 subsection (b) shall be submitted as part of the next annual

1 *report of the Secretary submitted to Congress under section*
2 *224 of Public Law 101–189 (10 U.S.C. 2431 note).*

3 **SEC. 238. ADDITIONAL BMD PROGRAMS.**

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

11 (b) *ACCELERATED ADVANCED TECHNOLOGY DEM-*
12 *ONSTRATION PROGRAM.*—The Secretary of Defense, acting
13 *through the Director of the Theater Missile Defense Initia-*
14 *tive, shall initiate during fiscal year 1994 an accelerated*
15 *Advanced Technology Demonstration program to dem-*
16 *onstrate the technical feasibility of using the Navy’s Stand-*
17 *ard Missile combined with a kickstage rocket motor and*
18 *Lightweight Exoatmospheric Projectile (LEAP) as a near-*
19 *term option for cost-effective wide-area Theater Missile De-*
20 *fense.*

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

22 (a) *REPORT REQUIRED.*—The Secretary of Defense
23 *shall submit to Congress a report setting forth a full and*
24 *thorough estimation of the cost of deploying a National De-*

1 *fense System at Grand Forks, North Dakota. The Secretary*
2 *shall include in the report—*

3 *(1) the projected life-cycle costs of each system*
4 *intended for production as part of such National De-*
5 *fense System, including a ground-based radar system,*
6 *the system known as “Brilliant Eyes”, and a ground-*
7 *based interceptor system; and*

8 *(2) with respect to each such system, a separate*
9 *statement of those costs for (A) research, development,*
10 *test, and evaluation, (B) procurement, (C) deploy-*
11 *ment and launch activities, (D) operation and main-*
12 *tenance, and (E) personnel.*

13 *(b) SUBMISSION.—The report required under sub-*
14 *section (a) shall be submitted as part of the next annual*
15 *report of the Secretary submitted to Congress under section*
16 *224 of Public Law 101–189 (10 U.S.C. 2431 note).*

17 **SEC. 240. THEATER MISSILE DEFENSE INTERCEPTOR TEST-**
18 **ING.**

19 *The Secretary of Defense may not approve a theater*
20 *missile defense interceptor program proceeding into the*
21 *Low-Rate Initial Production (Milestone III) acquisition*
22 *stage until the Secretary certifies to the congressional de-*
23 *fense committees in writing that the Secretary has con-*
24 *ducted more than two realistic live-fire tests, consistent with*
25 *section 2366 of title 10, United States Code, involving mul-*

1 *iple interceptors and multiple targets in the presence of*
2 *realistic countermeasures the results of which demonstrate*
3 *the achievement by the interceptors of the single-shot prob-*
4 *ability-of-kill specified in the system baseline description es-*
5 *tablished pursuant to section 2435(a)(1)(A) of title 10,*
6 *United States Code, before the program entered full-scale*
7 *engineering development.*

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

9 (a) *ENDORSEMENT OF COOPERATIVE RESEARCH AND*
10 *DEVELOPMENT.*—*Congress reiterates its endorsement (pre-*
11 *viously stated in section 225(a)(5) of Public Law 101–510*
12 *(104 Stat. 1515) and section 241(a) of Public Law 102–*
13 *190 (105 Stat. 1326)) of a continuing program of coopera-*
14 *tive research and development, jointly funded by the United*
15 *States and Israel, on the Arrow Tactical Anti-Missile pro-*
16 *gram.*

17 (b) *PROGRAM GOAL.*—*The goal of the cooperative pro-*
18 *gram is to demonstrate the feasibility and practicality of*
19 *the Arrow system and to permit the government of Israel*
20 *to make a decision on its own initiative regarding deploy-*
21 *ment of that system without financial participation by the*
22 *United States beyond the research and development stage.*

23 (c) *ARROW CONTINUING EXPERIMENTS.*—*The Sec-*
24 *retary of Defense, from amounts appropriated to the De-*
25 *partment of Defense pursuant to section 201 for Defense-*

1 *wide activities and available for the Ballistic Missile De-*
2 *fense Organization, shall fully fund the United States con-*
3 *tribution to the fiscal year 1994 Arrow Continuing Experi-*
4 *ments program at the level of \$56,400,000.*

5 *(d) ARROW DEPLOYABILITY INITIATIVE.—(1) Subject*
6 *to paragraph (2), the Secretary of Defense may obligate*
7 *from funds appropriated pursuant to section 201 up to*
8 *\$25,000,000 for the purpose of research and development of*
9 *technologies associated with deploying the Arrow missile in*
10 *the future (including technologies associated with battle*
11 *management, lethality, system integration, and test bed sys-*
12 *tems).*

13 *(2) Funds may not be obligated for the purpose stated*
14 *in paragraph (1) unless the President certifies to Congress*
15 *that—*

16 *(A) the United States and the government of Is-*
17 *rael have entered into an agreement governing the*
18 *conduct and funding of research and development*
19 *projects for the purpose stated in paragraph (1);*

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

1 (C) the Arrow missile has successfully completed
2 a flight test in which it intercepted a target missile
3 under realistic test conditions; and

4 (D) the government of Israel is continuing, in
5 accordance with its previous public commitments, to
6 adhere to export controls pursuant to the Guidelines
7 and Annex of the Missile Technology Control Regime.

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

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

18 The Secretary of Defense may not carry out a test of
19 the Mid-Infrared Advanced Chemical Laser (MIRACL)
20 transmitter and associated optics against an object in space
21 during 1994 unless such testing is specifically authorized
22 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 Act*
 5 *for Fiscal Years 1990 and 1991 (10 U.S.C. 2431 note) is*
 6 *amended—*

7 *(1) by striking out “Strategic Defense Initiative”*
 8 *each place it appears (other than in subsection (b)(5))*
 9 *and inserting in lieu thereof “Ballistic Missile De-*
 10 *fense program”;*

11 *(2) by striking out “Strategic Defense Initiative”*
 12 *in subsection (b)(5) and inserting in lieu thereof*
 13 *“Ballistic Missile Defense”;*

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

16 *(3) 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 ***Subtitle D—Women’s Health***
 21 ***Research***

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

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

1 **“§ 2359. Defense Women’s Health Research Center**

2 “(a) *ESTABLISHMENT OF THE CENTER.*—The Sec-
3 retary of Defense shall establish a Defense Women’s Health
4 Research Center (hereinafter in this section referred to as
5 the ‘Center’) in the Department of the Army. The Center
6 shall be under the authority of the Army Health Services
7 Command.

8 “(b) *PURPOSES.*—(1) *The Center shall be the coordi-*
9 *nating agent for multidisciplinary and multiinstitutional*
10 *research within the Department of Defense on women’s*
11 *health issues related to service in the armed forces. The Cen-*
12 *ter shall be dedicated to development and application of*
13 *new knowledge, procedures, techniques, training, and equip-*
14 *ment for the improvement of the health of women in the*
15 *armed forces.*

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

19 “(3) *The Center shall support the goals and objectives*
20 *recognized by the Department of Defense under the plan of*
21 *the Department of Health and Human Services designated*
22 *as ‘Healthy People 2000’.*

23 “(4) *The Center shall support initiation and expan-*
24 *sion of research into matters relating to women’s health in*
25 *the military, including the following matters as they relate*
26 *to women in the military:*

1 “(A) *Combat stress and trauma.*

2 “(B) *Exposure to toxins and other environmental*
3 *hazards associated with military hardware.*

4 “(C) *Psychology related stresses in warfare situ-*
5 *ations.*

6 “(D) *Breast cancer.*

7 “(E) *Reproductive health, including pregnancy.*

8 “(F) *Gynecological cancers.*

9 “(G) *Infertility and sexually transmitted dis-*
10 *eases.*

11 “(H) *HIV and AIDS.*

12 “(I) *Mental health, including post-traumatic*
13 *stress disorder and depression.*

14 “(J) *Menopause, osteoporosis, Alzheimer’s dis-*
15 *ease, and other conditions and diseases related to*
16 *aging.*

17 “(K) *Substance abuse.*

18 “(L) *Sexual violence and related trauma.*

19 “(M) *Human factor studies related to women in*
20 *combat.*

21 “(c) *REQUIREMENTS RELATING TO ESTABLISHMENT*
22 *OF CENTER.—The Center may be established only at a fa-*
23 *cility of the Army in existence on July 1, 1993, having the*
24 *following characteristics:*

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

4 “(2) Ongoing fellowship and residency programs
5 colocated with ongoing collaborative health-related
6 and interdisciplinary research of (A) a facility of the
7 Department of Veterans Affairs, (B) an accredited
8 university with specialties in medical research and
9 clinical diagnostics, and (C) a hospital owned and
10 operated by a municipality.

11 “(3) A technologically modern laboratory capa-
12 bility at the site and at the affiliated sites referred to
13 in paragraph (2), with the capability to include
14 state-of-the-art clinical diagnostic instrumentation,
15 data processing, telecommunication, and data storage
16 systems.

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

20 “(5) Maximum multi-State geographic jurisdic-
21 tion to permit regional health-related issues to be re-
22 searched and integrated into national military
23 databases.

1 “(6) An existing relationship for the provision of
2 services to Native Americans through the Indian
3 Health Service.”.

4 (2) The table of sections at the beginning of such chap-
5 ter is amended by inserting after the item relating to section
6 2358 the following new item:

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

7 (b) *IMPLEMENTATION PLAN.*—The Secretary of De-
8 fense, acting through the Secretary of the Army and in co-
9 ordination with the other military departments, shall pre-
10 pare a plan for the implementation of section 2359 of title
11 10, United States Code, as added by subsection (a). The
12 plan shall be submitted to the Committees on Armed Serv-
13 ices of the Senate and House of Representatives before May
14 1, 1994.

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

19 (1) Program planning, infrastructure develop-
20 ment, baseline information gathering, technology in-
21 fusion, and connectivity.

22 (2) Management and technical staffing.

23 (3) Data base development of health issues relat-
24 ed to service on active duty as compared to service in
25 the National Guard or Reserves.

1 (4) *Research protocols, cohort development,*
2 *health surveillance and epidemiologic studies.*

3 (d) *FUNDING.*—*Of the funds authorized to be appro-*
4 *priated in section 201, \$40,000,000 shall be available only*
5 *for the establishment of the Center and to complete the plan-*
6 *ning, staffing, and infrastructure development leading to*
7 *full operation of the Center by 1995.*

8 **SEC. 252. CONTINUATION OF ARMY BREAST CANCER RE-**
9 **SEARCH PROGRAM.**

10 *During fiscal year 1994, the Secretary of the Army*
11 *shall continue the breast cancer research program estab-*
12 *lished in the second and third provisos in the paragraph*
13 *in title IV of the Department of Defense Appropriations*
14 *Act, 1993 (Public Law 102-396; 106 Stat. 1890) under the*
15 *heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUA-*
16 *TION, ARMY”.*

17 **SEC. 253. INCLUSION OF WOMEN AND MINORITIES IN CLINI-**
18 **CAL RESEARCH PROJECTS.**

19 (a) *GENERAL RULE.*—*In conducting or supporting*
20 *clinical research, the Secretary of Defense shall ensure*
21 *that—*

22 (1) *women who are members of the Armed Forces*
23 *are included as subjects in each project of such re-*
24 *search; and*

1 (2) *members of minority groups who are mem-*
2 *bers of the Armed Forces are included as subjects of*
3 *such research.*

4 (b) *WAIVER AUTHORITY.—The requirement in sub-*
5 *section (a) regarding women and members of minority*
6 *groups who are members of the Armed Forces may be*
7 *waived by the Secretary of Defense with respect to a project*
8 *of clinical research if the Secretary determines that the in-*
9 *clusion, as subjects in the project, of women and members*
10 *of minority groups, respectively—*

11 (1) *is inappropriate with respect to the health of*
12 *the subjects;*

13 (2) *is inappropriate with respect to the purpose*
14 *of the research; or*

15 (3) *is inappropriate under such other cir-*
16 *cumstances as the Secretary of Defense may designate.*

17 (c) *REQUIREMENT FOR ANALYSIS OF RESEARCH.—In*
18 *the case of a project of clinical research in which women*
19 *or members of minority groups will under subsection (a)*
20 *be included as subjects of the research, the Secretary of De-*
21 *fense shall ensure that the project is designed and carried*
22 *out so as to provide for a valid analysis of whether the vari-*
23 *ables being tested in the research affect women or members*
24 *of minority groups, as the case may be, differently than*
25 *other persons who are subjects of the research.*

1 **SEC. 254. REPORT ON RESEARCH RELATING TO FEMALE**
2 **MEMBERS OF THE UNIFORMED SERVICES**
3 **AND FEMALE COVERED BENEFICIARIES.**

4 *Not later than July 1 of each of 1995, 1996, and 1997,*
5 *the Secretary of Defense shall submit to Congress a report*
6 *containing—*

7 *(1) a description (as of May 31 of the year in*
8 *which the report is submitted) of the status of any*
9 *health research that is being carried out by or under*
10 *the jurisdiction of the Secretary relating to female*
11 *members of the uniformed services and female covered*
12 *beneficiaries under chapter 55 of title 10, United*
13 *States Code; and*

14 *(2) recommendations of the Secretary as to fu-*
15 *ture health research (including a proposal for any*
16 *legislation relating to such research) relating to such*
17 *female members and covered beneficiaries.*

18 ***Subtitle E—Other Matters***

19 **SEC. 261. REPEAL OF REQUIREMENT FOR STUDY BY OFFICE**
20 **OF TECHNOLOGY ASSESSMENT.**

21 *Section 802(c) of the National Defense Authorization*
22 *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*
23 *105 Stat. 1414; 10 U.S.C. 2372 note) is repealed.*

1 **SEC. 262. COMPREHENSIVE INDEPENDENT STUDY OF NA-**
2 **TIONAL CRYPTOGRAPHY POLICY.**

3 (a) *STUDY BY NATIONAL RESEARCH COUNCIL.*—Not
4 later than 90 days after the date of the enactment of this
5 Act, the Secretary of Defense shall request the National Re-
6 search Council of the National Academy of Sciences to con-
7 duct a comprehensive study of cryptographic technologies
8 and national cryptography policy. The study shall assess
9 the effect of cryptographic technologies on national security
10 interests of the United States Government, on commercial
11 interests of United States industry, and on privacy interests
12 of United States citizens.

13 (b) *INTERAGENCY COOPERATION WITH STUDY.*—The
14 Secretary of Defense shall direct the National Security
15 Agency, the Advanced Research Projects Agency, and other
16 appropriate agencies of the Department of Defense to co-
17 operate fully with the National Research Council in its ac-
18 tivities in carrying out the study under this section. The
19 Secretary shall request all other appropriate Federal de-
20 partments and agencies to provide similar cooperation to
21 the National Research Council.

22 (c) *FUNDING.*—Of the amount authorized to be appro-
23 priated in section 201 for Defense-wide activities, \$800,000
24 shall be available for the study under this section.

25 (d) *REPORT.*—The National Research Council shall
26 complete the study and submit to the Secretary of Defense

1 a report on the study within approximately two years after
2 full processing of security clearances under subsection (e).
3 The report on the study shall set forth the Council's findings
4 and conclusions and the recommendations of the Council
5 for improvements in cryptography policy and procedures.
6 The Secretary shall submit the report to the Committees on
7 Armed Services of the Senate and House of Representatives
8 in unclassified form, with classified annexes as necessary,
9 not later than 120 days after the day on which the report
10 is submitted to the Secretary.

11 (e) *EXPEDITED PROCESSING OF SECURITY CLEAR-*
12 *ANCES FOR STUDY.*—For the purpose of facilitating the
13 commencement of the study under this section, the Secretary
14 of Defense shall expedite to the fullest degree possible the
15 processing of security clearances that are necessary for the
16 National Research Council to conduct the study.

17 **SEC. 263. REVIEW OF ASSIGNMENT OF DEFENSE RESEARCH**
18 **AND DEVELOPMENT CATEGORIES.**

19 (a) *REVIEW REQUIRED.*—The Secretary of Defense
20 shall carry out a review of the general content of the re-
21 search and development categories of the Department of De-
22 fense designated as 6.3, 6.4, 6.5, and 6.6, including a review
23 of the criteria for assigning programs to those categories.
24 The review shall examine the assignment of current pro-
25 grams to those categories for the purpose of ensuring that

1 *those programs are correctly categorized and assigned pro-*
2 *gram element numbers in accordance with existing Depart-*
3 *ment of Defense policy.*

4 (b) *RESPONSIBLE OFFICIAL.*—*The Secretary of De-*
5 *fense shall designate an official within the Office of the Sec-*
6 *retary of Defense to be responsible for monitoring and peri-*
7 *odically reviewing program elements for proper categoriza-*
8 *tion to the categories specified in subsection (a).*

9 (c) *REPORT.*—*The Secretary shall include with the*
10 *budget materials for fiscal year 1995 submitted to Congress*
11 *by the Secretary in support of the President’s budget for*
12 *that year a report on the implementation of this section.*
13 *The report (1) shall include a certification (or an expla-*
14 *nation of why the Secretary cannot certify) that current*
15 *research and development programs are correctly cat-*
16 *egorized as described in subsection (a), and (2) shall specify*
17 *the official designated under subsection (b).*

18 **SEC. 264. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT**
19 **RESPONSIBILITY FOR NAVY MINE COUNTER-**
20 **MEASURES PROGRAM.**

21 *Section 216 of the National Defense Authorization Act*
22 *for Fiscal Years 1992 and 1993 (Public Law 102–190; 105*
23 *Stat. 1317) is amended by striking out “during fiscal years*
24 *1994 through 1997” in subsection (a) and inserting in lieu*
25 *thereof “during fiscal years 1995 through 1997”.*

1 **SEC. 265. STRATEGIC ENVIRONMENTAL RESEARCH AND DE-**
2 **VELOPMENT PROGRAM.**

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

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

7 (2) in paragraph (1), by striking out “Assistant
8 Secretary of Defense responsible for matters relating
9 to production and logistics” and inserting in lieu
10 thereof “Deputy Under Secretary of Defense for Envi-
11 ronmental Security”;

12 (3) by redesignating paragraphs (9) and (10) as
13 paragraphs (10) and (11), respectively; and

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

16 “(9) *The Administrator of the National Oceanic*
17 *and Atmospheric Administration.*”.

18 (b) *JOINT PROJECTS.*—Section 2902(e)(6) of such title
19 is amended by striking out “and the Administrator of the
20 Environmental Protection Agency,” and inserting “the Ad-
21 ministrator of the Environmental Protection Agency, and
22 the Administrator of the National Oceanic and Atmospheric
23 Administration,”.

1 **TITLE III—OPERATION AND**
2 **MAINTENANCE**
3 **Subtitle A—Authorization of**
4 **Appropriations**

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

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 1994 for the use of the Armed Forces and other*
8 *activities and agencies of the Department of Defense for ex-*
9 *penses, not otherwise provided for, for operation and main-*
10 *tenance in amounts as follows:*

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

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

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

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

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

16 (6) *For Medical Programs, Defense,*
17 *\$9,106,685,000.*

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

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

20 (9) *For the Marine Corps Reserve, \$75,050,000.*

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

22 (11) *For the Army National Guard,*
23 *\$2,223,255,000.*

24 (12) *For the Air National Guard,*
25 *\$2,665,233,000.*

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

3 (14) *For the Defense Inspector General,*
4 *\$169,001,000.*

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

7 (16) *For the Court of Military Appeals,*
8 *\$5,610,000.*

9 (17) *For Environmental Restoration, Defense,*
10 *\$2,309,400,000.*

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

13 **SEC. 302. WORKING CAPITAL FUNDS.**

14 *Funds are hereby authorized to be appropriated for fis-*
15 *cal year 1994 for the use of the Armed Forces and other*
16 *activities and agencies of the Department of Defense for*
17 *providing capital for working capital and revolving funds*
18 *in amounts as follows:*

19 (1) *For the Defense Business Operations Fund,*
20 *\$1,091,095,000.*

21 (2) *For the National Defense Sealift Fund,*
22 *\$290,800,000.*

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

24 *There is hereby authorized to be appropriated for fiscal*
25 *year 1994 from the Armed Forces Retirement Home Trust*

1 *Fund the sum of \$61,890,000 for operation of the Armed*
2 *Forces Retirement Home.*

3 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE**

4 **FUND.**

5 (a) *AUTHORITY TO TRANSFER FUNDS.—From*
6 *amounts in the National Defense Stockpile Transaction*
7 *Fund that the Secretary of Defense determines are not need-*
8 *ed to meet current and estimated future obligations under*
9 *the Strategic and Critical Materials Stock Piling Act (50*
10 *U.S.C. 98a et seq.), as described in the annual materials*
11 *plan submitted on May 28, 1993, for the five-year period*
12 *beginning October 1, 1993, the Secretary of Defense may,*
13 *to the extent provided in appropriations Acts, transfer not*
14 *more than \$500,000,000 from the Fund to appropriations*
15 *for operation and maintenance for fiscal year 1994 to be*
16 *used only for the purpose of reducing the backlog of mainte-*
17 *nance and repair (BMAR).*

18 (b) *AVAILABILITY.—Amounts transferred pursuant to*
19 *subsection (a) shall be available for obligation until ex-*
20 *pended and shall be in addition to any other funds avail-*
21 *able for the purpose described in such subsection.*

22 (c) *TREATMENT OF TRANSFER.—Amounts transferred*
23 *pursuant to this section shall not increase the amount au-*
24 *thorized to be appropriated in section 301 for the account*
25 *to which the amount is transferred.*

1 **Subtitle B—Limitations**

2 **SEC. 311. NOTIFICATION REQUIREMENT PRIOR TO TRANS-**
3 **FER OF CERTAIN FUNDS.**

4 *The Secretary of Defense may not transfer funds ap-*
5 *propriated to operation and maintenance accounts of the*
6 *Department of Defense for air operations, ship operations,*
7 *land forces, and combat operations, unless, before the trans-*
8 *fer, the Secretary notifies the Congress of the transfer and*
9 *the reasons for the transfer.*

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

12 *Section 311(a) of the National Defense Authorization*
13 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*
14 *2364) is amended by striking out “fiscal year 1993” in*
15 *paragraphs (1) and (3) and inserting in lieu thereof “fiscal*
16 *years 1993 and 1994”.*

17 **SEC. 313. PROHIBITION ON OPERATION OF THE NAVAL AIR**
18 **STATION, BERMUDA.**

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

22 *(b) EFFECTIVE DATE.—Subsection (a) shall take effect*
23 *90 days after the date of the enactment of this Act.*

1 **SEC. 314. LIMITATION ON THE USE OF APPROPRIATED**
2 **FUNDS FOR DEPARTMENT OF DEFENSE GOLF**
3 **COURSES.**

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

7 **“§2246. Department of Defense golf courses: limita-**
8 **tion on use of appropriated funds**

9 “(a) *LIMITATION.*—*Except as provided in subsection*
10 *(b), funds appropriated to the Department of Defense may*
11 *not be used to equip, operate, or maintain a golf course*
12 *at a facility or installation of the Department of Defense.*

13 “(b) *EXCEPTIONS.*—(1) *Subsection (a) does not apply*
14 *to a golf course at a facility or installation outside the Unit-*
15 *ed States or at a facility or installation inside the United*
16 *States at a location designated by the Secretary of Defense*
17 *as a remote and isolated location.*

18 “(2) *The Secretary of Defense shall prescribe regula-*
19 *tions governing the use of appropriated funds under this*
20 *subsection.”.*

21 (2) *The table of sections at the beginning of such sub-*
22 *chapter is amended by adding at the end the following new*
23 *item:*

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

1 **SEC. 315. CODIFICATION OF PROHIBITION ON THE USE OF**
2 **CERTAIN COST COMPARISON STUDIES.**

3 (a) *IN GENERAL.*—Section 2467 of title 10, United
4 States Code, is amended—

5 (1) by redesignating subsections (a) and (b) as
6 subsections (c) and (d), respectively;

7 (2) by inserting before subsection (c), as redesign-
8 dated by paragraph (1), the following new sub-
9 sections:

10 “(a) *PROHIBITION.*—Except as provided in subsection
11 (b), the Secretary of Defense may not enter into a contract
12 for the performance of a commercial activity in any case
13 in which the contract results from a cost comparison study
14 conducted by the Department of Defense under Office of
15 Management and Budget Circular A-76 (or any successor
16 administrative regulation or policy).

17 “(b) *EXCEPTIONS FOR CERTAIN CONTRACTS.*—Sub-
18 section (a) does not apply to—

19 “(1) a contract to be carried out at a location
20 outside the United States at which members of the
21 armed forces would have to be used for the perform-
22 ance of an activity described in subsection (a) at the
23 expense of unit readiness; or

24 “(2) a contract (or the renewal of a contract) for
25 the performance of an activity under contract on Sep-
26 tember 30, 1992.”; and

1 (3) *in subsection (d)(1), as redesignated by para-*
2 *graph (1), by striking out “Each officer” and insert-*
3 *ing in lieu thereof “In any case in which a compari-*
4 *son referred to in subsection (c) is conducted, the offi-*
5 *cer”.*

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

8 **“§2467. Prohibition on the use of certain cost com-**
9 **parison studies”.**

10 (2) *The item relating to such section in the table of*
11 *sections at the beginning of chapter 146 of such title is*
12 *amended to read as follows:*

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

13 (c) *REPEAL.—Section 312 of the National Defense Au-*
14 *thorization Act for Fiscal Year 1993 (Public Law 102–484;*
15 *106 Stat. 2365) is repealed.*

16 (d) *EFFECTIVE DATE.—This section, and the amend-*
17 *ments made by this section, shall take effect on September*
18 *30, 1993.*

19 **SEC. 316. LOCATION OF CERTAIN PREPOSITIONING FACILI-**
20 **TIES.**

21 (a) *SITE FOR ARMY PREPOSITIONING MAINTENANCE*
22 *FACILITY.—The Secretary of the Army shall establish the*
23 *Army Prepositioning Maintenance Facility at Charleston,*
24 *South Carolina.*

1 (b) *LIMITATION.*—During the two-year period begin-
2 ning on the date of the enactment of this Act, the Secretary
3 of Defense shall ensure that separate but complementary
4 prepositioning facilities are maintained in Charleston,
5 South Carolina, and Blount Island, Florida, for the Army
6 and Marine Corps, respectively.

7 (c) *REPORT BEFORE SUBSEQUENT RELOCATION.*—
8 After the end of such two-year period, any decision by the
9 Secretary of the Navy to relocate the Marine Prepositioning
10 Forces (MPF) from Blount Island, Jacksonville, Florida,
11 may be made only after the Secretary of Defense has sub-
12 mitted to the Committees on Armed Services of the Senate
13 and House of Representatives a detailed cost and oper-
14 ational analysis explaining the basis of the decision for such
15 relocation.

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

17 Of the funds authorized to be appropriated under sec-
18 tion 301(2) for operation and maintenance for the Navy,
19 \$200,000,000 (representing the amount by which the
20 amount of such funds exceeds the amount specified in the
21 budget of the President for operation and maintenance for
22 the Navy for fiscal year 1994) may be used only to decrease
23 the backlog of depot-level maintenance and repair.

1 **SEC. 318. LIMITATION ON USE OF FUNDS FOR TRIDENT**
2 **SUBMARINE FORCE.**

3 *Amounts authorized to be appropriated under section*
4 *301(2) that are made available for operation and support*
5 *of the trident submarine force may not exceed an amount*
6 *that equals the difference between—*

7 *(1) the amount in the budget submitted by the*
8 *President for fiscal year 1994 (pursuant to section*
9 *1105 of title 31, United States Code) for operation*
10 *and support of the trident submarine force; and*

11 *(2) \$100,000,000.*

12 **SEC. 319. LIMITATION ON OBLIGATION OF FUNDS IN CON-**
13 **NECTION WITH UPGRADES OR REPAIRS AT**
14 **THE ARMY RESERVE FACILITY IN MARCUS**
15 **HOOK, PENNSYLVANIA.**

16 *(a) LIMITATION ON OBLIGATION OF FUNDS.—Except*
17 *as provided in subsection (b), none of the funds appro-*
18 *priated for fiscal year 1994 pursuant to an authorization*
19 *of appropriations contained in this Act may be obligated*
20 *or expended to plan or carry out any upgrade, repair, or*
21 *other construction at the Army Reserve Facility in Marcus*
22 *Hook, Pennsylvania (in this section referred to as the*
23 *“Marcus Hook facility”), until after the end of the 30 day-*
24 *period beginning on the date the Secretary of the Army sub-*
25 *mits to the congressional defense committees the report re-*
26 *quired by subsection (c).*

1 (b) *EXCEPTION.*—Subsection (a) shall not prohibit ob-
2 ligations or expenditures of funds in connection with con-
3 struction at the Marcus Hook facility if the Secretary cer-
4 tifies to the congressional defense committees in advance
5 that the construction is limited to emergency repairs nec-
6 essary to continue operations of water craft support at the
7 Marcus Hook facility.

8 (c) *REPORT REQUIRED.*—The Secretary shall prepare
9 a report evaluating the suitability of alternative sites with-
10 in a 100 mile radius of the Marcus Hook facility to replace
11 the facility. The report shall contain, at a minimum, a de-
12 tailed accounting of—

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

15 (2) the costs required to operate comparable
16 spaces at each alternative site;

17 (3) other users at each alternative site and their
18 space requirements; and

19 (4) the assets and liabilities at each alternative
20 site.

21 **SEC. 320. PROHIBITION ON CONTRACTS WITH THE BAHRAIN**
22 **SHIP REPAIRING AND ENGINEERING COM-**
23 **PANY FOR SHIP REPAIR.**

24 (a) *PROHIBITION.*—Notwithstanding section 7299a of
25 title 10, United States Code, the Secretary of Defense may

1 *not enter into a contract with the Bahrain Ship Repairing*
2 *and Engineering Company for the overhaul, repair, or*
3 *maintenance of naval vessels until the Secretary certifies*
4 *to the Committees on Armed Services of the Senate and*
5 *House of Representatives that at least one of the following*
6 *conditions exists:*

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

9 (2) *There is a compelling national security rea-*
10 *son for the work to be done by the Bahrain Ship Re-*
11 *pairing and Engineering Company.*

12 (3) *The Bahrain Ship Repairing and Engineer-*
13 *ing Company initiates legal proceedings, or other pro-*
14 *ceedings, to compensate the members of the Navy*
15 *killed as a result of the explosion in the engine room*
16 *of the U.S.S. Iwo Jima that occurred after the repair*
17 *of the U.S.S. Iwo Jima by that company.*

18 (b) *APPLICABILITY.—Subsection (a) applies with re-*
19 *spect to contracts for the overhaul, repair, or maintenance*
20 *of a naval vessel entered into after the date of enactment*
21 *of this Act.*

1 **SECTION 321. LIMITATION ON CHARTERING OF VESSELS**
2 **ON WHICH REFLAGGING OR CONVERSION**
3 **WORK HAS BEEN PERFORMED IN A FOREIGN**
4 **SHIPYARD.**

5 *Section 2631 of title 10, United States Code, is*
6 *amended—*

7 *(1) by inserting “(a)” before “Only vessels”; and*

8 *(2) by adding at the end the following new sub-*
9 *section:*

10 *“(b)(1) The Secretary of Defense may enter into a*
11 *time-charter contract for the use of a vessel for the transpor-*
12 *tation of supplies, in the case of a vessel on which reflagging*
13 *or repair work was performed during the two-year period*
14 *preceding the date of the award of the proposed charter,*
15 *only if such work was performed at a shipyard in the*
16 *United States (including any territory of the United*
17 *States).*

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

20 *“(A) to enable the vessel to meet applicable*
21 *standards to become a vessel of the United States; or*

22 *“(B) to convert the vessel to a more useful mili-*
23 *tary configuration.”.*

1 **SEC. 322. ONE-YEAR PROHIBITION ON REDUCTION OF**
2 **FORCE STRUCTURE FOR RESERVE COMPO-**
3 **NENT SPECIAL OPERATIONS FORCES.**

4 (a) *PROHIBITION.*—During fiscal year 1994, the Sec-
5 retary of Defense may not reduce the force structure of the
6 special operations forces of the reserve components below the
7 force structure of those forces as of September 30, 1993.

8 (b) *DEFINITION.*—In this section, the term “force
9 structure” means the number and types of units and orga-
10 nizations, and the number of authorized personnel spaces
11 allocated to those units and organizations, in a military
12 force.

13 **SEC. 323. PROHIBITION ON JOINT USE OF SELFRIDGE AIR**
14 **NATIONAL GUARD BASE, MICHIGAN, WITH**
15 **CIVIL AVIATION.**

16 *The Secretary of the Air Force may not enter into any*
17 *agreement that would provide for or permit civil aircraft*
18 *to regularly use Selfridge Air National Guard Base in Har-*
19 *risson Township, Michigan.*

20 **Subtitle C—Defense-Wide Funds**

21 **SEC. 331. PROHIBITION ON USE OF DEFENSE BUSINESS OP-**
22 **ERATIONS FUND.**

23 *The Secretary of Defense shall not, after April 15,*
24 *1994, manage the performance of any function, activity,*
25 *fund, or account of the Department of Defense through the*
26 *Defense Business Operations Fund established by section*

1 316 of the National Defense Authorization Act for Fiscal
2 Years 1992 and 1993 (Public Law 102–190; 105 Stat.
3 1338)). After April 15, 1994, any management through a
4 defense-wide fund of functions, activities, funds, and ac-
5 counts that were managed through the Defense Business Op-
6 erations Fund may be only as provided in section 333.

7 **SEC. 332. CLASSIFICATION OF CERTAIN COMPETITIVE AND**
8 **NONCOMPETITIVE ACTIVITIES OF THE DE-**
9 **PARTMENT OF DEFENSE; NONCOMPETITIVE**
10 **RATES BOARD.**

11 (a) *CLASSIFICATION ACCORDING TO COMPETITIVE-*
12 *NESS.*—Not later than April 15, 1994, the Secretary of De-
13 fense shall classify each function, fund, activity, and ac-
14 count that is managed by the Secretary under a single, de-
15 fense-wide fund (including the Defense Business Operations
16 Fund established in section 316 of the National Defense Au-
17 thorization Act for Fiscal Years 1992 and 1993 (P.L. 102–
18 190; 105 Stat. 1338)) according to whether or not the func-
19 tion, fund, activity, or account is suitable for provision and
20 purchase by the Department of Defense in a competitive
21 market. The Secretary of Defense shall revise a classifica-
22 tion under this subsection whenever the Secretary considers
23 it to be appropriate.

24 (b) *PRICING AND PERFORMANCE OF COMPETITIVE AC-*
25 *TIVITIES.*—The Secretary of Defense shall take any action

1 *necessary to provide for competitive pricing and active com-*
2 *petition among suppliers for the operation of each function,*
3 *fund, activity, or account classified as suitable for competi-*
4 *tion under subsection (a).*

5 *(c) RATES FOR NONCOMPETITIVE ACTIVITIES.—The*
6 *Secretary of Defense shall establish rates and prices, and*
7 *standards for the rates and prices, for each function, fund,*
8 *activity, or account classified as not suitable for competi-*
9 *tion under subsection (a).*

10 *(d) NONCOMPETITIVE RATES BOARD.—(1) The Sec-*
11 *retary of Defense shall appoint a Noncompetitive Rates*
12 *Board (in this section referred to as the “Board”) to regu-*
13 *larly review the rates, prices, and standards established*
14 *under subsection (c).*

15 *(2) The Board shall be composed of 3 individuals, at*
16 *least one of whom shall have experience in the private-sector*
17 *performance of functions, funds, activities, and accounts*
18 *classified as not suitable for competition under subsection*
19 *(a).*

20 *(3)(A) Each member of the Board shall be paid at a*
21 *rate equal to the daily equivalent of the minimum annual*
22 *rate of basic pay payable for level IV of the Executive*
23 *Schedule under section 5315 of title 5, United States Code,*
24 *for each day (including travel time) during which the mem-*

1 *ber is engaged in the actual performance of the duties of*
2 *the Board.*

3 *(B) Each member of the Board shall receive travel ex-*
4 *penses, including per diem in lieu of subsistence, in accord-*
5 *ance with sections 5702 and 5703 of title 5, United States*
6 *Code.*

7 *(4) The Secretary of Defense shall provide the Board*
8 *with the information and the administrative, professional,*
9 *and technical support required by the Board to carry out*
10 *its duties under this section.*

11 *(5) The Board shall annually submit to the congres-*
12 *sional defense committees, at the same time as the report*
13 *required to be submitted under section 333(i), the results*
14 *of reviews conducted under paragraph (1) and the rec-*
15 *ommendations of the Board for any legislative and admin-*
16 *istrative action the Board considers to be appropriate.*

17 **SEC. 333. COMPETITIVE AND REGULATED BUSINESS OPER-**
18 **ATIONS FUNDS.**

19 *(a) AUTHORITY TO BORROW FROM GENERAL FUND.—*
20 *To the extent provided in appropriations Acts, the Sec-*
21 *retary of Defense may borrow from the General Fund of*
22 *the Treasury such sums as may be necessary to purchase*
23 *the assets of the Defense Business Operations Fund (in this*
24 *section referred to as the “DBOF”) and to provide for the*

1 *management of functions, funds, activities, and accounts re-*
2 *ferred to in subsection (b).*

3 (b) *PURCHASE OF DBOF ASSETS.—With amounts*
4 *borrowed under subsection (a), the Secretary of Defense*
5 *shall purchase from the DBOF at fair market value—*

6 (1) *all assets of each function, fund, activity, or*
7 *account managed through the DBOF and classified*
8 *under section 332 as suitable to competition; and*

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

12 (c) *PAYMENT OF DBOF PURCHASE AMOUNTS TO THE*
13 *GENERAL FUND.—Amounts received by the DBOF from the*
14 *sale of DBOF assets under subsection (b) shall be deposited*
15 *in the General Fund of the Treasury.*

16 (d) *ESTABLISHMENT OF CBOF AND RBOF.—(1)*
17 *There are established in the Treasury of the United States*
18 *the following revolving funds:*

19 (A) *The “Competitive Business Operations*
20 *Fund” (in this section referred to as the “CBOF”).*

21 (B) *The “Regulated Business Operations Fund”*
22 *(in this section referred to as the “RBOF”).*

23 (2) *The Secretary of Defense may manage the perform-*
24 *ance of any function, fund, activity, or account referred to*
25 *in subsection (b)(1) through the CBOF. The assets of each*

1 *such fund, function, activity, or account purchased from the*
2 *DBOF under such subsection shall be transferred to and*
3 *accounted for in the CBOF.*

4 (3) *The Secretary of Defense may manage the perform-*
5 *ance of any function, fund, activity, or account referred to*
6 *in subsection (b)(2) through the RBOF. The assets of each*
7 *such function, fund, activity, or account purchased from the*
8 *DBOF under such subsection shall be transferred to and*
9 *accounted for in the RBOF.*

10 (e) *REPAYMENT TO THE GENERAL FUND.—The Sec-*
11 *retary of Defense shall repay, out of the CBOF, the amount*
12 *of any sums borrowed under subsection (a) and used to pur-*
13 *chase assets for the CBOF. The Secretary of Defense shall*
14 *repay, out of the RBOF, the amount of any sums borrowed*
15 *under subsection (a) and used to purchase assets for the*
16 *RBOF. Interest on the amount borrowed shall be paid quar-*
17 *terly and shall equal the average quarterly rate of interest*
18 *for funds borrowed by the Treasury. The amount of the re-*
19 *payment and interest shall be deposited in the General*
20 *Fund of the Treasury.*

21 (f) *TREATMENT OF NET GAINS AND LOSSES.—(1) The*
22 *amount of any net gain from the operation of a function,*
23 *fund, activity, or account managed through the CBOF or*
24 *the RBOF shall be deposited in the General Fund of the*
25 *Treasury.*

1 (2) *There are authorized to be appropriated to the*
2 *CBOF or the RBOF, as the case may be, such sums as may*
3 *be necessary to make up a net loss from the performance*
4 *of a function, fund, activity, or account managed through*
5 *the CBOF or the RBOF, as the case may be.*

6 (g) *SEPARATE ACCOUNTING, REPORTING, AND AUDIT-*
7 *ING.—For purposes of reporting and auditing, the Sec-*
8 *retary of Defense shall maintain the separate identity and*
9 *separate records (including separate records on net gains*
10 *and losses) for each function, fund, activity, or account*
11 *managed through the CBOF and the RBOF.*

12 (h) *INCLUSION OF OTHER FUNCTIONS IN CBOF AND*
13 *RBOF.—The Secretary shall notify the Congress of any*
14 *proposal by the Secretary to manage through the CBOF or*
15 *the RBOF any function, fund, activity, or account that is*
16 *in addition to the functions, fund, activities, and accounts*
17 *referred to in subsection (b).*

18 (i) *REPORT.—The Secretary of Defense shall submit*
19 *to the congressional defense committees, at the same time*
20 *the Secretary submits the report required under section 113*
21 *of title 10, United States Code, a report on the management*
22 *of functions, funds, activities, and accounts under the*
23 *CBOF and the RBOF. The report shall include—*

24 (1) *an identification of each function, fund, ac-*
25 *tivity, and account that is classified as suitable for*

1 *competition under section 332 and managed through*
2 *the CBOF;*

3 (2) *an identification of each function, fund, ac-*
4 *tivity, and account that is classified as not suitable*
5 *for competition under section 332 and managed*
6 *through the RBOF; and*

7 (3) *detailed information on the financial per-*
8 *formance and condition of each function, fund, activ-*
9 *ity, and account identified under paragraphs (1) and*
10 *(2), including information on net gains and losses.*

11 (j) *EFFECTIVE DATE.*—*This section shall take effect on*
12 *October 1, 1994.*

13 **SEC. 334. EXTENSION OF LIMITATION ON OBLIGATION**
14 **AGAINST DEFENSE BUSINESS OPERATIONS**
15 **FUND.**

16 *Section 343(a) of the National Defense Authorization*
17 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*
18 *2377) is amended by striking out “fiscal year 1993” both*
19 *places it appears and inserting in lieu thereof “a fiscal*
20 *year”.*

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

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

23 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
24 *appoint a task force to assess the overall performance and*

1 *management of depot-level activities of the Department of*
2 *Defense. The assessment shall include—*

3 *(1) an identification of the functions and activi-*
4 *ties that are suitable for performance by depot-level*
5 *activities of the Department of Defense;*

6 *(2) an identification of the functions and activi-*
7 *ties that are suitable for performance by non-Govern-*
8 *ment personnel;*

9 *(3) an evaluation of the manner and level of per-*
10 *formance of such work; and*

11 *(4) an evaluation of how rates, prices, and the*
12 *core workload requirements are determined for work*
13 *performed by the depot-level activities.*

14 *(b) MEMBERSHIP.—The task force shall be composed*
15 *of individuals who are representatives of the Department*
16 *of Defense and the private sector and who have expertise*
17 *in the management and performance of depot-level activi-*
18 *ties.*

19 *(c) PAY AND TRAVEL EXPENSES.—(1) Each member*
20 *of the task force shall be paid at a rate equal to the daily*
21 *equivalent of the minimum annual rate of basic pay pay-*
22 *able for level IV of the Executive Schedule under section*
23 *5315 of title 5, United States Code, for each day (including*
24 *travel time) during which the member is engaged in the*
25 *actual performance of the duties of the task force.*

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

5 (d) *ADMINISTRATIVE SUPPORT.*—*The Secretary of De-*
6 *fense shall provide the task force with the administrative,*
7 *professional, and technical support required by the task*
8 *force to carry out its duties under this section.*

9 (e) *REPORT.*—*Not later than April 1, 1994, the task*
10 *force shall submit to the congressional defense committees*
11 *the results of the assessment conducted under subsection (a)*
12 *and the recommendations of the task for any legislative and*
13 *administrative action the task force considers to be appro-*
14 *priate.*

15 (f) *TERMINATION.*—*The task force shall terminate not*
16 *later than 60 days after submitting its report pursuant to*
17 *subsection (e).*

18 **SEC. 342. RETENTION OF DEPOT-LEVEL MAINTENANCE**
19 **WORKLOAD MANAGEMENT BY THE MILITARY**
20 **DEPARTMENTS.**

21 (a) *MANAGEMENT OF DEPOT-LEVEL MAINTENANCE*
22 *WORKLOAD BY THE MILITARY DEPARTMENTS.*—*Chapter*
23 *146 of title 10, United States Code, is amended by adding*
24 *at the end the following new section:*

1 **“§2470. Depot-level maintenance workload: manage-**
2 **ment by the military departments**

3 *“The Secretary of Defense may not consolidate the*
4 *management of the depot-level maintenance workload of the*
5 *Department of Defense under a single defense-wide entity.*
6 *The management of any such workload for a military de-*
7 *partment shall continue to be carried out by the Secretary*
8 *of the military department.”.*

9 (b) *CLERICAL AMENDMENT.—The table of sections at*
10 *the beginning of such chapter is amended by adding at the*
11 *end the following new item:*

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

12 **SEC. 343. PROHIBITION ON PERFORMANCE OF DEPOT-**
13 **LEVEL SUPPORT PRIMARILY BY NON-GOV-**
14 **ERNMENT PERSONNEL.**

15 (a) *PROHIBITION.—The Secretary of Defense may not*
16 *require or permit the long-term, depot-level support of a*
17 *weapon system referred to in subsection (b) to be provided*
18 *primarily by non-Government personnel.*

19 (b) *COVERED WEAPON SYSTEMS.—A weapon system*
20 *referred to in subsection (a) is a weapon system—*

21 (1) *which has not entered production by the date*
22 *of the enactment of this Act; or*

23 (2) *which has entered production by the date of*
24 *the enactment of this Act but is planned for depot-*

1 *level support primarily by Government or non-Gov-*
2 *ernment personnel.*

3 **SEC. 344. PROHIBITION ON PERFORMANCE OF CERTAIN**
4 **DEPOT-LEVEL WORK BY FOREIGN CONTRAC-**
5 **TORS.**

6 *(a) IN GENERAL.—(1) Chapter 146 of title 10, United*
7 *States Code, as amended by section 342, is amended by add-*
8 *ing at the end the following new section:*

9 **“§2471. Prohibition on performance of certain depot-**
10 **level work by foreign contractors**

11 *“(a) PROHIBITION.—The Secretary of Defense may not*
12 *contract for the performance by a person or organization*
13 *described in subsection (b) of any depot-level maintenance*
14 *work that, in the determination of the Secretary, could be*
15 *performed in the United States on a cost-effective basis and*
16 *without significant adverse effect on the readiness of the*
17 *armed forces.*

18 *“(b) COVERED PERSONS AND ORGANIZATIONS.—A*
19 *person or organization referred to in subsection (a) is a*
20 *person or organization—*

21 *“(1) which does not perform substantially all of*
22 *its activities as part of the ‘national technology and*
23 *industrial base’, as such term is defined in paragraph*
24 *(1) of section 2491; and*

1 (b) *REPORT.*—Subsection (e) of such section is amend-
2 ed to read as follows:

3 “(e) *REPORT.*—Not later than January 15, 1995, the
4 Secretary of each military department and, with respect to
5 the Defense Agencies, the Secretary of Defense shall jointly
6 submit to the Congress a report describing the progress dur-
7 ing the preceding fiscal year to achieve and maintain the
8 percentage of depot-level maintenance required to be per-
9 formed by employees of the Department of Defense pursuant
10 to subsection (a).”.

11 **SEC. 346. CLARIFICATION OF LIMITATION ON THE PER-**
12 **FORMANCE OF DEPOT-LEVEL MAINTENANCE**
13 **OF MATERIEL FOR NEW WEAPON SYSTEMS.**

14 (a) *CLARIFICATION OF LIMITATION.*—Subsection (a) of
15 section 2466 of title 10, United States Code, is amended
16 by adding at the end the following new paragraph:

17 “(3) The Secretary concerned shall, within 5 years
18 after the initial delivery of a weapon system to the Depart-
19 ment of Defense, provide for the performance by employees
20 of the Department of Defense of not less than 60 percent
21 of the depot-level maintenance of the weapon system.”.

22 (b) *CONFORMING AMENDMENT.*—Paragraph (1) of
23 such subsection, as amended by section 345(a), is further
24 amended by striking out “paragraph (2)” and inserting in
25 lieu thereof “paragraphs (2) and (3)”.

1 (c) *EFFECTIVE DATE.*—The amendments made by this
2 section shall apply with respect to a weapon system deliv-
3 ered after the date of the enactment of this Act.

4 ***Subtitle E—Commissaries and***
5 ***Military Exchanges***

6 ***SEC. 351. EXPANSION AND CLARIFICATION OF COMMISSARY***
7 ***AND EXCHANGE BENEFITS.***

8 (a) *EXPANSION OF FORMER SPOUSES' ELIGIBILITY.*—
9 Section 1062 of title 10, United States Code, is amended
10 to read as follows:

11 ***“§ 1062. Certain former spouses***

12 “(a) *ELIGIBILITY.*—The Secretary of Defense shall pre-
13 scribe such regulations as may be necessary to provide that
14 a former spouse described in subsection (b) is entitled to
15 commissary and exchange privileges to the same extent and
16 on the same basis as the surviving spouse of a retired mem-
17 ber of the uniformed services.

18 “(b) *COVERED FORMER SPOUSES.*—Subsection (a) ap-
19 plies to any person who—

20 “(1) is an unremarried former spouse of a mem-
21 ber or former member who performed at least 20
22 years of service which is creditable in determining the
23 member or former member's eligibility for retired or
24 retainer pay; and

1 “(2) on the date of the final decree of divorce,
2 dissolution, or annulment had been married to the
3 member or former member for a period of at least 20
4 years, at least 12 of which were during the period the
5 member or former member performed service cred-
6 itable in determining the member or former member’s
7 eligibility for retired or retainer pay.”.

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

10 (A) in subsection (a)(1)—

11 (i) by inserting “for such calendar year on
12 the same basis as members on active duty” before
13 the period in the first sentence; and

14 (ii) by striking out the second sentence;

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

16 (C) by redesignating subsection (c) as subsection
17 (b).

18 (2) The heading of such section is amended to read
19 *as follows:*

20 **“§ 1063. Members of the Ready Reserve”.**

21 (c) *EXPANSION OF ELIGIBILITY FOR PERSONS QUALI-*
22 *FIED FOR CERTAIN RETIRED PAY BUT UNDER AGE 60.*—

23 (1) Section 1064 of such title is amended by striking out
24 “for 12 days each calendar year” and inserting in lieu

1 *thereof “on the same basis as a person who is eligible for*
2 *such retired pay”.*

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

5 ***“§ 1064. Persons qualified for retired pay under chap-***
6 ***ter 67 but under age 60”.***

7 *(d) EXTENSION OF BENEFITS TO CERTAIN FORMER*
8 *ENLISTED MEMBERS.—(1) The Secretary of Defense shall*
9 *prescribe regulations to allow a person described in para-*
10 *graph (2), and the survivors of such person, to use com-*
11 *missary and exchange stores of the Department of Defense*
12 *on the same basis as officers retired for disability under*
13 *chapter 61 of title 10, United States Code, and the survivors*
14 *of such officers, respectively.*

15 *(2) Paragraph (1) applies to any person who was dis-*
16 *charged with a disability from the Armed Forces on or be-*
17 *fore October 1, 1949, and—*

18 *(A) who at the time of such discharge was an en-*
19 *listed member who had completed less than 20 years*
20 *of active service; and*

21 *(B) who, if such person had been an officer at*
22 *the time of such discharge, would have been eligible*
23 *for disability retirement under the Career Compensa-*
24 *tion Act of 1949.*

1 (e) *CLARIFICATION OF USE OF CERTAIN FACILITIES*
2 *BY CERTAIN PERSONS.*—Section 1065(a) of such title is
3 amended—

4 (1) *in the first sentence, by striking out “Armed*
5 *Forces” and inserting in lieu thereof “armed forces”;*
6 *and*

7 (2) *by striking out the second sentence and in-*
8 *serting in lieu thereof the following: “For a member*
9 *of the Selected Reserve, and the dependents of such*
10 *member, such use shall be permitted on the same basis*
11 *as a member on active duty. For a member who*
12 *would be eligible for retired pay under chapter 67 but*
13 *for the fact that the member is under 60 years of age,*
14 *and the dependents of such member, such use shall be*
15 *on the same basis as a member eligible for such re-*
16 *tired pay.”.*

17 (f) *CLERICAL AMENDMENT.*—The table of sections at
18 the beginning of chapter 54 of such title is amended by
19 striking out the items relating to sections 1063 and 1064
20 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.”.

1 **SEC. 352. PROHIBITION ON OPERATION OF COMMISSARY**
2 **STORES BY ACTIVE DUTY MEMBERS OF THE**
3 **ARMED FORCES.**

4 (a) *IN GENERAL.*—Chapter 49 of title 10, United
5 States Code, is amended by inserting after section 976 the
6 following new section:

7 **“§977. Operation of commissary stores: assignment of**
8 **active duty members generally prohibited**

9 “(a) *GENERAL RULE.*—A member of the armed forces
10 on active duty may not be assigned to the operation of a
11 commissary store.

12 “(b) *EXCEPTION FOR DCA DIRECTOR.*—The Secretary
13 of Defense may assign an officer on the active-duty list to
14 serve as the Director of the Defense Commissary Agency.

15 “(c) *EXCEPTION FOR CERTAIN ADDITIONAL MEM-*
16 *BERS.*—Beginning on October 1, 1996, not more than 18
17 additional members of the armed forces on active duty may
18 be assigned to the Defense Commissary Agency. Assignment
19 of such member to regional headquarters of that Agency
20 shall be limited to enlisted advisors for those regions respon-
21 sible for overseas commissaries and to veterinary specialists.

22 “(d) *EXCEPTION FOR CERTAIN NAVY PERSONNEL.*—
23 (1) The Secretary of the Navy may assign to the Defense
24 Commissary Agency a member of the Navy whose assign-
25 ment afloat is part of the operation of a ship’s food service

1 *or a ship's store. Any such assignment shall be on a*
2 *nonreimbursable basis.*

3 “(2) *The number of such members assigned to the De-*
4 *fense Commissary Agency during any period before October*
5 *1, 1996, may not exceed the number of such members so*
6 *assigned on October 1, 1993. After September 30, 1996, the*
7 *number of such members so assigned may not exceed the*
8 *lesser of (A) the number of members so assigned on October*
9 *1, 1993, and (B) 400.”.*

10 **(b) CLERICAL AMENDMENT.**—*The table of sections at*
11 *the beginning of such chapter is amended by inserting after*
12 *the item relating to section 976 the following new item:*

“977. Operation of commissary stores: assignment of active duty members gen-
erally prohibited.”.

13 **SEC. 353. MODERNIZATION OF AUTOMATED DATA PROCESS-**
14 **ING CAPABILITY OF THE DEFENSE COM-**
15 **MISSARY AGENCY.**

16 *In order to perform inside the Defense Commissary*
17 *Agency (in this section referred to as the “Agency”) all*
18 *automated data processing functions of the Agency as soon*
19 *as possible, the Secretary of Defense shall take any action*
20 *necessary to expedite the modernization of the automated*
21 *data processing capability of the Agency. Such action may*
22 *include the modification of existing contracts with contrac-*
23 *tors supplying automated data processing services to the*
24 *Agency.*

1 **SEC. 354. OPERATION OF STARS AND STRIPES BOOKSTORES**
2 **BY THE MILITARY EXCHANGES.**

3 *The Secretary of Defense shall prescribe regulations*
4 *providing for the operation, not later than April 15, 1994,*
5 *of Stars and Stripes bookstores outside of the United States*
6 *by the military exchanges.*

7 **SEC. 355. AVAILABILITY OF FUNDS FOR NEXCOM RELOCA-**
8 **TION EXPENSES.**

9 *Of funds authorized to be appropriated under section*
10 *301(2), \$10,000,000 shall be available to provide for the*
11 *payment of expenses incurred by the Navy Exchange Serv-*
12 *ice Command to relocate functions and activities from the*
13 *Naval Station, Staten Island, to the Naval Base, Norfolk.*

14 **Subtitle F—Other Matters**

15 **SEC. 361. EMERGENCY AND EXTRAORDINARY EXPENSE AU-**
16 **THORITY FOR THE INSPECTOR GENERAL OF**
17 **THE DEPARTMENT OF DEFENSE.**

18 *Section 127 of title 10, United States Code, is*
19 *amended—*

20 *(1) in subsection (a)—*

21 *(A) in the first sentence, by inserting “, the*
22 *Inspector General of the Department of Defense,”*
23 *after “the Secretary of Defense”;*

24 *(B) in the second sentence, by inserting “or*
25 *the Inspector General of the Department of De-*
26 *fense” after “the Secretary concerned”; and*

1 (C) in the third sentence, by inserting “or
2 the Inspector General of the Department of De-
3 fense” after “The Secretary concerned”;

4 (2) in subsection (b), by inserting “, by the In-
5 spector General of the Department of Defense to a
6 person in the Office of the Inspector General,” after
7 “the Department of Defense”; and

8 (3) in subsection (c)—

9 (A) by inserting “(1)” after “(c)”; and

10 (B) by adding after paragraph (1), as so
11 designated by subparagraph (A), the following
12 new paragraph:

13 “(2) The amount of funds expended by the Inspector
14 General of the Department of Defense under subsections (a)
15 and (b) during a fiscal year may not exceed \$400,000.”.

16 **SEC. 362. AUTHORITY FOR CIVILIAN ARMY EMPLOYEES TO**
17 **ACT ON REPORTS OF SURVEY.**

18 Section 4835 of title 10, United States Code, is
19 amended—

20 (1) in subsection (a), by inserting “or any civil-
21 ian employee of the Department of the Army” after
22 “any officer of the Army”; and

23 (2) in subsection (b), by striking out “an officer
24 of the Army designated by him.” and inserting in
25 lieu thereof “the Secretary’s designee. The Secretary

1 **SEC. 364. AUTHORITY TO EXTEND MAILING PRIVILEGES.**

2 Paragraph (1) of section 3401(a) of title 39, United
3 States Code, is amended—

4 (1) in the matter before subparagraph (A)—

5 (A) by inserting “an individual who is” be-
6 fore “a member”; and

7 (B) by inserting “or a civilian, otherwise
8 authorized to use postal services at Armed Forces
9 installations, who holds a position or performs
10 one or more functions in support of military op-
11 erations, as designated by the military theater
12 commander,” after “section 101 of title 10,”; and

13 (2) in subparagraphs (A) and (B) by striking
14 “the member” and inserting “such individual”.

15 **SEC. 365. EXTENSION AND MODIFICATION OF PILOT PRO-**
16 **GRAM TO USE NATIONAL GUARD PERSONNEL**
17 **IN MEDICALLY UNDERSERVED COMMUNITIES.**

18 (a) *PILOT PROGRAM.*—Subsection (a) of section 376
19 of the National Defense Authorization Act for Fiscal Year
20 1993 (P.L. 102–484; 106 Stat. 2385) is amended—

21 (1) by striking out “Under regulations prescribed
22 by the Secretary of Defense, the” and inserting in lieu
23 thereof “The”;

24 (2) by inserting “, approved by the Secretary of
25 Defense,” after “enter into an agreement”; and

1 (3) by striking out “fiscal years 1993 and 1994”
2 and inserting in lieu thereof “fiscal years 1993, 1994,
3 and 1995”.

4 (b) *FUNDING ASSISTANCE*.—Subsection (b) of such sec-
5 tion is amended to read as follows:

6 “(b) *FUNDING ASSISTANCE*.—Amounts made available
7 from Department of Defense accounts for operation and
8 maintenance and for pay and allowances to carry out the
9 pilot program shall be apportioned by the Chief of the Na-
10 tional Guard Bureau among those States with which the
11 Chief has entered into approved agreements. In addition to
12 such amounts, the Chief of the National Guard Bureau may
13 authorize any such State, in order to carry out the pilot
14 program during a fiscal year, to use funds received as part
15 of the operation and maintenance and pay and allowances
16 allotments for the National Guard of the State for that fis-
17 cal year. The amount of such funds that may be used to
18 carry out the pilot program during that fiscal year may
19 not exceed 25 percent of the amount used for medical train-
20 ing of the National Guard of the State during the fiscal
21 year immediately before that fiscal year.”.

22 (c) *SUPPLIES AND EQUIPMENT*.—Such section is fur-
23 ther amended—

24 (1) by redesignating subsections (c) through (f)
25 as subsections (d) through (g), respectively; and

1 (2) by inserting after subsection (b) the following
2 new subsection (c):

3 “(c) *SUPPLIES AND EQUIPMENT.*—(1) Funds made
4 available from Department of Defense operation and main-
5 tenance accounts to carry out the pilot program may be
6 used for the purchase of supplies and equipment necessary
7 for the provision of health care under the pilot program.

8 “(2) In addition to supplies and equipment provided
9 through the use of funds under paragraph (1), supplies and
10 equipment described in such paragraph that are furnished
11 by a State, a Federal agency, or any other person may be
12 used to carry out the pilot program.”.

13 (d) *SERVICE OF PARTICIPANTS.*—Subsection (f) of
14 such section, as redesignated by subsection (c)(1), is amend-
15 ed to read as follows:

16 “(f) *SERVICE OF PARTICIPANTS.*—Service in the pilot
17 program by a member of the National Guard is training
18 in the member’s Federal status as a member of the National
19 Guard of a State under section 270 of title 10, United
20 States Code, and section 502 of title 32, United States
21 Code.”.

22 (e) *REPORT.*—Subsection (g) of such section, as reded-
23 ignated by subsection (c)(1), is amended by striking out
24 “January 1, 1994” and inserting in lieu thereof “January
25 1, 1995”.

1 (f) *DEFINITIONS.*—*Such section is further amended by*
2 *adding at the end the following new subsection:*

3 “(h) *DEFINITIONS.*—*For purposes of this section:*

4 “(1) *The term ‘health care’ includes medical and*
5 *dental care services.*

6 “(2) *The term ‘Governor’ means, with respect to*
7 *the District of Columbia, the commanding general of*
8 *the District of Columbia National Guard.*

9 “(3) *The term ‘State’ includes the District of Co-*
10 *lumbia, the Commonwealth of Puerto Rico, Guam,*
11 *and the Virgin Islands.”.*

12 **SEC. 366. AMENDMENTS TO THE ARMED FORCES RETIRE-**
13 **MENT HOME ACT OF 1991.**

14 (a) *RELATIONSHIP TO DEPARTMENT OF DEFENSE.*—
15 *Section 1511 of the Armed Forces Retirement Home Act*
16 *of 1991 (title XV of P.L. 101–510; 104 Stat. 1723) is*
17 *amended—*

18 (1) *by redesignating subsection (e) as subsection*
19 *(f); and*

20 (2) *by inserting after subsection (d) the following*
21 *new subsection (e):*

22 “(e) *DEPARTMENT OF DEFENSE SUPPORT.*—*The Sec-*
23 *retary of Defense may make available to the Retirement*
24 *Home, on a nonreimbursable basis, administrative support*
25 *and office services, legal and policy planning assistance, ac-*

1 *cess to investigative facilities of the Inspector General of*
2 *the Department of Defense and of the military departments,*
3 *and any other support necessary to enable the Retirement*
4 *Home to carry out its functions under this Act.”.*

5 *(b) AUTHORITY OF RETIREMENT HOME CHAIRMAN.—*
6 *Subsection (d)(1) of section 1515 of such Act (104 Stat.*
7 *1727) is amended to read as follows:*

8 *“(d) CHAIRMEN.—(1)(A) The Secretary of Defense*
9 *shall select one of the members of the Retirement Home*
10 *Board to serve as chairman. The term of office of the chair-*
11 *man shall be five years with eligibility for selection to serve*
12 *a second five-year term at the discretion of the Secretary.*
13 *The chairman shall act as the chief executive officer of the*
14 *Retirement Home, and shall not be responsible to the Sec-*
15 *retary of Defense or to the Secretaries of the military de-*
16 *partments for overall direction and management of the Re-*
17 *tirement Home and each facility maintained as a separate*
18 *facility of the Retirement Home.*

19 *“(B) The chairman may appoint, in addition to such*
20 *ad hoc committees as the chairman determines to be appro-*
21 *priate, a standing executive committee to act for, and in*
22 *the name of, the Retirement Home Board at such times and*
23 *on such matters as the chairman considers necessary to ex-*
24 *pedite the efficient and timely management of each facility*
25 *maintained as a separate facility of the Retirement Home.*

1 “(C) *The chairman may appoint an administrative*
2 *staff to assist the chairman in the performance of such indi-*
3 *vidual’s duties as the chairman of the Retirement Board*
4 *and chief executive officer of the Retirement Home. The*
5 *chairman shall determine the rate of pay for such staff, ex-*
6 *cept that a staff member who is a member of the Armed*
7 *Forces on active duty or who is a full-time officer or em-*
8 *ployee of the United States shall receive no additional pay*
9 *by reason of service on the administrative staff.”.*

10 (c) *HOSPITAL CARE FOR HOME RESIDENTS.—The sec-*
11 *ond sentence of section 1513(b) of such Act (104 Stat. 1725)*
12 *is amended to read as follows: “Secondary and tertiary hos-*
13 *pital care for residents that is not available at a facility*
14 *maintained as a separate establishment of the Retirement*
15 *Home shall, to the extent available, be obtained by agree-*
16 *ment with the Secretary of Veterans Affairs or the Secretary*
17 *of Defense in a facility administered by such Secretary. The*
18 *Retirement Home shall not be responsible for the costs in-*
19 *curred for such care by a resident of the Retirement Home*
20 *who uses a private medical facility for such care.”.*

21 (d) *DISPOSITION OF ESTATES OF DECEASED RESI-*
22 *DENTS.—Section 1520(a) of such Act (104 Stat. 1731) is*
23 *amended to read as follows:*

24 “(a) *EFFECTS OF DECEASED PERSONS.—The Director*
25 *of a facility maintained as a separate establishment of the*

1 *Retirement Home shall safeguard and dispose of the estate*
2 *and personal effects of deceased residents, including effects*
3 *delivered to the Retirement Home under subsections 4712(f)*
4 *and 9712(f) of title 10, United States Code, and shall ensure*
5 *the following:*

6 “(1) *A will or other instrument of a testa-*
7 *mentary nature involving property rights executed by*
8 *a resident shall be promptly delivered, upon the death*
9 *of the resident, to the proper court of record. All prop-*
10 *erty left by the deceased resident shall be held for dis-*
11 *position as directed by the court.*

12 “(2) *In the event a resident dies intestate and*
13 *the heirs or legal representative of the deceased cannot*
14 *be immediately ascertained, the Director shall retain*
15 *all property left by the decedent for a three-year pe-*
16 *riod beginning on the date of the death. If entitlement*
17 *to such property is established to the satisfaction of*
18 *the Director at any time during the three-year period,*
19 *the Director shall distribute the decedent’s property,*
20 *in equal pro-rata shares when multiple beneficiaries*
21 *have been identified, to the highest following cat-*
22 *egories of identified survivors (listed in the order of*
23 *precedence indicated):*

24 “(A) *The surviving spouse or legal rep-*
25 *resentative.*

1 “(B) *The children of the deceased.*

2 “(C) *The parents of the deceased.*

3 “(D) *The siblings of the deceased.*

4 “(E) *The next-of-kin of the deceased.*”.

5 (e) *SALE OF EFFECTS.—Subsection (b) of such section*
6 *is amended to read as follows:*

7 “(b) *SALE OF EFFECTS.—(1) In the event the disposi-*
8 *tion of the estate of a resident of the Retirement Home can-*
9 *not be accomplished under subsection (a)(2), the entirety*
10 *of the deceased resident’s domiciliary estate and the entirety*
11 *of any ancillary estate that are unclaimed at the end of*
12 *the three-year period beginning on the date of the death of*
13 *the resident shall escheat to the Retirement Home. Upon*
14 *the sale of any such unclaimed estate property, the proceeds*
15 *of the sale shall be deposited in the Retirement Home Trust*
16 *Fund. In the event a personal representative or other fidu-*
17 *ciary is appointed to administer a deceased resident’s un-*
18 *claimed estate before the end of such three-year period, the*
19 *balance of the entire net proceeds of the estate, less estate*
20 *expenses, shall be directly deposited to any local court fund,*
21 *subject to a claim by the Comptroller General of the United*
22 *States. This paragraph shall apply to the estate of a resi-*
23 *dent of the Soldiers’ and Airmen’s Home or of the Naval*
24 *Home who dies after November 29, 1989.*

1 “(2) The Director of a facility maintained as a separate establishment of the Retirement Home may designate
2 an attorney to serve as attorney-general for the facility in
3 any probate proceeding in which the Retirement Home may
4 have a legal interest as nominated fiduciary, testamentary
5 legatee, escheat legatee, or in any other capacity. The attorney-general may, in the domiciliary jurisdiction of the deceased resident and in any ancillary jurisdictions, petition
6 for appointment as fiduciary under any resulting court appointment. In a probate proceeding in which the heirs of
7 an intestate deceased resident cannot be located, the attorney-agent shall be appointed as the fiduciary of the estate
8 of the decedent.
9

10 “(3) The designation of a facility of the Retirement Home as personal representative of the estate of a resident
11 of the Retirement Home or as a legatee under the will or
12 codicil of the resident shall not disqualify an employee or
13 staff member of that facility from serving as an eligible witness to a will or codicil of the resident.
14

15 “(4) After the expiration of the three-year period beginning on the date of the death of a resident of the facility,
16 the Director of the facility shall dispose of all property of the deceased resident that is not otherwise disposed of as
17 provided for in this subsection, including personal effects
18 such as decorations, medals, and citations to which a right
19
20
21
22
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24
25

1 *has not been established under subsection (a). Disposal may*
2 *be made within the discretion of the Director by—*

3 “(A) *retaining such property or effects for the fa-*
4 *cility;*

5 “(B) *offering such items to the Secretary of Vet-*
6 *erans Affairs, a State, another military home, a mu-*
7 *seum, or any other institution having an interest; or*

8 “(C) *destroying any items the Director concerned*
9 *considers to be valueless.”.*

10 ***SEC. 367. REQUIRED PAYMENT DATE UNDER PROMPT PAY-***
11 ***MENT ACT FOR PROCUREMENT OF BAKED***
12 ***GOODS.***

13 *In the case of the acquisition of baked goods by the*
14 *Department of Defense, the required payment date for pur-*
15 *poses of section 3902 of title 31, United States Code (relat-*
16 *ing to interest penalties for failure to pay contractors by*
17 *the required payment date), shall be the same as applies*
18 *under the regulations prescribed under section 3903(a)(4)*
19 *of such title in the case of the acquisition of edible oils or*
20 *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.*—Chap-
5 *ter 152 of title 10, United States Code, is amended by add-*
6 *ing at the end the following new section:*

7 **“§2553. Facilities and services: certain educational**
8 **entities**

9 “(a) *USE OF FACILITIES.*—The Secretary may permit
10 *an entity referred to in subsection (c) to use, on a reimburs-*
11 *able or nonreimbursable basis, any facility of the Depart-*
12 *ment of Defense that the Secretary determines will assist*
13 *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 Department*
18 *of Defense who the Secretary determines will assist that en-*
19 *tity 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 National
3 *Flight Academy, the Secretary of the Navy may accept the*
4 *donation of such facilities from the Naval Aviation Museum*
5 *Foundation (or a successor entity of the Foundation). If*
6 *the donation occurs, the Secretary of the Navy may, by reg-*
7 *ulations prescribed under subsection (f), permit the Naval*
8 *Aviation Museum Foundation (or any successor entity) to*
9 *operate and maintain such facilities.*

10 “(e) *NONINTERFERENCE WITH ARMED FORCES OPER-*
11 *ATIONS.*—The provision of facilities and services under sub-
12 *sections (a) and (b) may not interfere with the normal oper-*
13 *ations and missions of the armed forces.*

14 “(f) *REGULATIONS.*—The Secretary shall prescribe reg-
15 *ulations to carry out this section, including regulations es-*
16 *tablishing reasonable rates for a reimbursement under sub-*
17 *section (a).”.*

18 “(b) *CLERICAL AMENDMENT.*—The table of sections at
19 *the beginning of subchapter II of such chapter is amended*
20 *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 WHICH**
23 **IS PLANNED FOR REASSIGNMENT.**

24 *Section 7310(b) of title 10, United States Code, as in-*
25 *serted by section 814(b), is amended to read as follows:*

1 “(b) *VESSEL CHANGING HOMEPORTS.*—(1) *In the case*
2 *of a naval vessel the homeport of which is not in the United*
3 *States (or a territory of the United States), the Secretary*
4 *of the Navy may not during the 15-month period preceding*
5 *the planned reassignment of the vessel to a homeport in the*
6 *United States (or a territory of the United States) begin*
7 *any work for the overhaul, repair, or maintenance of the*
8 *vessel that is scheduled to be for a period of more than six*
9 *months.*

10 “(2) *In the case of a naval vessel the homeport of which*
11 *is in the United States (or a territory of the United States),*
12 *the Secretary of the Navy shall during the 15-month period*
13 *preceding the planned reassignment of the vessel to a home-*
14 *port not in the United States (or a territory of the United*
15 *States) perform in the United States (or a territory of the*
16 *United States) any work for the overhaul, repair, or main-*
17 *tenance of the vessel that is scheduled to be for a period*
18 *of more than six months.”.*

19 **SEC. 370. ESCORTS AND FLAGS FOR CIVILIAN EMPLOYEES**
20 **WHO DIE WHILE SERVING IN AN ARMED CON-**
21 **FLICT WITH THE ARMED FORCES.**

22 (a) *IN GENERAL.*—Chapter 75 of title 10, United
23 States Code, is amended by inserting after section 1482 the
24 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 death*
5 *of a civilian employee who dies while serving with an*
6 *armed force in a contingency operation:*

7 “(1) *Round-trip transportation and prescribed*
8 *allowances for one person to escort the remains of the*
9 *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 *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 man-*
12 *ner only if an aircraft carrier is used exclusively and on*
13 *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. Forrestal (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 March 31, 1994, the*
24 *Secretary of Defense shall submit to the congressional com-*
25 *mittees referred to in paragraph (2) a report on any edu-*

1 *cational arrangement referred to in subsection (b) that is*
2 *made by the Secretary of Defense for children residing on*
3 *military installations in the United States. The report shall*
4 *contain the assessment and recommendations of the Sec-*
5 *retary of Defense regarding the justification of the continu-*
6 *ing need for school facilities under any such educational*
7 *arrangement.*

8 (2) *The congressional committees referred to in para-*
9 *graph (1) are the Committees on Armed Services of the Sen-*
10 *ate and House of Representatives, the Committee on Labor*
11 *and Human Resources of the Senate, and the Committee*
12 *on Education and Labor of the House of Representatives.*

13 (b) *COVERED ARRANGEMENTS.—An educational ar-*
14 *rangement referred to in subsection (a) is an arrangement*
15 *of the kind that may be made under section 6 of the Act*
16 *of September 30, 1950 (20 U.S.C. 241).*

17 **SEC. 374. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.**

18 (a) *DEMONSTRATION PROJECT FOR USE OF PRO-*
19 *CEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Sec-*
20 *tion 343(d)(1) of the National Defense Authorization Act*
21 *for Fiscal Years 1992 and 1993 (Public Law 102-190; 105*
22 *Stat. 1344) is amended by striking out “terminate at the*
23 *end of the two-year period beginning on the date of the en-*
24 *actment of this Act” and inserting in lieu thereof “termi-*
25 *nate on December 5, 1994”.*

1 (2) *Section 343(e) of such Act is amended by striking*
2 *out “60 days after the end of the two-year period described*
3 *in subsection (d)” and inserting in lieu thereof “February*
4 *3, 1995”.*

5 (b) *AUTHORITY FOR AVIATION DEPOTS AND NAVAL*
6 *SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUC-*
7 *TION AND SERVICES.—Section 1425(e) of the National De-*
8 *fense Authorization Act for Fiscal Year 1991 (Public Law*
9 *101-510; 104 Stat. 1684) is amended by striking out “Sep-*
10 *tember 30, 1993” and inserting in lieu thereof “September*
11 *30, 1994”.*

12 (c) *AUTHORITY OF BASE COMMANDERS OVER CON-*
13 *TRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f)*
14 *of title 10, United States Code, is amended by striking out*
15 *“September 30, 1993” and inserting in lieu thereof “Sep-*
16 *tember 30, 1994”.*

17 ***Subtitle G—Environmental***
18 ***Provisions***

19 ***SEC. 381. MODIFICATION OF ANNUAL REPORT ON ENVIRON-***
20 ***MENTAL RESTORATION AND COMPLIANCE BY***
21 ***THE DEPARTMENT OF DEFENSE.***

22 (a) *IN GENERAL.—Section 2706 of title 10, United*
23 *States Code, is amended to read as follows:*

1 **“§ 2706. Annual report to Congress**

2 “(a) *REPORT.*—Each year, at the same time the Presi-
3 dent submits to the Congress the budget for a fiscal year
4 (pursuant to section 1105 of title 31), the Secretary of De-
5 fense shall submit to the Congress a report that describes
6 the progress made by the Secretary of Defense in imple-
7 menting environmental restoration and compliance activi-
8 ties 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 has*
15 *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 estimates*
26 *of more than 15 percent or \$10,000,000 (which-*

1 *ever is greater), or any schedule slippage of more*
2 *than 180 days.*

3 “(E) *The amount allocated for, and the*
4 *progress the Department expects to make in im-*
5 *plementing, each response action during the cur-*
6 *rent 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 progress*
10 *the Secretary expects to make during that fiscal*
11 *year in implementing the response action. If*
12 *such information is not available at the time of*
13 *the submission of the report, the Secretary shall,*
14 *to the maximum extent possible, provide the in-*
15 *formation in a supplemental report not later*
16 *than 30 days after submission of the report.*

17 “(G) *The costs incurred to date for each re-*
18 *sponse action.*

19 “(H) *The estimated cost to complete the en-*
20 *vironmental restoration activities, including,*
21 *where relevant, the estimated cost in five-year in-*
22 *crements.*

23 “(I) *The estimated final date for completion*
24 *of the environmental restoration activities, in-*

1 cluding, where relevant, the estimated progress,
2 in five-year increments, toward completion.

3 “(2) With respect to compliance activities, the
4 following:

5 “(A) A statement of the funding levels and
6 full-time personnel required for the Department
7 of Defense to comply with applicable environ-
8 mental laws during the fiscal year for which the
9 budget is submitted. The statement shall set forth
10 separately the funding levels and personnel re-
11 quired for the Department of Defense as a whole
12 and for each military installation.

13 “(B) A statement of the funding levels and
14 full-time personnel requested for such purposes in
15 the budget as submitted by the President, to-
16 gether with an explanation of any differences be-
17 tween the funding level and personnel require-
18 ments and the funding level and personnel re-
19 quests in the budget. The statement shall set forth
20 separately the funding levels and full-time per-
21 sonnel requested for the Department of Defense
22 as a whole and for each military installation.

23 “(C) A projection of the funding levels and
24 full-time personnel that will be required over the
25 next five fiscal years for the Department of De-

1 *fense to comply with applicable environmental*
2 *laws, set forth separately for the Department of*
3 *Defense as a whole and for each military instal-*
4 *lation.*

5 “(D) *An analysis of the effect that compli-*
6 *ance with such environmental laws may have on*
7 *the operations and mission capabilities of the*
8 *Department of Defense as a whole and of each*
9 *military installation.*

10 “(E) *A statement of the funding levels re-*
11 *quested in the budget for carrying out research,*
12 *development, testing, and evaluation for environ-*
13 *mental purposes or environmental activities of*
14 *the Department of Defense. The statement shall*
15 *set forth separately the funding levels requested*
16 *for the Department of Defense as a whole and for*
17 *each military department and Defense Agency.*

18 “(F) *A description of the number and duties*
19 *of current full-time personnel, both civilian and*
20 *military, who carry out environmental activities*
21 *(including research) for the Department of De-*
22 *fense, including a description of the organiza-*
23 *tional structure of such personnel from the Sec-*
24 *retary of Defense down to the military installa-*
25 *tion level.*

1 “(G) A statement of the funding levels and
2 personnel required for the Department of Defense
3 to comply with applicable environmental re-
4 quirements for military installations located out-
5 side the United States during the fiscal year for
6 which the budget is submitted.

7 “(c) DEFINITIONS.—In this section:

8 “(1) The term ‘military installation’—

9 “(A) includes—

10 “(i) each facility or site owned by,
11 leased to, or otherwise possessed by the
12 United States and under the jurisdiction of
13 the Secretary;

14 “(ii) each facility or site which was
15 under the jurisdiction of the Secretary and
16 owned by, leased to, or otherwise possessed
17 by the United States at the time of actions
18 leading to contamination by hazardous sub-
19 stances; and

20 “(iii) each facility or site at which the
21 Secretary is conducting environmental res-
22 toration activities funded through the De-
23 fense Environmental Restoration Account
24 established under section 2703, the Depart-
25 ment of Defense Base Closure Account 1990

1 *established under section 2906 of the De-*
2 *fense Base Closure and Realignment Act of*
3 *1990 (title XXIX of Public Law 101–510;*
4 *10 U.S.C. 2687 note), the Department of*
5 *Defense Base Closure Account established*
6 *under section 207 of the Defense Authoriza-*
7 *tion Amendments and Base Closure and Re-*
8 *alignment Act (10 U.S.C. note), a successor*
9 *account to any such accounts, or any other*
10 *account established in connection with the*
11 *closing or realigning of a military installa-*
12 *tion;*

13 *“(B) means a base, camp, post, station,*
14 *yard, center, or other activity under the jurisdic-*
15 *tion of the Department of Defense, including any*
16 *leased facility, which is located within any of the*
17 *several States, the District of Columbia, the*
18 *Commonwealth of Puerto Rico, American*
19 *Samoa, the Virgin Islands, or Guam; and*

20 *“(C) does not include any facility used pri-*
21 *marily for civil works, rivers and harbors*
22 *projects, or flood control projects.*

23 *“(2) The term ‘response’ has the same meaning*
24 *given such term in section 101(25) of the Comprehen-*

1 (A) by striking out “the persons and enti-
2 ties described in paragraph (2)” and inserting
3 in lieu thereof “a person or entity described in
4 paragraph (2)”; and

5 (B) by inserting “to that person or entity”
6 before the period;

7 (4) in subsection (b)—

8 (A) in paragraph (2), by inserting “person
9 or” before “entity”; and

10 (B) in paragraph (4), by inserting “person
11 or” before “entity”;

12 (5) in subsection (c), by inserting “or entity”
13 after “person” each place it appears;

14 (6) in subsection (d)—

15 (A) by striking out “plaintiff” and insert-
16 ing in lieu thereof “person or entity seeking in-
17 demnification under this section”; and

18 (B) by striking out “hazardous substance or
19 pollutant or contaminant” and inserting in lieu
20 thereof “hazardous substance, a pollutant or con-
21 taminant, or petroleum or its derivatives”; and

22 (7) in subsection (f)—

23 (A) in paragraph (1)—

24 (i) by inserting “‘remedial action’, ‘re-
25 sponse’,” after “‘release’,”; and

1 (4) *The Air Force, 425,700.*

2 ***Subtitle B—Reserve Forces***

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

4 (a) *IN GENERAL.*—*The Armed Forces are authorized*
5 *strengths for Selected Reserve personnel of the reserve com-*
6 *ponents as of September 30, 1994, as follows:*

7 (1) *The Army National Guard of the United*
8 *States, 410,000.*

9 (2) *The Army Reserve, 260,000.*

10 (3) *The Naval Reserve, 113,400.*

11 (4) *The Marine Corps Reserve, 36,900.*

12 (5) *The Air National Guard of the United*
13 *States, 117,700.*

14 (6) *The Air Force Reserve, 81,500.*

15 (7) *The Coast Guard Reserve, 10,000.*

16 (b) *WAIVER AUTHORITY.*—*The Secretary of Defense*
17 *may increase the end strength authorized by subsection (a)*
18 *by not more than 2 percent.*

19 (c) *ADJUSTMENTS.*—*The end strengths prescribed by*
20 *subsection (a) for the Selected Reserve of any reserve compo-*
21 *nent shall be reduced proportionately by—*

22 (1) *the total authorized strength of units orga-*
23 *nized to serve as units of the Selected Reserve of such*
24 *component which are on active duty (other than for*
25 *training) at the end of the fiscal year, and*

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

7 *Whenever such units or such individual members are re-*
8 *leased from active duty during any fiscal year, the end*
9 *strength prescribed for such fiscal year for the Selected Re-*
10 *serve of such reserve component shall be increased propor-*
11 *tionately by the total authorized strengths of such units and*
12 *by the total number of such individual members.*

13 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
14 **DUTY IN SUPPORT OF THE RESERVES.**

15 *Within the end strengths prescribed in section 402(b),*
16 *the reserve components of the Armed Forces are authorized,*
17 *as of September 30, 1994, the following number of Reserves*
18 *to be serving on full-time active duty or, in the case of mem-*
19 *bers of the National Guard, full-time National Guard duty*
20 *for the purpose of organizing, administering, recruiting, in-*
21 *structing, or training the reserve components:*

22 (1) *The Army National Guard of the United*
23 *States, 24,180.*

24 (2) *The Army Reserve, 12,542.*

25 (3) *The Naval Reserve, 19,369.*

1 (4) *The Marine Corps Reserve, 2,119.*

2 (5) *The Air National Guard of the United*
 3 *States, 9,389.*

4 (6) *The Air Force Reserve, 648.*

5 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 6 **GRADES AUTHORIZED TO BE ON ACTIVE**
 7 **DUTY IN SUPPORT OF THE RESERVES.**

8 (a) *SENIOR ENLISTED MEMBERS.—Effective on Octo-*
 9 *ber 1, 1993, the table in section 517(b) of title 10, United*
 10 *States Code, is amended to read as follows:*

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	<i>569</i>	<i>202</i>	<i>328</i>	<i>14</i>
<i>E-8</i>	<i>2,585</i>	<i>429</i>	<i>840</i>	<i>74</i> ".

11 (b) *OFFICERS.—Effective on October 1, 1993, the table*
 12 *in section 524(a) of such title is amended to read as follows:*

<i>Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	<i>3,219</i>	<i>1,071</i>	<i>575</i>	<i>110</i>
<i>Lieutenant Colonel or Com-</i> <i>mander</i>	<i>1,524</i>	<i>520</i>	<i>636</i>	<i>75</i>
<i>Colonel or Navy Captain</i>	<i>372</i>	<i>188</i>	<i>274</i>	<i>25</i> ".

13 **SEC. 414. FORCE STRUCTURE ALLOWANCE FOR ARMY NA-**
 14 **TIONAL GUARD.**

15 (a) *MINIMUM FORCE STRUCTURE LEVEL.—The force*
 16 *structure allowance for the Army National Guard of the*
 17 *United States for fiscal year 1994 shall be not less than*
 18 *420,000.*

1 (b) *FORCE STRUCTURE ALLOWANCE DEFINED.*—For
2 purposes of this section, the force structure allowance for
3 a reserve component is the allowance prescribed for that re-
4 serve component by the Secretary of the military depart-
5 ment concerned pursuant to section 413 of the National De-
6 fense Authorization Act for Fiscal Year 1993 (Public Law
7 102-484; 106 Stat. 2400).

8 **SEC. 415. PERSONNEL LEVEL FOR NAVY CRAFT OF OPPOR-**
9 **TUNITY (COOP) PROGRAM.**

10 (a) *FISCAL YEAR 1994.*—The Secretary of the Navy
11 shall ensure that none of the end strength reduction pro-
12 jected for the Naval Reserve in this Act shall be derived from
13 personnel authorizations assigned to the Craft of Oppor-
14 tunity mission.

15 (b) *PERMANENT STAFFING LEVEL.*—The number of
16 personnel authorizations assigned to the Craft of Oppor-
17 tunity mission shall be maintained during fiscal year 1994
18 and thereafter at not less than the level in effect on Septem-
19 ber 30, 1991.

20 **Subtitle C—Military Training**
21 **Student Loads**

22 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

23 (a) *IN GENERAL.*—For fiscal year 1994, the compo-
24 nents of the active and reserve Armed Forces are authorized
25 average military training student loads as follows:

1 (1) *The Army, 75,220.*

2 (2) *The Navy, 45,269.*

3 (3) *The Marine Corps, 22,753.*

4 (4) *The Air Force, 33,439.*

5 (b) *ADJUSTMENTS.—The average military training*
6 *student loads authorized in subsection (a) shall be adjusted*
7 *consistent with the end strengths authorized in subtitles A*
8 *and B. The Secretary of Defense shall prescribe the manner*
9 *in which such adjustments shall be apportioned.*

10 ***SEC. 422. STUDENT LOADS AT WAR COLLEGES AND AT COM-***
11 ***MAND AND GENERAL STAFF COLLEGES.***

12 (a) *REQUIRED STUDENT LEVELS.—The Secretary of*
13 *Defense shall ensure that the number of students at each*
14 *of the war colleges and at each of the command and general*
15 *staff colleges is maintained during fiscal year 1994 at the*
16 *same level as was in effect on October 1, 1992, for each*
17 *such college.*

18 (b) *COVERED SCHOOLS.—For purposes of subsection*

19 (a)—

20 (1) *the war colleges are the National War Col-*
21 *lege, the Industrial College of the Armed Forces, the*
22 *Army War College, the College of Naval Warfare, and*
23 *the Air War College; and*

24 (2) *the command and general staff colleges are*
25 *the Armed Forces Staff College, the Army Command*

1 *and General Staff Course, the College of Naval Com-*
2 *mand and Staff, the Air Command and Staff College,*
3 *and the Marine Corps Command and Staff College.*

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

6 ***SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-***
7 ***TARY PERSONNEL.***

8 *There is hereby authorized to be appropriated to the*
9 *Department of Defense for military personnel for fiscal year*
10 *1994 a total of \$70,671,147,000. The authorization in the*
11 *preceding sentence supersedes any other authorization of*
12 *appropriations (definite or indefinite) for such purpose for*
13 *fiscal year 1994.*

14 ***TITLE V—MILITARY PERSONNEL***
15 ***POLICY***

16 ***Subtitle A—Active Components***

17 ***SEC. 501. YEARS OF SERVICE FOR ELIGIBILITY FOR SEPARA-***
18 ***TION PAY FOR REGULAR OFFICERS INVOLUN-***
19 ***TARILY DISCHARGED.***

20 *(a) PERIOD OF SERVICE REQUIRED FOR ELIGI-*
21 *BILITY.—Section 1174(a)(1) of title 10, United States Code,*
22 *is amended by striking out “five” and inserting in lieu*
23 *thereof “six”.*

24 *(b) EFFECTIVE DATE.—(1) Except as provided in*
25 *paragraph (2), the amendment made by subsection (a) shall*

1 *apply with respect to any regular officer who is discharged*
2 *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 enact-*
5 *ment of this Act has five or more, but less than six, years*
6 *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, United*
11 *States Code, are amended by striking out “December 5,*
12 *1991” and inserting in lieu thereof “the date of the enact-*
13 *ment of the National Defense Authorization Act for Fiscal*
14 *Year 1994”.*

15 **SEC. 503. ELIGIBILITY FOR INVOLUNTARY SEPARATION**
16 **BENEFITS.**

17 *Section 1141 of title 10, United States Code, is amend-*
18 *ed by striking out “September 30, 1990” and inserting in*
19 *lieu thereof “September 30, 1991”.*

20 **SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR TEM-**
21 **PORARY PROMOTION OF CERTAIN NAVY LIEU-**
22 **TENANTS.**

23 (a) *EXTENSION.*—*Section 5721(f) of title 10, United*
24 *States Code, is amended by striking out “September 30,*
25 *1993” and inserting in lieu thereof “September 30, 1995”.*

1 (b) *EFFECTIVE DATE.*—The amendment made by sub-
2 section (a) shall take effect as of September 30, 1993.

3 **SEC. 505. OFFICERS INELIGIBLE FOR CONSIDERATION BY**
4 **EARLY RETIREMENT BOARDS.**

5 Section 638(e)(2)(B) of title 10, United States Code,
6 is amended—

7 (1) by inserting “(i)” after “grade and competi-
8 tive category”;

9 (2) by inserting “(ii)” after “of this title, or”;
10 and

11 (3) by striking out the comma after “any provi-
12 sion of law”.

13 **SEC. 506. REMEDY FOR INEFFECTIVE COUNSELING OF OFFI-**
14 **CERS DISCHARGED FOLLOWING SELECTION**
15 **BY EARLY DISCHARGE BOARDS.**

16 (a) *PROCEDURE FOR REVIEW.*—(1) The Secretary of
17 each military department shall establish a procedure for the
18 review of the individual circumstances of an officer de-
19 scribed in paragraph (2) who is discharged, or who the Sec-
20 retary concerned approves for discharge, following the re-
21 port of a selection board convened by the Secretary to select
22 officers for separation.

23 (2) This section applies in the case of any officer (in-
24 cluding a warrant officer) who, having been offered the op-
25 portunity to be discharged or otherwise separated from ac-

1 *tive duty through the programs provided under section*
2 *1174a and 1175 of title 10, United States Code, elected not*
3 *to accept such discharge or separation.*

4 (b) *APPLICATION.*—A review under this section shall
5 be conducted in any case submitted to the Secretary con-
6 cerned by application from the officer or former officer
7 under regulations prescribed by the Secretary.

8 (c) *PURPOSE OF REVIEW.*—(1) The review under this
9 section shall be designed to evaluate the effectiveness of the
10 counseling of the officer before the convening of the board
11 to ensure that the officer was properly informed that selec-
12 tion for discharge or other separation from active duty was
13 a potential result of being within the group of officers to
14 be considered by the board and that the officer was not im-
15 properly informed that such selection in that officer's per-
16 sonal case was unlikely.

17 (2) The Secretary shall consider each case on its mer-
18 its, but shall make a finding of ineffective counseling if an
19 individual was instructed by an official source before the
20 convening of the board that the officer's risk of discharge
21 was reduced by the quality of the officer's record or by an
22 expected limitation on the number of discharges from the
23 officer's occupational skill category, branch, corps, or other
24 administrative grouping of officers.

1 (3) *For purposes of this subsection, the term “official*
2 *source” means any office or individual within a military*
3 *department that could reasonably be expected to provide in-*
4 *formation on an individual personnel record or personnel*
5 *policy.*

6 (d) *REMEDY.—Upon a finding of ineffective counseling*
7 *under subsection (c), the Secretary shall provide the officer*
8 *the opportunity to participate, at the officer’s option, in*
9 *any one of the following programs:*

10 (1) *The Special Separation Benefits Programs*
11 *under section 1174a of title 10, United States Code.*

12 (2) *The Voluntary Separation Incentive program*
13 *under section 1175 of such title.*

14 (3) *The Temporary Early Retirement Authority*
15 *as authorized by section 4403 of the National Defense*
16 *Authorization Act for Fiscal Year 1993 (Public Law*
17 *102–484, October 23, 1992).*

18 *The officer must meet all eligibility criteria for the program*
19 *selected.*

20 (e) *EFFECTIVE DATE.—This section shall apply with*
21 *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 amended
14 by striking out “may not exceed 200” and inserting in lieu
15 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 Act
20 for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 261
21 note) is amended by striking out subsections (b) and (c).

22 **SEC. 514. TWO-YEAR EXTENSION OF CERTAIN RESERVE OF-**
23 **FICER MANAGEMENT PROGRAMS.**

24 (a) *GRADE DETERMINATION AUTHORITY FOR CERTAIN*
25 *RESERVE MEDICAL OFFICERS.*—Sections 3359(b) and

1 8359(b) of title 10, United States Code, are each amended
2 by striking “September 30, 1993” and inserting in lieu
3 thereof “September 30, 1995”.

4 (b) PROMOTION AUTHORITY FOR CERTAIN RESERVE
5 OFFICERS SERVING ON ACTIVE DUTY.—Sections 3380(d)
6 and 8380(d) of such title are each amended by striking out
7 “September 30, 1993” and inserting in lieu thereof “Sep-
8 tember 30, 1995”.

9 (c) YEARS OF SERVICE FOR MANDATORY TRANSFER
10 TO THE RETIRED RESERVE.—Section 1016(d) of the De-
11 partment of Defense Authorization Act, 1984 (10 U.S.C.
12 3360 note) is amended by striking out “September 30,
13 1993” and inserting in lieu thereof “September 30, 1995”.

14 (d) EFFECTIVE DATE.—(1) The amendments made by
15 this section shall take effect as of September 30, 1993.

16 (2) If the date of the enactment of this Act is after
17 September 30, 1993, the Secretary of the Army or the Sec-
18 retary of the Air Force, as appropriate, shall provide, in
19 the case of a Reserve officer appointed to a higher grade
20 on or after the date of the enactment of this Act under an
21 appointment described in paragraph (3), that the date of
22 rank of such officer under that appointment shall be the
23 date of rank that would have applied to the appointment
24 had the authority referred to in that paragraph not lapsed.

1 (3) *An appointment referred to in paragraph (2) is*
2 *an appointment under section 3380 or 8380 of title 10,*
3 *United States Code, that (as determined by the Secretary*
4 *concerned) would have been made during the period begin-*
5 *ning on October 1, 1993, and ending on the date of the*
6 *enactment of this Act had the authority to make appoint-*
7 *ments under that section not lapsed during such period.*

8 **SEC. 515. CADRE DIVISIONS.**

9 (a) *REQUIREMENT TO ESTABLISH.*—*The Secretary of*
10 *the Army shall, not later than September 30, 1995, establish*
11 *one or more active cadre divisions of the Army as reserve*
12 *component training divisions. Each such active cadre divi-*
13 *sion shall be part of the active Army force structure and*
14 *shall have a commander who is on the active-duty list of*
15 *the Army.*

16 (b) *IMPLEMENTATION PLAN.*—*The Secretary of the*
17 *Army shall during fiscal year 1994 submit to the Commit-*
18 *tees on Armed Services of the Senate and House of Rep-*
19 *resentatives a plan to meet the requirement in subsection*
20 *(a). The plan shall include a proposal for any statutory*
21 *changes that the Secretary considers to be necessary for the*
22 *implementation of the plan.*

1 **SEC. 516. TEST PROGRAM FOR RESERVE COMBAT MANEU-**
2 **VER UNIT INTEGRATION.**

3 (a) *PLAN FOR TEST PROGRAM.*—The Secretary of the
4 Army shall prepare a plan for carrying out a test program
5 to determine the feasibility and advisability of applying the
6 roundout and roundup models for integration of active and
7 reserve component Army units at the battalion and com-
8 pany levels.

9 (b) *PURPOSE OF TEST PROGRAM.*—The purpose of the
10 test program shall be to evaluate whether the roundout and
11 roundup concepts if applied at the battalion and company
12 levels would—

13 (1) decrease post-mobilization training time;

14 (2) increase the capabilities of reserve component
15 leaders;

16 (3) improve the integration of the active and re-
17 serve components; and

18 (4) provide a more efficient means for future ex-
19 pansion of the Army in a period of emergency or in-
20 creasing international threats to the vital interests of
21 the United States.

22 (c) *REPORT ON PLAN.*—The Secretary of the Army
23 shall submit to Congress not later than March 31, 1994,
24 a report that includes the plan for the test program required
25 under subsection (a).

1 (d) *DEFINITIONS.*—For purposes of this section, the
2 terms “roundout” and “roundup” refer to two approaches
3 for integrating Army reserve component (Army National
4 Guard and Army Reserve) combat units into active Army
5 corps, divisions, brigades, and battalions after mobilization.
6 The roundout approach is the method of bringing an incom-
7 plete active unit up to full strength by assigning one or
8 more reserve component units to it. The roundup approach
9 is the use of reserve component units to augment or expand
10 active units that are already at full strength.

11 ***SEC. 517. REVISIONS TO PILOT PROGRAM FOR ACTIVE COM-***
12 ***ONENT SUPPORT OF THE RESERVES.***

13 (a) *ACTIVE COMPONENT ADVISERS.*—(1) Subsection
14 (c) of section 414 of the National Defense Authorization Act
15 for Fiscal Years 1992 and 1993 (Public Law 102–190; 10
16 U.S.C. 261 note) is amended to read as follows:

17 “(c) *PERSONNEL TO BE ASSIGNED.*—The Secretary
18 shall assign not less than 2,000 active component personnel
19 to serve as advisers under the program. After September 30,
20 1994, the number under the preceding sentence shall be in-
21 creased to not less than 5,000.”.

22 (2) Subsection (d) of such section is amended by strik-
23 ing out the period at the end of the second sentence and
24 inserting in lieu thereof “, together with a proposal for any

1 *statutory changes that the Secretary considers necessary to*
2 *implement the program on a permanent basis.”.*

3 **(b) ANNUAL REPORT ON IMPLEMENTATION.**—(1) *The*
4 *Secretary of the Army shall include in the annual report*
5 *of the Secretary to Congress known as the Army Posture*
6 *Statement a presentation relating to the implementation of*
7 *the Pilot Program for Active Component Support of the Re-*
8 *serves under section 414 of the National Defense Authoriza-*
9 *tion Act for Fiscal Years 1992 and 1993 (Public Law 102–*
10 *190; 10 U.S.C. 261 note), as amended by subsection (a).*

11 (2) *Each such presentation shall include, with respect*
12 *to the period covered by the report, the following informa-*
13 *tion:*

14 (A) *The promotion rate for officers considered for*
15 *promotion from within the promotion zone who are*
16 *serving as active component advisers to units of the*
17 *Selected Reserve of the Ready Reserve (in accordance*
18 *with that program) compared with the promotion*
19 *rate for other officers considered for promotion from*
20 *within the promotion zone in the same pay grade and*
21 *the same competitive category, shown for all officers*
22 *of the Army.*

23 (B) *The promotion rate for officers considered for*
24 *promotion from below the promotion zone who are*
25 *serving as active component advisers to units of the*

1 **“§ 3083. Army National Guard Reform Initiative: an-**
2 **nual report**

3 “(a) *IN GENERAL.*—The Secretary of the Army shall
4 include in the annual report of the Secretary to Congress
5 known as the Army Posture Statement a detailed presen-
6 tation concerning the Army National Guard, including
7 particularly information relating to the implementation of
8 the Army National Guard Combat Readiness Reform Act
9 of 1992 (title XI of Public Law 102–484; 106 Stat. 2536
10 et seq.) (hereinafter in this section referred to as
11 ‘ANGCRRA’).

12 “(b) *MATTERS TO BE INCLUDED IN REPORT.*—Each
13 presentation under subsection (a) shall include, with respect
14 to the period covered by the report, the following informa-
15 tion concerning the Army National Guard:

16 “(1) *The number and percentage of officers with*
17 *at least two years of active-duty before becoming a*
18 *member of the Army National Guard.*

19 “(2) *The number and percentage of enlisted per-*
20 *sonnel with at least two years of active-duty before be-*
21 *coming a member of the Army National Guard.*

22 “(3) *The number of officers who are graduates of*
23 *one of the service academies and were released from*
24 *active duty before the completion of their active-duty*
25 *service obligation and of those officers—*

1 “(A) the number who are serving the re-
2 remaining period of their active-duty service obli-
3 gation as a member of the Selected Reserve pur-
4 suant to section 1112(a)(1) of ANGCRRA; and

5 “(B) the number for whom waivers were
6 granted by the Secretary under section
7 1112(a)(2) of ANGCRRA and the reason for each
8 waiver.

9 “(4) The number of officers who were commis-
10 sioned as distinguished Reserve Officers’ Training
11 Corps graduates and were released from active duty
12 before the completion of their active-duty service obli-
13 gation and of those officers—

14 “(A) the number who are serving the re-
15 remaining period of their active-duty service obli-
16 gation as a member of the Selected Reserve pur-
17 suant to section 1112(a)(1) of ANGCRRA; and

18 “(B) the number for whom waivers were
19 granted by the Secretary under section
20 1112(a)(2) of ANGCRRA and the reason for each
21 waiver.

22 “(5) The number of officers who are graduates of
23 the Reserve Officers’ Training Corps program and
24 who are performing their minimum period of obli-
25 gated service in accordance with section 1112(b) of

1 *ANGCRRA by a combination of (A) two years of ac-*
2 *tive duty, and (B) such additional period of service*
3 *as is necessary to complete the remainder of such obli-*
4 *gation served in the National Guard and, of those of-*
5 *ficers, the number for whom permission to perform*
6 *their minimum period of obligated service in accord-*
7 *ance with that section was granted during the preced-*
8 *ing fiscal year.*

9 *“(6) The number of officers for whom rec-*
10 *ommendations were made during the preceding fiscal*
11 *year for a unit vacancy promotion to a grade above*
12 *first lieutenant and, of those recommendations, the*
13 *number and percentage that were concurred in by an*
14 *active-duty officer under section 1113(a) of*
15 *ANGCRRA, shown separately for each of the three*
16 *categories of officers set forth in section 1113(b) of*
17 *ANGCRRA.*

18 *“(7) The number of waivers during the preceding*
19 *fiscal year under section 1114 of ANGCRRA of any*
20 *standard prescribed by the Secretary establishing a*
21 *military education requirement for noncommissioned*
22 *officers and the reason for each such waiver.*

23 *“(8) The number and distribution by grade,*
24 *shown for each State, of personnel in the initial entry*
25 *training and nondeployability personnel accounting*

1 *category established under 1115 of ANGCRRRA for*
2 *members of the Army National Guard who have not*
3 *completed the minimum training required for deploy-*
4 *ment or who are otherwise not available for deploy-*
5 *ment.*

6 *“(9) The number of members of the Army Na-*
7 *tional Guard, shown for each State, that were dis-*
8 *charged during the previous fiscal year pursuant to*
9 *1115(c)(1) of ANGCRRRA for not completing the mini-*
10 *mum training required for deployment within 24*
11 *months after entering the National Guard.*

12 *“(10) The number of waivers granted by the Sec-*
13 *retary during the previous fiscal year under section*
14 *1115(c)(2) of ANGCRRRA, shown for each State, of the*
15 *requirement in section 1115(c)(1) of ANGCRRRA de-*
16 *scribed in paragraph (9), and the reason for each*
17 *waiver.*

18 *“(11) The number of members, shown for each*
19 *State, who were screened during the preceding fiscal*
20 *year to determine whether they meet minimum phys-*
21 *ical profile standards required for deployment and, of*
22 *those members—*

23 *“(A) the number and percentage who did*
24 *not meet minimum physical profile standards*
25 *required for deployment; and*

1 “(B) the number and percentage who were
2 transferred pursuant to section 1116 of
3 ANGCRRA to the personnel accounting category
4 described in paragraph (8).

5 “(12) The number of members, and the percent-
6 age of the total membership, of the Army National
7 Guard, shown for each State, who underwent a medi-
8 cal screening during the previous fiscal year as pro-
9 vided in section 1117 of ANGCRRA.

10 “(13) The number of members, and the percent-
11 age of the total membership, of the Army National
12 Guard, shown for each State, who underwent a dental
13 screening during the previous fiscal year as provided
14 in section 1117 of ANGCRRA.

15 “(14) The number of members, and the percent-
16 age of the total membership, of the Army National
17 Guard, shown for each State, over the age of 40 who
18 underwent a full physical examination during the
19 previous fiscal year for purposes of section 1117 of
20 ANGCRRA.

21 “(15) The number of units of the Army National
22 Guard that are scheduled for early deployment in the
23 event of a mobilization and, of those units, the num-
24 ber that are dentally ready for deployment in accord-
25 ance with section 1118 of ANGCRRA.

1 “(16) *The estimated post-mobilization training*
2 *time for each Army National Guard combat unit, and*
3 *a description, displayed in broad categories and by*
4 *State, of what training would need to be accomplished*
5 *for Army National Guard combat units in a post-mo-*
6 *bilization period, for purposes of section 1119 of*
7 *ANGCRRA.*

8 “(17) *A description of the measures taken during*
9 *the preceding fiscal year to comply with the require-*
10 *ment in section 1120 of ANGCRRA to expand the use*
11 *of simulations, simulators, and advanced training de-*
12 *vices and technologies for members and units of the*
13 *Army National Guard.*

14 “(18) *Summary tables of unit readiness, shown*
15 *for each State, and drawn from the unit readiness*
16 *rating system as required by section 1121 of*
17 *ANGCRRA, including the personnel readiness rating*
18 *information and the equipment readiness assessment*
19 *information required by that section, together with—*

20 “(A) *explanations of the information shown*
21 *in the table; and*

22 “(B) *based on the information shown in the*
23 *tables, the Secretary’s overall assessment of the*
24 *deployability of units of the Army National*
25 *Guard, including a discussion of personnel defi-*

1 *ciencies and equipment shortfalls in accordance*
2 *with such section 1121.*

3 “(19) *Summary tables, shown for each State, of*
4 *the results of inspections of units of the Army Na-*
5 *tional Guard by inspectors general or other commis-*
6 *sioned officers of the Regular Army under the provi-*
7 *sions of section 105 of title 32, together with expla-*
8 *nations of the information shown in the tables, and*
9 *including display of—*

10 “(A) *the number of such inspections;*

11 “(B) *identification of the entity conducting*
12 *each inspection;*

13 “(C) *the number of units inspected; and*

14 “(D) *the overall results of such inspections,*
15 *including the inspector’s determination for each*
16 *inspected unit of whether the unit met*
17 *deployability standards and, for those units not*
18 *meeting deployability standards, the reasons for*
19 *such failure and the status of corrective actions.*

20 “(20) *A listing for each Army National Guard*
21 *combat unit of the active-duty combat unit associated*
22 *with it in accordance with section 1131(a) of*
23 *ANGCRRA identification of each Army National*
24 *Guard unit, to be shown by State and to be accom-*
25 *panied, for each such National Guard unit, by—*

1 “(A) the assessment of the commander of
2 that associated active-duty unit of the man-
3 power, equipment, and training resource require-
4 ments of that National Guard unit in accord-
5 ance with section 1131(b)(3) of ANGCRRA; and

6 “(B) the results of the validation by the
7 commander of that associated active-duty unit of
8 the compatibility of that National Guard unit
9 with active duty forces in accordance with sec-
10 tion 1131(b)(4) of ANGCRRA.

11 “(21) A specification of the active-duty personnel
12 assigned to units of the Selected Reserve pursuant to
13 section 414(c)(4) of the National Defense Authoriza-
14 tion Act for Fiscal Years 1992 and 1993 (10 U.S.C.
15 261 note), shown (A) by State, (B) by rank of officers,
16 warrant officers, and enlisted members assigned, and
17 (C) by unit or other organizational entity of assign-
18 ment.

19 “(c) IMPLEMENTATION.—The requirement to include
20 in an presentation required by subsection (a) information
21 under any paragraph of subsection (b) shall take effect the
22 year following the year in which the provision of
23 ANGCRRA to which that paragraph pertains has taken ef-
24 fect. Before then, in the case of any such paragraph, the

1 (2) *Whether the system of assigning Federal mis-*
2 *sions to State Guard units could be altered to opti-*
3 *mize the Federal as well as the State capabilities of*
4 *the National Guard.*

5 (3) *Whether alternative arrangements, such as*
6 *cooperative development of National Guard capabili-*
7 *ties among the States grouped as regions, are advis-*
8 *able and feasible.*

9 (4) *Whether alternative Federal-State cost-shar-*
10 *ing arrangements should be implemented for National*
11 *Guard units whose principal function is to support*
12 *State missions.*

13 (5) *Such other matters related to the missions of*
14 *the National Guard and the corresponding require-*
15 *ments related to those missions as the Secretary may*
16 *specify or the center carrying out the study may de-*
17 *termine necessary.*

18 (c) *FFRDC REPORTS.—(1) The Secretary shall re-*
19 *quire the center carrying out the study to submit an interim*
20 *report not later than May 1, 1994, and a final report not*
21 *later than November 15, 1994. Each report shall include*
22 *the findings, conclusions, and recommendations of the cen-*
23 *ter concerning each of the matters referred to in subsection*
24 *(b).*

1 (2) *The Secretary shall submit each such report to the*
2 *Committees on Armed Services of the Senate and House of*
3 *Representatives not later than 15 days after the date on*
4 *which it is received by the Secretary.*

5 (d) *EVALUATION AND REPORT OF FINAL FFRDC RE-*
6 *PORT.—(1) After the center carrying out the study submits*
7 *its final report, the Secretary of Defense, together with the*
8 *Secretary of the Army and the Secretary of the Air Force,*
9 *shall conduct an evaluation of the assumptions, analysis,*
10 *findings, and recommendations of that study.*

11 (2) *Not later than February 1, 1995, the Secretary*
12 *shall submit to the Committees on Armed Services of the*
13 *Senate and House of Representatives a report on the eval-*
14 *uation under paragraph (1). The report shall be accom-*
15 *panied by any recommendations for legislative action that*
16 *the Secretary considers necessary as a result of the study*
17 *and evaluation required by this section.*

18 (e) *COOPERATION.—The Secretary shall ensure that*
19 *the center carrying out the study under this section has full*
20 *access to such information as the center requires for the pur-*
21 *poses of the study and that the center otherwise receives full*
22 *cooperation from all officials and entities of the Department*
23 *of Defense, including the National Guard, in carrying out*
24 *the study.*

1 **SEC. 521. EDUCATIONAL ASSISTANCE FOR GRADUATE PRO-**
2 **GRAMS FOR MEMBERS OF THE SELECTED RE-**
3 **SERVE.**

4 *Section 2131 of title 10, United States Code, is*
5 *amended—*

6 *(1) in subsection (c)(1), by striking out “other*
7 *than” and all that follows through “level.” and insert-*
8 *ing in lieu thereof a period; and*

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

11 *“(i) A program of education in a course of instruction*
12 *beyond the baccalaureate degree level shall be provided*
13 *under this chapter, subject to the availability of appropria-*
14 *tions.”.*

15 **SEC. 522. TRANSITION BENEFITS FOR COAST GUARD RE-**
16 **SERVE.**

17 *(a) APPLICABILITY OF CERTAIN BENEFITS.—The Sec-*
18 *retary of Transportation shall prescribe such regulations as*
19 *necessary so as to apply to the members of the Coast Guard*
20 *Reserve the provisions of subtitle B of title XLIV of the De-*
21 *fense Conversion, Reinvestment, and Transition Assistance*
22 *Act of 1992 (division D of Public Law 102–484; 106 Stat.*
23 *2712), including the amendments made by those provisions.*
24 *For purposes of the application of any of such provisions*
25 *to the Coast Guard Reserve, any reference in those provi-*
26 *sions to the Secretary of Defense or Secretary of a military*

1 *department shall be treated as referring to the Secretary*
2 *of Transportation.*

3 (b) *REGULATIONS.*—*Regulations prescribed for the*
4 *purposes of this section shall to the extent practicable be*
5 *identical to the regulations prescribed by the Secretary of*
6 *Defense under those provisions.*

7 (c) *TEMPORARY SPECIAL RETIREMENT AUTHORITY.*—
8 *Section 1331a of title 10, United States Code, is amended—*

9 (1) *in subsection (a), by striking out “Secretary*
10 *of a military department” and inserting in lieu*
11 *thereof “Secretary concerned”; and*

12 (2) *in subsection (c), by striking out “of the*
13 *military department”; and*

14 (3) *in subsection (e), by striking out the period*
15 *at the end and inserting in lieu thereof “and by the*
16 *Secretary of Transportation with respect to the Coast*
17 *Guard.”.*

18 ***Subtitle C—Warrant Officers***

19 ***SEC. 531. AUTHORIZATION FOR INVOLUNTARY SEPARATION*** 20 ***OF CERTAIN REGULAR WARRANT OFFICERS.***

21 (a) *IN GENERAL.*—*Chapter 33A of title 10, United*
22 *States Code, is amended by inserting after section 580 the*
23 *following new section:*

1 **“§ 580a. Enhanced authority for selective early dis-**
2 **charges**

3 “(a) The Secretary of Defense may authorize the Sec-
4 retary of a military department, during the two-year period
5 beginning on October 1, 1993, to take the action set forth
6 in subsection (b) with respect to regular warrant officers
7 of an armed force under the jurisdiction of that Secretary.

8 “(b) The Secretary of a military department may,
9 with respect to regular warrant officers of an armed force,
10 when authorized to do so under subsection (a), convene se-
11 lection boards under section 573(c) of this title to consider
12 for discharge regular warrant officers on the warrant officer
13 active-duty list—

14 “(1) who have served at least one year of active
15 duty in the grade currently held;

16 “(2) whose names are not on a list of warrant
17 officers recommended for promotion; and

18 “(3) who are not eligible to be retired under any
19 provision of law and are not within two years of be-
20 coming so eligible.

21 “(c)(1) In the case of an action under subsection (b),
22 the Secretary of the military department concerned may
23 submit to a selection board convened pursuant to that
24 subsection—

1 “(A) the names of all regular warrant officers
2 described in that subsection in a particular grade and
3 competitive category; or

4 “(B) the names of all regular warrant officers
5 described in that subsection in a particular grade and
6 competitive category who also are in particular year
7 groups or specialties, or both, within that competitive
8 category.

9 “(2) The Secretary concerned shall specify the total
10 number of warrant officers to be recommended for discharge
11 by a selection board convened pursuant to subsection (b).
12 That number may not be more than 30 percent of the num-
13 ber of officers considered—

14 “(A) in each grade in each competitive category;
15 or

16 “(B) in each grade, year group, or specialty (or
17 combination thereof) in each competitive category.

18 “(3) The total number of regular warrant officers de-
19 scribed in subsection (b) from any of the armed forces (or
20 from any of the armed forces in a particular grade) who
21 may be recommended during a fiscal year for discharge by
22 a selection board convened pursuant to the authority of that
23 subsection may not exceed 70 percent of the decrease, as
24 compared to the preceding fiscal year, in the number of
25 warrant officers of that armed force (or the number of war-

1 *warrant officers of that armed force in that grade) authorized*
 2 *to be serving on active duty as of the end of that fiscal year.*

3 “(4) A warrant officer who is recommended for dis-
 4 charge by a selection board convened pursuant to the au-
 5 thority of subsection (b) and whose discharge is approved
 6 by the Secretary concerned shall be discharged on a date
 7 specified by the Secretary concerned.

8 “(5) Selection of warrant officers for discharge under
 9 this subsection shall be based on the needs of the service.

10 “(d) The discharge of any warrant officer pursuant to
 11 this section shall be considered involuntary for purposes of
 12 any other provision of law.”.

13 (b) *CLERICAL AMENDMENT.*—The table of sections at
 14 the beginning of chapter 33A is amended by inserting after
 15 the item relating to section 580 the following new item:

“580a. Enhanced authority for selective early discharges.”.

16 **SEC. 532. DETERMINATION OF SERVICE FOR WARRANT OF-**
 17 **FICER RETIREMENT SANCTUARY.**

18 (a) *EQUITY WITH OTHER MEMBERS.*—Section
 19 580(a)(4) of title 10, United States Code, is amended—

20 (1) by inserting “(except as provided in subpara-
 21 graph (C))” in subparagraph (A) after “shall be sepa-
 22 rated”; and

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

1 “(C) If on the date on which a warrant officer is to
2 be separated under subparagraph (A) the warrant officer
3 has at least 18 years of creditable active service, the warrant
4 officer shall be retained on active duty until retired under
5 paragraph (3) in the same manner as if the warrant officer
6 had had at least 18 years of service on the applicable date
7 under subparagraph (A) or (B) of that paragraph.”.

8 (b) *EFFECTIVE DATE.*—The amendments made by sub-
9 section (a) shall apply to warrant officers who have not
10 been separated pursuant to section 580(a)(4) of title 10,
11 United States Code, before the date of enactment of this Act.

12 ***Subtitle D—Women in the Service***

13 ***SEC. 541. REPEAL OF THE STATUTORY RESTRICTION ON*** 14 ***THE ASSIGNMENT OF WOMEN IN THE NAVY*** 15 ***AND MARINE CORPS.***

16 (a) *IN GENERAL.*—Section 6015 of title 10, United
17 States Code, is repealed.

18 (b) *CLERICAL AMENDMENT.*—The table of sections at
19 the beginning of chapter 555 of this title is amended by
20 striking out the item relating to section 6015.

21 ***SEC. 542. GENDER-NEUTRAL OCCUPATIONAL PERFORM-*** 22 ***ANCE STANDARDS.***

23 (a) *GENERAL REQUIREMENT.*—In the case of any
24 military occupational career field that is open to both male

1 *and female members of the Armed Forces, the Secretary of*
2 *Defense—*

3 *(1) shall ensure that qualification of members of*
4 *the Armed Forces for, and continuance of members of*
5 *the Armed Forces in, that occupational career field is*
6 *evaluated on the basis of common, relevant perform-*
7 *ance standards, without differential standards or*
8 *evaluation on the basis of gender;*

9 *(2) may not use any gender quota, goal, or ceil-*
10 *ing except as specifically authorized by law; and*

11 *(3) may not change an occupational performance*
12 *standard for the purpose of increasing or decreasing*
13 *the number of women in that occupational career*
14 *field.*

15 *(b) REQUIREMENT FOR USE OF SPECIFIC PHYSICAL*
16 *REQUIREMENTS.—For any military occupational field that*
17 *is open to both male and female members of the Armed*
18 *Forces for which (as determined by the Secretary of De-*
19 *fense) muscular strength and endurance and cardiovascular*
20 *capacity are relevant to the performance of duties in that*
21 *field, the Secretary shall prescribe specific physical require-*
22 *ments for members of the Armed Forces in that field and*
23 *shall apply those physical requirements on a gender-neutral*
24 *basis.*

1 (c) *NOTICE TO CONGRESS OF CHANGES.*—At least 60
2 days before implementing any changes to occupational
3 standards for a military occupational field which are ex-
4 pected to result in an increase, or in a decrease, of at least
5 10 percent in the number of female members of the Armed
6 Forces who enter, or are assigned to, that occupational field,
7 the Secretary of Defense shall submit to Congress a report
8 providing notice of the change and the justification and ra-
9 tionale for the change.

10 **SEC. 543. NOTICE TO CONGRESS OF CHANGES TO GROUND**
11 **COMBAT EXCLUSION POLICY.**

12 (a) *REQUIREMENT.*—(1) If the Secretary of Defense
13 proposes to make any change described in paragraph (2)
14 to the ground combat exclusion policy, the Secretary shall,
15 not less than 90 days before any such change is imple-
16 mented, submit to Congress a report providing notice of the
17 proposed change.

18 (2) A change referred to in paragraph (1) is a change
19 that either (A) closes to female members of the Armed Forces
20 any category of unit or position that at that time is open
21 to service by such members, or (B) opens to service by such
22 members any category of unit or position that at that time
23 is closed to service by such members.

24 (b) *REPORT CONTENTS.*—The Secretary shall include
25 in any report under subsection (a)—

1 (1) *a detailed description of, and justification*
2 *for, the proposed change to the ground combat exclu-*
3 *sion policy; and*

4 (2) *a detailed analysis of legal implication of the*
5 *proposed change with respect to the constitutionality*
6 *of the application of the Military Selective Service*
7 *Act to males only.*

8 (c) *GROUND COMBAT EXCLUSION POLICY.—For pur-*
9 *poses of this section, the term “ground combat exclusion pol-*
10 *icy” means the military personnel policies of the Depart-*
11 *ment of Defense and the military departments, as in effect*
12 *on January 1, 1993, by which female members of the Armed*
13 *Forces are restricted from assignment to units and positions*
14 *whose mission requires routine engagement in direct combat*
15 *on the ground.*

16 ***Subtitle E—Victims’ Rights and***
17 ***Family Advocacy***

18 ***SEC. 551. MANDATORY ARRESTS BY MILITARY LAW EN-***
19 ***FORCEMENT OFFICIALS WHEN CALLED TO***
20 ***SCENES OF DOMESTIC VIOLENCE.***

21 (a) *IN GENERAL.—Section 807 of title 10, United*
22 *States Code (article 7 of the Uniform Code of Military Jus-*
23 *tice), is amended by adding at the end the following new*
24 *subsection:*

1 “(d)(1) In a case of domestic violence in which a mili-
2 tary law enforcement official at the scene determines that
3 physical injury has been inflicted or a deadly weapon or
4 dangerous instrument has been used, the military law en-
5 forcement official, upon reasonable belief that an offense has
6 been committed by a person at the scene, shall apprehend
7 that person, if the person is subject to this chapter, or detain
8 that person and remove that person from the scene, if that
9 person is not subject to this chapter.

10 “(2) The Secretary of Defense shall prescribe by regula-
11 tion the definition of ‘domestic violence’ for purposes of this
12 subsection.

13 “(3) In this subsection, the term ‘military law enforce-
14 ment official’ means a person authorized under regulations
15 governing the armed forces to apprehend persons subject to
16 this chapter or to trial thereunder.”.

17 (b) *DEADLINE FOR PRESCRIBING PROCEDURES.*—The
18 Secretary of Defense shall prescribe procedures to carry out
19 section 807(d) of title 10, United States Code, as added by
20 subsection (a), not later than six months after the date of
21 the enactment of this Act.

1 **SEC. 552. IMPROVED PROCEDURES FOR NOTIFICATION OF**
2 **VICTIMS AND WITNESSES OF STATUS OF**
3 **PRISONERS IN MILITARY CORRECTIONAL FA-**
4 **CILITIES.**

5 (a) *IN GENERAL.*—(1) Chapter 48 of title 10, United
6 States Code, is amended by adding at the end the following
7 new section:

8 **“§957. Status of prisoners: procedures for notifying**
9 **victims and witnesses**

10 *“The Secretary of Defense shall prescribe procedures*
11 *and implement a centralized system for notice of the status*
12 *of offenders confined in military correctional facilities to*
13 *be provided to victims and witnesses. Such procedures shall,*
14 *to the maximum extent practicable, be consistent with pro-*
15 *cedures of the Federal Bureau of Prisons for victim and*
16 *witness notification.”.*

17 (2) *The table of sections at the beginning of such chap-*
18 *ter is amended by adding at the end the following new item:*

“957. Status of prisoners: procedures for notifying victims and witnesses.”.

19 (b) *DEADLINE FOR PRESCRIBING PROCEDURES.*—The
20 Secretary of Defense shall prescribe the procedures required
21 by section 957 of title 10, United States Code, as added
22 by subsection (a), not later than six months after the date
23 of the enactment of this Act and shall implement the cen-
24 tralized system required by that section not later than six
25 months after those procedures are prescribed.

1 **SEC. 553. STUDY OF STALKING BY PERSONS SUBJECT TO**
2 **UCMJ.**

3 (a) *REPORT REQUIRED.*—Not later than six months
4 after the date of the enactment of this Act, the Secretary
5 of Defense shall submit to the Committees on Armed Serv-
6 ices of the Senate and House of Representatives a report
7 on the problem of stalking by persons subject to the Uniform
8 Code of Military Justice (chapter 47 of title 10, United
9 States Code). In the report, the Secretary shall describe the
10 scope of the problem of stalking within the Armed Forces
11 and shall address whether existing procedures and punitive
12 articles under the Uniform Code of Military Justice ade-
13 quately protect members of the Armed Forces, and depend-
14 ents of members of the Armed Forces, who are threatened
15 with stalking. The Secretary shall include in the report such
16 recommendations for changes to law and regulations as the
17 Secretary determines to be necessary.

18 (b) *STALKING.*—For purposes of the report under sub-
19 section (a), stalking shall be considered to include actions
20 of a person in repeatedly following or harassing another
21 person with the intent of placing that person in reasonable
22 fear of sexual battery, bodily injury, or death in such a
23 way that a reasonable person would be caused to suffer sub-
24 stantial emotional distress and which cause that person to
25 suffer emotional distress.

1 **SEC. 554. TRANSITIONAL COMPENSATION FOR DEPEND-**
2 **ENTS OF MEMBERS OF THE ARMED FORCES**
3 **DISCHARGED FOR DEPENDENT ABUSE.**

4 (a) *IN GENERAL.*—(1) Chapter 53 of title 10, United
5 States Code, is amended by adding at the end the following
6 new section:

7 **“§ 1058. Abused dependents: payment of transitional**
8 **compensation**

9 “(a) *AUTHORITY TO PAY COMPENSATION.*—If a mem-
10 ber of the armed forces is separated from the armed forces
11 as described in subsection (b), the Secretary of the military
12 department concerned may pay monthly transitional com-
13 pensation in accordance with this section to dependents or
14 former dependents of the member as specified in subsection
15 (d).

16 “(b) *SEPARATIONS COVERED.*—(1) This section ap-
17 plies in the case of a member of the armed forces on active
18 duty for a period of more than 30 days—

19 “(A) who is convicted of a dependent-abuse of-
20 fense (as defined in subsection (c)) and whose convic-
21 tion results in the member being—

22 “(i) administratively discharged with a
23 general discharge or under other than honorable
24 conditions; or

25 “(ii) discharged or dismissed from the
26 armed forces by sentence of a court-martial; or

1 “(B) against whom court-martial charges were
2 preferred for a dependent-abuse offense and who is
3 discharged in lieu of trial by court-martial in that
4 case upon approval of the member’s request or appli-
5 cation for discharge or, in the case of an officer, for
6 resignation.

7 “(2) For purposes of this section, a member of the
8 armed forces who is incarcerated by sentence of a court-
9 martial with total forfeiture of pay and allowances shall
10 be treated as a former member dismissed or discharged by
11 sentence of a court-martial.

12 “(c) *DEPENDENT-ABUSE OFFENSES.*—(1) For pur-
13 poses of this section, a dependent-abuse offense is conduct
14 by an individual while a member of the armed forces on
15 active duty for a period of more than 30 days—

16 “(A) that involves abuse of the spouse or a de-
17 pendent child of the member; and

18 “(B) that is a criminal offense specified in regu-
19 lations prescribed by the Secretary of Defense under
20 paragraph (2).

21 “(2) The Secretary of Defense shall prescribe by regula-
22 tion the criminal offenses, or categories of offenses, under
23 the Uniform Code of Military Justice (chapter 47 of this
24 title), Federal criminal law, the criminal laws of the States
25 and other jurisdictions of the United States, and the laws

1 *of other nations that are to be considered to be dependent-*
2 *abuse offenses for the purposes of this section.*

3 “(d) *RECIPIENTS OF PAYMENTS.*—*In any case of a*
4 *separation from active duty as described in subsection (b)*
5 *in which the Secretary of the military department con-*
6 *cerned determines that transitional compensation should be*
7 *paid under this section, the Secretary shall pay such com-*
8 *penensation to dependents or former dependents of the former*
9 *member as follows:*

10 “(1) *If the former member was married at the*
11 *time of the commission of the dependent-abuse offense*
12 *resulting in the separation, such compensation shall*
13 *(except as otherwise provided in this subsection) be*
14 *paid to the spouse or former spouse to whom the*
15 *member was married at that time.*

16 “(2) *If there is a spouse or former spouse who*
17 *(but for subsection (g)) would be eligible for com-*
18 *penensation under this section and if there is a depend-*
19 *ent child of the former member who does not reside*
20 *in the same household as that spouse or former*
21 *spouse, such compensation shall be paid to each such*
22 *dependent child of the former member who does not*
23 *reside in that household.*

24 “(3) *If there is no spouse or former spouse who*
25 *is (or but for subsection (g) would be) eligible under*

1 *paragraph (1), such compensation shall be paid to the*
2 *dependent children of the former member.*

3 *“(4) For purposes of paragraphs (2) and (3), an*
4 *individual’s status as a ‘dependent child’ shall be de-*
5 *termined as of the date on which the member is con-*
6 *victed of the dependent-abuse offense or, in a case de-*
7 *scribed in subsection (b)(1)(B), as of the date on*
8 *which the member is discharged.*

9 *“(e) COMMENCEMENT AND DURATION OF PAYMENT.—*
10 *(1) Payment of transitional compensation under this sec-*
11 *tion shall commence as of the date of the discontinuance*
12 *of the member’s pay and allowances pursuant to the separa-*
13 *tion or sentencing of the member.*

14 *“(2) Payment of such compensation shall terminate at*
15 *the end of the dependents’ transitional period. The depend-*
16 *ents’ transitional period is the period (A) beginning on the*
17 *date on which the member is convicted of the dependent-*
18 *abuse offense or, in a case described in subsection (b)(1)(B),*
19 *on the date on which the member is discharged, and (B)*
20 *ending at the end of the transitional period determined by*
21 *the Secretary concerned. Such transitional period may not*
22 *exceed 36 months, except that if the length of the member’s*
23 *service on active duty was less than 36 months, the transi-*
24 *tional period may not exceed the length of such service.*

1 “(f) *AMOUNT OF PAYMENT.*—(1) *Payment to a spouse*
2 *or former spouse under this section for any month shall be*
3 *at the rate in effect for that month for the payment of de-*
4 *pendency and indemnity compensation under section*
5 *1311(a)(1) of title 38.*

6 “(2) *If a spouse or former spouse to whom compensa-*
7 *tion is paid under this section has custody of a dependent*
8 *child or children of the member, the amount of such com-*
9 *ensation paid for any month shall be increased for each*
10 *such dependent child by the amount in effect for that month*
11 *under section 1311(b) of title 38.*

12 “(3) *If compensation is paid under this section to a*
13 *child or children pursuant to subsection (d)(2) or (d)(3),*
14 *such compensation shall be paid in equal shares, with the*
15 *amount of such compensation for any month determined*
16 *in accordance with the rates in effect for that month under*
17 *section 1313 of title 38.*

18 “(g) *FORFEITURE PROVISIONS.*—(1) *If a former*
19 *spouse receiving compensation under this section remarries,*
20 *the Secretary shall terminate payment of such compensa-*
21 *tion, effective as of the date of such marriage. The Secretary*
22 *may not renew payment of compensation under this section*
23 *to such former spouse in the event of the termination of*
24 *such subsequent marriage.*

1 “(2) If after the separation of the former member as
2 described in subsection (b) the former member resides in
3 the same household as the spouse or former spouse, or de-
4 pendent child, to whom compensation is otherwise payable
5 under this section, the Secretary shall terminate payment
6 of such compensation, effective as of the time the former
7 member begins residing in such household. Compensation
8 paid for a period after the former member’s separation, but
9 before the former member resides in the household, shall not
10 be recouped. If the former member subsequently ceases to
11 reside in such household before the end of the period of eligi-
12 bility for such payments, the Secretary may not resume
13 such payments.

14 “(3) In a case in which the victim of the dependent-
15 abuse offense resulting in the separation of the former mem-
16 ber was a dependent child, the Secretary concerned may
17 not pay compensation under this section to a spouse or
18 former spouse who would otherwise be eligible to receive
19 such compensation if the Secretary determines (under regu-
20 lations prescribed under subsection (i)) that the spouse or
21 former spouse was an active participant in the conduct con-
22 stituting the dependent-abuse offense.

23 “(h) COORDINATION OF BENEFITS.—The Secretary
24 concerned may not make payments to a spouse or former
25 spouse under both this section and section 1408(h)(1) of this

1 *title. In the case of a spouse or former spouse for whom*
2 *a court order provides for payments by the Secretary pursu-*
3 *ant to section 1408(h)(1) of this title and to whom the Sec-*
4 *retary offers payments under this section, the spouse or*
5 *former spouse shall elect which to receive.*

6 “(i) *REGULATIONS.*—*The Secretary of each military*
7 *department shall prescribe regulations to carry out this sec-*
8 *tion with respect to members of the armed forces under the*
9 *jurisdiction of that Secretary. Such regulations shall be as*
10 *uniform as practicable and shall be subject to the approval*
11 *of the Secretary of Defense.*

12 “(j) *DEPENDENT CHILD DEFINED.*—*In this section,*
13 *the term ‘dependent child’, with respect to a member or*
14 *former member of the armed forces separated as described*
15 *in subsection (b), means an unmarried child, including an*
16 *adopted child or a stepchild, who was residing with the*
17 *member at the time of the dependent-abuse offense resulting*
18 *in the separation of the former member and—*

19 “(1) *who is under 18 years of age;*

20 “(2) *who is 18 years of age or older and is in-*
21 *capable of self-support because of a mental or physical*
22 *incapacity that existed before the age of 18 and who*
23 *is (or was at the time of the former member’s separa-*
24 *tion) dependent on the former member for over one-*
25 *half of the child’s support; or*

1 “(3) who is 18 years of age or older but less than
2 23 years of age, is enrolled in a full-time course of
3 study in an institution of higher learning approved
4 by the Secretary of Defense and who is (or was at the
5 time of the former member’s separation) dependent on
6 the former member for over one-half of the child’s sup-
7 port.”.

8 (2) The table of sections at the beginning of such chap-
9 ter is amended by inserting after the item relating to section
10 1056 the following new item:

 “1058. Abused dependents: payment of transitional compensation.”.

11 (b) *EFFECTIVE DATE.*—(1) Section 1058 of title 10,
12 United States Code, as added by subsection (a), shall apply
13 with respect to former members of the Armed Forces dis-
14 charged or dismissed as described in subsection (b) of such
15 section after the date that is three years before the date of
16 the enactment of this Act.

17 (2) Notwithstanding paragraph (1), no payment may
18 be made under such section 1058 with respect to any period
19 before April 1, 1994.

20 **Subtitle F—Matters Relating to**
21 **Military Justice**

22 **SEC. 561. IMPROVED RIGHT OF APPEAL IN COURT-MARTIAL**
23 **CASES.**

24 (a) *RIGHT OF ACCUSED TO PETITION FOR REVIEW BY*
25 *COURTS OF MILITARY REVIEW.*—Section 869 of title 10,

1 *United States Code (article 69 of the Uniform Code of Mili-*
2 *tary Justice), is amended—*

3 *(1) by redesignating subsection (e) as subsection*
4 *(f); and*

5 *(2) by inserting after subsection (d) the following*
6 *new subsection (e):*

7 *“(e)(1) A Court of Military Review, upon petition of*
8 *the accused and for good cause shown, may review, under*
9 *section 866 of this title (article 66)—*

10 *“(A) any court-martial case which is subject to*
11 *action by the Judge Advocate General under this sec-*
12 *tion (i) in which the Judge Advocate General deter-*
13 *mines not to modify or set aside the findings or sen-*
14 *tence, in whole or in part, in accordance with the ap-*
15 *plication of the accused, and (ii) which is not sent to*
16 *the Court of Military Review by order of the Judge*
17 *Advocate General; and*

18 *“(B) any action taken by the Judge Advocate*
19 *General under this section in that case.*

20 *“(2) A petition by the accused under paragraph (1)*
21 *must be filed with the Court of Military Review within 60*
22 *days of the date on which the accused is notified of the deci-*
23 *sion of the Judge Advocate General.”*

24 *(b) EFFECTIVE DATE.—The amendments made by sub-*
25 *section (a) shall apply with respect to any case reviewed*

1 *by a Judge Advocate General under section 869 of title 10,*
2 *United States Code, in which an application is filed under*
3 *subsection (b) of that section after the date of the enactment*
4 *of this Act.*

5 **SEC. 562. CLARIFICATION OF PUNITIVE UCMJ ARTICLE RE-**
6 **GARDING DRUNKEN DRIVING.**

7 (a) *CLARIFICATION.*—Paragraph (2) of section 911 of
8 title 10, United States Code (article 111 of the Uniform
9 Code of Military Justice), is amended by inserting “or
10 more” after “0.10 grams” both places such term appears.

11 (b) *EFFECTIVE DATE.*—The amendments made by sub-
12 section (a) shall take effect as if included in the amendment
13 to section 911 of title 10, United States Code, made by sec-
14 tion 1066(a)(1) of Public Law 102–484 on October 23,
15 1992.

16 **Subtitle G—Other Matters**

17 **SEC. 571. CRITERIA FOR CLOSING SENIOR ROTC UNITS.**

18 (a) *CLOSURE CRITERIA.*—Section 2102 of title 10,
19 United States Code, is amended by adding at the end the
20 following new subsection:

21 “(e)(1) The Secretary of a military department may
22 not close a unit of the program that is located at a land
23 grant institution.

24 “(2) The Secretary of a military department may not
25 close a unit of the program if there is no other unit of the

1 *program under the jurisdiction of the Secretary at an insti-*
2 *tution located in the State in which the unit being consid-*
3 *ered for closure is located.*

4 “(3) *The Secretary of a military department may not*
5 *close a unit of the program that is not subject to paragraph*
6 *(1) or (2) unless the Secretary certifies to Congress, in ad-*
7 *vance of the closure, that the decision to close the unit is*
8 *based on—*

9 “(A) *considerations of the cost per officer com-*
10 *missioned through that unit compared to the average*
11 *such cost per officer commissioned for all units of the*
12 *program under the jurisdiction of the Secretary; and*

13 “(B) *considerations of the number (and percent-*
14 *age) of members of the program enrolled in that unit*
15 *who are expected to enter critical or hard to fill offi-*
16 *cer specialties compared to the average number (and*
17 *percentage) of such members for all units of the pro-*
18 *gram under the jurisdiction of the Secretary.”.*

19 (b) *REVIEW OF RECENT CLOSURES.—The Secretary of*
20 *each military department shall review each closure of a sen-*
21 *ior Reserve Officers’ Training Corps unit under that Sec-*
22 *retary’s jurisdiction that was decided upon after January*
23 *1, 1991, and before the date of the enactment of this Act.*
24 *The Secretary concerned shall certify to Congress in each*
25 *case whether or not the closure decision was made in accord-*

1 *ance with the criteria specified in section 2102(e) of title*
2 *10, United States Code, as added by subsection (a). In any*
3 *case in which the Secretary is unable to certify that such*
4 *closure decision was made in accordance with such criteria,*
5 *the Secretary shall reestablish that unit as soon as prac-*
6 *ticable and not later than the beginning of the first aca-*
7 *demic year beginning after the date of the enactment of this*
8 *Act.*

9 **SEC. 572. CHANGE IN TIMING OF REQUIRED DRUG AND AL-**
10 **COHOL TESTING AND EVALUATION OF APPLI-**
11 **CANTS FOR APPOINTMENT AS CADET OR MID-**
12 **SHIPMAN AND FOR ROTC GRADUATES.**

13 *Section 978(a)(3) of title 10, United States Code, is*
14 *amended—*

15 *(1) in the first sentence, by striking out “during*
16 *the physical examination given the applicant before*
17 *such appointment” and inserting in lieu thereof*
18 *“within 72 hours of such appointment”; and*

19 *(2) in the second sentence, by striking out “dur-*
20 *ing the precommissioning physical examination given*
21 *such person” and inserting in lieu thereof “before*
22 *such an appointment is executed”.*

1 **SEC. 573. 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 following
5 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 other*
10 *term or condition prescribed in the agreement) and, by rea-*
11 *son of the provision of the agreement required under sub-*
12 *section (a)(3), may owe a debt to the United States and*
13 *in which that person disputes that such a debt is owed, the*
14 *Secretary shall designate an official (who may be a member*
15 *of the armed forces or a civilian employee under the juris-*
16 *isdiction of the Secretary) to investigate the facts of the case*
17 *and hear evidence presented by the person who may owe*
18 *the debt and other parties, as appropriate, in order to deter-*
19 *mine the validity of the debt. That official shall report the*
20 *official’s findings and recommendations to the Secretary*
21 *concerned. The report shall include the official’s assessment*
22 *as to whether the individual behavior that resulted in the*
23 *separation of the person who may owe the debt qualifies*
24 *as misconduct under subsection (a)(3), if the justification*
25 *for the debt to the Government includes an allegation of*
26 *misconduct.*

1 “(2) The Secretary of each military department shall
2 ensure that a member of the armed forces who may be sub-
3 ject to a reimbursement requirement under this section is
4 advised of such requirement before (1) submitting a request
5 for voluntary separation, or (2) making a decision on a
6 course of action regarding personal involvement in admin-
7 istrative, nonjudicial, and judicial action resulting from al-
8 leged 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 section
13 2005 of title 10, United States Code, as added by subsection
14 (a), shall apply with respect to persons separated from the
15 Armed Forces after the end of the six-month period begin-
16 ning on the date of the enactment of this Act.

17 (2) Subsection (h) of such section, as added by sub-
18 section (a), shall apply with respect to persons separated
19 from the Armed Forces after September 30, 1993.

20 **SEC. 574. RECOGNITION OF POWERS OF ATTORNEY NOTA-**
21 **RIZED BY DEFENSE NOTARY PUBLIC.**

22 Section 1044a of title 10, United States Code, is
23 amended by adding at the end the following new subsection:

24 “(e) A power of attorney signed by a person authorized
25 to receive legal assistance under section 1044 of this title

1 *and notarized by a person authorized to do so under this*
2 *section shall be recognized as lawful and given full effect*
3 *by any person to whom it is presented, notwithstanding*
4 *any provision of law regulating the granting of a power*
5 *of attorney in any State, territory, or other jurisdiction of*
6 *the United States.”.*

7 **SEC. 575. POLICY CONCERNING HOMOSEXUALITY IN THE**
8 **ARMED FORCES.**

9 *(a) CODIFICATION.—(1) Chapter 37 of title 10, United*
10 *States Code, is amended by adding at the end the following*
11 *new section:*

12 **“§654. Policy concerning homosexuality in the armed**
13 **forces**

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

16 *“(1) Section 8 of article I of the Constitution of*
17 *the United States commits exclusively to the Congress*
18 *the powers to raise and support armies, provide and*
19 *maintain a Navy, and make rules for the government*
20 *and regulation of the land and naval forces.*

21 *“(2) There is no constitutional right to serve in*
22 *the armed forces.*

23 *“(3) Pursuant to the powers conferred by section*
24 *8 of article I of the Constitution of the United States,*
25 *it lies within the discretion of the Congress to estab-*

1 *lish qualifications for and conditions of service in the*
2 *armed forces.*

3 *“(4) The primary purpose of the armed forces is*
4 *to prepare for and to prevail in combat should the*
5 *need arise.*

6 *“(5) The conduct of military operations requires*
7 *members of the armed forces to make extraordinary*
8 *sacrifices, including the ultimate sacrifice, in order to*
9 *provide for the common defense.*

10 *“(6) Success in combat requires military units*
11 *that are characterized by high morale, good order and*
12 *discipline, and unit cohesion.*

13 *“(7) One of the most critical elements in combat*
14 *capability is unit cohesion, that is, the bonds of trust*
15 *among individual service members that make the*
16 *combat effectiveness of a military unit greater than*
17 *the sum of the combat effectiveness of the individual*
18 *unit members.*

19 *“(8) Military life is fundamentally different*
20 *from civilian life in that—*

21 *“(A) the extraordinary responsibilities of*
22 *the armed forces, the unique conditions of mili-*
23 *tary service, and the critical role of unit cohe-*
24 *sion, require that the military community, while*

1 *subject to civilian control, exist as a specialized*
2 *society; and*

3 “(B) *the military society is characterized by*
4 *its own laws, rules, customs, and traditions, in-*
5 *cluding numerous restrictions on personal behav-*
6 *ior, that would not be acceptable in civilian soci-*
7 *ety.*

8 “(9) *The standards of conduct for members of the*
9 *armed forces regulate a member’s life for 24 hours*
10 *each day beginning at the moment the member enters*
11 *military status and not ending until that person is*
12 *discharged or otherwise separated from the armed*
13 *forces.*

14 “(10) *Those standards of conduct, including the*
15 *Uniform Code of Military Justice, apply to a member*
16 *of the armed forces at all times that the member has*
17 *a military status, whether the member is on base or*
18 *off base, and whether the member is on duty or off*
19 *duty.*

20 “(11) *The pervasive application of the standards*
21 *of conduct is necessary because members of the armed*
22 *forces must be ready at all times for worldwide de-*
23 *ployment to a combat environment.*

24 “(12) *The worldwide deployment of United*
25 *States military forces, the international responsibil-*

1 *ities of the United States, and the potential for in-*
2 *volvement of the armed forces in actual combat rou-*
3 *tinely make it necessary for members of the armed*
4 *forces involuntarily to accept living conditions and*
5 *working conditions that are often spartan, primitive,*
6 *and characterized by forced intimacy with little or no*
7 *privacy.*

8 *“(13) The prohibition against homosexual con-*
9 *duct is a longstanding element of military law that*
10 *continues to be necessary in the unique circumstances*
11 *of military service.*

12 *“(14) The armed forces must maintain personnel*
13 *policies that exclude persons whose presence in the*
14 *armed forces would create an unacceptable risk to the*
15 *armed forces’ high standards of morale, good order*
16 *and discipline, and unit cohesion that are the essence*
17 *of military capability.*

18 *“(15) The presence in the armed forces of persons*
19 *who demonstrate a propensity or intent to engage in*
20 *homosexual acts would create an unacceptable risk to*
21 *the high standards of morale, good order and dis-*
22 *cipline, and unit cohesion that are the essence of mili-*
23 *tary capability.*

24 *“(b) POLICY.—A member of the armed forces shall be*
25 *separated from the armed forces under regulations pre-*

1 *scribed by the Secretary of Defense if one or more of the*
2 *following findings is made and approved in accordance*
3 *with procedures set forth in such regulations:*

4 “(1) *That the member has engaged in, attempted*
5 *to engage in, or solicited another to engage in a ho-*
6 *mosexual act or acts unless there are further findings,*
7 *made and approved in accordance with procedures set*
8 *forth in such regulations, that the member has dem-*
9 *onstrated that—*

10 “(A) *such conduct is a departure from the*
11 *member’s usual and customary behavior;*

12 “(B) *such conduct, under all the cir-*
13 *cumstances, is unlikely to recur;*

14 “(C) *such conduct was not accomplished by*
15 *use of force, coercion, or intimidation;*

16 “(D) *under the particular circumstances of*
17 *the case, the member’s continued presence in the*
18 *armed forces is consistent with the interests of*
19 *the armed forces in proper discipline, good order,*
20 *and morale; and*

21 “(E) *the member does not have a propensity*
22 *or intent to engage in homosexual acts.*

23 “(2) *That the member has stated that he or she*
24 *is a homosexual or bisexual, or words to that effect,*
25 *unless there is a further finding, made and approved*

1 *in accordance with procedures set forth in the regula-*
2 *tions, that the member has demonstrated that he or*
3 *she is not a person who engages in, attempts to en-*
4 *gage in, has a propensity to engage in, or intends to*
5 *engage in homosexual acts.*

6 “(3) *That the member has married or attempted*
7 *to marry a person known to be of the same biological*
8 *sex.*

9 “(c) *ENTRY STANDARDS AND DOCUMENTS.—(1) The*
10 *Secretary of Defense shall ensure that the standards for en-*
11 *listment and appointment of members of the armed forces*
12 *reflect the policies set forth in subsection (b).*

13 “(2) *The documents used to effectuate the enlistment*
14 *or appointment of a person as a member of the armed forces*
15 *shall set forth the provisions of subsection (b).*

16 “(d) *REQUIRED BRIEFINGS.—The briefings that mem-*
17 *bers of the armed forces receive upon entry into the armed*
18 *forces and periodically thereafter under section 937 of this*
19 *title (article 137 of the Uniform Code of Military Justice)*
20 *shall include a detailed explanation of the applicable laws*
21 *and regulations governing sexual conduct by members of the*
22 *armed forces, including the policies prescribed under sub-*
23 *section (b).*

24 “(e) *RULE OF CONSTRUCTION.—Nothing in subsection*
25 *(b) shall be construed to require that a member of the armed*

1 *forces be processed for separation from the armed forces*
2 *when a determination is made in accordance with regula-*
3 *tions prescribed by the Secretary of Defense that—*

4 “(1) *the member engaged in conduct or made*
5 *statements for the purpose of avoiding or terminating*
6 *military service; and*

7 “(2) *separation of the member would not be in*
8 *the best interest of the armed forces.*

9 “(f) *DEFINITIONS.—In this section:*

10 “(1) *The term ‘homosexual’ means a person, re-*
11 *gardless of sex, who engages in, attempts to engage in,*
12 *has a propensity to engage in, or intends to engage*
13 *in homosexual acts, and includes the terms ‘gay’ and*
14 *‘lesbian’.*

15 “(2) *The term ‘bisexual’ means a person who en-*
16 *gages in, attempts to engage in, has a propensity to*
17 *engage in, or intends to engage in homosexual and*
18 *heterosexual acts.*

19 “(3) *The term ‘homosexual act’ means—*

20 “(A) *any bodily contact, actively under-*
21 *taken or passively permitted, between members of*
22 *the same sex for the purpose of satisfying sexual*
23 *desires; and*

24 “(B) *any bodily contact which a reasonable*
25 *person would understand to demonstrate a pro-*

1 *pensity or intent to engage in an act described*
2 *in subparagraph (A).”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by adding at the end the following:*

“654. Policy concerning homosexuality in the armed forces.”.

5 (b) *REGULATIONS.—Not later than 90 days after the*
6 *date of enactment of this Act, the Secretary of Defense shall*
7 *revise Department of Defense regulations, and issue such*
8 *new regulations as may be necessary, to implement section*
9 *654 of title 10, United States Code, as added by subsection*
10 *(a).*

11 (c) *SAVINGS PROVISION.—Nothing in this section or*
12 *section 654 of title 10, United States Code, as added by*
13 *subsection (a) may be construed to invalidate any inquiry,*
14 *investigation, administrative action or proceeding, court-*
15 *martial, or judicial proceeding conducted before the effective*
16 *date of regulations issued by the Secretary of Defense to*
17 *implement such section 654.*

18 (d) *SENSE OF CONGRESS.—It is the sense of Congress*
19 *that—*

20 (1) *the suspension of questioning concerning ho-*
21 *mosexuality as part of the processing of individuals*
22 *for accession into the Armed Forces under the interim*
23 *policy of January 29, 1993, should be continued, but*
24 *the Secretary of Defense may reinstate that question-*
25 *ing with such questions or such revised questions as*

1 *he considers appropriate if the Secretary determines*
2 *that it is necessary to do so in order to effectuate the*
3 *policy set forth in section 654 of title 10, United*
4 *States Code, as added by subsection (a); and*

5 *(2) the Secretary of Defense should consider issu-*
6 *ing guidance governing the circumstances under*
7 *which members of the Armed Forces questioned about*
8 *homosexuality for administrative purposes should be*
9 *afforded warnings similar to the warnings under sec-*
10 *tion 831(b) of title 10, United States Code (article*
11 *31(b) of the Uniform Code of Military Justice).*

12 **SEC. 576. FOREIGN LANGUAGE PROFICIENCY TEST PRO-**
13 **GRAM.**

14 *(a) TEST PROGRAM.—The Secretary of Defense shall*
15 *develop and carry out a test program for improving foreign*
16 *language proficiency in the Department of Defense through*
17 *improved management and other measures. The test pro-*
18 *gram shall be designed to evaluate the findings and rec-*
19 *ommendations of—*

20 *(1) the June 1993 inspection report of the In-*
21 *pector General of the Department of Defense on the*
22 *Defense Foreign Language Program (report numbered*
23 *93-INS-10);*

24 *(2) the report of the Sixth Quadrennial Review*
25 *of Military Compensation (August 1988); and*

1 (3) any other recent study of the foreign lan-
2 guage proficiency program of the Department of De-
3 fense.

4 (b) *EVALUATION OF PRIOR RECOMMENDATIONS.*—The
5 test program shall include an evaluation of the following
6 possible changes to current practice identified in the reports
7 referred to in subsection (a):

8 (1) *Management of linguist billets and personnel*
9 *for the active and reserve components from a Total*
10 *Force perspective.*

11 (2) *Improvement of linguist training programs,*
12 *both resident and nonresident, to provide greater*
13 *flexibility, to accommodate missions other than sig-*
14 *nals intelligence, and to improve the provision of re-*
15 *sources for nonresident programs.*

16 (3) *Centralized responsibility within the Office of*
17 *the Secretary of Defense to provide coordinated over-*
18 *sight of all foreign language issues and programs, in-*
19 *cluding a centralized process for determination, vali-*
20 *dation, and documentation of foreign language re-*
21 *quirements for different services and missions.*

22 (4) *Revised policies of each of the military de-*
23 *partments to foster maintenance of highly perishable*
24 *linguistic skills through improved management of the*
25 *careers of language-trained personnel, including more*

1 *effective use of language skills, improved career oppor-*
2 *tunities within the linguistics field, and specific link-*
3 *age of language proficiency to promotions.*

4 *(5) In the case language-trained members of the*
5 *reserve components—*

6 *(A) the use of additional training assem-*
7 *blies (ATAs) as a means of sustaining linguistic*
8 *proficiency and enhancing retention; and*

9 *(B) the use of larger enlistment and reen-*
10 *listment bonuses, Special Duty Assignment Pay,*
11 *and educational incentives.*

12 *(6) Such other management changes as the Sec-*
13 *retary may consider necessary.*

14 *(c) EVALUATION OF ADJUSTMENT IN FOREIGN LAN-*
15 *GUAGE PROFICIENCY PAY.—(1) The Secretary shall include*
16 *in the test program an evaluation of adjustments in foreign*
17 *language proficiency pay for active and reserve component*
18 *personnel.*

19 *(2) Before any adjustment in foreign language pro-*
20 *ficiency pay is included in the test program as authorized*
21 *by paragraph (1), the Secretary shall submit to the commit-*
22 *tees named in subsection (d)(2) the following information*
23 *related to proficiency pay adjustments:*

24 *(A) The response of the Secretary to the findings*
25 *of the Inspector General in the report on the Defense*

1 *Foreign Language Program referred to in subsection*
2 *(a)(1), specifically including the following matters*
3 *raised in that report:*

4 *(i) Inadequate centralized oversight of plan-*
5 *ning, policy, roles, responsibilities, and funding*
6 *for foreign language programs.*

7 *(ii) Inadequate management and validation*
8 *of the requirements process for foreign language*
9 *programs.*

10 *(iii) Inadequate uniform career manage-*
11 *ment of language-trained personnel, including*
12 *failure to take sufficient advantage of language*
13 *skills and to recoup investment of training dol-*
14 *lars.*

15 *(iv) Inadequate training programs, both*
16 *resident and nonresident.*

17 *(B) The current manning of linguistic billets*
18 *(shown by service, by active or reserve component,*
19 *and by career field).*

20 *(C) The rates of retention in the service for lan-*
21 *guage-trained personnel (shown by service, by active*
22 *or reserve component, and by career field).*

23 *(D) The rates of retention by career field for lan-*
24 *guage-trained personnel (shown by service, by active*
25 *or reserve component, and by career field).*

1 (E) *The rates of language proficiency for person-*
2 *nel serving in linguistic billets (shown by service, by*
3 *active or reserve component, and by career field).*

4 (F) *Trends in performance ratings for personnel*
5 *serving in linguistic billets (shown by service, by ac-*
6 *tive or reserve component, and by career field).*

7 (G) *Promotion rates for personnel serving in lin-*
8 *guistic billets (shown by service, by active or reserve*
9 *component, and by career field).*

10 (H) *The estimated cost of foreign language pro-*
11 *ficiency pay as proposed to be paid at the adjusted*
12 *rates for the test program under paragraph (1)—*

13 (i) *for each year of the test program; and*

14 (ii) *for five years, if those rates are subse-*
15 *quently applied to the entire Department of De-*
16 *fense.*

17 (3) *The rates for adjusted foreign language proficiency*
18 *pay as proposed to be paid for the test program under para-*
19 *graph (1) may not take effect for the test program unless*
20 *the senior official responsible for personnel matters in the*
21 *Office of the Secretary of Defense determines that—*

22 (A) *the foreign language proficiency pay levels*
23 *established for the test program are consistent with*
24 *proficiency pay levels for other functions throughout*
25 *the Department of Defense; and*

1 (B) *the terms and conditions for receiving for-*
2 *foreign language proficiency pay conform to current*
3 *policies and practices within the Department of De-*
4 *fense.*

5 (d) *REPORT ON PLAN FOR TEST PROGRAM.—(1) The*
6 *Secretary of Defense shall submit to the committees named*
7 *in paragraph (2) a report containing a plan for the test*
8 *program required in subsection (a), an explanation of the*
9 *plan, and a discussion of the matters stated in subsection*
10 *(c)(2). The report shall be submitted not later than April*
11 *1, 1994.*

12 (2) *The committees referred to in paragraph (1) are—*

13 (A) *the Committee on Armed Services and the*
14 *Permanent Select Committee on Intelligence of the*
15 *House of Representatives; and*

16 (B) *the Committee on Armed Services and the*
17 *Select Committee on Intelligence of the Senate.*

18 (e) *PERIOD OF TEST PROGRAM.—(1) The test program*
19 *required by subsection (a) shall begin on October 1, 1994.*
20 *However, if the report required by subsection (d) is not sub-*
21 *mitted by the date specified in that subsection for the sub-*
22 *mission of the report, the test program shall begin at the*
23 *end of a period of 180 days (as computed under paragraph*
24 *(2)) beginning on the date on which such report is submit-*
25 *ted.*

1 (2) For purposes of paragraph (1), days on which ei-
2 ther House is not in session because of an adjournment of
3 more than 3 days to a day certain or because of an adjourn-
4 ment sine die shall be excluded in the computation of such
5 180-day period.

6 (3) The test program shall terminate two years after
7 it begins.

8 **TITLE VI—COMPENSATION AND**
9 **OTHER PERSONNEL BENEFITS**
10 **Subtitle A—Pay and Allowances**

11 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1994.**

12 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—Any
13 adjustment required by section 1009 of title 37, United
14 States Code, in elements of compensation of members of the
15 uniformed services to become effective during fiscal year
16 1994 shall not be made.

17 (b) *INCREASE IN BASIC PAY, BAS, AND BAQ.*—Effec-
18 tive on January 1, 1994, the rates of basic pay, basic allow-
19 ance for subsistence, and basic allowance for quarters of
20 members of the uniformed services are increased by 2.2 per-
21 cent.

22 (c) *UNIFORMED SERVICES DEFINED.*—For purposes of
23 this section, the term “uniformed services” does not include
24 the National Oceanic and Atmospheric Administration.

1 **SEC. 602. VARIABLE HOUSING ALLOWANCE FOR CERTAIN**
2 **MEMBERS WHO ARE REQUIRED TO PAY CHILD**
3 **SUPPORT AND WHO ARE ASSIGNED TO SEA**
4 **DUTY.**

5 *Section 403a(b)(2) of title 37, United States Code, is*
6 *amended—*

7 *(1) in subparagraph (A), by striking out “or”;*
8 *and*

9 *(2) in subparagraph (B), by inserting “or” after*
10 *the semicolon; and*

11 *(3) by adding at the end the following new sub-*
12 *paragraph:*

13 *“(C) the member is assigned to sea duty*
14 *and elects not to occupy assigned unaccompanied*
15 *quarters, unless the member is in a pay grade*
16 *above E-6;”.*

17 **SEC. 603. PAY FOR STUDENTS AT SERVICE ACADEMY PRE-**
18 **PARATORY SCHOOLS.**

19 *(a) RATES OF PAY.—Section 203 of title 37, United*
20 *States Code, is amended by adding at the end the following*
21 *new subsection:*

22 *“(e)(1) A student at the United States Military Acad-*
23 *emy Preparatory School, the United States Naval Academy*
24 *Preparatory School, or the United States Air Force Acad-*
25 *emy Preparatory School who was selected to attend the pre-*
26 *paratory school from civilian life is entitled to monthly stu-*

1 *dent pay at the same rate as provided for cadets and mid-*
2 *shipmen under subsection (c)(1).*

3 “(2) *A student at a preparatory school referred to in*
4 *paragraph (1) who, at the time of the student’s selection*
5 *to attend the preparatory school, was an enlisted member*
6 *of the uniformed services on active duty for a period of more*
7 *than 30 days shall continue to receive monthly basic pay*
8 *at the rate prescribed for the student’s pay grade as an en-*
9 *listed member.*

10 “(3) *The monthly student pay of a student described*
11 *in paragraph (1) shall be treated for purposes of the accrual*
12 *charge for the Department of Defense Military Retirement*
13 *Fund established under section 1461 of title 10 in the same*
14 *manner as monthly cadet pay or midshipman pay under*
15 *subsection (c)(1).”.*

16 (b) *APPLICATION OF AMENDMENT.—The amendment*
17 *made by subsection (a) shall apply with respect to students*
18 *entering the United States Military Academy Preparatory*
19 *School, the United States Naval Academy Preparatory*
20 *School, or the United States Air Force Academy Pre-*
21 *paratory School on or after the date of the enactment of*
22 *this Act.*

1 **SEC. 604. ADVANCE PAYMENTS IN CONNECTION WITH THE**
2 **EVACUATION OF MEMBERS AND DEPEND-**
3 **ENTS OF MEMBERS FROM DESIGNATED**
4 **PLACES.**

5 (a) *TIME OF DESIGNATION.*—Section 1006(c) of title
6 37, United States Code, is amended—

7 (1) by inserting “(1)” after “(c)”; and

8 (2) by adding at the end the following new para-
9 graph:

10 “(2) The actual designation of a place under this sub-
11 section as a place for which an advance of pay will be made
12 under this subsection in connection with the ordered evacu-
13 ation of members or dependents of members may be made
14 by the President before, during, or after the evacuation.”.

15 (b) *APPLICATION OF AMENDMENT.*—Section 1006(c) of
16 title 37, United States Code, as amended by subsection (a),
17 shall apply with respect to evacuations occurring on or after
18 the date of the enactment of this Act. Subject to the avail-
19 ability of appropriations for the purpose of providing an
20 advance of pay under such section, such section shall also
21 apply with respect to evacuations occurring during the pe-
22 riod beginning on June 1, 1991, and ending on the date
23 of the enactment of this Act.

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

3 **SEC. 611. PERMANENT AUTHORITY FOR CERTAIN BONUSES**
4 **AND SPECIAL PAY FOR NURSE OFFICER CAN-**
5 **DIDATES, REGISTERED NURSES AND NURSE**
6 **ANESTHETISTS.**

7 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
8 *GRAM.*—Section 2130a(a)(1) of title 10 United States Code,
9 is amended by striking out “, during the period beginning
10 on November 29, 1989, and ending on September 30,
11 1993,”.

12 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—
13 Section 302d(a) of title 37, United States Code, is amended
14 by striking out “, during the period beginning on November
15 29, 1989, and ending on September 30, 1993,”.

16 (c) *SPECIAL PAY FOR NURSE ANESTHETISTS.*—Sec-
17 tion 302e(a) of title 37, United States Code, is amended
18 by striking out “, during the period beginning on November
19 29, 1989, and ending on September 30, 1993,”.

20 (d) *EFFECTIVE DATE.*—The amendments made by this
21 section shall take effect as of October 1, 1993.

22 **SEC. 612. EXTENSION AND MODIFICATION OF CERTAIN SE-**
23 **LECTED RESERVE BONUSES.**

24 (a) *SELECTED RESERVE REENLISTMENT BONUS.*—
25 Section 308b(f) of title 37, United States Code, is amended

1 *by striking out “September 30, 1993” and inserting in lieu*
2 *thereof “September 30, 1995”.*

3 (b) *SELECTED RESERVE ENLISTMENT BONUS.*—Sec-
4 *tion 308c of title 37, United States Code, is amended—*

5 (1) *in subsection (b)—*

6 (A) *by striking out “\$2,000” in the mate-*
7 *rial preceding paragraph (1) and inserting in*
8 *lieu thereof “\$5,000”; and*

9 (B) *in paragraph (1), by striking out “one-*
10 *half of the bonus shall be paid” and inserting in*
11 *lieu thereof “an amount not to exceed one-half of*
12 *the bonus may be paid”;*

13 (2) *in subsection (e), by striking out “September*
14 *30, 1993” and inserting in lieu thereof “September*
15 *30, 1995”; and*

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

18 *“(f) The total amount of expenditures under this sec-*
19 *tion may not exceed \$37,024,000 during fiscal year 1994.”.*

20 (c) *SELECTED RESERVE AFFILIATION BONUS.*—Sec-
21 *tion 308e of title 37, United States Code, is amended—*

22 (1) *in subsection (c)—*

23 (A) *in paragraph (2), by striking out “fifth*
24 *anniversary” and inserting in lieu thereof “sixth*
25 *anniversary”; and*

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

3 “(3) In lieu of the procedures set out in paragraph
4 (2), the Secretary concerned may pay the bonus in monthly
5 installments in such amounts as may be determined by the
6 Secretary. Monthly payments under this paragraph shall
7 begin after the first month of satisfactory service of the per-
8 son and are payable only for those months in which the
9 person serves satisfactorily. Satisfactory service shall be de-
10 termined under regulations prescribed by the Secretary of
11 Defense.”; and

12 (2) in subsection (e), by striking out “September
13 30, 1993” and inserting in lieu thereof “September
14 30, 1995”.

15 (d) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
16 308i(i) of title 37, United States Code, is amended by strik-
17 ing out “September 30, 1993” and inserting in lieu thereof
18 “September 30, 1995”.

19 **SEC. 613. EXTENSIONS OF AUTHORITIES RELATING TO PAY-**
20 **MENT OF OTHER BONUSES AND SPECIAL**
21 **PAYS.**

22 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
23 301b(a) of title 37, United States Code, is amended by strik-
24 ing out “September 30, 1993” and inserting in lieu thereof
25 “September 30, 1994”.

1 (b) *SPECIAL PAY FOR ENLISTED MEMBERS OF THE*
2 *SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIOR-*
3 *ITY UNITS.*—Section 308d(c) of title 37, United States
4 Code, is amended by striking out “September 30, 1993” and
5 inserting in lieu thereof “September 30, 1995”.

6 (c) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
7 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
8 *RESERVE.*—Section 2172(d) of title 10, United States Code,
9 is amended by striking out “October 1, 1993”, and inserting
10 in lieu thereof “October 1, 1995”.

11 (d) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
12 Section 308(g) of title 37, United States Code, is amended
13 by striking out “September 30, 1993” and inserting in lieu
14 thereof “September 30, 1995”.

15 (e) *ENLISTMENT BONUS FOR CRITICAL SKILLS.*—Sec-
16 tion 308a(c) of title 37, United States Code, is amended
17 by striking out “September 30, 1993” and inserting in lieu
18 thereof “September 30, 1995”.

19 (f) *READY RESERVE ENLISTMENT AND REENLISTMENT*
20 *BONUS.*—Section 308h(g) of title 37, United States Code,
21 is amended by striking out “September 30, 1993” and in-
22 serting in lieu thereof “September 30, 1995”.

23 (g) *SPECIAL PAY FOR CRITICALLY SHORT WARTIME*
24 *HEALTH SPECIALISTS IN THE SELECTED RESERVES.*—Sec-
25 tion 613(d) of the National Defense Authorization Act, Fis-

1 *cal Year 1989 (37 U.S.C. 302 note), is amended by striking*
2 *out “September 30, 1993” and inserting in lieu thereof*
3 *“September 30, 1995”.*

4 ***Subtitle C—Travel and***
5 ***Transportation Allowances***

6 ***SEC. 621. AUTHORIZATION OF PAYMENT OR COLLECTION***
7 ***DUE TO FLUCTUATIONS OF FOREIGN CUR-***
8 ***RENCY INCURRED BY CERTAIN MILITARY***
9 ***MEMBERS.***

10 *(a) PAYMENT OR COLLECTION AUTHORIZED.—Sub-*
11 *section (d) of section 405 of title 37, United States Code,*
12 *is amended to read as follows:*

13 *“(d)(1) In the case of a member of the uniformed serv-*
14 *ices authorized to receive a per diem allowance under sub-*
15 *section (a), the Secretary concerned may make a lump-sum*
16 *payment for nonrecurring expenses incurred by the member*
17 *in occupying a private household outside of the United*
18 *States if the expenses are authorized or approved under reg-*
19 *ulations prescribed by the Secretary concerned. Such non-*
20 *recurring expenses may include losses experienced by a*
21 *member upon the return of refundable housing related de-*
22 *posits or as a result of other transactions necessary to secure*
23 *housing where losses are incurred solely as the result of fluc-*
24 *tuation in the relative values of United States and foreign*
25 *currencies.*

1 “(2) Any currency fluctuation gains made by the mem-
2 ber upon the return of a refundable housing-related deposit
3 shall be recouped by the Secretary concerned.

4 “(3) Expenses for which payments are made under this
5 subsection may not be considered for purposes of determin-
6 ing the per diem allowance of the member under subsection
7 (a).”.

8 (b) *APPLICATION OF AMENDMENT.*—Section 405(d) of
9 title 37, United States Code, as amended by subsection (a),
10 shall apply with respect to nonrecurring expenses and cur-
11 rency fluctuation gains described in such section that are
12 incurred by members of the uniformed services on or after
13 the later of—

14 (1) October 1, 1993; and

15 (2) the date of the enactment of this Act.

16 **Subtitle D—Other Matters**

17 **SEC. 631. DEFINITION OF DEPENDENT FOR PURPOSES OF** 18 **ALLOWANCES TO INCLUDE CERTAIN UNMAR-** 19 **RIED PERSONS IN THE LEGAL CUSTODY OF A** 20 **MEMBER OR FORMER MEMBER.**

21 (a) *EXPANSION OF DEFINITION.*—Section 401(a) of
22 title 37, United States Code, is amended by adding at the
23 end the following new paragraph:

24 “(4) An unmarried person who—

1 “(A) is placed in the legal custody of the
2 member as a result of an order of a court of com-
3 petent jurisdiction in the United States (or a
4 Territory or possession of the United States) for
5 a period of at least 12 consecutive months;

6 “(B)(i) has not attained the age of 21;

7 “(ii) has not attained the age of 23 years
8 and is enrolled in a full time course of study at
9 an institution of higher learning approved by the
10 Secretary concerned; or

11 “(iii) is incapable of self support because of
12 a mental or physical incapacity that occurred
13 while the person was considered a dependent of
14 the member or former member under this para-
15 graph pursuant to clause (i) or (ii);

16 “(C) is dependent on the member for over
17 one-half of the person’s support, as prescribed in
18 regulations of the Secretary concerned;

19 “(D) resides with the member unless sepa-
20 rated by the necessity of military service or to
21 receive institutional care as a result of disabil-
22 ity, incapacitation, or such other circumstances
23 as the Secretary concerned may by regulation
24 prescribe; and

1 “(E) is not a dependent of a member under
2 any other paragraph.”.

3 (b) *APPLICATION OF AMENDMENT.*—Section 401(a)(4)
4 of title 37, United States Code, as added by subsection (a),
5 shall apply with respect to determinations of dependency
6 made on or after July 1, 1994.

7 **SEC. 632. CLARIFICATION OF ELIGIBILITY FOR TUITION AS-**
8 **SISTANCE.**

9 Section 2007(c) of title 10, United States Code, is
10 amended by adding at the end the following new paragraph:

11 “(4) The restrictions in paragraph (3) shall not apply
12 in the case of officers and warrant officers on active duty
13 or full-time National Guard duty who are eligible to receive
14 assistance under subsection (a).”.

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

17 **Subtitle A—Health Care Services**

18 **SEC. 701. PRIMARY AND PREVENTIVE HEALTH-CARE SERV-**
19 **ICES FOR WOMEN.**

20 (a) *FEMALE MEMBERS AND RETIREES OF THE UNI-*
21 *FORMED SERVICES.*—(1) Chapter 55 of title 10, United
22 States Code, is amended by inserting after section 1074c
23 the following new section:

1 **“§ 1074d. Primary and preventive health-care services**
2 **for women**

3 *“Female members and former members of the uni-*
4 *formed services who are entitled to medical care under sec-*
5 *tion 1074 or 1074a of this title shall be furnished with pri-*
6 *mary and preventive health-care services for women as part*
7 *of such medical care.”.*

8 (2) *The table of sections at the beginning of such chap-*
9 *ter is amended by inserting after the item relating to section*
10 *1074c the following new item:*

“1074d. Primary and preventive health-care services for women.”.

11 (b) *FEMALE DEPENDENTS.*—*Section 1077(a) of such*
12 *title is amended by adding at the end the following new*
13 *paragraph:*

14 *“(13) Primary and preventive health-care serv-*
15 *ices for women.”.*

16 (c) *DEFINITION.*—*Section 1072 of such title is amend-*
17 *ed by adding at the end the following new paragraph:*

18 *“(6) The term ‘primary and preventive health-*
19 *care services for women’ means health-care services*
20 *provided to women, including counseling, relating to*
21 *the following:*

22 *“(A) Papanicolaou tests (pap smear).*

23 *“(B) Breast examinations and mammog-*
24 *raphy.*

1 “(C) Comprehensive gynecological and ob-
2 stetric care.

3 “(D) Infertility and sexually transmitted
4 diseases, including prevention.

5 “(E) Menopause.

6 “(F) Physical or psychological conditions
7 arising out of acts of sexual violence.”.

8 **SEC. 702. DEFINITION OF DEPENDENT FOR PURPOSES OF**
9 **MEDICAL AND DENTAL COVERAGE TO IN-**
10 **CLUDE CERTAIN UNMARRIED PERSONS IN**
11 **THE LEGAL CUSTODY OF A MEMBER OR**
12 **FORMER MEMBER.**

13 (a) *EXPANSION OF DEFINITION.*—Section 1072(2) of
14 title 10, United States Code, is amended—

15 (1) in subparagraph (G), by striking out “; and”
16 and inserting in lieu thereof a semicolon;

17 (2) in subparagraph (H), by striking out the pe-
18 riod and inserting in lieu thereof “; and”; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(I) an unmarried person who—

22 “(i) is placed in the legal custody of
23 the member or former member as a result of
24 an order of a court of competent jurisdic-
25 tion in the United States (or a Territory or

1 *possession of the United States) for a period*
2 *of at least 12 consecutive months;*

3 “(ii)(I) *has not attained the age of 21;*

4 “(II) *has not attained the age of 23*
5 *and is enrolled in a full time course of*
6 *study at an institution of higher learning*
7 *approved by the administering Secretary; or*

8 “(III) *is incapable of self support be-*
9 *cause of a mental or physical incapacity*
10 *that occurred while the person was consid-*
11 *ered a dependent of the member or former*
12 *member under this subparagraph pursuant*
13 *to subclause (I) or (II);*

14 “(iii) *is dependent on the member or*
15 *former member for over one-half of the per-*
16 *son’s support, as prescribed in regulations*
17 *of the administering Secretary;*

18 “(iv) *resides with the member or*
19 *former member unless separated by the ne-*
20 *cessity of military service or to receive in-*
21 *stitutional care as a result of disability, in-*
22 *capacitation, or such other circumstances as*
23 *the administering Secretary may by regula-*
24 *tion prescribe; and*

1 “(v) is not a dependent of a member or
2 a former member under any other subpara-
3 graph.”.

4 (b) *APPLICATION OF AMENDMENT.*—Section
5 1072(2)(I) of title 10, United States Code, as added by sub-
6 section (a), shall apply with respect to determinations of
7 dependency made on or after July 1, 1994.

8 ***Subtitle B—Health Care***
9 ***Management***

10 ***SEC. 711. EXTENSION AND REVISION OF SPECIALIZED***
11 ***TREATMENT SERVICES PROGRAM.***

12 (a) *EXTENSION OF WAIVER AUTHORITY REGARDING*
13 40-MILE RADIUS RESTRICTION.—Section 1079(a)(7)(B) of
14 title 10, United States Code, is amended by striking out
15 “October 1, 1993” and inserting in lieu thereof, “October
16 1, 1995”.

17 (b) *INCLUSION OF FACILITIES PURSUANT TO CON-*
18 TRACT OR AGREEMENT.—Section 1105 of such title is
19 amended—

20 (1) by inserting “(a) *DETERMINATION.*—” before
21 “*In determining*”;

22 (2) by striking out “*within the area served by*
23 *that facility*”; and

24 (3) by adding at the end the following new sub-
25 sections:

1 “(b) *REGULATIONS.*—*The Secretary of Defense, after*
2 *consulting with the other administering Secretaries, shall*
3 *prescribe regulations to implement this section. Such regu-*
4 *lations shall include standards for the designation of service*
5 *areas comparable in size to service areas designated for fa-*
6 *cilities of the uniformed services pursuant to sections*
7 *1079(a)(7), 1080, and 1086(e) of this title.*

8 “(c) *REIMBURSEMENT OF TRANSPORTATION AND SUB-*
9 *SISTENCE EXPENSES.*—(1) *Subject to paragraph (2), the*
10 *regulations required by subsection (b) also may provide for*
11 *the full or partial reimbursement of reasonable expenses*
12 *for—*

13 “(A) *the long-distance transportation for a cov-*
14 *ered beneficiary to or from a health care facility at*
15 *which specialized health care services are provided*
16 *pursuant to this chapter; and*

17 “(B) *the long-distance transportation, temporary*
18 *lodging, and meals (not to exceed the applicable per*
19 *diem rate) for a non-medical attendant (including a*
20 *member of the uniformed services on active duty) who*
21 *accompanies the covered beneficiary.*

22 “(2) *Reimbursement of expenses may be made under*
23 *paragraph (1) only if the Secretary of Defense determines*
24 *that such reimbursement will permit the health care services*
25 *to be provided at less total cost to the Department of Defense*

1 *than if the services were otherwise provided pursuant to this*
2 *chapter. In lieu of reimbursement for such expenses, the Sec-*
3 *retary may authorize the provision of transportation,*
4 *meals, and lodging by the Department of Defense when rea-*
5 *sonably available.”.*

6 **SEC. 712. CODIFICATION OF CHAMPUS PEER REVIEW ORGA-**
7 **NIZATION PROGRAM PROCEDURES.**

8 *Section 1079 of title 10, United States Code, is amend-*
9 *ed by adding at the end the following new subsection:*

10 *“(o)(1) Health care services provided pursuant to this*
11 *section or section 1086 of this title may not include services*
12 *determined under the CHAMPUS Peer Review Organiza-*
13 *tion program to be not medically or psychologically nec-*
14 *essary.*

15 *“(2) The Secretary of Defense, after consulting with*
16 *the other administering Secretaries, may—*

17 *“(A) adopt by regulation any quality and utili-*
18 *zation review requirements and procedures in effect*
19 *for the Peer Review Organization program under title*
20 *XVIII of the Social Security Act (42 U.S.C. 1395c et*
21 *seq.) that the Secretary determines to be necessary to*
22 *carry out this subsection; and*

23 *“(B) adapt such requirements and procedures to*
24 *the circumstances of the CHAMPUS Peer Review Or-*

1 “(b) *EFFECT OF PREEMPTION.*—In the case of the pre-
2 emption under subsection (a) of a State or local law or reg-
3 ulation regarding financial solvency, the Secretary of De-
4 fense or the administering Secretaries shall require an inde-
5 pendent audit of the prime contractor of each contract en-
6 tered into pursuant to this chapter covered by the preemp-
7 tion. The audit shall be performed by the Defense Contract
8 Audit Agency.

9 “(c) *STATE DEFINED.*—In this section, the term ‘State’
10 includes the District of Columbia, the Commonwealth of
11 Puerto Rico, the Commonwealth of the Northern Mariana
12 Islands, and each territory and possession of the United
13 States.”.

14 (b) *APPLICATION OF AMENDMENT.*—Section 1103 of
15 title 10, United States Code, as amended by subsection (a),
16 shall apply with respect to any contract entered into under
17 chapter 55 of such title before, on, or after the date of the
18 enactment of this Act.

19 **SEC. 714. DELAY OF TERMINATION EFFECTIVE DATE FOR**
20 **UNIFORMED SERVICES TREATMENT FACILI-**
21 **TIES.**

22 Subsection (e) of section 1252 of the Department of De-
23 fense Authorization Act, 1984 (42 U.S.C. 248d) is amended
24 by striking out “1993” and inserting in lieu thereof “1995”.

1 **SEC. 715. MANAGED-CARE DELIVERY AND REIMBURSEMENT**

2 **MODEL FOR THE UNIFORMED SERVICES**

3 **TREATMENT FACILITIES.**

4 (a) *TIME FOR OPERATION OF MANAGED-CARE DELIV-*
5 *ERY AND REIMBURSEMENT MODEL.*—Subsection (c) of sec-
6 *tion 718 of the National Defense Authorization Act for Fis-*
7 *cal Year 1991 (Public Law 101-510; 104 Stat. 1587) is*
8 *amended by striking out the first sentence and inserting*
9 *in lieu thereof the following:*

10 “(1) *TIME FOR OPERATION.*—Not later than Oc-
11 *tober 1, 1993, the Secretary of Defense shall begin op-*
12 *eration of a managed-care delivery and reimburse-*
13 *ment model that will continue to utilize the Uni-*
14 *formed Services Treatment Facilities in the military*
15 *health services system.”.*

16 (b) *COPAYMENTS AND DEFINITION.*—Such subsection
17 *is further amended by adding at the end the following new*
18 *paragraphs:*

19 “(2) *COPAYMENTS.*—A *Uniformed Services*
20 *Treatment Facility for which there exists a Uni-*
21 *formed Services Treatment Facilities Managed-Care*
22 *Plan may impose nominal charges for inpatient and*
23 *outpatient care provided to all categories of bene-*
24 *ficiaries enrolled in the plan. The schedule and appli-*
25 *cation of such charges shall be in accordance with the*
26 *terms and conditions specified in the plan.*

1 “(3) *DEFINITION.*—For purposes of this sub-
2 section, the term ‘Uniformed Services Treatment Fa-
3 cility’ means a facility described in section 911(a) of
4 the Military Construction Authorization Act, 1982
5 (42 U.S.C. 248c(a)).”.

6 **SEC. 716. CLARIFICATION OF CONDITIONS ON EXPANSION**
7 **OF CHAMPUS REFORM INITIATIVE TO OTHER**
8 **LOCATIONS.**

9 (a) *IN GENERAL.*—Subsection (a) of section 712 of the
10 National Defense Authorization Act for Fiscal Year 1993
11 (10 U.S.C. 1073 note) is amended—

12 (1) by inserting “(1)” after “*CONDITION.*—”;

13 (2) in the second sentence, by inserting after
14 “cost-effectiveness of the initiative” the following:
15 “(while assuring that the combined cost of care in
16 military treatment facilities and under the Civilian
17 Health and Medical Program of the Uniformed Serv-
18 ices will not be increased as a result of the expan-
19 sion)”; and

20 (3) by adding at the end the following new para-
21 graph:

22 “(2) To the extent any revision of the CHAMPUS re-
23 form initiative is necessary in order to make the certifi-
24 cation required by this subsection, the Secretary shall assure
25 that enrolled covered beneficiaries may obtain health care

1 *services with reduced out-of-pocket costs, as compared to*
2 *standard CHAMPUS.”.*

3 (b) *DEFINITION.*—*Subsection (d) of such section is*
4 *amended by adding at the end the following new paragraph:*

5 “(3) *The terms ‘Civilian Health and Medical*
6 *Program of the Uniformed Services’ and ‘CHAMPUS’*
7 *have the meaning given the term ‘Civilian Health*
8 *and Medical Program of the Uniformed Services’ in*
9 *section 1072(4) of title 10, United States Code.”*

10 **SEC. 717. INCREASED FLEXIBILITY FOR PERSONAL SERVICE**

11 **CONTRACTS IN MILITARY MEDICAL TREAT-**
12 **MENT FACILITIES.**

13 (a) *PERSONAL SERVICES CONTRACTS AUTHORIZED.*—

14 (1) *Section 1091 of title 10, United States Code, is amended*
15 *to read as follows:*

16 “**§ 1091. Personal services contracts**

17 “(a) *AUTHORITY.*—*The Secretary of Defense may enter*
18 *into personal services contracts to carry out health care re-*
19 *sponsibilities in medical treatment facilities of the Depart-*
20 *ment of Defense, as determined to be necessary by the Sec-*
21 *retary. The authority provided in this subsection is in addi-*
22 *tion to any other contract authorities of the Secretary, in-*
23 *cluding authorities relating to the management of such fa-*
24 *cilities and the administration of this chapter.*

1 “(b) *LIMITATION ON AMOUNT OF COMPENSATION.*—In
2 *no case may the total amount of compensation paid to an*
3 *individual in any year under a personal services contract*
4 *entered into under subsection (a) exceed the amount of an-*
5 *ual compensation (excluding expenses) specified in section*
6 *102 of title 3.*

7 “(c) *PROCEDURES.*—(1) *The Secretary shall establish*
8 *by regulation procedures for entering into personal services*
9 *contracts with individuals under subsection (a). At a mini-*
10 *imum, such procedures shall assure—*

11 “(A) *the provision of adequate notice of contract*
12 *opportunities to individuals residing in the area of*
13 *the medical treatment facility involved; and*

14 “(B) *consideration of interested individuals sole-*
15 *ly on the basis of the qualifications established for the*
16 *contract and the proposed contract price.*

17 “(2) *Upon the establishment of such procedures under*
18 *paragraph (1), the Secretary may exempt contracts covered*
19 *by this section from the competitive contracting require-*
20 *ments specified in section 2304 of this title or any other*
21 *similar requirements of law.*

22 “(d) *EXCEPTIONS.*—*The procedures and exemptions*
23 *provided under subsection (c) shall not apply to personal*
24 *services contracts entered into under subsection (a) with en-*
25 *tities other than individuals or to any contract that is not*

1 *an authorized personal services contract under such sub-*
2 *section.”.*

3 (2) *The item relating to section 1091 in the table of*
4 *sections at the beginning of chapter 55 of title 10, United*
5 *States Code, is amended to read as follows:*

“1091. Personal services contracts.”.

6 (b) *REPORT REQUIRED.—Not later than 30 days after*
7 *the end of the 180-day period beginning on the date on*
8 *which the Secretary of Defense first uses the authority pro-*
9 *vided under section 1091 of title 10, United States Code*
10 *(as amended by subsection (a)(1)), the Secretary shall sub-*
11 *mit to Congress a report specifying—*

12 (1) *the salaries, by medical specialty, offered by*
13 *the Secretary to individuals agreeing to enter into a*
14 *personal services contract under such section during*
15 *that period;*

16 (2) *the extent to which those salaries exceed the*
17 *salaries previously offered by the Secretary for indi-*
18 *viduals in such medical specialties;*

19 (3) *the total number and medical specialties of*
20 *individuals serving in military medical treatment fa-*
21 *ilities during that period pursuant to such a con-*
22 *tract; and*

23 (4) *the number of such individuals (and their*
24 *medical specialties) who are receiving compensation*
25 *under such a contract in an amount in excess of the*

1 *maximum amount authorized under such section, as*
2 *such section was in effect on the day before the date*
3 *of the enactment of this Act.*

4 ***SEC. 718. EXPANSION OF THE PROGRAM FOR THE COLLEC-***
5 ***TION OF HEALTH CARE COSTS FROM THIRD-***
6 ***PARTY PAYERS.***

7 (a) *COLLECTION CHANGES.*—*Section 1095 of title 10,*
8 *United States Code, is amended—*

9 (1) *in subsection (g)—*

10 (A) *by inserting after “collected under this*
11 *section from a third party payer” the following:*
12 *“or under any other provision of law from any*
13 *other payer”; and*

14 (B) *by inserting before the period the follow-*
15 *ing: “and shall not be taken into consideration*
16 *in establishing the operating budget of the facil-*
17 *ity”; and*

18 (2) *in subsection (h)(2), by inserting after “in-*
19 *cludes” the following: “a preferred provider organiza-*
20 *tion and”.*

21 (b) *REPORT ON COLLECTIONS.*—*Not later than Feb-*
22 *ruary 15 of each year, the Secretary of Defense shall submit*
23 *to Congress a report specifying for each medical treatment*
24 *facility of the uniformed services—*

1 (1) *the amount collected during the preceding fis-*
2 *cal year under section 1095 of title 10, United States*
3 *Code, from third-party payers for the costs of health*
4 *care provided at the facility; and*

5 (2) *the amount requested for operation and*
6 *maintenance of the facility for the preceding fiscal*
7 *year, the fiscal year in which the report is submitted,*
8 *and the next fiscal year.*

9 **SEC. 719. ALTERNATIVE RESOURCE ALLOCATION METHOD**
10 **FOR MEDICAL FACILITIES OF THE UNI-**
11 **FORMED SERVICES.**

12 (a) *INCLUSION OF CAPITATION METHOD.*—Section
13 *1101 of title 10, United States Code is amended—*

14 (1) *in subsection (a)—*

15 (A) *by striking “DRGs” in the subsection*
16 *heading and inserting in lieu thereof “CAPITA-*
17 *TION OR DRG METHOD”;*

18 (B) *by inserting “capitation or” before “di-*
19 *agnosis-related groups”;*

20 (2) *in subsection (b), by striking “Diagnosis-re-*
21 *lated groups” and inserting in lieu thereof “Capita-*
22 *tion or diagnosis-related groups”;* and

23 (3) *in subsection (c)—*

24 (A) *by striking “shall” both places it ap-*
25 *pears and inserting in lieu thereof “may”;* and

1 *the maximum extent practicable, the health benefit option*
2 *required under this subsection as one of the options avail-*
3 *able to covered beneficiaries in all future managed health*
4 *care initiatives undertaken by the Secretary.*

5 **(b) ELEMENTS OF OPTION.**—*The Secretary shall offer*
6 *covered beneficiaries who enroll in the health benefit option*
7 *required under subsection (a) reduced out-of-pocket costs*
8 *and a benefit structure that is as uniform as possible*
9 *throughout the United States. The Secretary shall allow en-*
10 *rollees to seek health care outside the option, except that*
11 *the Secretary may prescribe higher out-of-pocket costs than*
12 *authorized under section 1079 or 1086 of title 10, United*
13 *States Code, for enrollees who do so.*

14 **(c) GOVERNMENT COSTS.**—*The health benefit option*
15 *required under subsection (a) shall be administered so that*
16 *the costs incurred by the Secretary to provide the option*
17 *are no greater than the costs that would otherwise be in-*
18 *curred to provide health care to the covered beneficiaries*
19 *who enroll in the option.*

20 **SEC. 721. AUTHORIZATION FOR AUTOMATED MEDICAL**
21 **RECORD CAPABILITY TO BE INCLUDED IN**
22 **MEDICAL INFORMATION SYSTEM.**

23 **(a) AUTOMATED MEDICAL RECORD CAPABILITY.**—*In*
24 *carrying out the acquisition of the Department of Defense*
25 *medical information system referred to in section 704 of*

1 *the National Defense Authorization Act for Fiscal Year*
2 *1987 (Public Law 99-661; 100 Stat. 704), the Secretary of*
3 *Defense may permit an automated medical record capabil-*
4 *ity to be included in the system. The Secretary may make*
5 *such modifications to existing contracts, and include such*
6 *specifications in future contracts, as the Secretary considers*
7 *necessary to include such a capability in the system.*

8 *(b) PLAN.—The Secretary of Defense shall develop a*
9 *plan to test the use of automated medical records at one*
10 *or more military medical treatment facilities. Not later*
11 *than January 15, 1994, the Secretary shall submit the plan*
12 *to the Committees on Armed Services of the Senate and*
13 *House of Representatives.*

14 *(c) DEFINITIONS.—In this section:*

15 *(1) The term “medical information system”*
16 *means a computer-based information system that—*

17 *(A) receives data normally recorded con-*
18 *cerning patients;*

19 *(B) creates and maintains from such data*
20 *a computerized medical record for each patient;*
21 *and*

22 *(C) provides access to data for patient care,*
23 *hospital administration, research, and medical*
24 *care resource planning.*

1 (2) *The term “automated medical record” means a*
2 *computer-based information system that—*

3 (A) *is available at the time and place of*
4 *interaction between a patient and a health care*
5 *provider;*

6 (B) *receives, stores, and provides access to*
7 *relevant patient and other medical information*
8 *in a single, logical patient record that is appro-*
9 *priately organized for clinical decisionmaking;*
10 *and*

11 (C) *maintains patient confidentiality in*
12 *conformance with all applicable laws and regu-*
13 *lations.*

14 ***Subtitle C—Other Matters***

15 ***SEC. 731. AWARD OF CONSTRUCTIVE SERVICE CREDIT FOR***
16 ***ADVANCED HEALTH PROFESSIONAL DE-***
17 ***GREES.***

18 (a) *CREDIT ON ORIGINAL APPOINTMENT.—Section*
19 *533(b)(1) of title 10, United States Code, 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 (b) CREDIT AS RESERVE OF THE ARMY.—Section
12 3353(b)(1) of such title is amended—

13 (1) in subparagraph (A)—

14 (A) by inserting “professional” in the first
15 sentence after “One year for each year of ad-
16 vanced”;

17 (B) by striking out “Except as provided in
18 clause (E), in ” at the beginning of the second
19 sentence and inserting in lieu thereof “In”; and

20 (C) by striking out “postsecondary edu-
21 cation in excess of four that are” in the second
22 sentence and inserting in lieu thereof “advanced
23 education”;

24 (2) by striking out subparagraph (E); and

1 (3) by redesignating subparagraph (F) as sub-
2 paragraph “(E)”.

3 (c) *CREDIT IN THE NAVAL RESERVE AND MARINE*
4 *CORPS RESERVE.*—Section 5600(b)(1) of such title is
5 amended—

6 (1) in subparagraph (A)—

7 (A) by inserting “professional” in the first
8 sentence after “One year for each year of ad-
9 vanced”;

10 (B) by striking out “Except as provided in
11 clause (E), in” at the beginning of the second
12 sentence and inserting in lieu thereof “In”; and

13 (C) by striking out “postsecondary edu-
14 cation in excess of four that are” in the second
15 sentence and inserting in lieu thereof “advanced
16 education”;

17 (2) by striking out subparagraph (E); and

18 (3) by redesignating subparagraph (F) as sub-
19 paragraph “(E)”.

20 (d) *CREDIT AS RESERVE OF THE AIR FORCE.*—Sec-
21 *tion 8353(b)(1)* of such title is amended—

22 (1) in subparagraph (A)—

23 (A) by inserting “professional” in the first
24 sentence after “One year for each year of ad-
25 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 amendments
12 made by this section shall apply with respect to determin-
13 ing the constructive service credit of persons receiving an
14 original appointment as commissioned officers in regular
15 components of the Armed Forces, an original appointment
16 as reserve commissioned officers, or an assignment or des-
17 ignation to certain officer categories described in such sec-
18 tions whether such appointment, assignment, or designation
19 occurred before the date of the enactment of this Act or oc-
20 curs 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 GRADUATE*
6 *STUDENTS.*—Section 2114 of title 10, United States Code,
7 *is amended—*

8 (1) *in subsection (a), by striking out “Students”*
9 *in the first sentence and inserting in lieu thereof*
10 *“Medical students”;*

11 (2) *in subsection (b), by striking out “Students”*
12 *in the first and fourth sentences and inserting in lieu*
13 *thereof in each instance “Medical students”;*

14 (3) *in subsection (d), by striking out “member”*
15 *in the first sentence and inserting in lieu thereof*
16 *“commissioned member”;* and

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

19 *“(g) The Secretary of Defense shall establish selection*
20 *procedures, service obligations (if any), and such other re-*
21 *quirements as the Secretary determines to be appropriate*
22 *for students in any postdoctoral, postgraduate, or techno-*
23 *logical institute established pursuant to section 2113(h) of*
24 *this title.”.*

25 (b) *APPLICATION OF AMENDMENTS.*—*The amendments*
26 *made by subsection (a) shall apply with respect to students*

1 *attending the Uniformed Services University of the Health*
2 *Sciences on or after the date of the enactment of this Act.*

3 **SEC. 733. AUTHORITY FOR THE ARMED FORCES INSTITUTE**
4 **OF PATHOLOGY TO OBTAIN ADDITIONAL DIS-**
5 **TINGUISHED PATHOLOGISTS AND SCI-**
6 **ENTISTS.**

7 *Section 176(c) of title 10, United States Code, is*
8 *amended by adding at the end the following new sentence:*
9 *“The Secretary of Defense, on a case-by-case basis, may*
10 *waive the limitation on the number of distinguished pa-*
11 *thologists or scientists with whom agreements may be en-*
12 *tered into under this subsection if the Secretary determines*
13 *that such waiver is in the best interest of the Department*
14 *of Defense.”.*

15 **SEC. 734. REPORT ON THE PROVISION OF HEALTH-CARE**
16 **SERVICES TO WOMEN.**

17 *(a) REPORT REQUIRED.—The Secretary of Defense*
18 *shall prepare a report evaluating the provision of health-*
19 *care services through military medical treatment facilities*
20 *and the Civilian Health and Medical Program of the Uni-*
21 *formed Services to female members of the uniformed services*
22 *and female covered beneficiaries eligible for health care*
23 *under chapter 55 of title 10, United States Code.*

24 *(b) CONTENTS.—The report required by subsection (a)*
25 *shall contain the following:*

1 (1) *A description of the medical personnel of the*
2 *Department of Defense who provided health-care serv-*
3 *ices during fiscal year 1993 to female members and*
4 *covered beneficiaries, including—*

5 (A) *the number of such personnel (including*
6 *both the number of individual employees and the*
7 *number of full-time employee equivalents);*

8 (B) *the professional qualifications or spe-*
9 *cialty training of such personnel; and*

10 (C) *the medical facilities to which such per-*
11 *sonnel were assigned.*

12 (2) *A description of any actions, including the*
13 *use of special pays and incentives, taken by the Sec-*
14 *retary during fiscal year 1993—*

15 (A) *to ensure the retention of the medical*
16 *personnel described in paragraph (1);*

17 (B) *to recruit additional personnel to pro-*
18 *vide health-care services to female members and*
19 *female covered beneficiaries; and*

20 (C) *to replace departing personnel who pro-*
21 *vided such services.*

22 (3) *A description of any existing or proposed*
23 *programs to encourage specialization of health care*
24 *professionals in fields related to primary and preven-*
25 *tive health-care services for women.*

1 (4) *An assessment of any difficulties experienced*
2 *by military medical treatment facilities or the Civil-*
3 *ian Health and Medical Program of the Uniformed*
4 *Services in furnishing primary and preventive health-*
5 *care services for women and a description of those ac-*
6 *tions taken by the Secretary to resolve such difficul-*
7 *ties.*

8 (5) *An assessment of the extent to which gender-*
9 *related factors impede or complicate diagnoses (such*
10 *as inappropriate psychiatric referrals and admis-*
11 *sions) made by medical personnel described in para-*
12 *graph (1).*

13 (6) *A description of the actions taken by the Sec-*
14 *retary to foster and encourage the expansion of re-*
15 *search relating to health care issues of concern to fe-*
16 *male members of the uniformed services and female*
17 *covered beneficiaries.*

18 (c) *POPULATION STUDY OF THE NEED OF FEMALE*
19 *MEMBERS AND FEMALE COVERED BENEFICIARIES FOR*
20 *HEALTH-CARE SERVICES.—(1) As part of the report re-*
21 *quired by subsection (a), the Secretary shall conduct a*
22 *study to determine the needs of female members of the uni-*
23 *formed services and female covered beneficiaries for health-*
24 *care services, including primary and preventive health-care*
25 *services for women.*

1 (2) *The study shall examine the health needs of current*
2 *members and covered beneficiaries and future members and*
3 *covered beneficiaries based upon the anticipated size and*
4 *composition of the Armed Forces in the year 2000 and*
5 *should be based on the demographics of society as a whole.*

6 (d) *SUBMISSION AND REVISION.*—*The Secretary of De-*
7 *fense shall submit the report required by subsection (a) to*
8 *Congress not later than April 1, 1994. The Secretary shall*
9 *revise and resubmit the report to Congress not later than*
10 *April 1, 1999.*

11 (e) *DEFINITIONS.*—*For purposes of this section:*

12 (1) *The term “primary and preventive health*
13 *care services for women” has the meaning given such*
14 *term in paragraph (6) of section 1072 of title 10,*
15 *United States Code, as added by section 701(c).*

16 (2) *The term “covered beneficiary” has the*
17 *meaning given such term in paragraph (5) of such*
18 *section.*

19 **SEC. 735. SENSE OF CONGRESS REGARDING THE INCLU-**
20 **SION OF CHIROPRACTIC CARE AS A TYPE OF**
21 **HEALTH CARE AUTHORIZED UNDER**
22 **CHAMPUS.**

23 (a) *FINDINGS.*—*Congress finds the following:*

24 (1) *Chiropractors are currently prohibited from*
25 *receiving reimbursement under the Civilian Health*

1 *and Medical Program of the Uniformed Services*
2 *(CHAMPUS).*

3 (2) *Chiropractors offer cost-effective care that is*
4 *desired by covered beneficiaries under CHAMPUS.*

5 (3) *On March 1, 1992, the Department of De-*
6 *fense concluded a two-year demonstration project to*
7 *test the participation of chiropractors under*
8 *CHAMPUS.*

9 (4) *The demonstration project included over*
10 *1,100 chiropractors in the States of Colorado and*
11 *Washington and generated over 50,000 claims from*
12 *5,700 covered beneficiaries.*

13 (5) *A final report from the Department of De-*
14 *fense on the demonstration project was expected in*
15 *December 1992, but analysis of data derived from the*
16 *project was delayed due to the late filing of claims.*

17 (b) *SENSE OF CONGRESS.—In light of the findings in*
18 *subsection (a), it is the sense of Congress that the Secretary*
19 *of Defense should—*

20 (1) *designate the analysis referred to in sub-*
21 *section (a)(5) of the demonstration project to test the*
22 *participation of chiropractors under CHAMPUS as a*
23 *priority matter to be completed as expeditiously as*
24 *possible, and not later than October 1, 1993;*

1 (2) submit that analysis, together with such con-
2 clusions as the Secretary considers to be appropriate,
3 to the congressional defense committees at the earliest
4 possible date, and not later than October 1, 1993;

5 (3) provide Congress (including the General Ac-
6 counting Office or other designated representative of
7 Congress) access to all data resulting from the dem-
8 onstration project; and

9 (4) proceed immediately with any preliminary
10 staff work (such as development of procedures and
11 regulations) that may be required to comply with the
12 findings and recommendations resulting from the
13 analysis of the demonstration project.

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

18 **Subtitle A—Acquisition Assistance**
19 **Programs**

20 **SEC. 801. DEFENSE PROCUREMENT TECHNICAL ASSIST-**
21 **ANCE PROGRAM.**

22 (a) AVAILABILITY OF AUTHORIZED APPROPRIA-
23 TIONS.—Of the amounts authorized to be appropriated in
24 section 301(5) for Defense-wide activities for fiscal year
25 1994, \$12,000,000 shall be available for such fiscal year for

1 *carrying out the provisions of chapter 142 of title 10, Unit-*
2 *ed States Code.*

3 **(b) SPECIFIC PROGRAMS.**—*Of the amounts referred to*
4 *in subsection (a), \$600,000 shall be available for fiscal year*
5 *1994 for the purpose of carrying out programs sponsored*
6 *by eligible entities referred to in subparagraph (D) of sec-*
7 *tion 2411(1) of title 10, United States Code, that provide*
8 *procurement technical assistance in distressed areas re-*
9 *ferred to in subparagraph (B) of section 2411(2) of such*
10 *title. If there is an insufficient number of satisfactory pro-*
11 *posals for cooperative agreements in such distressed areas*
12 *to allow for effective use of the funds made available in ac-*
13 *cordance with this subsection in such areas, the funds shall*
14 *be allocated among the Defense Contract Administration*
15 *Services regions in accordance with section 2415 of such*
16 *title.*

17 **SEC. 802. HISTORICALLY BLACK COLLEGES AND UNIVER-**
18 **SITIES.**

19 **(a) FUNDING.**—*Of the amounts authorized to be ap-*
20 *propriated for fiscal year 1994 pursuant to title II of this*
21 *Act, \$15,000,000 shall be available for such fiscal year for*
22 *infrastructure assistance to historically Black colleges and*
23 *universities and minority institutions under section*
24 *2323(c)(3) of title 10, United States Code.*

1 (b) *INFORMATION ON PROGRESS IN PROVIDING INFRA-*
2 *STRUCTURE ASSISTANCE REQUIRED IN ANNUAL RE-*
3 *PORT.*—Effective October 1, 1993, section 2323(i)(3) of title
4 10, United States Code, is amended by adding at the end
5 the following:

6 “(D) A detailed description of the infrastructure
7 assistance provided under subsection (c) during the
8 preceding fiscal year and of the plans for providing
9 such assistance during the fiscal year in which the re-
10 port is submitted.”

11 ***Subtitle B—Provisions to Stream-***
12 ***line Defense Acquisition Laws***

13 ***SEC. 811. REPEAL AND AMENDMENT OF OBSOLETE, REDUN-***
14 ***DANT, OR OTHERWISE UNNECESSARY LAWS***
15 ***APPLICABLE TO DEPARTMENT OF DEFENSE***
16 ***GENERALLY.***

17 (a) *REPEALS.*—The following provisions of law are re-
18 pealed:

19 (1) Chapter 135 of title 10, United States Code
20 (relating to encouragement of aviation).

21 (2) Section 2317 of title 10, United States Code
22 (relating to encouragement of competition and cost
23 savings).

1 **“§2538. Industrial mobilization: orders; priorities;**
2 **possession of manufacturing plants; viola-**
3 **tions**

4 “(a) *ORDERS.*—In time of war or when war is immi-
5 nent, the President, through the head of any department,
6 may order from any person or organized manufacturing in-
7 dustry necessary products or materials of the type usually
8 produced or capable of being produced by that person or
9 industry.

10 “(b) *PRIORITIES.*—A person or industry with whom
11 an order is placed under subsection (a), or the responsible
12 head thereof, shall comply with that order and give it prece-
13 dence over all orders not placed under that subsection.

14 “(c) *POSSESSION OF MANUFACTURING PLANTS.*—In
15 time of war or when war is imminent, the President,
16 through the head of any department, may take immediate
17 possession of any plant that is equipped to manufacture,
18 or that in the opinion of the Secretary of Defense is capable
19 of being readily transformed into a plant for manufactur-
20 ing, arms or ammunition, parts thereof, or necessary sup-
21 plies for the armed forces if the person or industry owning
22 or operating the plant, or the responsible head thereof,
23 refuses—

24 “(1) to give precedence to the order as prescribed
25 in subsection (b);

1 “(2) to manufacture the kind, quantity, or qual-
2 ity of arms or ammunition, parts thereof, or nec-
3 essary supplies, as ordered by the Secretary; or

4 “(3) to furnish them at a reasonable price as de-
5 termined by the Secretary.

6 “(d) *MANUFACTURE OF PRODUCTS IN SEIZED*
7 *PLANTS.—The President, through the Secretary of Defense,*
8 *may manufacture products that are needed in time of war*
9 *or when war is imminent, in any plant that is seized under*
10 *subsection (c).*

11 “(e) *COMPENSATION AND RENTAL.—Each person or*
12 *industry from whom products or materials are ordered*
13 *under subsection (a) is entitled to fair and just compensa-*
14 *tion. Each person or industry whose plant is seized under*
15 *subsection (c) is entitled to a fair and just rental.*

16 “(f) *VIOLATIONS.—Whoever fails to comply with this*
17 *section shall be imprisoned for not more than three years*
18 *and fined under title 18.*

19 “**§ 2539. Industrial mobilization: plants; lists**

20 “(a) *LIST OF PLANTS EQUIPPED TO MANUFACTURE*
21 *ARMS OR AMMUNITION.—The Secretary of Defense shall*
22 *maintain a list of all privately owned plants in the United*
23 *States, and the territories, commonwealths, and possessions,*
24 *that are equipped to manufacture for the armed forces arms*
25 *or ammunition, or parts thereof, and shall obtain complete*

1 *information of the kinds of those products manufactured or*
2 *capable of being manufactured by each of those plants, and*
3 *of the equipment and capacity of each of those plants.*

4 “(b) *LIST OF PLANTS CAPABLE OF BEING TRANS-*
5 *FORMED INTO AMMUNITION FACTORIES.*—*The Secretary of*
6 *Defense shall maintain a list of privately owned plants in*
7 *the United States, and the territories, commonwealths, and*
8 *possessions, that are capable of being readily transformed*
9 *into factories for the manufacture of ammunition for the*
10 *armed forces and that have a capacity sufficient to warrant*
11 *conversion into ammunition plants in time of war or when*
12 *war is imminent, and shall obtain complete information*
13 *as to the equipment of each of those plants.*

14 “(c) *CONVERSION PLANS.*—*The Secretary of Defense*
15 *shall prepare comprehensive plans for converting each plant*
16 *listed pursuant to subsection (b) into a factory for the man-*
17 *ufacture of ammunition or parts thereof.*

18 “**§ 2540. Industrial mobilization: Board on Mobiliza-**
19 **tion of Industries Essential for Military**
20 **Preparedness**

21 “*The President may appoint a nonpartisan Board on*
22 *Mobilization of Industries Essential for Military Prepared-*
23 *ness, and may provide necessary clerical assistance, to orga-*
24 *nize and coordinate operations under sections 2538 and*
25 *2539 of this title.*”.

1 (2) Sections 4501, 4502, 9501, and 9502 of title 10,
2 United States Code, are repealed.

3 (b) AVAILABILITY OF SAMPLES, DRAWINGS, INFORMA-
4 TION, EQUIPMENT, MATERIALS, AND CERTAIN SERVICES.—

5 (1) Chapter 148 of title 10, United States Code, is further
6 amended by adding at the end the following:

7 **“§2541. Availability of samples, drawings, informa-**
8 **tion, equipment, materials, and certain**
9 **services.**

10 “(a) AUTHORITY.—The Secretary of Defense and the
11 secretaries of the military departments, under regulations
12 to be prescribed by the Secretary of Defense and when deter-
13 mined to be in the interest of national defense, may—

14 “(1) sell, lend, or give samples, drawings, and
15 manufacturing or other information (subject to the
16 rights of third parties) to any United States person
17 or entity;

18 “(2) sell or lend government equipment or mate-
19 rials to any United States person or entity—

20 “(A) for use in independent research and
21 development programs, if the equipment or mate-
22 rial will be used exclusively for such research
23 and development; or

24 “(B) for use in demonstrations to a friendly
25 foreign government; and

1 “(3) make available to any United States person
2 or entity, for appropriate fees, the services of any gov-
3 ernment laboratory, center, range, or other testing fa-
4 cility for the testing of materials, equipment, models,
5 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 exceed
9 the amount necessary to recoup the direct costs involved,
10 such as utilities, contractor support, and salaries of person-
11 nel incurred by the United States to provide such testing.

12 “(c) CONFIDENTIALITY.—The results of tests performed
13 pursuant to subsection (a)(3) are confidential and may not
14 be divulged outside the government without the consent of
15 the persons for whom the tests are performed.

16 “(d) USE OF FEES.— Fees received for services made
17 available under subsection (a)(3) may be credited to the ap-
18 propriations or funds of the selling activity.”.

19 (2) Section 2314 of title 10, United States Code, is
20 amended by inserting “or sale” after “procurement”.

21 (3) Sections 4506, 4507, 4508, 9506, and 9507 of title
22 10, United States Code, are repealed.

23 (c) PROCUREMENT FOR EXPERIMENTAL PURPOSES.—
24 (1) Chapter 139 of title 10, United States Code, is amended
25 by adding at the end the following new section:

1 **“§ 2373. Procurement for experimental purposes**

2 “(a) *AUTHORITY.*—The Secretary of a military de-
3 partment may buy ordnance, signal, and chemical activity
4 supplies, including parts and accessories, and designs there-
5 of, that the Secretary concerned considers necessary for ex-
6 perimental or test purposes in the development of the best
7 supplies that are needed for the national defense.

8 “(b) *PROCEDURES.*—Purchases under this section may
9 be made inside or outside the United States, with or without
10 competitive bidding, and by contract or otherwise. Chapter
11 137 of this title applies when such purchases are made in
12 quantity.”.

13 (2) Sections 4504 and 9504 of title 10, United States
14 Code, are repealed.

15 (d) *ACCEPTANCE OF GRATUITOUS SERVICES OF CER-*
16 *TAIN RESERVE OFFICERS.*—(1) Chapter 11 of title 10,
17 United States Code, is amended by inserting after section
18 278 the following new section:

19 **“§ 279. Authority to accept certain gratuitous services**
20 **of officers**

21 “Notwithstanding section 1342 of title 31, the Sec-
22 retary of a military department may accept the gratuitous
23 services of an officer of a reserve component under the Sec-
24 retary’s jurisdiction (other than an officer of the Army Na-
25 tional Guard of the United States or the Air National
26 Guard of the United States)—

1 (7) *Sections 4537 and 9537 (relating to assist-*
2 *ance of U.S. mapping agencies with military surveys*
3 *and maps).*

4 (8) *Sections 4538 and 9538 (relating to exchange*
5 *and reclamation of unserviceable ammunition).*

6 (b) *AMENDMENTS.—(1) Section 2358(a) of title 10,*
7 *United States Code, is amended—*

8 (A) *in the first sentence, by striking out “Subject*
9 *to approval by the President, the Secretary of De-*
10 *fense” and inserting in lieu thereof “The Secretary of*
11 *Defense and the Secretaries of the military depart-*
12 *ments”;*

13 (B) *in the first sentence, by inserting after*
14 *“other military” the following: “or department”;* and

15 (C) *in the second sentence, by striking out “Sub-*
16 *ject to approval by the President, the Secretary” and*
17 *inserting in lieu thereof “The Secretary concerned”.*

18 (2) *Section 2358(b) of such title is amended—*

19 (A) *by inserting after “Secretary of Defense” the*
20 *following: “or the Secretary of the military depart-*
21 *ment concerned”;* and

22 (B) *by inserting after “relationship to a mili-*
23 *tary” the following: “or department”.*

1 **SEC. 814. CONSOLIDATION, REPEAL, AND AMENDMENT OF**
2 **CERTAIN ACQUISITION LAWS APPLICABLE TO**
3 **THE NAVY.**

4 (a) *REPEALS.*—The following provisions of subtitle C
5 of title 10, United States Code, are repealed:

6 (1) *Section 7201 (relating to guided missiles, re-*
7 *search and development, procurement, and construc-*
8 *tion).*

9 (2) *Section 7210 (relating to purchase of patents,*
10 *patent applications, and licenses).*

11 (3) *Section 7213 (relating to relief of contractors*
12 *and their employees from losses by enemy action).*

13 (4) *Section 7230 (relating to sale of degaussing*
14 *equipment).*

15 (5) *Section 7296 (relating to availability of ap-*
16 *propriations for other purposes).*

17 (6) *Section 7298 (relating to conversion of com-*
18 *batants and auxiliaries).*

19 (7) *Section 7301 (relating to estimates required*
20 *for bids on construction).*

21 (8) *Section 7310 (relating to constructing com-*
22 *batant vessels).*

23 (9) *Chapter 635 (relating to naval aircraft).*

24 (10) *Section 7366 (relating to limitation on ap-*
25 *propriations for naval salvage facilities).*

1 **“§ 7305. Vessels stricken from Naval Vessel Register:**
2 **sale**

3 “(a) *APPRAISAL OF VESSELS STRICKEN FROM NAVAL*
4 *VESSEL REGISTER.*—*The Secretary of the Navy shall ap-*
5 *praise each vessel stricken from the Naval Vessel Register*
6 *under section 7304 of this title.*

7 “(b) *AUTHORITY TO SELL VESSEL.*—*If the Secretary*
8 *considers that the sale of the vessel is in the national inter-*
9 *est, the Secretary may sell the vessel. Any such sale shall*
10 *be in accordance with regulations prescribed by the Sec-*
11 *retary for the purposes of this section.*

12 “(c) *PROCEDURES FOR SALE.*—(1) *A vessel stricken*
13 *from the Naval Vessel Register and not subject to disposal*
14 *under any other law may be sold under this section. In such*
15 *a case, the Secretary may sell the vessel to the highest ac-*
16 *ceptable bidder, regardless of the appraised value of the ves-*
17 *sel, after the vessel is publicly advertised for sale for a pe-*
18 *riod of not less than 30 days.*

19 “(2) *If the Secretary determines that the bid prices for*
20 *a vessel received after advertising under paragraph (1) are*
21 *not acceptable and that readvertising will serve no useful*
22 *purpose, the Secretary may sell the vessel by negotiation*
23 *to the highest acceptable bidder if—*

24 “(A) *each responsible bidder has been notified of*
25 *intent to negotiate and has been given a reasonable*
26 *opportunity to negotiate; and*

1 “(B) the negotiated price is—

2 “(i) higher than the highest rejected price of
3 any responsible bidder; or

4 “(ii) reasonable and in the national inter-
5 est.

6 “(d) *APPLICABILITY.*—This section does not apply to
7 a vessel the disposal of which is authorized by the Federal
8 Property and Administrative Services Act of 1949 (40
9 U.S.C. 471 et seq.), if it is to be disposed of under that
10 Act.

11 **“§ 7306. Vessels stricken from Naval Vessel Register;**
12 **captured vessels: transfer by gift or other-**
13 **wise**

14 “(a) *AUTHORITY TO MAKE TRANSFER.*—Subject to
15 subsections (c) and (d) of section 602 of the Federal Prop-
16 erty and Administrative Services Act of 1949 (40 U.S.C.
17 474), the Secretary of the Navy may transfer, by gift or
18 otherwise, any vessel stricken from the Naval Vessel Reg-
19 ister, or any captured vessel, to—

20 “(1) any State, Commonwealth, or possession of
21 the United States or any municipal corporation or
22 political subdivision thereof;

23 “(2) the District of Columbia; or

24 “(3) any not-for-profit or nonprofit entity.

1 “(b) *VESSEL TO BE MAINTAINED IN CONDITION SAT-*
2 *ISFACTORY TO SECRETARY.*—An agreement for the transfer
3 of a vessel under subsection (a) shall include a requirement
4 that the transferee will maintain the vessel in a condition
5 satisfactory to the Secretary.

6 “(c) *TRANSFERS TO BE AT NO COST TO UNITED*
7 *STATES.*—Any transfer of a vessel under this section shall
8 be made at no cost to the United States.

9 “(d) *NOTICE TO CONGRESS.*—(1) No transfer under
10 this section takes effect unless—

11 “(A) notice of the proposal to make the transfer
12 is sent to Congress; and

13 “(B) 60 calendar days of continuous session of
14 Congress have expired after the notice is sent to Con-
15 gress.

16 “(2) For purposes of paragraph (1)(B), the continuity
17 of a session of Congress is broken only by an adjournment
18 of the Congress sine die, and the days on which either House
19 is not in session because of an adjournment of more than
20 3 days to a day certain are excluded in the computation
21 of such 60-day period.

1 **“§ 7306a. Vessels stricken from Naval Vessel Register:**
2 **use for experimental purposes**

3 “(a) *AUTHORITY.*—*The Secretary of the Navy may use*
4 *for experimental purposes any vessel stricken from the*
5 *Naval Vessel Register.*

6 “(b) *STRIPPING VESSEL.*—(1) *Before using a vessel for*
7 *an experimental purpose pursuant to subsection (a), the*
8 *Secretary shall carry out such stripping of the vessel as is*
9 *practicable.*

10 “(2) *Amounts received as proceeds from the stripping*
11 *of a vessel pursuant to this subsection shall be credited to*
12 *appropriations available for the procurement of scrapping*
13 *services needed for such stripping. Amounts received which*
14 *are in excess of amounts needed for procuring such services*
15 *shall be deposited into the general fund of the Treasury.*

16 **“§ 7307. Disposals to foreign nations**

17 “(a) *LARGER OR NEWER VESSELS.*—*A naval vessel*
18 *that is in excess of 3,000 tons or that is less than 20 years*
19 *of age may not be disposed of to another nation (whether*
20 *by sale, lease, grant, loan, barter, transfer, or otherwise)*
21 *unless the disposition of that vessel is approved by law en-*
22 *acted after August 5, 1974. A lease or loan of such a vessel*
23 *under such a law may be made only in accordance with*
24 *the provisions of chapter 6 of the Arms Export Control Act*
25 *(22 U.S.C. 2796 et seq.) or chapter 2 of part II of the For-*
26 *foreign Assistance Act of 1961 (22 U.S.C. 2311 et seq.).*

1 “(b) *OTHER VESSELS.*—(1) *A naval vessel not subject*
2 *to subsection (a) may be disposed of to another nation*
3 *(whether by sale, lease, grant, loan, barter, transfer, or oth-*
4 *erwise) in accordance with applicable provisions of law, but*
5 *only after—*

6 “(A) *the Secretary of the Navy notifies the Com-*
7 *mittees on Armed Services of the Senate and House*
8 *of Representatives in writing of the proposed disposi-*
9 *tion; and*

10 “(B) *30 days of continuous session of Congress*
11 *have expired following the date on which such notice*
12 *was transmitted to those committees.*

13 “(2) *For purposes of paragraph (1)(B), the continuity*
14 *of a session of Congress is broken only by an adjournment*
15 *of the Congress sine die, and the days on which either House*
16 *is not in session because of an adjournment of more than*
17 *3 days to a day certain are excluded in the computation*
18 *of such 30-day period.*

19 **“§ 7308. Chief of Naval Operations: certification re-**
20 **quired for disposal of combatant vessels**

21 “*Notwithstanding any other provision of law, no com-*
22 *batant vessel of the Navy may be sold, transferred, or other-*
23 *wise disposed of, unless the Chief of Naval Operations cer-*
24 *tifies that it is not essential to the defense of the United*
25 *States.*

1 **“§ 7309. Construction of vessels in foreign shipyards:**
2 **prohibition**

3 “(a) *PROHIBITION.*—Except as provided in subsection
4 (b), no vessel to be constructed for any of the armed forces,
5 and no major component of the hull or superstructure of
6 any such vessel, may be constructed in a foreign shipyard.

7 “(b) *PRESIDENTIAL WAIVER FOR NATIONAL SECURITY*
8 *INTEREST.*—(1) The President may authorize exceptions to
9 the prohibition in subsection (a) when the President deter-
10 mines that it is in the national security interest of the
11 United States to do so.

12 “(2) The President shall transmit notice to Congress
13 of any such determination, and no contract may be made
14 pursuant to the exception authorized until the end of the
15 30-day period beginning on the date on which the notice
16 of the determination is received by Congress.

17 “(c) *EXCEPTION FOR INFLATABLE BOATS.*—An inflat-
18 able boat or a rigid inflatable boat, as defined by the Sec-
19 retary of the Navy, is not a vessel for the purpose of the
20 restriction in subsection (a).

21 **“§ 7310. Overhaul, repair, etc. of vessels in foreign**
22 **shipyards: restrictions**

23 “(a) *VESSELS WITH HOMEPORT IN UNITED*
24 *STATES.*—A naval vessel (or any other vessel under the ju-
25 risdiction of the Secretary of the Navy) the homeport of
26 which is in the United States may not be overhauled, re-

1 *paired, or maintained in a shipyard outside the United*
2 *States, other than in the case of voyage repairs.*

3 “(b) *VESSEL CHANGING HOMEPORTS.*—*In the case of*
4 *a naval vessel the homeport of which is not in the United*
5 *States (or a territory of the United States), the Secretary*
6 *of the Navy may not during the 15-month period preceding*
7 *the planned reassignment of the vessel to a homeport in the*
8 *United States (or a territory of the United States) begin*
9 *any work for the overhaul, repair, or maintenance of the*
10 *vessel that is scheduled to be for a period of more than six*
11 *months.*”.

12 **SEC. 815. ADDITIONAL AUTHORITY TO CONTRACT FOR**
13 **FUEL STORAGE AND MANAGEMENT.**

14 (a) *ADDITIONAL AUTHORITY.*—*Section 2388 of title*
15 *10, United States Code, is amended—*

16 (1) *in subsection (a)—*

17 (A) *by striking out “The” and inserting*
18 *“The Secretary of Defense or the”; and*

19 (B) *by striking out “the storage, handling,*
20 *and distribution of liquid fuels” and inserting in*
21 *lieu thereof the following: “storage facilities for,*
22 *or the storage, handling, or distribution of, liq-*
23 *uid fuels or natural gas. Any such contract may*
24 *be entered into”;*

25 (2) *by striking out subsection (b); and*

1 (3) by redesignating subsection (c) as subsection
2 (b).

3 (b) *SECTION HEADING AMENDMENT.*—The heading of
4 section 2388 of such title is amended to read as follows:
5 “**§2388. Liquid fuels and natural gas: contracts for**
6 **storage, handling, or distribution**”.

7 **SEC. 816. ADDITIONAL AUTHORITY RELATING TO THE AC-**
8 **QUISITION OF PETROLEUM.**

9 Section 2404 of title 10, United States Code, is
10 amended—

11 (1) in subsection (c)—

12 (A) by inserting “or petroleum-related serv-
13 ices” after “petroleum” the first place it appears;
14 and

15 (B) by striking out “petroleum derivatives”
16 and inserting in lieu thereof “petroleum-related
17 services”;

18 (2) in subsection (d)—

19 (A) by striking out “and products” and in-
20 serting in lieu thereof “products”; and

21 (B) by striking out the period at the end
22 and inserting in lieu thereof “; and natural
23 gas.”; and

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

1 “(e) The Secretary of Defense may sell petroleum that
2 is in inventory if the Secretary determines that the sale
3 would be in the public interest. Amounts received from such
4 a sale shall be credited to appropriations available for the
5 acquisition of petroleum. Amounts so credited shall be
6 available for obligation for the same period as the appro-
7 priations to which the amounts are credited.”.

8 **SEC. 817. SIMPLIFIED ACQUISITION THRESHOLD.**

9 (a) *SIMPLIFIED ACQUISITION THRESHOLD.*—Para-
10 graph (7) of section 2302 of title 10, United States Code,
11 is amended to read as follows:

12 “(7) The term ‘simplified acquisition threshold’
13 means \$100,000, adjusted on October 1 of each year
14 divisible by 5 to the amount equal to \$100,000 in
15 constant fiscal year 1990 dollars (rounded to the
16 nearest \$1,000).”.

17 (b) *CONFORMING AMENDMENTS.*—(1) Title 10, United
18 States Code, is amended by striking out “small purchase
19 threshold” each place it appears other than sections
20 2410i(b)(1), 2304(g)(2), and 2304(g)(3) and inserting in
21 lieu thereof “simplified acquisition threshold”.

22 (2) Section 2304(g)(1) is amended by adding at the
23 end the following: “Any such simplified procedures shall
24 maintain the notice requirements under section 18 of the
25 Office of Federal Procurement Policy Act (41 U.S.C. 416)

1 *and subsections (e), (f), and (g) of section 8 of the Small*
2 *Business Act (15 U.S.C. 637) for any purchase or contract*
3 *for an amount in excess of the small purchase threshold,*
4 *as that term is used in those Acts.”*

5 *(3) Section 2384(b) of title 10, United States Code, is*
6 *amended—*

7 *(A) in paragraph (1), by inserting “or in para-*
8 *graph (3)” after “in paragraph (2)”;* and

9 *(B) by adding at the end the following new*
10 *paragraph:*

11 *“(3) Paragraph (1) does not apply to a contract in*
12 *an amount equal to or less than the simplified acquisition*
13 *threshold (as defined in section 2302(7) of this title).”*

14 *(4) Section 2397c(a)(1) of title 10, United States Code,*
15 *is amended by striking out “in excess of \$100,000” and in-*
16 *serting in lieu thereof “in an amount in excess of the sim-*
17 *plified acquisition threshold (as defined in section 2302(7)*
18 *of this title)”*.

19 *(5) Section 2408(a) of title 10, United States Code,*
20 *is amended by adding at the end the following new para-*
21 *graph:*

22 *“(4) In this subsection, the term ‘defense contract’*
23 *means a contract in an amount in excess of the simplified*
24 *acquisition threshold (as defined in section 2302(7) of this*
25 *title).”*

1 **SEC. 818. PROCUREMENT OF COMMERCIAL AND**
2 **NONDEVELOPMENTAL ITEMS.**

3 (a) *POLICY.*—Section 2301(a) of title 10, United
4 States Code, is amended—

5 (1) by striking out “and” at the end of para-
6 graph (6);

7 (2) by striking out the period at the end of para-
8 graph (7) and inserting in lieu thereof a semicolon;
9 and

10 (3) by adding at the end the following new para-
11 graphs:

12 “(8) to the maximum extent practicable, and
13 consistent with the objectives set forth in section
14 2501(c) of this title, the Department of Defense shall
15 acquire commercial items to meet its needs and shall
16 require prime contractors and subcontractors, at all
17 levels, which furnish other than commercial items, to
18 incorporate to the maximum extent practicable com-
19 mercial items as components of items being supplied
20 to the Department; and

21 “(9) when commercial items and components are
22 not available, practicable, or cost effective, the De-
23 partment shall acquire, and shall require prime con-
24 tractors and subcontractors to incorporate, other
25 nondevelopmental items and components to the maxi-
26 mum extent practicable.”.

1 (b) *COMMERCIAL ITEM DEFINED.*—Section 2302 of
2 title 10, United States Code, as amended by section 817,
3 is further amended by adding at the end the following new
4 paragraph:

5 “(8) The term ‘commercial item’ means any item
6 regularly used in the course of normal business oper-
7 ations for other than Government purposes that—

8 “(A) has been sold, leased, or licensed to the
9 general public;

10 “(B) has been offered for sale, lease, or li-
11 cense to the general public;

12 “(C) is not yet available in the commercial
13 marketplace, but will be available in time to sat-
14 isfy the delivery requirements under a Govern-
15 ment solicitation; or

16 “(D) is an item that, but for minor modi-
17 fications made to meet Government require-
18 ments, would satisfy the criteria set forth in sub-
19 paragraph (A), (B), or (C).”.

20 (c) *COST OR PRICING DATA.*—Section 2306a(b) of title
21 10, United States Code, is amended—

22 (1) by redesignating subparagraphs (A), (B),
23 and (C) of paragraph (1) as clauses (i), (ii), and
24 (iii), respectively;

1 *ing to section 2325 and inserting in lieu thereof the follow-*
2 *ing:*

“2325. Preference for commercial and nondevelopmental items.”.

3 (e) *PROCUREMENT OF COMMERCIAL ITEMS.—(1)*
4 *Chapter 137 of title 10, United States Code, is amended*
5 *by inserting after section 2325 the following new section:*

6 ***“§ 2325a. Procurement of commercial items***

7 *“(a) REGULATIONS; UNIFORM TERMS AND CONDI-*
8 *TIONS.—(1) The Secretary of Defense shall prescribe regula-*
9 *tions implementing this section and paragraphs (8) and (9)*
10 *of section 2301(a) of this title. The regulations shall contain*
11 *a set or sets of uniform terms and conditions to be included*
12 *in contracts for the acquisition of commercial end items.*
13 *Such uniform terms and conditions shall be modeled to the*
14 *maximum extent practicable on commercial terms and con-*
15 *ditions and shall include only those contract clauses, in-*
16 *cluding clauses requiring terms and conditions to be flowed*
17 *down to subcontractors, that are—*

18 *“(A) required to implement provisions of law ap-*
19 *plicable to commercial item acquisitions;*

20 *“(B) essential for the protection of the Federal*
21 *Government’s interest in an acquisition; or*

22 *“(C) determined by the Secretary to be consistent*
23 *with standard commercial practice.*

24 *“(2) The regulations prescribed under paragraph (1)*
25 *shall provide that prime contractors and subcontractors fur-*

1 *nishing other than commercial items as end items or com-*
2 *ponents may not require suppliers furnishing commercial*
3 *items as components to comply with any clause, term, or*
4 *condition except those—*

5 “(A) *required to implement provisions of law ap-*
6 *plicable to subcontractors furnishing commercial*
7 *items;*

8 “(B) *essential for the protection of the prime*
9 *contractor or higher tier subcontractor in a particular*
10 *acquisition; or*

11 “(C) *determined to be consistent with standard*
12 *commercial practice.*

13 “(b) *DEFINITIONS.—In this section:*

14 “(1) *The term ‘component’ means any item sup-*
15 *plied to the Government as part of an end item or of*
16 *another component.*

17 “(2) *The term ‘nondevelopmental item’ has the*
18 *meaning given that term in section 2325 of this title.*

19 “(c) *EXEMPTIONS FROM PRESENT LAW.—Procure-*
20 *ments of commercial items shall not be subject to the follow-*
21 *ing provisions of this title:*

22 “(1) *Section 2324.*

23 “(2) *Section 2384.*

24 “(3) *Section 2393.*

25 “(4) *Section 2397.*

1 “(5) Section 2397a.

2 “(6) Section 2397b.

3 “(7) Section 2397c.

4 “(8) Section 2402.

5 “(9) Section 2406.

6 “(10) Section 2408.

7 “(d) *SET-ASIDES PRESERVED.*—Nothing in this sec-
8 *tion shall prevent the Secretary of Defense from restricting*
9 *the award of prime contracts for commercial items to any*
10 *source as may from time to time be prescribed or permitted*
11 *by law.*

12 “(e) *RESTRICTION TO FIRM, FIXED PRICE CON-*
13 *TRACTS.*—Except where commercial items are to be pro-
14 *vided as a portion of a contract that also provides for the*
15 *delivery of other than commercial items, only firm, fixed*
16 *price contracts or fixed price contracts with economic price*
17 *adjustment provisions shall be used to acquire commercial*
18 *end items under this section.”.*

19 (2) *The table of sections at the beginning of chapter*
20 *137 of such title is amended by inserting after the item re-*
21 *lating to section 2325 the following new item:*

“2325a. Procurement of commercial items.”.

22 **SEC. 819. TECHNICAL AND CLERICAL AMENDMENTS.**

23 (a) *AMENDMENTS TO TABLES OF SECTIONS.*—The
24 *table of sections at the beginning of each chapter of title*
25 *10, United States Code, listed in the following paragraphs*

1 *is amended by striking out the items relating to the sections*
2 *listed in such paragraphs:*

3 (1) *Chapter 137: section 2317.*

4 (2) *Chapter 139: section 2362.*

5 (3) *Chapter 141: sections 2384a and 2389.*

6 (4) *Chapter 144: sections 2436 and 2437.*

7 (5) *Chapter 433: sections 4531, 4534, 4535,*
8 *4537, 4538, and 4541.*

9 (6) *Chapter 631: sections 7201, 7210, 7213, and*
10 *7230.*

11 (7) *Chapter 633: sections 7296, 7298, and 7301.*

12 (8) *Chapter 637: section 7366.*

13 (9) *Chapter 933: sections 9531, 9534, 9535,*
14 *9537, 9538, and 9541.*

15 (b) *AMENDMENTS TO TABLES OF CHAPTERS.—*

16 (1) *The table of chapters at the beginning of sub-*
17 *title A, and part IV of subtitle A, of title 10, United*
18 *States Code, are amended by striking out the item re-*
19 *lating to chapter 135.*

20 (2) *The table of chapters at the beginning of sub-*
21 *title B, and part IV of subtitle B, of such title are*
22 *amended by striking out the item relating to chapter*
23 *431.*

24 (3) *The table of chapters at the beginning of sub-*
25 *title C, and part IV of subtitle C, of such title are*

1 *amended by striking out the item relating to chapter*
2 *635.*

3 *(c) ADDITIONAL AMENDMENTS.—*

4 *(1) The table of sections at the beginning of sub-*
5 *chapter I of chapter 11 of title 10, United States*
6 *Code, is amended by inserting after the item relating*
7 *to section 278 the following new item:*

“279. Authority to accept certain gratuitous services of officers”.

8 *(2) The table of sections at the beginning of*
9 *chapter 139 of such title is amended by adding at the*
10 *end the following new item:*

“2373. Procurement for experimental purposes”.

11 *(3) The table of sections at the beginning of*
12 *chapter 141 of such title is amended by striking out*
13 *the item relating to section 2388 and inserting in lieu*
14 *thereof the following:*

“2388. Liquid fuels and natural gas: contracts for storage, handling, or distribu-
tion.”.

15 *(4) The table of sections at the beginning of sub-*
16 *chapter V of chapter 148 of such title is amended by*
17 *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.”.

1 (5) Chapter 431 of such title is amended by
2 striking out the chapter heading and the table of sec-
3 tions.

4 (6) The table of sections at the beginning of
5 chapter 633 of such title is amended by striking out
6 the items relating to sections 7304, 7305, 7306, 7307,
7 7308, 7309, and 7310 and inserting in lieu thereof
8 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.”.

9 (7)(A) Chapter 931 of such title is amended—
10 (i) by striking out the table of sections for
11 subchapter I;
12 (ii) by striking out the headings for sub-
13 chapters I and II;
14 (iii) by striking out the table of subchapters;
15 and
16 (iv) by amending the chapter heading to
17 read as follows:

18 **“CHAPTER 931—CIVIL RESERVE AIR FLEET”.**

19 (B) The table of chapters at the beginning of sub-
20 title D, and part IV of subtitle D, of such title are

1 *amended by striking out the items relating to chapter*
2 *931 and inserting in lieu thereof the following:*

“931. Civil Reserve Air Fleet 9511”.

3 (d) *CROSS-REFERENCE AMENDMENTS.—(1) Section*
4 *505(a)(2)(B)(i) of the National Security Act of 1947 (50*
5 *U.S.C. 415(a)(2)(B)(i)) is amended by striking out “section*
6 *7307(b)(1)” and inserting in lieu thereof “section 7307(a)”.*
7 (2) *Section 2366(d) of title 10, United States Code,*
8 *is amended by striking out “to the defense committees of*
9 *Congress (as defined in section 2362(e)(3) of this title).”*
10 *and inserting in lieu thereof “to the Committees on Armed*
11 *Services and on Appropriations of the Senate and House*
12 *of Representatives.”.*

13 ***Subtitle C—Other Matters***

14 ***SEC. 821. REPORTS ON CONTRACT BUNDLING.***

15 (a) *REPORTS.—Not later than April 1, 1994, the Sec-*
16 *retary of Defense and the Comptroller General shall each*
17 *submit to the Committees on Armed Services and on Small*
18 *Business of the Senate and House of Representatives a re-*
19 *port on the effects of contract bundling on the participation*
20 *by small business concerns and small disadvantaged busi-*
21 *ness concerns in procurement by the Department of Defense.*
22 *The report shall contain the findings and conclusions of the*
23 *Secretary or the Comptroller General, as the case may be,*
24 *regarding such effects, based on the data collected under sub-*

1 *section (b). The report also shall contain such recommenda-*
2 *tions for administrative or legislative action as the Sec-*
3 *retary or Comptroller General considers appropriate to*
4 *maintain and increase participation by small business con-*
5 *cerns and small disadvantaged business concerns in pro-*
6 *curement by the Department of Defense.*

7 *(b) DATA COLLECTION.—For purposes of carrying out*
8 *the report requirement of subsection (a), the Secretary of*
9 *Defense shall collect data on the effect of contract bundling*
10 *on the participation by small business concerns and small*
11 *disadvantaged business concerns in procurement by the De-*
12 *partment of Defense. At a minimum, the Secretary shall*
13 *collect data on the following:*

14 *(1) The number and types of bundled contracts*
15 *awarded during fiscal years 1992 and 1993 and ex-*
16 *pected to be awarded during fiscal year 1994, together*
17 *with the reasons for the bundling of such contracts.*

18 *(2) The cost effectiveness of bundling such con-*
19 *tracts compared to awarding the contracts in sepa-*
20 *rate, smaller contracts.*

21 *(3) The number of smaller contracts that would*
22 *have been awarded if such contracts were not bundled,*
23 *and the types of contractors (such as small business*
24 *concerns and small disadvantaged business concerns)*

1 that could have been expected to perform the smaller
2 contracts.

3 (4) *The extent to which small businesses and*
4 *small disadvantaged businesses participate as sub-*
5 *contractors on bundled contracts.*

6 (c) *TRANSMISSION OF DATA TO COMPTROLLER GEN-*
7 *ERAL.*—*Not later than February 1, 1994, the Secretary of*
8 *Defense shall transmit to the Comptroller General a copy*
9 *of the data collected under subsection (b) for use by the*
10 *Comptroller General in carrying out the report requirement*
11 *of subsection (a).*

12 (d) *DEFINITION.*—*For purposes of this section, the*
13 *term “contract bundling” means the consolidation of two*
14 *or more requirements, descriptions, specifications, line*
15 *items, or statements of work that individually were or could*
16 *be performed by a small business concern, resulting in a*
17 *contract opportunity for supplies, services, or construction*
18 *that may be unsuitable for award to a small business con-*
19 *cern due to—*

20 (1) *the diversity and size of the elements of per-*
21 *formance specified;*

22 (2) *the aggregate dollar value of the anticipated*
23 *award;*

24 (3) *the geographical dispersion of the contract*
25 *performance sites; or*

1 (4) any combination of paragraphs (1), (2), and
2 (3).

3 **SEC. 822. PROHIBITION ON COMPETITION BETWEEN DEPOT**
4 **MAINTENANCE ACTIVITIES AND SMALL BUSI-**
5 **NESSES FOR CERTAIN MAINTENANCE CON-**
6 **TRACTS.**

7 (a) *IN GENERAL.*—(1) Chapter 146 of title 10, United
8 States Code, as amended by sections 342 and 344, is further
9 amended by adding at the end the following new section:

10 **“§2472. Contracts to perform depot-level mainte-**
11 **nance: prohibition on competition between**
12 **depot-level activities and small businesses**
13 **and certain other entities**

14 “(a) *EXCLUSION.*—In any case in which the Secretary
15 of Defense plans to use competitive procedures to select an
16 entity to perform a depot-level maintenance workload, if the
17 procurement is to be conducted as described in subsection
18 (b), then the Secretary shall exclude from competing in the
19 procurement depot-level activities of the Department of De-
20 fense.

21 “(b) *PROCUREMENT DESCRIPTION.*—The requirement
22 to exclude depot-level activities under subsection (a) applies
23 in the case of a procurement to be conducted by excluding
24 from competition entities in the private sector other than—

1 (3) by adding after paragraph (4) the following
2 new paragraph (5):

3 “(5) The propellers for vessels constructed under
4 the program shall incorporate only castings poured
5 and finished in the United States and forgings manu-
6 factured in the United States. The Secretary of De-
7 fense may waive the requirement of this paragraph if
8 adhering to the requirement would result in the exist-
9 ence of only one United States source for such cast-
10 ings and forgings.”.

11 **SEC. 824. PILOT PROGRAM TO IMPROVE PRICING POLICIES**
12 **FOR USE OF MAJOR RANGE AND TEST FACIL-**
13 **ITY INSTALLATIONS OF THE AIR FORCE.**

14 (a) *PILOT PROGRAM TO ESTABLISH COMPETITIVE*
15 *PRICES.*—(1) Chapter 949 of title 10, United States Code,
16 is amended by inserting after section 9781 the following
17 new section:

18 **“§9782. Use of test and evaluation installations by**
19 **commercial entities**

20 “(a) *CONTRACT AUTHORITY.*—The Secretary of the Air
21 Force, in consultation with the Secretary of Defense, may
22 enter into contracts with commercial entities that desire to
23 conduct commercial test and evaluation activities at a
24 Major Range and Test Facility Installation under the juris-
25 diction of the Secretary.

1 “(b) *TERMINATION OR LIMITATION OF CONTRACT*
2 *UNDER CERTAIN CIRCUMSTANCES.*—A contract entered
3 into under subsection (a) shall contain a provision that the
4 installation commander may terminate, prohibit, or sus-
5 pend immediately any commercial test or evaluation activ-
6 ity to be conducted at the Major Range and Test Facility
7 Installation under the contract if the installation com-
8 mander certifies in writing that the test or evaluation activ-
9 ity is or would be detrimental—

10 “(1) to the public health and safety;

11 “(2) to property (either public or private); or

12 “(3) to any national security interest or foreign
13 policy interest of the United States.

14 “(c) *CONTRACT PRICE.*—The installation commander
15 shall require a commercial entity using a Major Range and
16 Test Facility Installation under a contract entered into
17 under subsection (a) to reimburse the installation for all
18 direct costs associated with the test and evaluation activities
19 conducted by the commercial entity under the contract. In
20 addition, the contract may require the commercial entity
21 to reimburse the installation for such indirect costs related
22 to the use of the installation as the installation commander
23 considers to be appropriate and competitive.

24 “(d) *RETENTION OF FUNDS COLLECTED FROM COM-*
25 *MERCIAL USERS.*—Amounts collected under subsection (c)

1 *from a commercial entity conducting test and evaluation*
2 *activities at a Major Range and Test Facility Installation*
3 *shall be credited to the appropriation accounts under which*
4 *the costs associated with the test and evaluation activities*
5 *of the commercial entity were incurred.*

6 “(e) *REGULATIONS AND LIMITATIONS.*—*The Secretary*
7 *of the Air Force, in consultation with the Secretary of De-*
8 *fense, shall prescribe regulations to carry out this section.*
9 *The authority of installation commanders under subsections*
10 *(b) and (c) shall be subject to the authority, direction, and*
11 *control of the Secretary of the Air Force.*

12 “(f) *DEFINITIONS.*—*In this section:*

13 “(1) *The term ‘Major Range and Test Facility*
14 *Installation’ means a test and evaluation installation*
15 *under the jurisdiction of the Secretary of the Air*
16 *Force and designated as such by the Secretary.*

17 “(2) *The term ‘direct costs’ includes the cost of—*

18 “(A) *labor, material, facilities, utilities,*
19 *equipment, supplies, and any other resources*
20 *damaged or consumed during the test or evalua-*
21 *tion activities or maintained for a particular*
22 *commercial entity; and*

23 “(B) *construction specifically performed for*
24 *the commercial entity to conduct test and eval-*
25 *uation 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 Sec-*
 9 *retary of Defense and Congress describing the number and*
 10 *purposes of contracts entered into under subsection (a) and*
 11 *evaluating the success of this section in opening Major*
 12 *Range and Test Facility Installations to commercial test*
 13 *and evaluation activities.”.*

14 “(b) *CLERICAL AMENDMENT.—The table of sections at*
 15 *the beginning of such chapter is amended by inserting after*
 16 *the item related to section 9781 the following new item:*

“9782. Use of test and evaluation installations by commercial entities.”.

17 ***TITLE IX—DEPARTMENT OF DE-***
 18 ***FENSE ORGANIZATION AND***
 19 ***MANAGEMENT***

20 ***Subtitle A—Office of the Secretary***
 21 ***of Defense***

22 ***SEC. 901. ENHANCED POSITION FOR COMPTROLLER OF DE-***
 23 ***PARTMENT OF DEFENSE.***

24 “(a) *IN GENERAL.—Chapter 4 of title 10, United States*
 25 *Code, is amended—*

1 (1) by redesignating sections 135, 136, 138, 139,
2 140, and 141 as sections 137, 138, 139, 140, 141, and
3 142, respectively; and

4 (2) by transferring section 137 (relating to the
5 Comptroller) so as to appear after section 134a, redesi-
6 gnating that section as section 135, and amending
7 that section by adding at the end the following new
8 subsection:

9 “(d) The Comptroller takes precedence in the Depart-
10 ment of Defense after the Under Secretary of Defense for
11 Policy.”.

12 (b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section
13 5314 of title 5, United States Code, is amended by inserting
14 after the item relating to the Under Secretary of Defense
15 for Policy the following:

16 “Comptroller of the Department of Defense.”.

17 (c) CONFORMING AMENDMENT.—Subsection (d) of sec-
18 tion 138 of title 10, United States Code, as redesignated
19 by subsection (a), is amended by inserting “and Comptrol-
20 ler” after “Under Secretaries of Defense”.

21 **SEC. 902. NEW POSITION OF UNDER SECRETARY OF DE-**
22 **FENSE FOR PERSONNEL AND READINESS.**

23 (a) IN GENERAL.—Chapter 4 of title 10, United States
24 Code, is amended by inserting after section 135, as trans-

1 *ferred and redesignated by section 901(a), the following new*
2 *section:*

3 **“§ 136. Under Secretary of Defense for Personnel and**
4 **Readiness**

5 *“(a) There is an Under Secretary of Defense for Per-*
6 *sonnel and Readiness, appointed from civilian life by the*
7 *President, by and with the consent of the Senate.*

8 *“(b) Subject to the authority, direction, and control of*
9 *the Secretary of Defense, the Under Secretary of Defense*
10 *for Personnel and Readiness shall perform such duties and*
11 *exercise such powers as the Secretary of Defense may pre-*
12 *scribe in the areas of military readiness, total force manage-*
13 *ment, military and civilian personnel requirements, mili-*
14 *tary and civilian personnel training, military and civilian*
15 *family matters, personnel requirements for weapons sup-*
16 *port, National Guard and reserve components, and health*
17 *affairs.*

18 *“(c) The Under Secretary of Defense for Personnel and*
19 *Readiness takes precedence in the Department of Defense*
20 *after the Comptroller.”.*

21 *(b) EXECUTIVE SCHEDULE III PAY LEVEL.—Section*
22 *5314 of title 5, United States Code, is amended by inserting*
23 *after the item relating to the Comptroller of the Department*
24 *of Defense, as added by section 901(b), the following:*

1 “Under Secretary of Defense for Personnel and
2 Readiness.”.

3 (c) *OFFSETTING REDUCTION IN NUMBER OF ASSIST-*
4 *ANT SECRETARY OF DEFENSE POSITIONS.*—(1) *Subsection*
5 *(a) of section 138 of title 10, United States Code, as redesign-*
6 *ated by section 901(a), is amended by striking out “elev-*
7 *en” and inserting in lieu thereof “ten”.*

8 (2) *Section 5315 of title 5, United States Code, is*
9 *amended by striking out “Assistant Secretaries of Defense*
10 *(11)” and inserting in lieu thereof “Assistant Secretaries*
11 *of Defense (10)”.*

12 **SEC. 903. REDESIGNATION OF POSITIONS OF UNDER SEC-**
13 **RETARY AND DEPUTY UNDER SECRETARY OF**
14 **DEFENSE FOR ACQUISITION.**

15 (a) *REDESIGNATIONS.*—*The office of Under Secretary*
16 *of Defense for Acquisition in the Department of Defense is*
17 *hereby redesignated as Under Secretary of Defense for Ac-*
18 *quisition and Technology. The office of Deputy Under Sec-*
19 *retary of Defense for Acquisition in the Department of De-*
20 *fense is hereby redesignated as Deputy Under Secretary of*
21 *Defense for Acquisition and Technology.*

22 (b) *USD CHARTER AMENDMENTS.*—(1) *Section 133 of*
23 *title 10, United States Code, is amended by striking out*
24 *“Under Secretary of Defense for Acquisition” in subsections*

1 (a), (b), and (e)(1) and inserting in lieu thereof “Under
2 Secretary of Defense for Acquisition and Technology”.

3 (2) The heading for such section is amended to read
4 as follows:

5 **“§ 133. Under Secretary of Defense for Acquisition and
6 Technology”.**

7 (c) DUSD CHARTER AMENDMENTS.—(1) Section 133a
8 of such title is amended by striking out “Deputy Under Sec-
9 retary of Defense for Acquisition” in subsections (a) and
10 (b) and inserting in lieu thereof “Deputy Under Secretary
11 of Defense for Acquisition and Technology”.

12 (2) The heading for such section is amended to read
13 as follows:

14 **“§ 133a. Deputy Under Secretary of Defense for Acqui-
15 sition and Technology”.**

16 (d) CONFORMING AMENDMENTS TO TITLE 10, UNITED
17 STATES CODE.—(1) The following sections of title 10, Unit-
18 ed States Code, are amended by striking out “Under Sec-
19 retary of Defense for Acquisition” each place such term ap-
20 pears (including section headings) and inserting in lieu
21 thereof “Under Secretary of Defense for Acquisition and
22 Technology”: sections 134(c), 137(b) (as redesignated by sec-
23 tion 901(a)), 139 (as redesignated by section 901(a)),
24 171(a)(3), 179(a), 1702, 1703, 1707(a), 1722, 1735(c),
25 1737(c), 1741(b), 1746(a), 1761(b), 1762(a), 1763, 2304(f),

1 2308(b), 2325(b), 2329, 2350a, 2369, 2399(b), 2435(b),
2 2438(c), 2523(a), and 2534(b).

3 (2) *The item relating to section 1702 in the table of*
4 *sections at the beginning of subchapter I of chapter 87 of*
5 *such title is amended to read as follows:*

*“1702. Under Secretary of Defense for Acquisition and Technology: authorities
and responsibilities.”.*

6 (3) *Section 171(a)(8) of such title is amended by strik-*
7 *ing out “Deputy Under Secretary of Defense for Acquisi-*
8 *tion” and inserting in lieu thereof “Deputy Under Sec-*
9 *retary of Defense for Acquisition and Technology”.*

10 (e) *CONFORMING AMENDMENTS TO TITLE 5, UNITED*
11 *STATES CODE.—(1) Section 5313 of title 5, United States*
12 *Code, is amended by striking out “Under Secretary of De-*
13 *fense for Acquisition” and inserting in lieu thereof “Under*
14 *Secretary of Defense for Acquisition and Technology”.*

15 (2) *Section 5314 of such title is amended by striking*
16 *out “Deputy Under Secretary of Defense for Acquisition”*
17 *and inserting in lieu thereof “Deputy Under Secretary of*
18 *Defense for Acquisition and Technology”.*

19 (f) *REFERENCES IN OTHER LAWS.—Any reference to*
20 *the Under Secretary of Defense for Acquisition or the Dep-*
21 *uty Under Secretary of Defense for Acquisition in any pro-*
22 *vision of law other than title 10, United States Code, or*
23 *in any rule, regulation, or other paper of the United States*
24 *shall be treated as referring to the Under Secretary of De-*

1 *fense for Acquisition and Technology or the Deputy Under*
2 *Secretary of Defense for Acquisition and Technology, re-*
3 *spectively.*

4 **SEC. 904. FURTHER CONFORMING AMENDMENTS TO CHAP-**
5 **TER 4 OF TITLE 10, UNITED STATES CODE.**

6 (a) *COMPOSITION OF OSD.*—*Subsection (b) of section*
7 *131 of title 10, United States Code, is amended to read as*
8 *follows:*

9 “(b) *The Office of the Secretary of Defense is composed*
10 *of the following:*

11 “(1) *The Deputy Secretary of Defense.*

12 “(2) *The Under Secretary of Defense for Acquisi-*
13 *tion and Technology.*

14 “(3) *The Under Secretary of Defense for Policy.*

15 “(4) *The Comptroller.*

16 “(5) *The Under Secretary of Defense for Person-*
17 *nel and Readiness.*

18 “(6) *The Director of Defense Research and Engi-*
19 *neering.*

20 “(7) *The Assistant Secretaries of Defense.*

21 “(8) *The Director of Operational Test and Eval-*
22 *uation.*

23 “(9) *The General Counsel of the Department of*
24 *Defense.*

1 “(10) *The Inspector General of the Department*
2 *of Defense.*”

3 “(11) *Such other offices and officials as may be*
4 *established by law or the Secretary of Defense may es-*
5 *tablish or designate in the Office.*”.

6 (b) *TABLE OF SECTIONS.*—*The table of sections at the*
7 *beginning of chapter 4 of such title is amended to read as*
8 *follows:*

“Sec.

“131. *Office of the Secretary of Defense.*

“132. *Deputy Secretary of Defense.*

“133. *Under Secretary of Defense for Acquisition and Technology.*

“133a. *Deputy Under Secretary of Defense for Acquisition and Technology.*

“134. *Under Secretary of Defense for Policy.*

“134a. *Deputy Under Secretary of Defense for Policy.*

“135. *Comptroller.*

“136. *Under Secretary of Defense for Personnel and Readiness.*

“137. *Director of Defense Research and Engineering.*

“138. *Assistant Secretaries of Defense.*

“139. *Director of Operational Test and Evaluation.*

“140. *General Counsel.*

“141. *Inspector General.*

“142. *Assistant to the Secretary of Defense for Atomic Energy.*”.

9 **SEC. 905. DIRECTOR OF OPERATIONAL TEST AND EVALUA-**
10 **TION.**

11 *Subsection (c) of section 139 of title 10, United States*
12 *Code, as redesignated by section 901(a)(1), is amended—*

13 (1) *by striking out the first sentence;*

14 (2) *by striking out “Director of Defense Research*
15 *and Engineering” and inserting in lieu thereof*
16 *“Under Secretary of Defense for Acquisition and*
17 *Technology”; and*

1 (3) by striking out “research and development”
2 and inserting in lieu thereof “acquisition”.

3 **Subtitle B—Reserve Commands**

4 **SEC. 921. ARMY RESERVE COMMAND.**

5 (a) *ESTABLISHMENT AS A PERMANENT SEPARATE*
6 *ARMY COMMAND.*—(1) Chapter 307 of title 10, United
7 States Code, as amended by section 519(a), is further
8 amended by inserting after section 3081 the following new
9 section:

10 **“§ 3082. Army Reserve command**

11 “(a) *ESTABLISHMENT OF COMMAND.*—There is in the
12 Army an Army Reserve command, which shall be a separate
13 command of the Army. The Secretary of the Army shall
14 maintain that command with the advice and assistance of
15 the Chief of Staff of the Army.

16 “(b) *COMMANDER.*—The Chief of Army Reserve is the
17 commander of the Army Reserve command. The commander
18 of the Army Reserve command reports directly to the Chief
19 of Staff of the Army.

20 “(c) *ASSIGNMENT OF FORCES.*—The Secretary of the
21 Army shall assign to the Army Reserve command all forces
22 of the Army Reserve.

23 “(d) *ESTABLISHMENT OF RESPONSIBILITY.*—(1) The
24 Chief of Staff of the Army shall establish standards, evalu-
25 ate units, validate units, and provide training assistance

1 *for the Army Reserve in the areas of unit training, readi-*
2 *ness, and mobilization.*

3 “(2) *The Chief of Staff shall establish training doc-*
4 *trine, with associated tasks, conditions, and standards, for*
5 *individual and unit training and shall establish standards,*
6 *control of certification, and validation for all courses, in-*
7 *structors, and students for the Army Reserve.*

8 “(3) *The commander of the Army Reserve command*
9 *shall be responsible for meeting the standards, and for suc-*
10 *cessfully complying with the evaluation, certification, and*
11 *validation requirements, established by the Chief of Staff*
12 *of the Army pursuant to paragraphs (1) and (2).”.*

13 (2) *The table of sections at the beginning of such chap-*
14 *ter, as amended by section 519(b), is further amended by*
15 *inserting after the item relating to section 3081 the follow-*
16 *ing new item:*

“3082. Army Reserve command.”.

17 (b) *CONFORMING REPEAL.*—*Section 903 of the Na-*
18 *tional Defense Authorization Act for Fiscal Year 1991 (Pub-*
19 *lic Law 101–510; 104 Stat. 1620) (10 U.S.C. 3074 note)*
20 *is repealed.*

21 (c) *TRANSITION PROVISION.*—*Not later than 90 days*
22 *after the date of the enactment of this Act, the Secretary*
23 *of the Army, in consultation with the Chief of Staff of the*
24 *Army, shall submit to the Committees on Armed Services*
25 *of the Senate and House of Representatives a report on the*

1 *plans of the Secretary of the Army for implementation of*
2 *section 3082 of title 10, United States Code, as added by*
3 *subsection (a). Such implementation shall begin not later*
4 *than 90 days after the date of the enactment of this Act*
5 *and shall be completed not later than one year after such*
6 *date.*

7 **SEC. 922. NAVAL RESERVE COMMAND.**

8 *(a) ESTABLISHMENT AS PERMANENT SEPARATE*
9 *NAVAL COMMAND.—Chapter 519 of title 10, United States*
10 *Code, is amended by adding at the end the following new*
11 *section:*

12 **“§ 5253. Naval Reserve command**

13 *“(a) ESTABLISHMENT OF COMMAND.—There is in the*
14 *Navy a Naval Reserve command, which shall be a separate*
15 *command of the Navy. The Secretary of the Navy shall*
16 *maintain that command with the advice and assistance of*
17 *the Chief of Naval Operations.*

18 *“(b) COMMANDER.—The Chief of Naval Reserve is the*
19 *commander of the Naval Reserve command. The commander*
20 *of the Naval Reserve command reports directly to the Chief*
21 *of Naval Operations.*

22 *“(c) ASSIGNMENT OF FORCES.—The Secretary of the*
23 *Navy shall assign to the Naval Reserve command all forces*
24 *of the Naval Reserve other than those Naval Reserve forces*

1 *specifically assigned by the Secretary to the active compo-*
2 *nent of the Navy.*

3 “(d) *ESTABLISHMENT OF RESPONSIBILITY.*—(1) *The*
4 *Chief of Naval Operations shall establish standards, evalu-*
5 *ate units, validate units, and provide training assistance*
6 *for the Naval Reserve in the areas of unit training, readi-*
7 *ness, and mobilization.*

8 “(2) *The Chief of Naval Operations shall establish*
9 *training doctrine, with associated tasks, conditions, and*
10 *standards, for individual and unit training and shall estab-*
11 *lish standards, control of certification, and validation for*
12 *all courses, instructors, and students for the Naval Reserve.*

13 “(3) *The commander of the Naval Reserve command*
14 *shall be responsible for meeting the standards, and for suc-*
15 *cessfully complying with the evaluation, certification, and*
16 *validation requirements, established by the Chief of Naval*
17 *Operations pursuant to paragraphs (1) and (2).”.*

18 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
19 *the beginning of such chapter is amended by adding at the*
20 *end the following new item:*

“5253. Naval Reserve command.”.

21 **SEC. 923. MARINE CORPS RESERVE COMMAND.**

22 (a) *ESTABLISHMENT AS PERMANENT SEPARATE MA-*
23 *RINE CORPS COMMAND.*—*Chapter 519 of title 10, United*
24 *States Code (as amended by section 922(a)), is further*
25 *amended by adding at the end the following new section:*

1 **“§ 5254. Marine Corps Reserve command**

2 “(a) *ESTABLISHMENT OF COMMAND.*—*There is in the*
3 *Marine Corps a Marine Corps Reserve command, which*
4 *shall be a separate command of the Marine Corps. The Sec-*
5 *retary of the Navy shall maintain that command with the*
6 *advice and assistance of the Commandant of the Marine*
7 *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) *The*
15 *Commandant shall establish standards, evaluate units, vali-*
16 *date units, and provide training assistance for the Marine*
17 *Corps Reserve in the areas of unit training, readiness, and*
18 *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 com-*
25 *mand shall be responsible for meeting the standards, and*
26 *for successfully complying with the evaluation, certification,*

1 *and validation requirements, established by the Com-*
2 *mandant to paragraphs (1) and (2).”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter (as amended by section 925(b)) is amended by adding*
5 *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 following*
10 *new section:*

11 **“§ 8082. Air Force Reserve command**

12 “(a) *ESTABLISHMENT OF COMMAND.—There is in the*
13 *Air Force an Air Force Reserve command, which shall be*
14 *a separate command of the Air Force. The Secretary of the*
15 *Air Force shall maintain that command with the advice*
16 *and assistance of the Chief of Staff of the Air Force.*

17 “(b) *COMMANDER.—The Chief of Air Force Reserve is*
18 *the commander of the Air Force Reserve command. The*
19 *commander of the Air Force Reserve command reports di-*
20 *rectly to the Chief of Staff of the Air Force.*

21 “(c) *ASSIGNMENT OF FORCES.—The Secretary of the*
22 *Air Force shall assign to the Air Force Reserve command*
23 *all forces of the Air Force Reserve.*

24 “(d) *ESTABLISHMENT OF RESPONSIBILITY.—(1) The*
25 *Chief of Staff of the Air Force shall establish standards,*

1 *evaluate units, validate units, and provide training assist-*
2 *ance for the Air Force Reserve in the areas of unit training,*
3 *readiness, and mobilization.*

4 “(2) *The Chief of Staff shall establish training doc-*
5 *trine, with associated tasks, conditions, and standards, for*
6 *individual and unit training and shall establish standards,*
7 *control of certification, and validation for all courses, in-*
8 *structors, and students for the Air Force Reserve.*

9 “(3) *The commander of the Air Force Reserve com-*
10 *mand shall be responsible for meeting the standards, and*
11 *for successfully complying with the evaluation, certification,*
12 *and validation requirements, established by the Chief of*
13 *Staff of the Air Force pursuant to paragraphs (1) and (2).”.*

14 (2) *The table of sections at the beginning of such chap-*
15 *ter is amended by adding at the end the following new item:*

“8082. Air Force Reserve command.”.

16 ***Subtitle C—Professional Military***
17 ***Education***

18 ***SEC. 931. AUTHORITY FOR AWARD BY NATIONAL DEFENSE***

19 ***UNIVERSITY OF CERTAIN MASTER OF***
20 ***SCIENCE DEGREES.***

21 (a) *IN GENERAL.*—Chapter 108 of title 10, United
22 States Code, is amended by adding at the end the following
23 new section:

1 **“§2163. National Defense University: masters of**
2 **science in national security strategy and**
3 **in national resource strategy**

4 “(a) NATIONAL WAR COLLEGE DEGREE.—The Presi-
5 dent of the National Defense University, upon the rec-
6 ommendation of the faculty and commandant of the Na-
7 tional War College, may confer the degree of master of
8 science of national security strategy upon graduates of the
9 National War College who fulfill the requirements for the
10 degree.

11 “(b) ICAF DEGREE.—The President of the National
12 Defense University, upon the recommendation of the faculty
13 and commandant of the Industrial College of the Armed
14 Forces, may confer the degree of master of science of na-
15 tional resource strategy upon graduates of the Industrial
16 College of the Armed Forces who fulfill the requirements for
17 the degree.

18 “(c) REGULATIONS.—The authority provided by sub-
19 sections (a) and (b) shall be exercised under regulations pre-
20 scribed by the Secretary of Defense.”.

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

“2163. National Defense University: masters of science in national security strat-
egy and in national resource strategy.”.

1 **SEC. 932. REDESIGNATION OF ARMED FORCES STAFF COL-**
2 **LEGE.**

3 *The Armed Forces Staff College at Norfolk, Virginia,*
4 *shall after the date of the enactment of this Act be known*
5 *and designated as the “Joint Armed Forces Staff College”.*

6 **SEC. 933. LOCATION FOR NEW JOINT WARFIGHTING CEN-**
7 **TER.**

8 *The Secretary of Defense shall provide for the Joint*
9 *Warfighting Center (established by the Secretary on July*
10 *1, 1993, to assist the Chairman of the Joint Chiefs of Staff*
11 *and other senior military officers in the preparation for*
12 *joint warfare) to be located at the Joint Armed Forces Staff*
13 *College in Norfolk, Virginia.*

14 **SEC. 934. AUTHORITY TO EMPLOY CIVILIAN FACULTY MEM-**
15 **BERS AT GEORGE C. MARSHALL EUROPEAN**
16 **CENTER FOR SECURITY STUDIES.**

17 *(a) IN GENERAL.—(1) Section 1595 of title 10, United*
18 *States Code, is amended to read as follows:*

19 **“§ 1595. Civilian faculty members at certain Depart-**
20 **ment of Defense schools: employment and**
21 **compensation**

22 *“(a) AUTHORITY OF SECRETARY.—The Secretary of*
23 *Defense may employ as many civilians as professors, in-*
24 *structors, and lecturers at the institutions specified in sub-*
25 *section (c) as the Secretary considers necessary.*

1 “(b) *COMPENSATION OF FACULTY MEMBERS.*—The
2 *compensation of persons employed under this section shall*
3 *be as prescribed by the Secretary.*

4 “(c) *COVERED INSTITUTIONS.*—This section applies
5 *with respect to the following institutions of the Department*
6 *of Defense:*

7 “(1) *The National Defense University.*

8 “(2) *The Foreign Language Center of the Defense*
9 *Language Institute.*

10 “(3) *The George C. Marshall European Center*
11 *for Security Studies.*

12 “(d) *APPLICATION TO FACULTY MEMBERS AT NDU.*—
13 *In the case of the National Defense University, this section*
14 *applies with respect to persons selected by the Secretary for*
15 *employment as professors, instructors, and lecturers at the*
16 *National Defense University after February 27, 1990.*

17 “(e) *COMPOSITION OF NATIONAL DEFENSE UNIVER-*
18 *SITY.*—*For purposes of this section, the National Defense*
19 *University includes the National War College, the Armed*
20 *Forces Staff College, the Institute for National Strategic*
21 *Study, and the Industrial College of the Armed Forces.”.*

22 (2) *The item relating to such section in the table of*
23 *sections at the beginning of chapter 81 of such title is*
24 *amended to read as follows:*

 “1595. *Civilian faculty members at certain Department of Defense schools: em-*
 ployment and compensation.”.

1 (b) *EFFECTIVE DATE.*—The amendments made by sub-
2 section (a) take effect on October 1, 1993.

3 ***Subtitle D—Other Matters***

4 ***SEC. 941. ASSIGNMENT OF RESERVE FORCES.***

5 (a) *UNIFIED COMMANDS.*—Section 162(a) of title 10,
6 United States Code, is amended by inserting “(other than
7 forces of the reserve components)” after “all forces under
8 their jurisdiction”.

9 (b) *SPECIAL OPERATIONS COMMAND.*—Section 167(b)
10 of such title is amended by striking out “and reserve”.

11 ***SEC. 942. MORATORIUM ON MERGER OF SPACE COMMAND***
12 ***AND STRATEGIC COMMAND.***

13 (a) *MORATORIUM.*—During the period beginning on
14 the date of the enactment of this Act and ending on Decem-
15 ber 1, 1994—

16 (1) the United States Space Command may not
17 be merged with the United States Strategic Com-
18 mand; and

19 (2) no element or component of the United States
20 Space Command (as constituted on the date of the en-
21 actment of this Act) may be transferred to the United
22 States Strategic Command.

23 (b) *GAO REPORT.*—Not later than March 1, 1994, the
24 Comptroller General of the United States shall submit to
25 Congress a report on the costs and benefits of merging the

1 *United States Space Command with the United States*
2 *Strategic Command. The matters to be addressed by the*
3 *Comptroller General in the report shall include (1) cost sav-*
4 *ings and other efficiencies which could be achieved through*
5 *such a merger, as well as any disadvantages of such a merg-*
6 *er, (2) the record of any problems associated with the per-*
7 *formance of the functions of the Space Command and of*
8 *the Strategic Command when those functions have been*
9 *vested in the same organization in the past, and (3) the*
10 *degree to which any such proposed merger decreases the or-*
11 *ganizational visibility and priority of space-related issues*
12 *within the Department of Defense.*

13 **SEC. 943. SECURITY CLEARANCES FOR CIVILIAN EMPLOY-**
14 **EES.**

15 (a) *IN GENERAL.*—(1) *Chapter 81 of title 10, United*
16 *States Code, is amended by inserting after section 1581 the*
17 *following new section:*

18 **“§ 1582. Security clearances: procedural safeguards**
19 **for denial or revocation**

20 *“Under regulations to be prescribed by the Secretary*
21 *of Defense, civilian employees of the Department of Defense*
22 *shall be entitled to the same procedural safeguards with re-*
23 *spect to the denial or revocation of security clearances as*
24 *are afforded to employees of defense contractors under Exec-*
25 *utive Order 10865 (50 U.S.C. 401 note), entitled ‘Safe-*

1 *guarding Classified Information Within Industry’, as in ef-*
2 *fect on July 1, 1993.”.*

3 (2) *The table of sections at the beginning of such chap-*
4 *ter is amended by inserting after the item relating to section*
5 *1581 the following new item:*

“1582. Security clearances: procedural safeguards for denial or revocation.”.

6 (b) *EFFECTIVE DATE.*—*Section 1582 of title 10, Unit-*
7 *ed States Code, as added by subsection (a), shall apply with*
8 *respect to the denial or revocation of a security clearance*
9 *after the date of the enactment of this Act.*

10 (c) *DEADLINE.*—*The regulations required by section*
11 *1582 of title 10, United States Code, as added by subsection*
12 *(a), shall be prescribed not later than 180 days after the*
13 *date of the enactment of this Act.*

14 **SEC. 944. PROGRAM FOR VIDEOTAPING OF INVESTIGATIVE**
15 **INTERVIEWS.**

16 (a) *IN GENERAL.*—*The Secretary of Defense shall*
17 *carry out a program for the videotaping of subject and wit-*
18 *ness interviews by military criminal investigative organi-*
19 *zations, as determined appropriate by the Secretary.*

20 (b) *STARTUP COSTS.*—*The Secretary shall direct that,*
21 *of amounts available to the Department of Defense for fiscal*
22 *year 1994 for operations and maintenance, \$2,500,000 shall*
23 *be allocated for the purchase of video equipment for use in*
24 *the program under subsection (a) and for necessary modi-*

1 *fications to interrogation facilities to accommodate that*
2 *equipment.*

3 **(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZA-**
4 *TIONS.—For purposes of subsection (a), the military crimi-*
5 *nal investigative organizations are the following:*

6 **(1) The Defense Criminal Investigative Service.**

7 **(2) The Criminal Investigative Division of the**
8 *Department of the Army.*

9 **(3) The Naval Criminal Investigative Service of**
10 *the Department of the Navy.*

11 **(4) The Office of Special Investigations of the**
12 *Department of the Air Force.*

13 **SEC. 945. FLEXIBILITY IN ADMINISTERING REQUIREMENT**
14 **FOR ANNUAL FOUR PERCENT REDUCTION IN**
15 **NUMBER OF PERSONNEL ASSIGNED TO HEAD-**
16 **QUARTERS AND HEADQUARTERS SUPPORT**
17 **ACTIVITIES.**

18 *Section 906(a) of the National Defense Authorization*
19 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
20 *1622) is amended by adding at the end the following: “If*
21 *the number by which the number of such personnel is re-*
22 *duced during any of fiscal years 1991, 1992, 1993, or 1994*
23 *is greater than the number required under the preceding*
24 *sentence, the excess number from that fiscal year may be*
25 *applied by the Secretary toward the required reduction dur-*

1 *ing a subsequent fiscal year (so that the total reduction*
2 *under this section need not exceed the number equal to five*
3 *times the required reduction number specified under the*
4 *preceding sentence).”.*

5 **SEC. 946. ENHANCED FLEXIBILITY RELATING TO REQUIRE-**
6 **MENTS FOR SERVICE IN A JOINT DUTY AS-**
7 **SIGNMENT.**

8 (a) *EXTENSION OF AUTHORITY FOR JOINT DUTY*
9 *EQUIVALENCY WAIVER.*—Section 619(e)(2) of title 10,
10 *United States Code, is amended—*

11 (1) *by striking out “paragraph (1)—” and in-*
12 *serting in lieu thereof “paragraph (1) in the following*
13 *circumstances:”;*

14 (2) *by capitalizing the first letter of the first*
15 *word in each of subparagraphs (A) through (D);*

16 (3) *by striking out the semicolon at the end of*
17 *subparagraphs (A), (B), and (C) and inserting in*
18 *lieu thereof a period;*

19 (4) *by striking out “; and” at the end of sub-*
20 *paragraph (D) and inserting in lieu thereof a period;*
21 *and*

22 (5) *by striking out subparagraph (E) and insert-*
23 *ing in lieu thereof the following:*

24 “(E) *Until January 1, 1998, in the case of an*
25 *officer who served in an assignment (other than a*

1 *joint duty assignment) that began before October 1,*
2 *1986, and that involved significant experience in*
3 *joint matters (as determined by the Secretary) if the*
4 *officer served in that assignment for a period of suffi-*
5 *cient duration (which may not be less than 12*
6 *months) for the officer's service to have been consid-*
7 *ered a full tour of duty under the policies and regula-*
8 *tions in effect on September 30, 1986."*

9 ***(b) REQUIREMENT FOR JOINT DUTY ASSIGNMENT FOR***
10 ***GENERAL AND FLAG OFFICERS RECEIVING JOINT DUTY***
11 ***EQUIVALENCY WAIVER.***—*Section 619 of such title is further*
12 *amended by adding at the end the following new subsection:*

13 *"(f)(1) An officer who receives a waiver under para-*
14 *graph (2)(E) of subsection (e) by reason of service described*
15 *in that paragraph that began before October 1, 1986, may*
16 *not (except as provided in paragraph (2)) be appointed to*
17 *the grade of major general or rear admiral until the officer*
18 *completes a full tour of duty in a joint duty assignment.*

19 *"(2) The Secretary of Defense may on a case-by-case*
20 *basis delay the requirement under paragraph (1) for com-*
21 *pletion of a full tour of duty in a joint duty assignment*
22 *in the case of an officer selected for promotion to the grade*
23 *of major general or rear admiral so that such a tour of*
24 *duty is completed while the officer is serving in that grade.*
25 *Any such delay may be granted only in a case in which*

1 *the Secretary determines, and certifies to Congress, that it*
2 *is necessary that the requirement for service by general and*
3 *flag officers in a joint duty assignment be deferred in the*
4 *case of that particular officer because of a lack of available*
5 *billets for officers in the grade of brigadier general or rear*
6 *admiral (lower half) that are joint duty assignment posi-*
7 *tions.*

8 “(3) *The delegation limitations in paragraph (3)(C)*
9 *of subsection (e) shall apply to the authority provided in*
10 *paragraph (2).”.*

11 (c) *REPORT ON PLANS FOR COMPLIANCE WITH SEC-*
12 *TION 619(e).—(1) Not later than January 1, 1994, the Sec-*
13 *retary of Defense shall certify to Congress that the Army,*
14 *Navy, Air Force, and Marine Corps have each developed*
15 *and implemented a plan for their officer personnel assign-*
16 *ment and promotion policies so as to ensure compliance*
17 *with the requirements of section 619(e) of title 10, United*
18 *States Code, as amended by subsection (a). Each such plan*
19 *should particularly ensure that by January 1, 1998, the*
20 *service covered by the plan shall have enough officers who*
21 *have completed a full tour of duty in a joint duty assign-*
22 *ment so as to permit the orderly promotion of officers to*
23 *brigadier general or, in the case of the Navy, rear admiral*
24 *(lower half).*

1 (2) *The Secretary of Defense shall include as part of*
2 *the information submitted to Congress pursuant to section*
3 *667 of title 10, United States Code, for each of the next*
4 *five years after the date of the enactment of this Act the*
5 *following:*

6 (A) *The degree of progress made toward meeting*
7 *the requirements of section 619(e) of title 10, United*
8 *States Code.*

9 (B) *The compliance achieved with each of the*
10 *plans developed pursuant to paragraph (1).*

11 (d) *REVISION OF SERVING-IN WAIVER.—Section*
12 *619(e)(2) of title 10, United States Code, as amended by*
13 *subsection (a), is further amended by adding at the end the*
14 *following:*

15 “(F) *In the case of an officer selected by a pro-*
16 *motion board for appointment to the grade of briga-*
17 *dier general or rear admiral (lower half) while serv-*
18 *ing in a joint duty assignment, of which no less than*
19 *six months have been completed on the date on which*
20 *the officer is selected by that selection board, and who*
21 *subsequently completes no less than two years in that*
22 *joint duty assignment.”.*

23 (e) *DESERT STORM JOINT DUTY CREDIT.—(1) Section*
24 *933(a)(1) of the National Defense Authorization Act for Fis-*
25 *cal Year 1993 (Public Law 102–484; 106 Stat. 2476; 10*

1 *U.S.C. 644 note) is amended by striking out “chapter 38*
2 *of” and inserting in lieu thereof “any provision of”.*

3 *(2) Any joint duty service credit given to an officer*
4 *under section 933(a)(1) of the National Defense Authoriza-*
5 *tion Act for Fiscal Year 1993 before the date of the enact-*
6 *ment of this Act may be applied to any provision of title*
7 *10, United States Code.*

8 *(f) CORRECTION OF SPELLING MISTAKE.—Section*
9 *1305(b)(1)(B) of Public Law 100–180 (10 U.S.C. 619 note)*
10 *is amended by striking out “nuclear populsion” and insert-*
11 *ing in lieu thereof “nuclear propulsion”.*

12 **SEC. 947. FLEXIBILITY FOR REQUIRED POST-EDUCATION**
13 **JOINT DUTY ASSIGNMENT.**

14 *(a) IN GENERAL.—Subsection (d) of section 663 of title*
15 *10, United States Code, is amended to read as follows:*

16 *“(d) POST-EDUCATION JOINT DUTY ASSIGNMENTS.—*

17 *(1) The Secretary of Defense shall ensure that each officer*
18 *with the joint specialty who graduates from a joint profes-*
19 *sional military education school shall be assigned to a joint*
20 *duty assignment for that officer’s next duty assignment*
21 *after such graduation (unless the officer receives a waiver*
22 *of that requirement by the Secretary in an individual case).*

23 *“(2)(A) The Secretary of Defense shall ensure that a*
24 *high proportion (which shall be greater than 50 percent)*
25 *of the officers graduating from a joint professional military*

1 *education school who do not have the joint specialty shall*
2 *receive assignments to a joint duty assignment as their next*
3 *duty assignment after such graduation or, to the extent au-*
4 *thorized in subparagraph (B), as their second duty assign-*
5 *ment after such graduation.*

6 “(B) The Secretary may, if the Secretary determines
7 that it is necessary to do so for the efficient management
8 of officer personnel, establish procedures to allow up to one-
9 half of the officers subject to the duty assignment require-
10 ment in subparagraph (A) to be assigned to a joint duty
11 assignment as their second (rather than first) assignment
12 after such graduation from a joint professional military
13 education school.”.

14 (b) *EFFECTIVE DATE.*—The amendments made by sub-
15 section (a) shall apply with respect to officers graduating
16 from joint professional military education schools after the
17 date of the enactment of this Act.

18 **SEC. 948. REPORT ON OPTIONS FOR ORGANIZATIONAL**
19 **STRUCTURE FOR IMAGERY COLLECTION**
20 **FUNCTIONS.**

21 (a) *REPORT.*—Not later than 90 days after the date
22 of the enactment of this Act, the Secretary of Defense shall
23 submit to the committees specified in subsection (e) a report
24 containing an assessment of options for the organization
25 of intelligence elements of the Government for the manage-

1 *ment of central imagery functions. The report shall be pre-*
2 *pared in consultation with the Director of Central Intel-*
3 *ligence.*

4 (b) *OPTIONS TO BE CONSIDERED.*—Options consid-
5 *ered for the purposes of the assessment under subsection (a)*
6 *shall include the following:*

7 (1) *Carrying out the management of central im-*
8 *agery functions through the Central Imagery Office of*
9 *the Department of Defense as constituted on the date*
10 *of the enactment of this Act.*

11 (2) *Consolidation within the Defense Intelligence*
12 *Agency of the central imagery functions carried out*
13 *as of the date of the enactment of this Act through the*
14 *Central Imagery Office of the Department of Defense*
15 *(as constituted on the date of the enactment of this*
16 *Act).*

17 (3) *Any other option identified by the Secretary*
18 *of Defense and the Director of Central Intelligence.*

19 (c) *BASIS FOR EVALUATION OF OPTIONS.*—Each op-
20 *tion identified under subsection (b) shall be evaluated on*
21 *the basis of—*

22 (1) *organizational efficiency;*

23 (2) *cost savings that could be realized through*
24 *consolidation and through sharing of overhead re-*
25 *sources; and*

1 *Committees on Armed Services of the Senate and House of*
2 *Representatives a report on the comprehensive review of De-*
3 *partment of Defense activities ordered by the Secretary of*
4 *Defense and identified as the “Bottom Up Review” (herein-*
5 *after in this section referred to as the “Review”). The report*
6 *shall include the following information:*

7 (1) *A statement of the goals and objectives of the*
8 *Review.*

9 (2) *The principal findings and recommendations*
10 *of the Review.*

11 (3) *A presentation of the process, structure, and*
12 *scope of the Review, including all programs and poli-*
13 *cies examined by the Review.*

14 (4) *The various force structure, strategy, budg-*
15 *etary and programmatic options considered as part of*
16 *the Review.*

17 (5) *A description of any threat assessment or de-*
18 *fense planning scenario used in conducting the Re-*
19 *view.*

20 (6) *The criteria used in the development, review,*
21 *and selection of the alternative strategy, force struc-*
22 *ture, programmatic, budgetary, and other options*
23 *considered in the Review.*

24 (7) *Presentation of changes as a result of the Re-*
25 *view in each of the following:*

1 (A) *The National Security Strategy of the*
2 *United States, as described in the January 1993,*
3 *report entitled “National Security Strategy of*
4 *the United States”, issued by former President*
5 *Bush.*

6 (B) *The National Military Strategy of the*
7 *United States, including changes in the four key*
8 *elements of the new National Military Strategy*
9 *announced by former President Bush on August*
10 *2, 1990, and described in the January 1993 re-*
11 *port entitled, “Annual Report to the President*
12 *and the Congress” from former Secretary of De-*
13 *fense Dick Cheney, namely, strategic deterrence*
14 *and defense, forward presence, crisis response,*
15 *and reconstitution.*

16 (C) *Alliance structures or overseas force*
17 *presence and commitments and any changes in*
18 *the level of support by the United States Armed*
19 *Forces for peacekeeping and peacemaking mis-*
20 *sions, humanitarian activities, domestic civil*
21 *functions, drug interdiction, support to inter-*
22 *national organizations such as the United Na-*
23 *tions, and other areas such as conversion and re-*
24 *investment.*

1 (D) *The military force structure, as de-*
2 *scribed in the January 1993 report entitled “An-*
3 *annual Report to the President and the Congress”*
4 *from former Secretary of Defense Dick Cheney.*

5 (E) *The roles and functions of the military*
6 *departments and the roles and functions of the*
7 *unified commands as set out in the Unified*
8 *Command Plan.*

9 (F) *Cost, schedule, and inventory objectives*
10 *for major defense acquisition programs (as de-*
11 *defined in section 2430 of title 10, United States*
12 *Code) altered as a result of the Review.*

13 (G) *The defense industrial base of the Unit-*
14 *ed States, including the effect on key defense in-*
15 *dustrial sectors such as the nuclear propulsion*
16 *industrial base, the armored vehicle industrial*
17 *base, tactical aviation, and shipyards for both*
18 *conventional-powered and nuclear-powered ves-*
19 *sels.*

20 (b) *DEADLINE.—The report required by subsection (a)*
21 *shall be submitted not later than the earlier of (1) the date*
22 *on which the President’s budget for fiscal year 1995 budget*
23 *is submitted to Congress pursuant to section 1105 of title*
24 *31, United States Code, and (2) the end of the 90-day period*
25 *beginning on the date of the enactment of this Act.*

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*
5 *Upon determination by the Secretary of Defense that such*
6 *action is necessary in the national interest, the Secretary*
7 *may transfer amounts of authorizations made available to*
8 *the Department of Defense in this division for fiscal year*
9 *1994 between any such authorizations for that fiscal year*
10 *(or any subdivisions thereof). Amounts of authorizations so*
11 *transferred shall be merged with and be available for the*
12 *same purposes as the authorization to which transferred.*

13 (2) *The total amount of authorizations that the Sec-*
14 *retary of Defense may transfer under the authority of this*
15 *section may not exceed \$2,000,000,000.*

16 (b) *LIMITATIONS.—The authority provided by this sec-*
17 *tion to transfer authorizations—*

18 (1) *may only be used to provide authority for*
19 *items that have a higher priority than the items from*
20 *which authority is transferred; and*

21 (2) *may not be used to provide authority for an*
22 *item that has been denied authorization by Congress.*

23 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
24 *fer made from one account to another under the authority*
25 *of this section shall be deemed to increase the amount au-*

1 *thorized for the account to which the amount is transferred*
2 *by an amount equal to the amount transferred.*

3 *(d) NOTICE TO CONGRESS.—The Secretary of Defense*
4 *shall promptly notify Congress of transfers made under the*
5 *authority of this section.*

6 **SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.**

7 *No funds are authorized to be appropriated under this*
8 *Act for the Federal Bureau of Investigation.*

9 **SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.**

10 *(a) STATUS OF CLASSIFIED ANNEX.—The Classified*
11 *Annex prepared by the Committee on Armed Services to*
12 *accompany the bill H.R. 2401 of the One Hundred Third*
13 *Congress and transmitted to the President is hereby incor-*
14 *porated into this Act.*

15 *(b) CONSTRUCTION WITH OTHER PROVISIONS OF*
16 *ACT.—The amounts specified in the Classified Annex are*
17 *not in addition to amounts authorized to be appropriated*
18 *by other provisions of this Act.*

19 *(c) LIMITATION ON USE OF FUNDS.—Funds appro-*
20 *priated pursuant to an authorization contained in this Act*
21 *that are made available for a program, project, or activity*
22 *referred to in the Classified Annex may only be expended*
23 *for such program, project, or activity in accordance with*
24 *such terms, conditions, limitations, restrictions, and re-*

1 *quirements as are set out for that program, project, or activ-*
2 *ity in the Classified Annex.*

3 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—The
4 *President shall provide for appropriate distribution of the*
5 *Classified Annex, or of appropriate portions of the annex,*
6 *within the executive branch of the Government.*

7 **SEC. 1004. DEFENSE COOPERATION ACCOUNT.**

8 (a) *REVISION IN AUDIT REQUIREMENT.*—Subsection
9 (i) of section 2608 of title 10, United States Code, is amend-
10 ed to read as follows:

11 “(i) *PERIODIC AUDITS BY GAO.*—The Comptroller
12 *General of the United States shall make periodic audits of*
13 *money and property accepted under this section, at such*
14 *intervals as the Comptroller General determines to be war-*
15 *ranted. The Comptroller General shall submit to Congress*
16 *a report on the results of each such audit.”*

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

19 **“§2608. Acceptance of contributions for defense pro-**
20 **grams, projects, and activities; Defense**
21 **Cooperation Account**

22 (2) *The item relating to such section in the table of*
23 *sections at the beginning of chapter 155 of such title is*
24 *amended to read as follows:*

“2608. Acceptance of contributions for defense programs, projects, and activities;
Defense Cooperation Account.”

1 **SEC. 1005. GLOBAL COOPERATIVES INITIATIVE.**

2 *There is hereby authorized to be appropriated for Op-*
3 *eration and Maintenance for the Secretary of Defense for*
4 *fiscal year 1994 the sum of \$111,000,000 for Global Cooper-*
5 *ative Initiatives.*

6 **SEC. 1006. LIMITATION ON TRANSFERRING DEFENSE**
7 **FUNDS TO OTHER DEPARTMENTS AND AGEN-**
8 **CIES.**

9 *Section 1604 of Public Law 101-189 (103 Stat. 1598)*
10 *is amended by striking out “a report” and all that follows*
11 *and inserting in lieu thereof “a certification that making*
12 *those funds available to such other department or agency*
13 *is in the national security interest of the United States.”.*

14 **SEC. 1007. SENSE OF CONGRESS CONCERNING DEFENSE**
15 **BUDGET PROCESS.**

16 *It is the sense of Congress that any future five-year*
17 *defense plan—*

18 *(1) should be based on an objective assessment of*
19 *United States national security requirements and be*
20 *resourced at a level capable of protecting and promot-*
21 *ing our Nation’s interests; and*

22 *(2) should be based on financial integrity and*
23 *accountability to ensure a fully funded defense pro-*
24 *gram necessary to maintain a ready and capable*
25 *force.*

1 **Subtitle B—Counter-Drug Activities**

2 **SEC. 1021. DEPARTMENT OF DEFENSE SUPPORT FOR**
3 **COUNTER-DRUG ACTIVITIES OF OTHER AGEN-**
4 **CIES.**

5 (a) *EXTENSION OF SUPPORT AUTHORIZATION.*—Sec-
6 *tion 1004(a) of the National Defense Authorization Act for*
7 *Fiscal Year 1991 (10 U.S.C. 374 note) is amended by strik-*
8 *ing out “fiscal years 1991, 1992, 1993, and 1994,” and in-*
9 *serting in lieu thereof “fiscal years 1991 through 1995.”.*

10 (b) *FUNDING OF SUPPORT ACTIVITIES.*—*Of the*
11 *amount authorized to be appropriated for fiscal year 1994*
12 *under section 301(14) for operation and maintenance with*
13 *respect to drug interdiction and counter-drug activities,*
14 *\$40,000,000 shall be available to the Secretary of Defense*
15 *for the purposes of carrying out section 1004 of the National*
16 *Defense Authorization Act for Fiscal Year 1991 (10 U.S.C.*
17 *374 note).*

18 **SEC. 1022. REPORT ON DEFENSE COUNTER-DRUG PRO-**
19 **GRAM.**

20 (a) *REPORT REQUIRED.*—*The Secretary of Defense*
21 *shall submit to Congress a report evaluating the consistency*
22 *of—*

23 (1) *all drug interdiction and counter-drug ac-*
24 *tivities undertaken or supported by the Department of*

1 *Defense using funds appropriated pursuant to the au-*
2 *thorization of appropriations in section 301(14); with*
3 *(2) the goals, objectives, and resource balance*
4 *contained in the National Drug Control Strategy re-*
5 *quired to be submitted to Congress in 1994 under sec-*
6 *tion 1005 of the Anti-Drug Abuse Act of 1988 (21*
7 *U.S.C. 1504).*

8 *(b) RECOMMENDATIONS.—The report required under*
9 *subsection (a) shall include such recommendations as the*
10 *Secretary considers to be necessary to more closely conform*
11 *defense drug interdiction and counter-drug activities to the*
12 *National Drug Control Strategy. The recommendations*
13 *may include a request for the reprogramming of funds ap-*
14 *propriated or otherwise made available to the Department*
15 *of Defense for drug interdiction and counter-drug activities*
16 *if the Secretary determines that such a request is necessary.*

17 *(c) LIMITATION ON OBLIGATION OF FUNDS PENDING*
18 *REPORT.—(1) Except as provided in paragraph (2), no*
19 *more than 75 percent of the funds appropriated for fiscal*
20 *year 1994 pursuant to the authorization of appropriations*
21 *in section 301(14) for drug interdiction and counter-drug*
22 *activities undertaken or supported by the Department of*
23 *Defense may be obligated or expended before the date on*
24 *which the Secretary of Defense submits to Congress the re-*
25 *port required under subsection (a).*

1 (2) Paragraph (1) shall not prohibit obligations or ex-
2 penditures of funds for personnel expenses, including pay
3 and allowances of members of the Armed Forces, incurred
4 in connection with defense drug interdiction and counter-
5 drug activities.

6 **Subtitle C—Other Matters**

7 **SEC. 1031. PROCEDURES FOR HANDLING WAR BOOTY.**

8 (a) *IN GENERAL.*—(1) Chapter 153 of title 10, United
9 States Code, is amended by adding at the end the following
10 new section:

11 **“§2579. War booty: procedures for handling and re-**
12 **taining battlefield objects**

13 “(a) *POLICY.*—The United States recognizes that bat-
14 tlefield souvenirs have traditionally provided military per-
15 sonnel 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 re-
19 sult in the mistreatment of enemy personnel, the dishonor-
20 ing of the dead, distraction from the conduct of operations,
21 or other unbecoming activities.

22 “(b) *PURPOSE.*—The purpose of this section is to pro-
23 vide a procedure for the handling of battlefield objects that
24 is consistent with the policies expressed in subsection (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 to
4 appropriate United States or allied military personnel. A
5 member of the armed forces (or other person under the au-
6 thority of the armed forces in a theater of operations) may
7 not (except in accordance with this section) take from a
8 theater of operations as a souvenir an object formerly in
9 the possession of the enemy.

10 “(d) *PROCEDURES FOR OBTAINING BATTLEFIELD*
11 *SOUVENIRS.*—(1) A member of the armed forces who wishes
12 to retain as a souvenir an object covered by subsection (c)
13 that was retrieved personally by that member may so re-
14 quest at the time the object is turned over pursuant to sub-
15 section (c).

16 “(2) The Secretary concerned shall designate an officer
17 to review requests under paragraph (1). If the officer deter-
18 mines that the object may be appropriately retained as a
19 war souvenir, the object shall be turned over to the member
20 who requested the right to retain it.

21 “(3) The Secretary concerned may charge a processing
22 fee to each member making a request under paragraph (1).
23 The amount of any such fee may not exceed the amount
24 necessary to recoup the costs of handling and reviewing the
25 objects for which requests are made under paragraph (1).

1 “(e) *FURNISHING OF CAPTURED ITEMS.*—(1) *The Sec-*
2 *retary concerned shall make available to members of the*
3 *armed forces who served in a theater of operations items*
4 *of enemy material other than weapons and explosives that*
5 *are no longer required for military use, intelligence exploi-*
6 *tation, or other purpose determined by the Secretary. A*
7 *processing fee as described in subsection (d)(3) may be*
8 *charged.*

9 “(2) *The Secretary concerned shall make available for*
10 *sale to members of the armed forces who served in a theater*
11 *of operations items of captured weaponry as follows:*

12 “(A) *The only weapons that may be sold are*
13 *those in categories to be agreed upon jointly by the*
14 *Secretary of Defense and the Secretary of the Treas-*
15 *ury.*

16 “(B) *Not more than one weapon may be sold to*
17 *any member.*

18 “(C) *Before a weapon is turned over to a mem-*
19 *ber following such a sale, the weapon shall be ren-*
20 *dered unserviceable.*

21 “(D) *The Secretary concerned shall assess a*
22 *charge in connection with each such sale (in addition*
23 *to any processing fee) in an amount sufficient to*
24 *cover the full cost of rendering the weapon unservice-*
25 *able.”.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by adding at the end the following new item:*

“2579. War booty: procedures for handling and retaining battlefield objects.”.

3 (b) *EFFECTIVE DATE.*—*Section 2579 title 10, United*
4 *States Code, as added by subsection (a), shall apply with*
5 *respect to objects taken in a theater of operations after the*
6 *date of the enactment of this Act.*

7 **SEC. 1032. AWARD OF PURPLE HEART TO MEMBERS KILLED**
8 **OR WOUNDED IN ACTION BY FRIENDLY FIRE.**

9 (a) *IN GENERAL.*—*Chapter 57 of title 10, United*
10 *States Code, is amended by adding at the end the following*
11 *new section:*

12 **“§ 1129. Purple Heart: members killed or wounded in**
13 **action by friendly fire**

14 “(a) *For purposes of the award of the Purple Heart,*
15 *the Secretary concerned shall treat a member of the armed*
16 *forces described in subsection (b) in the same manner as*
17 *a member who is killed or wounded in action as the result*
18 *of an act of an enemy of the United States.*

19 “(b) *A member described in this subsection is a mem-*
20 *ber who is killed or wounded in action by weapon fire while*
21 *directly engaged in armed conflict, other than as the result*
22 *of an act of an enemy of the United States, unless (in the*
23 *case of a wound) the wound is the result of willful mis-*
24 *conduct of the member.*

1 “(c) *This section applies to members of the armed*
2 *forces who are killed or wounded on or after December 7,*
3 *1941. In the case of a member killed or wounded as de-*
4 *scribed in subsection (b) on or after December 7, 1941, and*
5 *before the date of the enactment of this section, the Secretary*
6 *concerned shall award the Purple Heart under subsection*
7 *(a) in each case which is known to the Secretary before the*
8 *date of the enactment of this section or for which an appli-*
9 *cation is made to the Secretary in such manner as the Sec-*
10 *retary requires.”.*

11 (b) *CLERICAL AMENDMENT.—The table of sections at*
12 *the beginning of such chapter is amended by adding at the*
13 *end the following new item:*

“1129. Purple Heart: members killed or wounded in action by friendly fire.”.

14 **SEC. 1033. AWARD OF GOLD STAR LAPEL BUTTONS TO SUR-**
15 **VIVORS OF SERVICE MEMBERS KILLED BY**
16 **TERRORIST ACTS.**

17 (a) *ELIGIBILITY.—Subsection (a) of section 1126 of*
18 *title 10, United States Code, is amended—*

19 (1) *by striking out “of the United States” in the*
20 *matter preceding paragraph (1);*

21 (2) *by striking out “or” at the end of paragraph*
22 *(1);*

23 (3) *in paragraph (2)—*

1 (A) by redesignating clauses (i), (ii), and
2 (iii) as subparagraphs (A), (B), and (C), respec-
3 tively; and

4 (B) by striking out the period at the end
5 and inserting in lieu thereof “; or”; and

6 (4) by adding at the end the following new para-
7 graph:

8 “(3) who lost or lose their lives after March 28,
9 1973, as a result of—

10 “(A) an international terrorist attack
11 against the United States or a foreign nation
12 friendly to the United States, recognized as such
13 an attack by the Secretary of Defense; or

14 “(B) military operations while serving out-
15 side the United States (including the common-
16 wealths, territories, and possessions of the United
17 States) as part of a peacekeeping force.”.

18 (b) *DEFINITIONS.*—Subsection (d) of such section is
19 amended by adding at the end the following new para-
20 graphs:

21 “(7) The term ‘military operations’ includes
22 those operations involving members of the armed
23 forces assisting in United States Government spon-
24 sored training of military personnel of a foreign na-
25 tion.

1 “(8) The term ‘peacekeeping force’ includes those
2 personnel assigned to a force engaged in a peacekeep-
3 ing operation authorized by the United Nations Secu-
4 rity Council.”.

5 **SEC. 1034. EXTENSION OF AUTHORITY FOR CERTAIN FOR-**
6 **EIGN GOVERNMENTS TO RECEIVE EXCESS DE-**
7 **FENSE ARTICLES.**

8 Section 516(a)(3) of the Foreign Assistance Act of 1961
9 (22 U.S.C. 2321j(a)(3)) is amended by inserting “or fiscal
10 year 1992” after “fiscal year 1991”.

11 **SEC. 1035. CODIFICATION OF PROVISION RELATING TO**
12 **OVERSEAS WORKLOAD PROGRAM.**

13 (a) *CODIFICATION.*—(1) Chapter 138 of title 10,
14 United States Code, is amended by inserting after section
15 2348 the following new section:

16 **“§2349. Overseas Workload Program**

17 “(a) *IN GENERAL.*—A firm of any member nation of
18 the North Atlantic Treaty Organization or of any major
19 non-Nato ally shall be eligible to bid on any contract for
20 the maintenance, repair, or overhaul of equipment of the
21 Department of Defense located outside the United States to
22 be awarded under competitive procedures as part of the pro-
23 gram of the Department of Defense known as the Overseas
24 Workload Program.

1 “(b) *SITE OF PERFORMANCE.*—A contract awarded to
2 a firm described in subsection (a) may be performed in the
3 theater in which the equipment is normally located or in
4 the country in which the firm is located.

5 “(c) *EXCEPTIONS.*—The Secretary of a military de-
6 partment may restrict the geographic region in which a
7 contract referred to in subsection (a) may be performed if
8 the Secretary determines that performance of the contract
9 outside that specific region—

10 “(1) could adversely affect the military prepared-
11 ness of the armed forces; or

12 “(2) would violate the terms of an international
13 agreement to which the United States is a party.

14 “(d) *DEFINITION.*—For purposes of this section, the
15 term ‘major non-NATO ally’ has the meaning given such
16 term in section 2350a(i)(3) of this title.”.

17 (2) The table of sections at the beginning of subchapter
18 I of such chapter is amended by inserting after the item
19 relating to section 2348 the following new item:

“2349. Overseas Workload Program.”.

20 (b) *CONFORMING AMENDMENTS.*—(1) Section 1465 of
21 the National Defense Authorization Act for Fiscal Year
22 1991 (Public Law 101–510; 104 Stat. 1700) is repealed.

23 (2) Section 9130 of the Department of Defense Appro-
24 priations Act, 1993 (Public Law 102–396; 102 Stat. 1935),
25 is amended—

1 (A) in subsection (b), by striking out “; or there-
2 after,”; and

3 (B) in subsection (d), by striking out “or there-
4 after” each place it appears.

5 (c) *EFFECTIVE DATE.*—The amendments made by this
6 section shall take effect on October 1, 1993.

7 **SEC. 1036. MODIFICATION OF AUTHORITY TO CONDUCT NA-**
8 **TIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
9 **TIES PROGRAM.**

10 (a) *LOCATION OF PROGRAM.*—Subsection (c) of section
11 1091 of the National Defense Authorization Act for Fiscal
12 Year 1993 (Public Law 102–484; 32 U.S.C. 501 note) is
13 amended to read as follows:

14 “(c) *CONDUCT OF THE PROGRAM.*—The Secretary of
15 Defense may provide for the conduct of the pilot program
16 in such States as the Secretary considers to be appropriate,
17 except that the Secretary may not enter into agreements
18 under subsection (d) with more than 10 States to provide
19 for a program curriculum in excess of 6 weeks for any par-
20 ticipant.”.

21 (b) *DEFINITION OF STATE.*—Subsection (l) of such sec-
22 tion is amended by striking out paragraph (2) and insert-
23 ing in lieu thereof the following new paragraph:

24 “(2) The term ‘State’ includes the Common-
25 wealth of Puerto Rico, the territories (as defined in

1 *trict of Columbia, during the period August 1 through*
2 *6, 1993;*

3 *(2) commends the joint effort of the Department*
4 *of Defense and the Reserve Officers Association of the*
5 *United States in hosting the XLVI Congress of that*
6 *organization; and*

7 *(3) urges all departments and agencies of the*
8 *Federal Government to cooperate with and assist the*
9 *XLVI Congress of that organization in carrying out*
10 *its activities and programs during that period.*

11 **SEC. 1038. SEMIANNUAL REPORT ON EFFORTS TO SEEK**
12 **COMPENSATION FROM GOVERNMENT OF**
13 **PERU FOR DEATH AND WOUNDING OF CER-**
14 **TAIN UNITED STATES SERVICEMEN.**

15 *(a) FINDINGS.—The Congress finds that—*

16 *(1) the United States Government has not made*
17 *adequate efforts to seek the payment of compensation*
18 *by the Government of Peru for the death and injuries*
19 *to United States military personnel resulting from the*
20 *attack by aircraft of the military forces of Peru on*
21 *April 24, 1992, against a United States Air Force C-*
22 *130 aircraft operating off the coast of Peru; and*

23 *(2) in failing to make such efforts adequately, the*
24 *United States Government has failed in its obligation*
25 *to support the servicemen and their families involved*

1 *in the incident and generally to support members of*
2 *the Armed Forces carrying out missions on behalf of*
3 *the United States.*

4 *(b) SEMIANNUAL REPORT.—Not later than December*
5 *1 and June 1 of each year, the Secretary of Defense shall*
6 *submit to the Committees on Armed Services and Foreign*
7 *Affairs of the House of Representatives and the Committees*
8 *on Armed Services and Foreign Relations of the Senate a*
9 *report on the efforts made by the Government of the United*
10 *States during the preceding six-month period to seek the*
11 *payment of fair and equitable compensation by the Govern-*
12 *ment of Peru (1) to the survivors of Master Sergeant Joseph*
13 *Beard, Jr., United States Air Force, who was killed in the*
14 *attack described in subsection (a), and (2) to the other crew*
15 *members who were wounded in the attack and survived.*

16 *(c) TERMINATION OF REPORT REQUIREMENT.—The*
17 *requirement in subsection (b) shall terminate upon certifi-*
18 *cation by the Secretary of Defense to Congress that the Gov-*
19 *ernment of Peru has paid fair and equitable compensation*
20 *as described in subsection (b).*

21 **SEC. 1039. BASING FOR C-130 AIRCRAFT.**

22 *The Secretary of the Air Force shall determine the unit*
23 *assignment and basing location for any C-130 aircraft pro-*
24 *cured for the Air Force Reserve from funds appropriated*
25 *for National Guard and Reserve Equipment procurement*

1 *for fiscal year 1992 or 1993 in such manner as the Sec-*
2 *retary determines to be in the best interest of the Air Force.*

3 **SEC. 1040. MEMORIAL TO U.S.S. INDIANAPOLIS.**

4 *The memorial to the U.S.S. Indianapolis (CA-35) to*
5 *be located on the east bank of the Indianapolis water canal*
6 *in downtown Indianapolis, Indiana, is hereby designated*
7 *as the national memorial to the U.S.S. Indianapolis and*
8 *her final crew.*

9 **SEC. 1041. CONGRESSIONAL NOTIFICATION WHEN UNITED**
10 **STATES FORCES ARE PLACED UNDER OPER-**
11 **ATIONAL CONTROL OF A FOREIGN NATION.**

12 *(a) NOTICE REQUIREMENT.—(1) Whenever the Presi-*
13 *dent places elements of the Armed Forces under the oper-*
14 *ational control of a foreign national acting on behalf of the*
15 *United Nations, the Secretary of Defense shall submit to*
16 *Congress a report described in subsection (b).*

17 *(2) Except as provided in paragraph (3), a report*
18 *under paragraph (1) shall be submitted not less than 30*
19 *days before the date on which such operational control be-*
20 *comes effective.*

21 *(3) A report under paragraph (1) may be submitted*
22 *less than 30 days before the date on which such operational*
23 *control becomes effective (or after such date) if the President*
24 *certifies to Congress that the requirement for the commit-*
25 *ment of forces for such purpose is of such an emergency*

1 *nature that delaying such commitment in order to provide*
2 *such 30 days prior notice is not possible. Any such certifi-*
3 *cation shall be submitted promptly upon the commitment*
4 *of such forces.*

5 *(b) CONTENTS OF REPORT.—A report under subsection*
6 *(a) shall set forth the following:*

7 *(1) The mission of the United States forces in-*
8 *volved.*

9 *(2) The expected size and composition of the*
10 *United States forces involved.*

11 *(3) The incremental cost to the United States as-*
12 *sociated with the proposed operation.*

13 *(4) The precise command and control relation-*
14 *ship between the United States forces involved and the*
15 *international organization.*

16 *(5) The precise command and control relation-*
17 *ship between the United States forces involved and the*
18 *commander of the United States unified command for*
19 *the region in which the operation is proposed.*

20 *(6) The extent to which the United States forces*
21 *involved will rely on non-United States forces for se-*
22 *curity and self-defense and an assessment on the abil-*
23 *ity of those non-United States forces to provide ade-*
24 *quate security to the United States forces involved.*

1 **TITLE XI—CHEMICAL AND**
2 **BIOLOGICAL WEAPONS DEFENSE**

3 **SEC. 1101. DESIGNATION OF ARMY AS EXECUTIVE AGENT**
4 **FOR CHEMICAL AND BIOLOGICAL WARFARE**
5 **DEFENSE PROGRAMS.**

6 (a) *DESIGNATION.*—The Secretary of Defense shall des-
7 ignate the Army as executive agent for the Department of
8 Defense for the chemical and biological warfare defense pro-
9 grams of the Department of Defense, including (1) research,
10 development, test, and evaluation, and (2) procurement.

11 (b) *OVERSIGHT.*—It is the sense of Congress that the
12 Defense Acquisition Board should exercise oversight over the
13 chemical and biological warfare defense program.

14 **SEC. 1102. REQUIREMENT FOR SINGLE OVERSIGHT OFFICE**
15 **FOR CHEMICAL-BIOLOGICAL DEFENSE PRO-**
16 **GRAMS WITHIN THE OFFICE OF THE SEC-**
17 **RETARY OF DEFENSE.**

18 The Secretary of Defense shall assign responsibility for
19 overall defense policy coordination and integration of the
20 chemical and biological defense program and the chemical
21 and biological medical defense program to a single office
22 within the Office of the Secretary of Defense.

1 **SEC. 1103. CONSOLIDATION OF CHEMICAL AND BIOLOGICAL**
2 **DEFENSE TRAINING ACTIVITIES.**

3 *The Secretary of Defense shall consolidate all chemical*
4 *and biological warfare defense training activities of the De-*
5 *partment of Defense at the United States Army Chemical*
6 *School.*

7 **SEC. 1104. ANNUAL REPORT ON CHEMICAL AND BIOLOGI-**
8 **CAL WARFARE DEFENSE.**

9 (a) *REPORT REQUIRED.*—*The Secretary of Defense*
10 *shall include in the annual report of the Secretary under*
11 *section 113 of title 10, United States Code, a report on*
12 *chemical and biological warfare defense. The report shall*
13 *assess (1) the overall readiness of the Armed Forces to fight*
14 *in a chemical-biological warfare environment and shall de-*
15 *scribe steps taken and planned to be taken to improve such*
16 *readiness, and (2) requirements for the chemical and bio-*
17 *logical warfare defense program, including requirements for*
18 *training, detection, and protective equipment, for medical*
19 *prophylaxis, and for treatment of casualties resulting from*
20 *use of chemical or biological weapons.*

21 (b) *MATTERS TO BE INCLUDED.*—*The report shall in-*
22 *clude information on the following:*

23 (1) *The quantities, characteristics, and capabili-*
24 *ties of fielded chemical and biological defense equip-*
25 *ment to meet wartime and peacetime requirements for*

1 *support of the Armed Forces, including individual*
2 *protective items.*

3 (2) *The status of research and development pro-*
4 *grams, and acquisition programs, for required im-*
5 *provements in chemical and biological defense equip-*
6 *ment and medical treatment, including an assessment*
7 *of the ability of the Department of Defense and the*
8 *industrial base to meet those requirements.*

9 (3) *Measures taken to ensure the integration of*
10 *requirements for chemical and biological defense*
11 *equipment and material among the Armed Forces.*

12 (4) *The status of nuclear, biological, and chemi-*
13 *cal (NBC) warfare defense training and readiness*
14 *among the Armed Forces and measures being taken to*
15 *include realistic nuclear, biological, and chemical*
16 *warfare simulations in war games, battle simulations,*
17 *and training exercises.*

18 (5) *Measures taken to improve overall manage-*
19 *ment and coordination of the chemical and biological*
20 *defense program.*

21 (6) *Problems encountered in the chemical and bi-*
22 *ological warfare defense program during the past year*
23 *and recommended solutions to those problems for*
24 *which additional resources or actions by the Congress*
25 *are required.*

1 **SEC. 1105. PREPARATIONS FOR IMPLEMENTATION OF THE**
2 **CHEMICAL WEAPONS CONVENTION.**

3 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
4 that the President should—

5 (1) seek early ratification of the 1993 Chemical
6 Weapons Convention and establish a coordinated and
7 authoritative interagency program to develop meas-
8 ures for implementation of the convention, including
9 improvements in appropriate export controls, the
10 training of international inspectors and other mem-
11 bers of Chemical Weapons Convention inspection and
12 verification teams, and plans for assistance to states
13 requesting assistance under article X of the conven-
14 tion; and

15 (2) develop a policy that addresses the manner
16 in which the United States provides support under
17 the 1993 Chemical Weapons Convention to protect
18 signatories of that convention against chemical war-
19 fare.

20 (b) *SUPPORT FOR PREPARATORY COMMISSION.*—It is
21 the sense of Congress that the United States should provide
22 full funding and support for the United States portion of
23 the expenses of the Chemical Weapons Convention Pre-
24 paratory Commission created under the 1993 Chemical
25 Weapons Convention.

1 (c) *REPORT.*—Not later than February 1, 1994, the
2 Secretary of Defense shall submit to Congress a report on
3 preparations for implementation of the 1993 Chemical
4 Weapons Convention. The report shall include (1) a descrip-
5 tion of the chemical warfare defense preparations that have
6 been and are being undertaken by the Department of De-
7 fense to address needs which may arise under article X of
8 the Chemical Weapons Convention, and (2) a summary of
9 other preparations undertaken by the Department of De-
10 fense to prepare for and to assist in the implementation
11 of the convention, including activities such as training for
12 inspectors, preparation of defense installations for inspec-
13 tions under the convention, provision of chemical weapons
14 detection equipment, and assistance in the safe transpor-
15 tation, storage, and destruction of chemical weapons in
16 other signatory nations to the convention.

17 **SEC. 1106. SENSE OF CONGRESS CONCERNING RESPONSE**
18 **TO TERRORIST THREATS.**

19 *It is the sense of Congress that the President should*
20 *strengthen emergency planning by the Federal Emergency*
21 *Management Agency, in coordination with other appro-*
22 *priate Federal and State agencies, for development of early*
23 *detection and warning capability of and response to (1) po-*
24 *tential terrorist use of chemical or biological agents or*
25 *weapons, and (2) natural disasters involving industrial*

1 *chemicals or the widespread outbreak of naturally occurring*
2 *disease.*

3 **SEC. 1107. SENSE OF CONGRESS CONCERNING OTHER**
4 **CHEMICAL AND BIOLOGICAL DEFENSE MAT-**
5 **TERS.**

6 *It is the sense of Congress that—*

7 *(1) the President should establish appropriate*
8 *strategies (A) to integrate chemical-related intel-*
9 *ligence and biological-related intelligence, (B) to inte-*
10 *grate chemical-related arms control agreements and*
11 *biological-related arms control agreements, and (C) to*
12 *integrate chemical-related research and development*
13 *and biological-related research and development pro-*
14 *grams;*

15 *(2) the President should strengthen United States*
16 *capabilities for intelligence collection and analysis*
17 *concerning the chemical warfare threat, the biological*
18 *warfare threat, and the biological terrorist threat; and*

19 *(3) the President should seek to strengthen the*
20 *1972 Biological Weapons Convention by seeking inter-*
21 *national adoption of a regime designed to raise the*
22 *economic and political costs to any nation that pur-*
23 *sues a biological warfare program.*

1 **SEC. 1108. INTERNATIONAL COOPERATION PROGRAM.**

2 (a) *PROGRAM.*—The Secretary of Defense shall estab-
3 lish a program to promote greater international coopera-
4 tion for research and development and training for chemi-
5 cal and biological weapons defense.

6 (b) *FUNDING.*—Of the amounts authorized to be appro-
7 priated by section 201, \$10,000,000 shall be available for
8 the establishment of the program under subsection (a).

9 **SEC. 1109. AGREEMENTS TO PROVIDE SUPPORT TO VAC-**
10 **CINATION PROGRAMS OF DEPARTMENT OF**
11 **HEALTH AND HUMAN SERVICES.**

12 *The Secretary of the Army may enter into agreements*
13 *with the Secretary of Health and Human Services to pro-*
14 *vide support for vaccination programs of the Secretary of*
15 *Health and Human Services in the United States through*
16 *use of the excess peacetime biological weapons defense capa-*
17 *bility of the Department of Defense.*

18 **TITLE XII—COOPERATIVE**
19 **THREAT REDUCTION WITH**
20 **STATES OF FORMER SOVIET**
21 **UNION**

22 **SEC. 1201. SHORT TITLE.**

23 *This title may be cited as the “Cooperative Threat Re-*
24 *duction Act of 1993”.*

1 **SEC. 1202. FINDINGS ON COOPERATIVE THREAT REDUC-**
2 **TION.**

3 *The Congress finds that it is in the national security*
4 *interest of the United States for the United States to do*
5 *the following:*

6 (1) *Facilitate, on a priority basis, the transpor-*
7 *tation, storage, safeguarding, and elimination of nu-*
8 *clear and other weapons of the independent states of*
9 *the former Soviet Union, including (A) the safe and*
10 *secure storage of fissile materials derived from the*
11 *elimination of nuclear weapons, (B) the dismantle-*
12 *ment of (i) intercontinental ballistic missiles and*
13 *launchers for such missiles, (ii) submarine-launched*
14 *ballistic missiles and launchers for such missiles, and*
15 *(iii) heavy bombers, and (C) the elimination of chem-*
16 *ical, biological and other weapons capabilities.*

17 (2) *Facilitate, on a priority basis, the prevention*
18 *of proliferation of weapons of mass destruction and*
19 *their components and destabilizing conventional*
20 *weapons of the independent states of the former Soviet*
21 *Union, and the establishment of verifiable safeguards*
22 *against the proliferation of such weapons.*

23 (3) *Facilitate, on a priority basis, the prevention*
24 *of diversion of weapons-related scientific expertise of*
25 *the independent states of the former Soviet Union to*
26 *terrorist groups or third countries.*

1 (4) *Support (A) the demilitarization of the de-*
2 *fense-related industry and equipment of the independ-*
3 *ent states of the former Soviet Union, and (B) the*
4 *conversion of such industry and equipment to civilian*
5 *purposes and uses.*

6 (5) *Expand military-to-military and defense*
7 *contacts between the United States and the independ-*
8 *ent states of the former Soviet Union.*

9 **SEC. 1203. AUTHORITY FOR PROGRAMS TO FACILITATE CO-**
10 **OPERATIVE THREAT REDUCTION.**

11 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
12 *sion of law, the President may conduct programs described*
13 *in subsection (b) to assist the independent states of the*
14 *former Soviet Union in the demilitarization of the former*
15 *Soviet Union. Any such program may be carried out only*
16 *to the extent that the President determines that the program*
17 *will directly contribute to the national security interests of*
18 *the United States.*

19 (b) *AUTHORIZED PROGRAMS.*—*The programs referred*
20 *to in subsection (a) are the following:*

21 (1) *Programs to facilitate the elimination, and*
22 *the safe and secure transportation and storage, of nu-*
23 *clear, chemical, and other weapons and their delivery*
24 *vehicles.*

1 (2) *Programs to facilitate the safe and secure*
2 *storage of fissile materials derived from the elimi-*
3 *nation of nuclear weapons.*

4 (3) *Programs to prevent the proliferation of*
5 *weapons, weapons components, and weapons-related*
6 *technology and expertise.*

7 (4) *Programs to expand military-to-military*
8 *and defense contacts.*

9 (5) *Programs to facilitate the demilitarization of*
10 *defense industries and the conversion of military tech-*
11 *nologies and capabilities into civilian activities.*

12 (6) *Other programs as described in section*
13 *212(b) of the Soviet Nuclear Threat Reduction Act of*
14 *1991 (title II of Public Law 102–228) and section*
15 *1412(b) of the Former Soviet Union Demilitarization*
16 *Act of 1992 (title XIV of Public Law 102–484).*

17 (c) *UNITED STATES PARTICIPATION.*—*The programs*
18 *described in subsection (b) should, to the extent feasible,*
19 *draw upon United States technology and expertise, espe-*
20 *cially from the United States private sector.*

21 (d) *RESTRICTIONS.*—*Assistance authorized by sub-*
22 *section (a) may not be provided for any year to any country*
23 *which is an independent state of the former Soviet Union*
24 *unless the President certifies to Congress for that year that*

1 *the proposed recipient country is committed to each of the*
2 *following:*

3 (1) *Making substantial investment of its re-*
4 *sources for dismantling or destroying such weapons of*
5 *mass destruction, if such country has an obligation*
6 *under a treaty or other agreement to destroy or dis-*
7 *mantle any such weapons.*

8 (2) *Foregoing any military modernization pro-*
9 *gram that exceeds legitimate defense requirements and*
10 *foregoing the replacement of destroyed weapons of*
11 *mass destruction.*

12 (3) *Foregoing any use in new nuclear weapons*
13 *of fissionable or other components of destroyed nuclear*
14 *weapons.*

15 (4) *Facilitating United States verification of*
16 *any weapons destruction carried out under this sec-*
17 *tion, section 1412(b) of the Former Soviet Union De-*
18 *militarization Act of 1992 (title XIV of Public Law*
19 *102-484), or section 212(b) of the Soviet Nuclear*
20 *Threat Reduction Act of 1991 (title II of Public Law*
21 *102-228).*

22 (5) *Complying with all relevant arms control*
23 *agreements.*

24 (6) *Observing internationally recognized human*
25 *rights, including the protection of minorities.*

1 **SEC. 1204. FUNDING FOR FISCAL YEAR 1994.**

2 (a) *AUTHORIZATION OF NEW APPROPRIATIONS.*—
3 *There is hereby authorized to be appropriated for fiscal year*
4 *1994 for the purposes authorized in section 1203 the sum*
5 *of \$400,000,000.*

6 (b) *AUTHORIZATION OF EXTENSION OF AVAILABILITY*
7 *OF PRIOR YEAR FUNDS.*—*To the extent provided in appro-*
8 *priations Acts, the authority to transfer funds of the De-*
9 *partment of Defense provided in section 9110(a) of the De-*
10 *partment of Defense Appropriations Act, 1993 (Public Law*
11 *102–396; 106 Stat. 1928), and in section 108 of Public Law*
12 *102–229; 105 Stat. 1708) shall continue to be in effect dur-*
13 *ing fiscal year 1994.*

14 **SEC. 1205. PRIOR NOTICE TO CONGRESS OF OBLIGATION OF**
15 **FUNDS.**

16 (a) *NOTICE OF PROPOSED OBLIGATION.*—*Not less than*
17 *15 days before obligation of any funds under section 1203,*
18 *the President shall transmit to the appropriate congres-*
19 *sional committees (as defined in section 1208) a report on*
20 *the proposed obligation. Each such report shall specify—*

21 (1) *the activities and forms of assistance for*
22 *which the President plans to obligate such funds,*

23 (2) *the amount of the proposed obligation, and*

24 (3) *the projected involvement of the United*
25 *States Government departments and agencies and the*
26 *United States private sector.*

1 (b) *INDUSTRIAL DEMILITARIZATION.*—Any report
2 under subsection (a) that covers proposed industrial demili-
3 tarization projects shall contain additional information to
4 assist the Congress in determining the merits of the pro-
5 posed projects. Such information shall include descriptions
6 of—

7 (1) *the facilities to be demilitarized;*

8 (2) *the types of activities conducted at those fa-*
9 *ilities and of the types of nonmilitary activities*
10 *planned for those facilities;*

11 (3) *the forms of assistance to be provided by the*
12 *United States Government and by the United States*
13 *private sector;*

14 (4) *the extent to which military production ca-*
15 *pability will consequently be eliminated at those fa-*
16 *ilities; and*

17 (5) *the mechanisms to be established for monitor-*
18 *ing progress on those projects.*

19 **SEC. 1206. AUTHORIZATION FOR ADDITIONAL FISCAL YEAR**
20 **1993 ASSISTANCE TO THE INDEPENDENT**
21 **STATES OF THE FORMER SOVIET UNION.**

22 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
23 hereby authorized to be appropriated for fiscal year 1993
24 for the account “Operation and Maintenance, Defense Agen-
25 cies”, the additional sum of \$979,000,000, to be available

1 *for the purposes of providing assistance to the independent*
2 *states of the former Soviet Union.*

3 (b) *AUTHORIZATION OF TRANSFER OF FUNDS.—The*
4 *Secretary of Defense may, to the extent provided in appro-*
5 *priations Acts, transfer from the account “Operation and*
6 *Maintenance, Defense Agencies” for fiscal year 1993 a sum*
7 *not to exceed the amount appropriated pursuant to the au-*
8 *thorization in subsection (a) to—*

9 (1) *other accounts of the Department of Defense*
10 *for the purpose of providing assistance to the inde-*
11 *pendent states of the former Soviet Union; or*

12 (2) *appropriations available to the Department*
13 *of State and other agencies of the United States Gov-*
14 *ernment for the purpose of providing assistance to the*
15 *independent states of the former Soviet Union for pro-*
16 *grams that the President determines will increase the*
17 *national security of the United States.*

18 (c) *ADMINISTRATIVE PROVISIONS.—(1) Amounts*
19 *transferred under subsection (b) shall be available subject*
20 *to the same terms and conditions as the appropriations to*
21 *which transferred.*

22 (2) *The authority to make transfers pursuant to this*
23 *section is in addition to any other transfer authority of the*
24 *Department of Defense.*

1 (d) *COORDINATION OF PROGRAMS.*—The President
2 shall coordinate the programs described in subsection (b)
3 with those authorized in the other provisions of this title
4 and in the provisions of the Freedom for Russia and
5 Emerging Eurasian Democracies and Open Markets Sup-
6 port Act of 1992 (Public Law 102–511) so as to optimize
7 the contribution such programs make to the national inter-
8 ests of the United States.

9 **SEC. 1207. SEMIANNUAL REPORT.**

10 Not later than April 30, 1994, and not later than Octo-
11 ber 30, 1994, the President shall transmit to the appro-
12 priate congressional committees a report on the activities
13 carried out under section 1203. Each such report shall set
14 forth, for the preceding six-month period and cumulatively,
15 the following:

16 (1) *The amounts obligated and expended for such*
17 *activities and the purposes for which they were obli-*
18 *gated and expended.*

19 (2) *A description of the participation of all*
20 *United States Government departments and agencies*
21 *in such activities.*

22 (3) *A description of the activities carried out*
23 *and the forms of assistance provided, and a descrip-*
24 *tion of the extent to which the United States private*
25 *sector has participated in the activities for which*

1 *amounts were obligated and expended under section*
2 *1203.*

3 *(4) Such other information as the President con-*
4 *siders appropriate to fully inform the Congress con-*
5 *cerning the operation of the programs and activities*
6 *carried out under section 1203, including, with re-*
7 *spect to proposed industrial demilitarization projects,*
8 *additional information on the progress toward de-*
9 *militarization of facilities and the conversion of the*
10 *demilitarized facilities to civilian activities.*

11 **SEC. 1208. DEFINITION.**

12 *As used in this title, the term “appropriate congres-*
13 *sional committees” means—*

14 *(1) the Committee on Armed Services, the Com-*
15 *mittee on Appropriations, and the Committee on For-*
16 *oreign Affairs of the House of Representatives; and*

17 *(2) the Committee on Armed Services, the Com-*
18 *mittee on Appropriations, and the Committee on For-*
19 *oreign Relations of the Senate.*

1 **TITLE XIII—DEFENSE CONVER-**
2 **SION, REINVESTMENT, AND**
3 **TRANSITION ASSISTANCE**

4 **SEC. 1301. SHORT TITLE.**

5 *This title may be cited as the “Defense Conversion, Re-*
6 *investment, and Transition Assistance Amendments of*
7 *1993”.*

8 **SEC. 1302. FUNDING OF DEFENSE CONVERSION, REINVEST-**
9 **MENT, AND TRANSITION ASSISTANCE PRO-**
10 **GRAMS FOR FISCAL YEAR 1994.**

11 *(a) FUNDING.—Of the amounts authorized to be ap-*
12 *propriated pursuant to this Act for the Department of De-*
13 *fense for fiscal year 1994, the sum of \$2,735,000,000 shall*
14 *be available from the sources and in the amounts specified*
15 *in subsection (b) for defense conversion, reinvestment, and*
16 *transition assistance programs. Amounts made available*
17 *pursuant to this subsection shall remain available until ex-*
18 *pended.*

19 *(b) SOURCES OF FUNDS.—The amounts and sources*
20 *referred to in subsection (a) are as follows:*

21 *(1) \$200,000,000 of the amounts authorized to be*
22 *appropriated pursuant to section 109 to carry out*
23 *subtitle E.*

24 *(2) \$2,200,000,000 of the amounts authorized to*
25 *be appropriated pursuant to title II.*

1 (3) \$335,000,000 of the amounts authorized to be
2 appropriated pursuant to title III.

3 (c) *DEFINITION.*—For purposes of this section, the
4 term “defense conversion, reinvestment, and transition as-
5 sistance programs” includes the following activities of the
6 Department of Defense:

7 (1) The activities authorized by the Defense Con-
8 version, Reinvestment, and Transition Assistance Act
9 of 1992 (division D of Public Law 102–484; 106 Stat.
10 2658) and the amendments made by that Act.

11 (2) The activities authorized by this title and the
12 amendments made by this title.

13 **SEC. 1303. ANNUAL REPORT ON DEFENSE CONVERSION, RE-**
14 **INVESTMENT, AND TRANSITION ASSISTANCE**
15 **PROGRAMS.**

16 (a) *REPORT REQUIRED.*—The Secretary of Defense
17 shall prepare an annual report that assesses the effectiveness
18 of all defense conversion, reinvestment, and transition as-
19 sistance programs (as defined in section 1302) during the
20 preceding fiscal year.

21 (b) *CONTENTS OF REPORT.*—Each report required
22 under subsection (a) shall include a consideration of the fol-
23 lowing:

24 (1) For each of the conversion programs, the sta-
25 tus of obligation of appropriated funds.

1 (2) *For each defense technology reinvestment*
2 *project (or other technology project conducted as part*
3 *of a defense conversion, reinvestment, and transition*
4 *assistance program)—*

5 (A) *the extent to which the project meets the*
6 *objectives set forth in subsections (a) and (b) of*
7 *section 2501 of title 10, United States Code;*

8 (B) *the technology benefits of the project to*
9 *the defense technology and industrial base;*

10 (C) *any increased affordability of defense*
11 *programs linked to the project;*

12 (D) *any evidence of commercialization of*
13 *technology due to the project;*

14 (E) *any employment created as a result of*
15 *the project;*

16 (F) *the number and name of defense firms*
17 *participating in the project;*

18 (G) *the number of defense firms that have*
19 *been able to expand or retain their business base*
20 *as a result of the project;*

21 (H) *in the case of a project requiring*
22 *matching funds, whether or not the matching re-*
23 *quirements were met in cash;*

1 (I) the extent to which the project has met
2 agreed-upon milestones, and financial and tech-
3 nical requirements; and

4 (J) the extent to which it was determined
5 whether or not the project duplicates or parallels
6 technology programs in other agencies;

7 (3) For each personnel assistance program—

8 (A) the extent to which the program meets
9 objectives set forth in section 2501(b) of title 10,
10 United States Code;

11 (B) the number of individuals eligible for
12 program participation;

13 (C) the number of individuals directly par-
14 ticipating in the program (actual and projected);

15 (D) in the case of a training and jobs pro-
16 gram, the number of individuals who have se-
17 cured permanent employment as a result of pro-
18 gram participation, and

19 (E) the extent to which it was determined
20 whether or not the program duplicates programs
21 conducted by other agencies.

22 (4) For each community assistance program—

23 (A) the extent to which the program meets
24 objectives laid out in section 2501(b) of title 10,
25 United States Code; and

1 (B) the number of short- and long-term jobs
2 created in a community receiving adjustment
3 and diversification assistance under section
4 2391(b) of title 10, United States Code.

5 (c) *SUBMISSION OF REPORT.*—The report required by
6 this section for a particular year shall be submitted to Con-
7 gress at the same time that the Secretary of Defense submits
8 the report required under section 113(c) of title 10, United
9 States Code, for that year.

10 ***Subtitle A—Defense Technology***
11 ***Reinvestment Projects***

12 ***SEC. 1311. FUNDING OF DEFENSE TECHNOLOGY REINVEST-***
13 ***MENT PROJECTS FOR FISCAL YEAR 1994.***

14 Of the amount made available pursuant to section
15 1302(a), \$575,000,000 shall be available for activities of the
16 Department of Defense under chapter 148 of title 10, United
17 States Code, and section 2197 of such title, of which—

18 (1) \$105,000,000 shall be available for defense
19 dual-use critical technology partnerships under sec-
20 tion 2511 of such title;

21 (2) \$35,000,000 shall be available for commer-
22 cial-military integration partnerships under section
23 2512 of such title;

1 (3) \$85,000,000 shall be available for defense re-
2 gional technology alliances under section 2513 of such
3 title;

4 (4) \$30,000,000 shall be available for defense ad-
5 vanced manufacturing technology partnerships under
6 section 2522 of such title;

7 (5) \$50,000,000 shall be available for support of
8 manufacturing extension programs under section
9 2523 of such title;

10 (6) \$50,000,000 shall be available for the defense
11 dual-use extension program under section 2524 of
12 such title, of which—

13 (A) not less than 30 percent of such amount
14 shall be available for assistance pursuant to sub-
15 section (c)(3) of such section; and

16 (B) not less than 30 percent of such amount
17 shall be available for loan guarantees pursuant
18 to subsection (b)(3) of such section; and

19 (7) \$20,000,000 shall be available to conduct the
20 program established pursuant to section 2197 of such
21 title to support the activities of manufacturing ex-
22 perts at institutions of higher education.

1 **SEC. 1312. REPEAL AND AMENDMENT OF CERTAIN PROVI-**
2 **SIONS RELATING TO DEFENSE TECHNOLOGY**
3 **AND INDUSTRIAL BASE, REINVESTMENT, AND**
4 **CONVERSION.**

5 (a) *REPEALS.*—The following sections of title 10,
6 *United States Code*, are repealed: sections 2502, 2503, 2504,
7 2506, 2515, and 2518.

8 (b) *AMENDMENT.*—Section 2505 of such title is
9 amended—

10 (1) in subsection (a), by striking out “National
11 *Defense Technology and Industrial Base Council*” and
12 *inserting in lieu thereof “Secretary of Defense”*; and

13 (2) in subsection (c), by striking out “Council”
14 *and inserting in lieu thereof “Secretary”*.

15 (c) *CONFORMING REPEALS.*—The following sections of
16 *the National Defense Authorization Act for Fiscal Year*
17 *1993 (Public Law 102–484)* are repealed: sections 4218,
18 4219, and 4220.

19 (d) *CLERICAL AMENDMENTS.*—(1) *The table of sections*
20 *at the beginning of subchapter II of chapter 148 of such*
21 *title is amended by striking out the items relating to sec-*
22 *tions 2502, 2503, 2504, and 2506.*

23 (2) *The table of sections at the beginning of subchapter*
24 *III of chapter 148 of such title is amended by striking out*
25 *the items relating to sections 2515 and 2518.*

1 **SEC. 1313. EXPANSION OF OBJECTIVES OF DEFENSE TECH-**
2 **NOLOGY REINVESTMENT PROJECTS.**

3 (a) *RESTATEMENT OF EXISTING PROVISION IN TERMS*
4 *OF OBJECTIVES.*—Section 2501(b) of title 10, United States
5 Code, is amended by striking out “defense resources that—”
6 and all that follows through the period and inserting in
7 lieu thereof “defense resources capable of meeting the follow-
8 ing objectives:

9 “(1) Promoting economic growth in high-wage,
10 high-technology industries and preserving the indus-
11 trial and technical skill base.

12 “(2) Promoting economic growth through further
13 reduction of the Federal budget deficit that, by reduc-
14 ing the public sector demand for capital, increases the
15 amount of capital available for private investment
16 and job creation in the civilian sector.

17 “(3) Bolstering the national technology base, in-
18 cluding supporting and exploiting critical tech-
19 nologies with both military and civilian application.

20 “(4) Supporting retraining of separated mili-
21 tary, defense civilian, and defense industrial person-
22 nel for jobs in activities important to national eco-
23 nomic growth and security.

24 “(5) Assisting those activities being undertaken
25 at the State and local levels to support defense eco-

1 *conomic reinvestment, conversion, adjustment, and di-*
2 *versification activities.*

3 *“(6) Assisting small businesses adversely affected*
4 *by reductions in defense expenditures.”.*

5 *(b) CONSIDERATION OF DEFENSE REINVESTMENT, DI-*
6 *VERSIFICATION, AND CONVERSION OBJECTIVES.—Chapter*
7 *148 of title 10, United States Code, is amended—*

8 *(1) in sections 2505(a), 2505(b), 2511(a),*
9 *2511(f)(1), 2512(a), 2512(e)(1), 2513(a), 2516(b),*
10 *2522(a), and 2523(b)(1), by striking out “national se-*
11 *curity objectives set forth in section 2501(a)” each*
12 *place it appears and inserting in lieu thereof “objec-*
13 *tives set forth in subsections (a) and (b) of section*
14 *2501”;*

15 *(2) in section 2505(b)(1), by striking out “sec-*
16 *tion 2501(a)” and inserting in lieu thereof “section*
17 *2501”;* and

18 *(3) in section 2514(a), by striking out “section*
19 *2501(a)” and inserting in lieu thereof “subsections*
20 *(a) and (b) of section 2501”.*

21 **SEC. 1314. DEFENSE TECHNOLOGY REINVESTMENT**
22 **PROJECTS FOR FISCAL YEAR 1994.**

23 *(a) PROJECTS FOR FISCAL YEAR 1994.—Using funds*
24 *made available pursuant to section 1302(a), the Secretary*
25 *of Defense shall carry out during fiscal year 1994 defense*

1 *technology reinvestment projects in cooperation with part-*
2 *nerships and other cooperative arrangements established*
3 *pursuant to chapter 148 of title 10, United States Code,*
4 *in the technology focus areas described in subsection (b) or*
5 *involving technologies that otherwise meet the objectives set*
6 *forth in section 2501 of this title. Nothing in this section*
7 *shall be construed to preclude continued support for defense*
8 *technology reinvestment projects in technology focus areas*
9 *identified during the solicitation conducted during fiscal*
10 *year 1993.*

11 *(b) DESCRIPTION OF TECHNOLOGY FOCUS AREAS.—*
12 *The technology focus areas referred to in subsection (a) are*
13 *the following:*

14 *(1) Ocean thermal energy conversion.*

15 *(2) Advanced antenna technology.*

16 *(3) Noncooled, pyroelectric thermal imaging sys-*
17 *tems.*

18 *(4) Advanced wind power systems.*

19 *(5) Parallel processing technologies.*

20 *(6) Photovoltaic energy storage systems.*

21 *(7) Direct satellite radio broadcasting.*

22 *(8) Solar furnace environmental remediation*
23 *technologies.*

24 *(9) Robotic excavation and tunnelling tech-*
25 *nologies.*

1 (10) *Marine biotechnology.*

2 (11) *Automated manufacturing technology for*
3 *composites.*

4 (12) *Earthquake-resistant bridge composites.*

5 (13) *Advanced automatic train control systems*
6 *technologies.*

7 (14) *Statewide defense conversion economic de-*
8 *velopment networks for transition services, retraining,*
9 *and business diversification.*

10 (15) *Other technology areas that would further*
11 *the objectives set forth in section 2501 of title 10,*
12 *United States Code.*

13 (c) *CONSULTATION.*—*In carrying out defense tech-*
14 *nology reinvestment projects during fiscal year 1994, the*
15 *Secretary of Defense shall consult with the heads of other*
16 *Federal agencies conducting similar projects in the tech-*
17 *nology focus areas described in subsection (b).*

18 (d) *MADE-IN-AMERICA REQUIREMENT.*—*The Sec-*
19 *retary of Defense shall ensure that each partnership or other*
20 *cooperative arrangement established pursuant to chapter*
21 *148 of title 10, United States Code, to carry out a defense*
22 *technology reinvestment project during fiscal year 1994 in-*
23 *cludes an agreement that any manufacturing resulting from*
24 *the project shall occur in the United States and benefit*
25 *workers in the United States.*

1 (e) *ACCEPTABLE STANDARDS OF QUALITY.*—If the Sec-
2 retary of Defense determines that the proposals received as
3 a result of a solicitation for defense technology reinvestment
4 projects in a technology focus area described in subsection
5 (b) do not meet an acceptable standard of quality estab-
6 lished by the Secretary, nothing in this section shall be con-
7 strued to require the Secretary to carry out projects in that
8 technology focus area. The Secretary shall make a deter-
9 mination under this subsection after consultation with the
10 Defense Technology Conversion Council. The Secretary shall
11 promptly notify Congress of each determination not to
12 carry out projects in a particular technology focus area.

13 (f) *USE OF COMPETITIVE SELECTION PROCEDURES.*—
14 Funds authorized to be made available for defense tech-
15 nology reinvestment projects selected as a result of the au-
16 thority provided by subsection (a) shall be made available
17 to those projects only if a competitive selection process was
18 used to select the projects.

19 **SEC. 1315. EXPANSION OF PURPOSES OF DEFENSE AD-**
20 **VANCED MANUFACTURING TECHNOLOGY**
21 **PARTNERSHIPS.**

22 Section 2522 of title 10, United States Code, is
23 amended—

24 (1) in subsection (a)—

1 (A) by striking out “research and develop-
2 ment” and inserting in lieu thereof “research,
3 development, or deployment”; and

4 (B) by adding at the end the following new
5 sentence: “The cooperative arrangements author-
6 ized by this section may include a cooperative
7 arrangement with an industry-led, large-scale re-
8 search and development consortium to establish
9 and administer long-term partnerships under
10 this section.”; and

11 (2) in subsection (d)—

12 (A) by redesignating paragraph (3) as
13 paragraph (4); and

14 (B) by inserting after paragraph (2) the fol-
15 lowing new paragraph:

16 “(3) The extent to which the partnerships pro-
17 vide for the large-scale deployment of advanced manu-
18 facturing technologies.”.

19 **SEC. 1316. DEFENSE DUAL-USE ASSISTANCE EXTENSION**
20 **PROGRAM.**

21 (a) *EXPANSION OF BUSINESSES ELIGIBLE FOR LOAN*
22 *GUARANTEES.*—Subsection (b)(3) of section 2524 of title 10,
23 *United States Code, is amended—*

1 (1) by striking out “small businesses” and in-
2 serting in lieu thereof “small- and medium-sized busi-
3 ness concerns”; and

4 (2) by inserting “subsection (e) and” before
5 “other applicable law”.

6 (b) *SPECIAL RULES FOR LOAN GUARANTEES.*—Sub-
7 section (e) of such section is amended to read as follows:

8 “(e) *TERMS AND CONDITIONS FOR LOAN GUARAN-*
9 *TEES.*—(1) *The Secretary shall carry out subsection (b)(3)*
10 *through the Under Secretary of Defense for Acquisition and*
11 *Technology, who may consult with and seek technical assist-*
12 *ance from other Federal agencies in order to effectively issue*
13 *loan guarantees under such subsection. Such loan guaran-*
14 *tees shall be issued for the purpose of assisting small- and*
15 *medium-sized business concerns that are economically de-*
16 *pendent on defense expenditures to secure financing for*
17 *projects—*

18 “(A) *to achieve the final development and com-*
19 *mercialization of defense-oriented technologies for*
20 *nonmilitary use by the business concern; and*

21 “(B) *to diversify the operations of the business*
22 *concern toward greater emphasis on production or*
23 *services for nonmilitary use.*

24 “(2) *A business concern shall be considered to be a*
25 *small- or medium-sized business concern for purposes of this*

1 *subsection and subsection (b)(3) if the business concern has*
2 *not more than 2,500 full-time employees or their equivalent.*
3 *A business concern shall be considered to be economically*
4 *dependent on defense expenditures for purposes of this sub-*
5 *section and subsection (b)(3) if the business concern—*

6 “(A) *has a substantial prior history of conduct-*
7 *ing much of its sales and business with Department*
8 *of Defense over the life, or a substantial portion of the*
9 *life, of the business concern; and*

10 “(B) *can reasonably demonstrate that it, in at*
11 *least two of the last seven years immediately preced-*
12 *ing the application for a loan guarantee—*

13 “(i) *obtained at least 50 percent of its gross*
14 *income from contracts or subcontracts to provide*
15 *material or services to the Department of De-*
16 *fense; or*

17 “(ii) *incurred a significant reduction in its*
18 *gross income as a result the termination or com-*
19 *pletion of contracts or subcontracts to provide*
20 *material or services to the Department of De-*
21 *fense.*

22 “(3) *The maximum amount of loan principal that the*
23 *Secretary may guarantee under subsection (b)(3) with re-*
24 *spect to any loan may not exceed \$10,000,000. The maxi-*
25 *imum percentage of the loan principal that the Secretary*

1 *may guarantee with respect to any loan shall be established*
2 *by the Secretary, except that the percentage established may*
3 *not exceed 85 percent of the principal.*

4 “(4) *Loan guarantees shall be issued under subsection*
5 *(b)(3) on a competitive basis after consideration of the fol-*
6 *lowing criteria:*

7 “(A) *Whether credit is not otherwise commer-*
8 *cially available under reasonable terms and condi-*
9 *tions.*

10 “(B) *The applicability of the program to be*
11 *funded by the loan to the technology areas outlined in*
12 *the Technology Reinvestment Project proposed by the*
13 *President on March 10, 1993.*

14 “(C) *The ability of the program to preserve or*
15 *enhance critical technology and national technology*
16 *and industrial base skills.*

17 “(D) *The market potential of any product or*
18 *technology to be developed using the loan.*

19 “(E) *The importance of the program to future*
20 *United States economic competitiveness and the eco-*
21 *nomical strength of United States.*

22 “(F) *The economic viability and perceived abil-*
23 *ity of the business concern to repay the loan.*

24 “(G) *The technical soundness of the proposal.*

1 “(H) *The selection criteria specified in sub-*
2 *section (f).*”

3 “(5) *The Secretary shall give a preference in issuing*
4 *loan guarantees under subsection (b)(3) to an application*
5 *by a business concern to carry out a program to commer-*
6 *cialize a product or technology that is already developed*
7 *or proven at the time the application is submitted over pro-*
8 *grams to carry out solely research and development activi-*
9 *ties.*”

10 “(6) *The provisions of law relating to default on loans*
11 *guaranteed by the Administrator of the Small Business Ad-*
12 *ministration under the Small Business Act (15 U.S.C. 631*
13 *et seq.) shall apply if the United States is obligated to make*
14 *reimbursing payments to a commercial creditor under a*
15 *loan guarantee issued to a business concern under sub-*
16 *section (b)(3). In addition, the President shall prohibit the*
17 *business concern involved in the default, and any successor*
18 *of the business concern, from bidding on or receiving for*
19 *a 3-year period any contract or subcontract to provide ma-*
20 *terial or services to the Federal Government.*”

21 (c) *CONFORMING AMENDMENT.*—*Subsection (f) of such*
22 *section is amended by inserting after “SELECTION CRI-*
23 *TERIA.—” the following new sentence: “Competitive proce-*
24 *dures shall be used in the selection of programs to receive*
25 *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 States
7 Code, is amended to read as follows:

8 “(c) *FINANCIAL COMMITMENT OF NON-FEDERAL GOV-*
9 *ERNMENT PARTICIPANTS.*—(1) *Except as provided in para-*
10 *graph (2), the Secretary of Defense shall ensure that the*
11 *amount of funds provided by the Secretary to a partnership*
12 *does not exceed 50 percent of the total cost of partnership*
13 *activities.*

14 “(2) *The Secretary may increase the Federal share of*
15 *the costs of partnership activities to not more than 70 per-*
16 *cent 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 are small business concerns.*

19 “(3) *The Secretary shall prescribe regulations to pro-*
20 *vide for consideration of in-kind contributions by non-Fed-*
21 *eral Government participants in a partnership for the pur-*
22 *pose of calculating the share of the partnership costs that*
23 *has been or is being undertaken by such participants. A*
24 *participant that is a small business concern may use funds*
25 *received under the Small Business Innovation Research*
26 *Program or the Small Business Technology Transfer Pro-*

1 *gram to help pay the costs of partnership activities, and*
2 *any such funds so used shall be included in calculating the*
3 *non-Federal Government share of such costs.”.*

4 *(b) COMMERCIAL-MILITARY INTEGRATION PARTNER-*
5 *SHIPS.—Section 2512(c) of such title is amended to read*
6 *as follows:*

7 *“(c) FINANCIAL COMMITMENT OF NON-FEDERAL GOV-*
8 *ERNMENT PARTICIPANTS.—(1) Except as provided in para-*
9 *graph (2), the Secretary shall ensure that the amount of*
10 *funds provided by the Secretary to a partnership does not*
11 *exceed 50 percent of the total cost of partnership activities.*

12 *“(2) The Secretary may increase the Federal share of*
13 *the costs of partnership activities to not more than 70 per-*
14 *cent of such costs in the case of a partnership in which*
15 *the entity proposing the partnership and a majority of the*
16 *non-Government participants are small business concerns.*

17 *“(3) The Secretary shall prescribe regulations to pro-*
18 *vide for consideration of in-kind contributions by non-Fed-*
19 *eral Government participants in a partnership for the pur-*
20 *pose of calculating the share of the partnership costs that*
21 *has been or is being undertaken by such participants. A*
22 *participant that is a small business concern may use funds*
23 *received under the Small Business Innovation Research*
24 *Program or the Small Business Technology Transfer Pro-*
25 *gram to help pay the costs of partnership activities, and*

1 *any such funds so used shall be included in calculating the*
2 *non-Federal Government share of such costs.”.*

3 (c) *REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE*
4 *PROGRAM.—Section 2513 of such title is amended—*

5 (1) *by adding at the end of subsection (d) the fol-*
6 *lowing new paragraph:*

7 “(4) *The Secretary may increase the amount of assist-*
8 *ance provided under paragraph (1) up to an amount not*
9 *exceeding 70 percent of the cost of the activities of a regional*
10 *technology alliance in the case of a regional technology alli-*
11 *ance in which the entity proposing the alliance and a ma-*
12 *jority of the non-Government participants are small busi-*
13 *ness concerns.”; and*

14 (2) *in subsection (e)—*

15 (A) *by inserting after “50 percent” the fol-*
16 *lowing: “(or 30 percent if additional assistance*
17 *is provided under subsection (d)(4))”;* and

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

20 “(3) *The Secretary shall prescribe regulations to pro-*
21 *vide for consideration of in-kind contributions by non-Fed-*
22 *eral Government participants in a regional technology alli-*
23 *ance for the purpose of calculating the share of the costs*
24 *that has been or is being undertaken by such participants.*
25 *A participant that is a small business concern may use*

1 *funds received under the Small Business Innovation Re-*
2 *search Program or the Small Business Technology Transfer*
3 *Program to help pay the costs of a regional technology alli-*
4 *ance, and any such funds so used shall be included in cal-*
5 *culating the non-Federal Government share of such costs.”.*

6 (d) *MANUFACTURING EXTENSION PROGRAMS.—Sec-*
7 *tion 2523(b)(3) of such title is amended—*

8 (1) *by striking out subparagraph (A) and insert-*
9 *ing in lieu thereof the following new subparagraph:*

10 “(A) *The amount of financial assistance furnished to*
11 *a manufacturing extension program under this subsection*
12 *may not exceed 50 percent of the total cost of the program,*
13 *except that the Secretary may increase the Federal share*
14 *to not more than 70 percent of such costs in the case of*
15 *a program in which the entity proposing the program and*
16 *a majority of the non-Government participants are small*
17 *business concerns. Financial assistance shall be provided to*
18 *a recipient program for a period of five years unless such*
19 *financial assistance is earlier terminated for good cause.*
20 *Recipients of such financial assistance shall be required to*
21 *report to the Secretary annually beginning one year after*
22 *the date that such financial assistance is initiated. Such*
23 *report shall include a description of the progress of the re-*
24 *ipient program in meeting the objectives set out in para-*
25 *graph (1).”;* and

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

3 “(D) The Secretary shall prescribe regulations to pro-
4 vide for consideration of in-kind contributions by non-Fed-
5 eral Government participants in a manufacturing exten-
6 sion program for the purpose of calculating the share of the
7 costs that has been or is being undertaken by such partici-
8 pants. A participant that is a small business concern may
9 use funds received under the Small Business Innovation Re-
10 search Program or the Small Business Technology Transfer
11 Program to help pay the costs of the program, and any such
12 funds so used shall be included in calculating the non-Fed-
13 eral Government share of such costs.”.

14 (e) *DEFENSE DUAL-USE ASSISTANCE EXTENSION*
15 PROGRAM.—Section 2524(d) of such title is amended to
16 read as follows:

17 “(d) *FINANCIAL COMMITMENT OF NON-FEDERAL GOV-*
18 *ERNMENT PARTICIPANTS.*—(1) Except as provided in para-
19 graph (2), the Secretary shall ensure that the amount of
20 funds provided by the Secretary to a program under this
21 section does not exceed 50 percent of the total cost of the
22 program.

23 “(2) The Secretary may increase the Federal share of
24 the costs of a program under this section to not more than
25 70 percent of such costs in the case of a program in which

1 *the entity proposing the program and a majority of the*
2 *non-Government participants are small business concerns.*

3 “(3) *The Secretary shall prescribe regulations to pro-*
4 *vide for consideration of in-kind contributions by non-Fed-*
5 *eral Government participants in a program under this sec-*
6 *tion for the purpose of calculating the share of the costs*
7 *that has been or is being undertaken by such participants.*
8 *A participant that is a small business concern may use*
9 *funds received under the Small Business Innovation Re-*
10 *search Program or the Small Business Technology Transfer*
11 *Program to help pay the costs of the program, and any such*
12 *funds so used shall be included in calculating the non-Fed-*
13 *eral Government share of such costs.”.*

14 (f) *DEFINITIONS.—Section 2491 of such title is amend-*
15 *ed by adding at the end the following new paragraphs:*

16 “(13) *The term ‘Small Business Innovation Re-*
17 *search Program’ means the program established under*
18 *the following provisions of section 9 of the Small*
19 *Business Act (15 U.S.C. 638):*

20 “(A) *Paragraphs (4) through (7) of sub-*
21 *section (b).*

22 “(B) *Subsections (e) through (k).*

23 “(14) *The term ‘Small Business Technology*
24 *Transfer Program’ means the program established*
25 *under the following provisions of such section:*

1 “(A) Paragraphs (4) through (7) of sub-
2 section (b).

3 “(B) Subsections (e) and (n) through (p).”.

4 ***Subtitle B—Community Adjustment***
5 ***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 amount
11 made available pursuant to section 1302(a), \$69,000,000
12 shall be available as community adjustment and economic
13 diversification assistance under section 2391(b) of title 10,
14 United States Code.

15 (b) *PREPARATION ASSISTANCE.*—The Secretary of De-
16 fense may use up to five percent of the amount specified
17 in subsection (a) for the purpose of providing preparation
18 assistance to those States intending to establish the types
19 of programs for which assistance is authorized under section
20 2391(b) of title 10, United States Code.

1 **SEC. 1322. ASSISTANCE FOR COMMUNITIES ADVERSELY AF-**
2 **FFECTED BY CATASTROPHIC OR MULTIPLE**
3 **BASE CLOSURES OR REALIGNMENTS.**

4 (a) *ASSISTANCE.*—Section 2391 of title 10, United
5 States Code, is amended by adding at the end the following
6 new subsection:

7 “(f) *EMPHASIS ON COMMUNITIES WITH CATASTROPHIC*
8 *OR MULTIPLE BASE CLOSURES OR REALIGNMENTS.*—(1)
9 *Not less than 50 percent of the funds made available for*
10 *a fiscal year to carry out subsection (b) shall be used by*
11 *the Secretary of Defense under paragraphs (1) and (4) of*
12 *such subsection to make grants, conclude cooperative agree-*
13 *ments, and supplement funds available under other Federal*
14 *programs in order to assist State and local governments*
15 *in planning and carrying out community adjustments and*
16 *economic diversification in any community determined by*
17 *the Secretary—*

18 “(A) *to be likely to experience a loss of not less*
19 *than five percent of the total number of civilian jobs*
20 *in the community as a result of the realignment or*
21 *closure of a military installation under the base clo-*
22 *sure laws; or*

23 “(B) *to be adversely affected by the realignment*
24 *or closure of more than one military installation*
25 *under the base closure laws.*

1 “(2) To the extent practicable, the amount of assistance
2 provided under subsection (b) in a fiscal year to assist a
3 community described in paragraph (1) that is selected to
4 receive such assistance in that fiscal year should be not less
5 than—

6 “(A) \$1,000,000 to plan community adjustments
7 and economic diversification; and

8 “(B) \$5,000,000 to carry out a community ad-
9 justments and economic diversification program.”.

10 (b) *TIME FOR CONSIDERATION OF APPLICATIONS.*—
11 Subsection (b) of such section is amended by adding at the
12 end the following new paragraphs:

13 “(6) To the extent practicable, the Secretary of Defense
14 shall inform a State or local government applying for as-
15 sistance under this subsection of the approval or rejection
16 by the Secretary of the application for such assistance before
17 the end of—

18 “(A) the 7-day period beginning on the date on
19 which the Secretary receives the application, in the
20 case of an application for a planning grant; and

21 “(B) the 30-day period beginning on such date,
22 in the case of an application for assistance to carry
23 out a community adjustments and economic diver-
24 sification program.

1 “(7) In attempting to complete consideration of appli-
2 cations within the time periods specified in paragraph (6),
3 the Secretary shall give priority to those applications re-
4 questing assistance for a community described in subsection
5 (f)(1). If an application is rejected by the Secretary, the
6 Secretary shall promptly inform the State or local govern-
7 ment of the reasons for the rejection of the application.”.

8 (c) *DEFINITION.*—Subsection (d) of such section is
9 amended by adding at the end the following new paragraph:

10 “(3) The term ‘base closure laws’ means—

11 “(A) the Defense Base Closure and Realign-
12 ment Act of 1990 (part A of title XXIX of Public
13 Law 101–510; 10 U.S.C. 2687 note);

14 “(B) title II of the Defense Authorization
15 Amendments and Base Closure and Realignment
16 Act (Public Law 100–526; 10 U.S.C. 2687 note);

17 “(C) section 2687 of this title; and

18 “(D) any other similar law enacted after
19 October 1, 1993.”.

20 **SEC. 1323. CONTINUATION OF PILOT PROJECT TO IMPROVE**
21 **ECONOMIC ADJUSTMENT PLANNING.**

22 (a) *CONTINUATION OF PROGRAM.*—Subsection (a) of
23 section 4302 of the Defense Conversion, Reinvestment, and
24 Transition Assistance Act of 1992 (division D of Public
25 Law 102–484; 10 U.S.C. 1091 note) is amended by striking

1 out “fiscal year 1993” and inserting in lieu thereof “fiscal
2 years 1993 and 1994”.

3 (b) *FUNDING FOR FISCAL YEAR 1994.*—Of the amount
4 made available pursuant to section 1302(a), \$1,000,000
5 shall be made available to continue the pilot project re-
6 quired under section 4302 of the Defense Conversion, Rein-
7 vestment, and Transition Assistance Act of 1992 (division
8 D of Public Law 102–484; 10 U.S.C. 1091 note) with re-
9 spect to those projects involving relieving the adverse effects
10 upon a community from a combination of the closure or
11 realignment of a military installation and changes in the
12 mission of a national laboratory.

13 **SEC. 1324. CONSIDERATION OF LOCAL AND REGIONAL ECO-**
14 **NOMIC NEEDS AS PART OF THE DISPOSITION**
15 **OF REAL PROPERTY AND FACILITIES UNDER**
16 **BASE CLOSURE LAWS.**

17 (a) *CONSIDERATION OF ECONOMIC NEEDS.*—In order
18 to maximize local and regional benefit from the reuse of
19 military installations that are closed or realigned, or se-
20 lected for closure or realignment, pursuant to the operation
21 of a base closure law, the Secretary of Defense shall incor-
22 porate locally and regionally delineated economic develop-
23 ment needs and priorities into the disposition process by
24 which the Secretary disposes of real property and facilities
25 as part of the closure or realignment of a military installa-

1 *tion under a base closure law. In determining such needs*
2 *and priorities, the Secretary shall use the community base*
3 *reuse plan developed for the military installation involved.*

4 *(b) COOPERATION.—The Secretary shall cooperate*
5 *with the State in which a military installation referred to*
6 *in subsection (a) is located, with the entity established to*
7 *develop a community base reuse plan for the installation,*
8 *and with local governments and other interested persons in*
9 *communities located near the installation to implement the*
10 *entire disposition process of real property and facilities at*
11 *the installation.*

12 *(c) ECONOMIC DEVELOPMENT CRITERIA.—In evaluat-*
13 *ing the highest and best reuse options for real property and*
14 *facilities at a military installation referred to in subsection*
15 *(a), the Secretary shall employ the following economic devel-*
16 *opment criteria:*

17 *(1) The creation of jobs, including manufactur-*
18 *ing and other primary labor market jobs.*

19 *(2) A significant economic multiplier effect on*
20 *the local and regional economies.*

21 *(3) A significant direct economic impact on the*
22 *local and regional economies through future contract-*
23 *ing for goods and services, and construction activities.*

24 *(4) New tax revenue generated to the State and*
25 *locality.*

1 (5) *The creation, rehabilitation, operation, and*
2 *maintenance of local infrastructure.*

3 (6) *The incorporation of local and regional eco-*
4 *nomical development needs and priorities into the reuse*
5 *plan.*

6 (7) *The economic viability of the proposed devel-*
7 *opment.*

8 (8) *The timely economic impact of the proposed*
9 *development.*

10 (9) *Need for public financial assistance to ac-*
11 *quire or develop the property.*

12 (d) *PRIORITIES.—The criteria specified in subsection*
13 *(d) shall be prioritized at the local and regional level for*
14 *each military installation referred to in subsection (a) to*
15 *establish a site specific weighting system for individual ob-*
16 *jectives. These criteria shall be considered to be costs or ben-*
17 *efits depending upon the degree to which priorities are met.*
18 *The highest and best use for real property and facilities at*
19 *the installation shall be considered to be the reuse option*
20 *that produces the greatest benefit according to these criteria.*

21 (e) *DEFINITIONS.—For purposes of this section:*

22 (1) *The term “base closure law” means each of*
23 *the following:*

1 (A) *The Defense Base Closure and Realign-*
2 *ment Act of 1990 (part A of title XXIX of Public*
3 *Law 101–510; 10 U.S.C. 2687 note).*

4 (B) *Title II of the Defense Authorization*
5 *Amendments and Base Closure and Realignment*
6 *Act (Public Law 100–526; 10 U.S.C. 2687 note).*

7 (C) *Section 2687 of title 10, United States*
8 *Code.*

9 (D) *Any other similar law enacted after the*
10 *date of the enactment of this Act.*

11 (2) *the term “disposition process” includes sched-*
12 *uling, planning, economic, environmental, and infra-*
13 *structure assessments, market research, marketing*
14 *programs, permit procedures, and transfers of real*
15 *and personal property carried out as part of the dis-*
16 *position of real property and facilities at a military*
17 *installation closed or realigned under a base closure*
18 *law.*

19 **SEC. 1325. SHIPYARD CONVERSION AND REUSE STUDIES.**

20 (a) *STUDIES REQUIRED.*—*The Secretary of Defense*
21 *shall make community adjustment and diversification as-*
22 *sistance available under section 2391(b) of title 10, United*
23 *States Code, for the purpose of conducting studies regarding*
24 *the feasibility of converting and reutilizing the following*

1 *military shipyards as facilities primarily oriented toward*
2 *commercial use:*

3 *(1) Charleston Naval Shipyard, South Carolina.*

4 *(2) Mare Island Naval Shipyard, California.*

5 *(b) FUNDING.—Of the amount made available pursu-*
6 *ant to section 1302(a), \$500,000 shall be available to carry*
7 *out each of the studies required by subsection (a).*

8 ***Subtitle C—Personnel Adjustment,***
9 ***Education, and Training Programs***

10 ***SEC. 1331. CONTINUATION OF TEACHER AND TEACHER'S***
11 ***AIDE PLACEMENT PROGRAMS.***

12 *(a) PLACEMENT PROGRAMS REQUIRED.—(1) Section*
13 *1151 of title 10, United States Code, is amended—*

14 *(A) in subsection (a), by striking out “may” in*
15 *the matter preceding paragraph (1) and inserting in*
16 *lieu thereof “shall” and;*

17 *(B) in subsections (b), (c)(1), (e)(1), and (f), by*
18 *striking out “program authorized” each place it ap-*
19 *pears and inserting in lieu thereof “program re-*
20 *quired”.*

21 *(2) Section 1598 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”; and*

1 (B) in subsections (b)(1) and (f), by striking out
2 “program authorized” both places it appears and in-
3 serting in lieu thereof “program required”.

4 (3) Section 2410j of such title is amended—

5 (A) in subsection (a), by striking out “may” in
6 the matter preceding paragraph (1) and inserting in
7 lieu thereof “shall offer to”; and

8 (B) in subsection (b)(1), by striking out “agree-
9 ment authorized” and inserting in lieu thereof “agree-
10 ment entered into”.

11 (b) *COVERAGE OF CERTAIN MEMBERS INADVERT-*
12 *ENTLY EXCLUDED.*—Section 1151(e)(1) of such title, as
13 amended by subsection (a)(1)(B), is further amended by in-
14 serting before the period at the end of the first sentence the
15 following: “or within one year after the date of the discharge
16 or release”.

17 (c) *EXTENSION OF PERIOD OF REQUIRED SERVICE.*—

18 (1) Section 1151 of such title, as amended by subsection
19 (a)(1), is further amended—

20 (A) in subsection (f)(2), by striking out “two
21 school years” both places it appears and inserting in
22 lieu thereof “five school years”;

23 (B) in subsection (h)(3)(A), by striking out “two
24 consecutive school years” and inserting in lieu thereof
25 “five consecutive school years”;

1 (C) in subsection (h)(5), by striking out “two
2 years” both places it appears and inserting in lieu
3 thereof “five years”; and

4 (D) in subsection (i)(1), by striking out “two
5 years” both places it appears and inserting in lieu
6 thereof “five years”.

7 (2) Section 1598(d)(2) of such title is amended by
8 striking out “two school years” both places it appears and
9 inserting in lieu thereof “five school years”.

10 (3) Section 2410j(f)(2) of such title is amended by
11 striking out “two school years” both places it appears and
12 inserting in lieu thereof “five school years”.

13 (d) GRANT PAYMENTS.—Section 1151(h)(3)(B) of such
14 title is amended by striking out “equal to the lesser
15 of—” and all that follows through “\$50,000.” and inserting
16 in lieu thereof the following: “based upon the basic salary
17 paid by the local educational agency to the participant as
18 a teacher or teacher’s aide. The rate of payment by the Sec-
19 retary shall be as follows:

20 “(i) For the first school year of employment,
21 50 percent of the basic salary, except that the
22 payment may not exceed \$25,000.

23 “(ii) For the second school year of employ-
24 ment, 40 percent of the basic salary, except that
25 the payment may not exceed \$10,000.

1 “(iii) For the third school year of employ-
2 ment, 30 percent of the basic salary, except that
3 the payment may not exceed \$7,500.

4 “(iv) For the fourth school year of employ-
5 ment, 20 percent of the basic salary, except that
6 the payment may not exceed \$5,000.

7 “(v) For the fifth year of employment, 10
8 percent of the basic salary, except that the pay-
9 ment may not exceed \$2,500.”.

10 (e) *INCREASED FLEXIBILITY IN PROVIDING STIPENDS*
11 *AND PLACEMENT GRANTS.*—Section 1151(h)(1) of such is
12 amended by striking out “shall” and inserting in lieu there-
13 of “may”.

14 (f) *APPLICATION OF CERTAIN AMENDMENTS.*—The
15 amendments made by subsections (c) and (d) shall not
16 apply with respect to—

17 (1) persons selected by the Secretary of Defense
18 before the date of the enactment of this Act to partici-
19 pate in the teacher and teacher’s aide placement pro-
20 grams required by sections 1151, 1598, and 2410j of
21 title 10, United States Code, or

22 (2) agreements entered into by the Secretary be-
23 fore such date with local educational agencies under
24 such sections.

1 **SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS OF**
2 **THE ARMED FORCES IN EMPLOYMENT POSI-**
3 **TIONS WITH LAW ENFORCEMENT AGENCIES**
4 **AND HEALTH CARE PROVIDERS.**

5 (a) *PLACEMENT PROGRAM WITH LAW ENFORCEMENT*
6 *AGENCIES.*—Chapter 58 of title 10, United States Code, is
7 amended by adding at the end the following new section:

8 **“§ 1152. Assistance to separated members to obtain**
9 **employment with law enforcement agen-**
10 **cies**

11 “(a) *PLACEMENT PROGRAM.*—The Secretary of De-
12 fense shall establish a program to assist eligible members
13 of the armed forces to obtain employment by State and local
14 law enforcement agencies upon their discharge or release
15 from active duty.

16 “(b) *ELIGIBLE MEMBERS.*—(1) Except as provided in
17 paragraph (2), a member of the armed forces may apply
18 to participate in the program established under subsection
19 (a) if the member—

20 “(A) is selected for involuntary separation, is
21 approved for separation under section 1174a or 1175
22 of this title, or is given early retirement under section
23 4403 of the Defense Conversion, Reinvestment, and
24 Transition Assistance Act of 1992 (division D of Pub-
25 lic Law 102–484; 10 U.S.C. 1293 note) during the
26 four-year period beginning on October 1, 1993;

1 “(B) has a military occupational specialty,
2 training, or experience related to law enforcement,
3 such as service as a member of the military police;
4 and

5 “(C) satisfies such other criteria for selection as
6 the Secretary of Defense may prescribe.

7 “(2) A member who is discharged or released from
8 service under other than honorable conditions shall not be
9 eligible to participate in the program.

10 “(c) SELECTION OF PARTICIPANTS.—(1) The Secretary
11 of Defense shall select members to participate in the pro-
12 gram established under subsection (a) on the basis of appli-
13 cations submitted to the Secretary before the date of the dis-
14 charge or release of the members from active duty. An appli-
15 cation shall be in such form and contain such information
16 as the Secretary may require.

17 “(2) The Secretary may not select a member to partici-
18 pate in the program unless the Secretary has sufficient ap-
19 propriations for the placement program available at the
20 time of the selection to satisfy the obligations to be incurred
21 by the United States under subsection (d) with respect to
22 that member.

23 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The
24 Secretary of Defense may enter into agreements with State
25 and local law enforcement agencies to assist eligible mem-

1 *bers selected under subsection (c) to obtain suitable employ-*
2 *ment with these agencies. Under the agreement, the law en-*
3 *forcement agency shall agree to employ a participant in*
4 *the program on a full-time basis for at least a five-year*
5 *period.*

6 “(2) Under an agreement referred to in paragraph (1),
7 the Secretary shall agree to pay to the law enforcement
8 agency involved an amount based upon the basic salary
9 paid by the law enforcement agency to the participant as
10 a law enforcement officer. The rate of payment by the Sec-
11 retary shall be as follows:

12 “(A) For the first year of employment, 50 per-
13 cent of the basic salary, except that the payment may
14 not exceed \$25,000.

15 “(B) For the second year of employment, 40 per-
16 cent of the basic salary, except that the payment may
17 not exceed \$10,000.

18 “(C) For the third year of employment, 30 per-
19 cent of the basic salary, except that the payment may
20 not exceed \$7,500.

21 “(D) For the fourth year of employment, 20 per-
22 cent of the basic salary, except that the payment may
23 not exceed \$5,000.

1 “(E) For the fifth year of employment, 10 per-
2 cent of the basic salary, except that the payment may
3 not exceed \$2,500.

4 “(3) Payments required under paragraph (2) may be
5 made by the Secretary in such installments as the Secretary
6 may determine.

7 “(4) If a participant who is placed under this program
8 leaves the employment of the law enforcement agency before
9 the end of the five years of required employment service,
10 the agency shall reimburse the Secretary in an amount that
11 bears the same ratio to the total amount already paid under
12 the agreement as the unserved portion bears to the five years
13 of required service.

14 “(5) The Secretary may not make a grant under this
15 subsection to a law enforcement agency if the Secretary de-
16 termines that the law enforcement agency terminated the
17 employment of another employee in order to fill the vacancy
18 so created with a participant in this program.”.

19 (b) *PLACEMENT PROGRAM WITH HEALTH CARE PRO-*
20 *VIDERS.*—Chapter 58 of title 10, United States Code, is
21 amended by adding after section 1152, as added by sub-
22 section (a), the following new section:

1 **“§ 1153. Assistance to separated members to obtain**
2 **employment with health care providers**

3 “(a) *PLACEMENT PROGRAM.*—The Secretary of De-
4 fense shall establish a program to assist eligible members
5 of the armed forces to obtain employment by health care
6 providers upon their discharge or release from active duty.

7 “(b) *ELIGIBLE MEMBERS.*—(1) Except as provided in
8 paragraph (2), a member shall be eligible for selection by
9 the Secretary of Defense to participate in the program es-
10 tablished under subsection (a) if the member—

11 “(A) is selected for involuntary separation, is
12 approved for separation under section 1174a or 1175
13 of this title, or is given early retirement under section
14 4403 of the Defense Conversion, Reinvestment, and
15 Transition Assistance Act of 1992 (division D of Pub-
16 lic Law 102–484; 10 U.S.C. 1293 note) during the
17 four-year period beginning on October 1, 1993;

18 “(B) has received an associate degree, bacca-
19 laureate, or advanced degree from an accredited insti-
20 tution of higher education or a junior or community
21 college;

22 “(C) has a military occupational specialty,
23 training, or experience related to health care or is
24 likely to be able to obtain such training in a short pe-
25 riod of time, as determined by the Secretary; and

1 “(D) satisfies such other criteria for selection as
2 the Secretary may prescribe.

3 “(2) A member who is discharged or released from
4 service under other than honorable conditions shall not be
5 eligible to participate in the program.

6 “(c) SELECTION OF PARTICIPANTS.—(1) The Secretary
7 of Defense shall select members to participate in the pro-
8 gram established under subsection (a) on the basis of appli-
9 cations submitted to the Secretary before the date of the dis-
10 charge or release of the members from active duty. An appli-
11 cation shall be in such form and contain such information
12 as the Secretary may require.

13 “(2) The Secretary may not select a member to partici-
14 pate in the program unless the Secretary has sufficient ap-
15 propriations for the placement program available at the
16 time of the selection to satisfy the obligations to be incurred
17 by the United States under subsection (d) with respect to
18 that member.

19 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The
20 Secretary of Defense may enter into an agreement with a
21 health care provider to assist eligible members selected
22 under subsection (c) to obtain suitable employment with the
23 health care provider. Under the agreement, the provider
24 shall agree to employ a participant in the program on a
25 full-time basis for at least a five-year period.

1 “(2) Under an agreement referred to in paragraph (1),
2 the Secretary shall agree to pay to the health care provider
3 involved an amount based upon the basic salary paid by
4 the health care provider to the participant. The rate of pay-
5 ment by the Secretary shall be as follows:

6 “(A) For the first year of employment, 50 per-
7 cent of the basic salary, except that the payment may
8 not exceed \$25,000.

9 “(B) For the second year of employment, 40 per-
10 cent of the basic salary, except that the payment may
11 not exceed \$10,000.

12 “(C) For the third year of employment, 30 per-
13 cent of the basic salary, except that the payment may
14 not exceed \$7,500.

15 “(D) For the fourth year of employment, 20 per-
16 cent of the basic salary, except that the payment may
17 not exceed \$5,000.

18 “(E) For the fifth year of employment, 10 per-
19 cent of the basic salary, except that the payment may
20 not exceed \$2,500.

21 “(3) Payments required under paragraph (2) may be
22 made by the Secretary in such installments as the Secretary
23 may determine.

24 “(4) If a participant who is placed under this program
25 leaves the employment of the health care provider before the

1 *end of the five years of required employment service, the*
2 *provider shall reimburse the Secretary in an amount that*
3 *bears the same ratio to the total amount already paid under*
4 *the agreement as the unserved portion bears to the five years*
5 *of required service.*

6 “(5) *The Secretary may not make a grant under this*
7 *subsection to a health care provider if the Secretary deter-*
8 *mines that the provider terminated the employment of an-*
9 *other employee in order to fill the vacancy so created with*
10 *a participant in this program.”.*

11 (c) *PRESEPARATION COUNSELING.—Section*
12 *1142(b)(4) of title 10, United States Code, is amended by*
13 *striking out “program established under section 1151 of this*
14 *title to assist members to obtain employment as elementary*
15 *or secondary school teachers or teachers’ aides.” and insert-*
16 *ing in lieu thereof “programs established under sections*
17 *1151, 1152, and 1153 of this title.”.*

18 (d) *CLERICAL AMENDMENT.—The table of sections at*
19 *the beginning of such chapter is amended by adding at the*
20 *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.”.

1 **SEC. 1333. GRANTS TO INSTITUTIONS OF HIGHER EDU-**
2 **CATION TO PROVIDE EDUCATION AND TRAIN-**
3 **ING IN ENVIRONMENTAL RESTORATION TO**
4 **DISLOCATED DEFENSE WORKERS AND YOUNG**
5 **ADULTS.**

6 (a) *GRANT PROGRAM REQUIRED.*—(1) *The Secretary*
7 *of Defense shall establish a program to provide demonstra-*
8 *tion grants to institutions of higher education to assist such*
9 *institutions in providing education and training in envi-*
10 *ronmental restoration and hazardous waste management to*
11 *eligible dislocated defense workers and young adults de-*
12 *scribed in subsection (d). The Secretary shall award the*
13 *grants pursuant to a merit-based selection process.*

14 (2) *A grant provided under this subsection may cover*
15 *a period of not more than three fiscal years, except that*
16 *the payments under the grant for the second and third fiscal*
17 *year shall be subject to the approval of the Secretary and*
18 *to the availability of appropriations to carry out this sec-*
19 *tion in that fiscal year.*

20 (b) *APPLICATION.*—*To be eligible for a grant under*
21 *subsection (a), an institution of higher education shall sub-*
22 *mit an application to the Secretary at such time, in such*
23 *form, and containing such information as the Secretary*
24 *may require. The application shall include the following:*

25 (1) *An assurance by the institution of higher*
26 *education that it will use the grant to supplement*

1 *and not supplant non-Federal funds that would other-*
2 *wise be available for the education and training ac-*
3 *tivities funded by the grant.*

4 (2) *A proposal by the institution of higher edu-*
5 *cation to provide expertise, training, and education*
6 *in hazardous materials and waste management and*
7 *other environmental fields applicable to defense man-*
8 *ufacturing sites and Department of Defense and De-*
9 *partment of Energy defense facilities.*

10 (c) *USE OF GRANT FUNDS.—(1) An institution of*
11 *higher education receiving a grant under subsection (a)*
12 *shall use the grant to establish a consortium consisting of*
13 *the institution and one or more of each of the entities de-*
14 *scribed in paragraph (2) for the purpose of establishing and*
15 *conducting a program to provide education and training*
16 *in environmental restoration and waste management to eli-*
17 *gible individuals described in subsection (d). To the extent*
18 *practicable, the Secretary shall authorize the consortium to*
19 *use a military installation closed or selected to be closed*
20 *under a base closure law in providing on-site basic skills*
21 *training to participants in the program.*

22 (2) *The entities referred to in paragraph (1) are the*
23 *following:*

24 (A) *Representatives of appropriate State and*
25 *local agencies.*

1 (B) *Private industry councils (as described in*
2 *section 102 of the Job Training Partnership Act (29*
3 *U.S.C. 1512)).*

4 (C) *Community-based organizations (as defined*
5 *in section 4(5) of such Act (29 U.S.C. 103(5)).*

6 (D) *Businesses.*

7 (E) *Organized labor.*

8 (F) *Other appropriate educational institutions.*

9 (d) *ELIGIBLE INDIVIDUALS.—A program established*
10 *or conducted using funds provided under subsection (a)*
11 *may provide education and training in environmental res-*
12 *toration and waste management to—*

13 (1) *individuals who have been terminated or laid*
14 *off from employment (or have received notice of termi-*
15 *nation or lay off) as a consequence of reductions in*
16 *expenditures by the United States for defense, the can-*
17 *cellation, termination, or completion of a defense con-*
18 *tract, or the closure or realignment of a military in-*
19 *stallation under a base closure law, as determined in*
20 *accordance with regulations prescribed by the Sec-*
21 *retary; or*

22 (2) *individuals who have attained the age of 16*
23 *but not the age of 25.*

24 (e) *ELEMENTS OF EDUCATION AND TRAINING PRO-*
25 *GRAM.—In establishing or conducting an education and*

1 *training program using funds provided under subsection*
2 *(a), the institution of higher education shall meet the follow-*
3 *ing requirements:*

4 *(1) The institution of higher education shall es-*
5 *tablish and provide a work-based learning system*
6 *consisting of education and training in environ-*
7 *mental restoration—*

8 *(A) which may include basic educational*
9 *courses, on-site basic skills training, and mentor*
10 *assistance to individuals described in subsection*
11 *(d) who are participating in the program; and*

12 *(B) which may lead to the awarding of a*
13 *certificate or degree at the institution of higher*
14 *education.*

15 *(2) The institution of higher education shall un-*
16 *dertake outreach and recruitment efforts to encourage*
17 *participation by eligible individuals in the education*
18 *and training program.*

19 *(3) The institution of higher education shall se-*
20 *lect participants for the education and training pro-*
21 *gram from among eligible individuals described in*
22 *paragraph (1) or (2) of subsection (d).*

23 *(4) To the extent practicable, in the selection of*
24 *young adults described in subsection (d)(2) to partici-*
25 *pate in the education and training program, the in-*

1 *stitution of higher education shall give priority to*
2 *those young adults who—*

3 *(A) have not attended and are otherwise un-*
4 *likely to be able to attend an institution of high-*
5 *er education; or*

6 *(B) have, or are members of families who*
7 *have, received a total family income that, in re-*
8 *lation to family size, is not in excess of the high-*
9 *er of—*

10 *(i) the official poverty line (as defined*
11 *by the Office of Management and Budget,*
12 *and revised annually in accordance with*
13 *section 673(2) of the Omnibus Budget Rec-*
14 *onciliation Act of 1981 (42 U.S.C. 9902(2));*
15 *or*

16 *(ii) 70 percent of the lower living*
17 *standard income level.*

18 *(5) To the extent practicable, the institution of*
19 *higher education shall select instructors for the edu-*
20 *cation and training program from institutions of*
21 *higher education, appropriate community programs,*
22 *and industry and labor.*

23 *(6) To the extent practicable, the institution of*
24 *higher education shall consult with appropriate Fed-*
25 *eral, State, and local agencies carrying out environ-*

1 *mental restoration programs for the purpose of*
2 *achieving coordination between such programs and*
3 *the education and training program conducted by the*
4 *consortium.*

5 *(f) SELECTION OF GRANT RECIPIENTS.—To the extent*
6 *practicable, the Secretary shall provide grants to institu-*
7 *tions of higher education under subsection (a) in a manner*
8 *which will equitably distribute such grants among the var-*
9 *ious regions of the United States.*

10 *(g) LIMITATION ON AMOUNT OF GRANT TO A SINGLE*
11 *RECIPIENT.—The amount of a grant under subsection (a)*
12 *that may be made to a single institution of higher education*
13 *in a fiscal year may not exceed 1/3 of the amount made*
14 *available to provide grants under such subsection for that*
15 *fiscal year.*

16 *(h) REPORTING REQUIREMENTS.—(1) The Secretary*
17 *may provide a grant to an institution of higher education*
18 *under subsection (a) only if the institution agrees to submit*
19 *to the Secretary, in each fiscal year in which the Secretary*
20 *makes payments under the grant to the institution, a report*
21 *containing—*

22 *(A) a description and evaluation of the edu-*
23 *cation and training program established by the con-*
24 *sortium formed by the institution under subsection*
25 *(c); and*

1 (B) such other information as the Secretary may
2 reasonably require.

3 (2) Not later than 18 months after the date of the en-
4 actment of this Act, the Secretary shall submit to the Presi-
5 dent and Congress an interim report containing—

6 (A) a compilation of the information contained
7 in the reports received by the Secretary from each in-
8 stitution of higher education under paragraph (1);
9 and

10 (B) an evaluation of the effectiveness of the dem-
11 onstration grant program authorized by this section.

12 (3) Not later than January 1, 1997, the Secretary shall
13 submit to the President and Congress a final report
14 containing—

15 (A) a compilation of the information described
16 in the interim report; and

17 (B) a final evaluation of the effectiveness of the
18 demonstration grant program authorized by this sec-
19 tion, including a recommendation as to the feasibility
20 of continuing the program.

21 (i) *DEFINITIONS.*—For purposes of this section:

22 (1) *BASE CLOSURE LAW.*—The term “base clo-
23 sure law” means the following:

24 (A) The Defense Base Closure and Realign-
25 ment Act of 1990 (part A of title XXIX of Public

1 *Law 101–510; 104 Stat. 1808; 10 U.S.C. 2687*
2 *note).*

3 *(B) Title II of the Defense Authorization*
4 *Amendments and Base Closure and Realignment*
5 *Act (Public Law 100–526; 102 Stat. 2627; 10*
6 *U.S.C. 2687 note).*

7 *(C) Section 2687 of title 10, United States*
8 *Code.*

9 *(D) Any other similar law enacted after the*
10 *date of the enactment of this Act.*

11 (2) *ENVIRONMENTAL RESTORATION.*—*The term*
12 *“environmental restoration” means actions taken con-*
13 *sistent with a permanent remedy to prevent or mini-*
14 *mize the release of hazardous substances into the envi-*
15 *ronment so that such substances do not migrate to*
16 *cause substantial danger to present or future public*
17 *health or welfare or the environment.*

18 (3) *INSTITUTION OF HIGHER EDUCATION.*—*The*
19 *term “institution of higher education” has the mean-*
20 *ing given such term in section 1201(a) of the Higher*
21 *Education Act of 1965 (20 U.S.C. 1141(a)).*

22 (4) *SECRETARY.*—*The term “Secretary” means*
23 *the Secretary of Defense.*

24 (j) *CONFORMING REPEAL.*—*Section 4452 of the De-*
25 *fense Conversion, Reinvestment, and Transition Assistance*

1 *Act of 1992 (division D of Public Law 102–484; 10 U.S.C.*
2 *2701 note) is repealed.*

3 **SEC. 1334. REVISION TO IMPROVEMENTS TO EMPLOYMENT**
4 **AND TRAINING ASSISTANCE FOR DIS-**
5 **LOCATED WORKERS.**

6 *The matter inserted by the amendment made by sec-*
7 *tion 4467(f)(1) of the Defense Conversion, Reinvestment,*
8 *and Transition Assistance Act of 1992 (division D of Public*
9 *Law 102–484; 106 Stat. 2751) is amended to read as fol-*
10 *lows:*

11 *“(s)(1) Notwithstanding title II of the Federal Prop-*
12 *erty and Administrative Services Act of 1949 and any other*
13 *provision of law, the Secretary and the Secretary of Edu-*
14 *cation shall receive priority by the Secretary of Defense for*
15 *the direct transfer, on a nonreimbursable basis, of the prop-*
16 *erty described in paragraph (2) for use in carrying out pro-*
17 *grams under this Act or under any other Act.*

18 *“(2) The property described in this paragraph is both*
19 *real and personal property under the control of the Depart-*
20 *ment of Defense that is not used by such Department, in-*
21 *cluding property that the Secretary of Defense determines*
22 *is in excess of current and projected requirements of such*
23 *Department.”.*

1 **SEC. 1335. DEMONSTRATION PROGRAM FOR THE TRAINING**
2 **OF RECENTLY DISCHARGED VETERANS FOR**
3 **EMPLOYMENT IN CONSTRUCTION AND IN**
4 **HAZARDOUS WASTE REMEDIATION.**

5 (a) *ESTABLISHMENT.*—The Secretary of Defense shall
6 establish a demonstration program to promote the training
7 and employment of veterans in the construction and haz-
8 ardous waste remediation industries. Using funds made
9 available to carry out this section the Secretary shall make
10 grants under the demonstration program to organizations
11 that meet the eligibility criteria specified in subsection (b).

12 (b) *GRANT ELIGIBILITY CRITERIA.*—An organization
13 is eligible to receive a grant from the Secretary under sub-
14 section (a) if it—

15 (1) demonstrates, to the satisfaction of the Sec-
16 retary, an ability to recruit and counsel veterans for
17 participation in the demonstration program under
18 this section;

19 (2) has entered into an agreement with a joint
20 labor-management training fund established pursuant
21 to section 8(f) of the National Labor Relations Act
22 (29 U.S.C. 158(f)) to implement and operate a train-
23 ing and employment program for veterans;

24 (3) agrees under the agreement referred to in
25 paragraph (2) to use grant funds to carry out a pro-
26 gram that will provide eligible veterans with training

1 for employment in the construction and hazardous
2 waste remediation industries;

3 (4) provides such training for eligible veterans
4 during a period that does not exceed 18 months;

5 (5) demonstrates actual experience in providing
6 training for veterans under an agreement referred to
7 in paragraph (2);

8 (6) agrees to make, along with all subgrantees, a
9 substantial in-kind contribution (as determined by
10 the Secretary of Defense) from non-Federal sources to
11 the demonstration program under this section; and

12 (7) gives its assurances, to the satisfaction of the
13 Secretary, that full time, permanent jobs will be
14 available for individuals successfully completing the
15 training program, with a special emphasis on jobs
16 with employers in construction and hazardous waste
17 remediation on Department of Defense facilities.

18 (c) *ELIGIBLE VETERANS.*—An individual is an eligi-
19 ble veteran for the purposes of subsection (b)(3) if the
20 individual—

21 (1)(A) served in the active military, naval, or
22 air service for a period of at least two years;

23 (B) was discharged or released from active duty
24 because of a service-connected disability; or

1 (C) is entitled to compensation (or who but for
2 the receipt of military retired pay would be entitled
3 to compensation) under the laws administered by the
4 Secretary of Veterans Affairs for a disability rated at
5 30 percent or more; and

6 (2) was discharged or released on or after August
7 2, 1990, under conditions other than dishonorable.

8 (d) PREFERENCE.—In carrying out the demonstration
9 program under this section, the Secretary shall ensure that
10 a preference is given to eligible veterans whose primary or
11 secondary occupational specialty in the Armed Forces is (as
12 determined under regulations prescribed by the Secretary
13 and in effect before the date of such separation) not readily
14 transferable to the civilian work force.

15 (e) HAZARDOUS WASTE OPERATIONS TRAINING
16 GOAL.—It is the sense of Congress that at least 20 percent
17 of the total number of veterans completing training under
18 the demonstration program under this section should com-
19 plete the training required—

20 (1) for certification under section 126 of the
21 Superfund Amendments and Reauthorization Act of
22 1986 (29 U.S.C. 655 note), and

23 (2) under any other Federal law which requires
24 certification for employees engaged in hazardous
25 waste operations.

1 (f) *USE OF FUNDS.*—Funds made available to carry
2 out this section may only be used for tuition and stipends
3 to cover the living and travel expenses of participants, ex-
4 cept that the Secretary may provide that not more than
5 a total of four percent of all the funds made available under
6 this section may be used for administrative expenses of
7 grantees and subgrantees.

8 (g) *LIMITATION ON TUITION CHARGED.*—The amount
9 of tuition charged with respect to veterans participating in
10 the demonstration program under this section may not ex-
11 ceed the amount of tuition charged to nonveterans partici-
12 pating in programs substantially similar to such dem-
13 onstration program.

14 (h) *CAP ON EXPENDITURES PER PARTICIPANT.*—Of
15 the funds made available to carry out this section—

16 (1) not more than \$1,000 may be expended with
17 respect to each veteran participating in the construc-
18 tion phase of the demonstration program, and

19 (2) not more than an additional \$1,000 may be
20 expended with respect to each veteran participating
21 in the hazardous waste remediation phase of the dem-
22 onstration program, except that the Secretary may
23 authorize an additional \$300 for the training of a
24 veteran participating in such phase if the Secretary
25 determines that such additional amount is necessary

1 *because of the type of training needed for the particu-*
2 *lar kind of hazardous waste remediation involved.*

3 *(i) REPORTS.—(1) Not later than November 1, 1994,*
4 *the Secretary shall submit an interim report to the Congress*
5 *describing the manner in which the demonstration program*
6 *is being carried out under this section, including a detailed*
7 *description of the number of grants made, the number of*
8 *veterans involved, the kinds of training received, and any*
9 *job placements that have occurred or that are anticipated.*

10 *(2) Not later than December 31, 1995, the Secretary*
11 *shall submit a final report to the Congress containing a*
12 *description of the results of the demonstration program with*
13 *a detailed description of the number of grants made, the*
14 *number of veterans involved, the number of veterans who*
15 *completed the program, the number of veterans who were*
16 *placed in jobs, the number of veterans who failed to com-*
17 *plete the program along with the reasons for such failure,*
18 *and any recommendations the Secretary deems appro-*
19 *priate.*

20 *(j) TERMINATION.—Not later than October 1, 1994, the*
21 *Secretary shall obligate, in accordance with the provisions*
22 *of this section, the funds made available to carry out the*
23 *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 amended*
7 *by inserting after the first sentence the following: “Of the*
8 *amounts made available pursuant to section 1302(a) of the*
9 *National Defense Authorization Act for Fiscal Year 1994,*
10 *\$25,000,000 shall be made available for the purpose of mak-*
11 *ing 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 EDUCATIONAL*
19 *INSTITUTIONS.—Section 4489 of such Act (106 Stat. 2764)*
20 *is amended by inserting “or any other institution offering*
21 *a program of job training, as approved by the Secretary*
22 *of Veterans Affairs,” after “United States Code,”.*

1 **Subtitle D—Other Matters**

2 **SEC. 1341. ENCOURAGEMENT OF INDUSTRIAL DIVERSIFICA-**
3 **TION PLANNING FOR CERTAIN DEFENSE CON-**
4 **TRACTORS.**

5 (a) *DIVERSIFICATION PLANNING.*—As part of each
6 major defense contract entered into by the Secretary of De-
7 fense, the Secretary shall encourage that the contractor pre-
8 pare an industrial diversification plan for the defense-relat-
9 ed operations of the contractor.

10 (b) *REGULATIONS.*—Not later than 120 days after the
11 date of the enactment of this Act, the Secretary shall pre-
12 scribe regulations to carry out this section. With respect to
13 major defense contracts, the regulations required by this
14 subsection shall supersede any regulations prescribed by the
15 Secretary pursuant to section 4239 of the Defense Conver-
16 sion, Reinvestment, and Transition Assistance Act of 1992
17 (division D of Public Law 102–484; 10 U.S.C. 2501 note).

18 (c) *MAJOR DEFENSE CONTRACTOR DEFINED.*—For
19 purposes of this section, the term “major defense contract”
20 means any contract for goods or services for the Department
21 of Defense in an amount equal to or greater than
22 \$5,000,000.

23 (d) *APPLICATION OF PLANNING REQUIREMENTS.*—
24 Subsection (a) shall apply with respect to major defense

1 *contract entered into by the Secretary on or after the date*
2 *of the enactment of this Act.*

3 (e) *STUDIES REGARDING DEFENSE CONVERSION MAR-*
4 *KET CREATION.—(1) To assist the defense diversification*
5 *planning undertaken pursuant to subsection (a), the Sec-*
6 *retary shall sponsor not more than five studies to identify*
7 *economic sectors and strategies that will best facilitate the*
8 *process of defense conversion, diversification, and reinvest-*
9 *ment. The studies shall be conducted by nongovernmental*
10 *entities selected pursuant to a contract with the Secretary.*
11 *An entity selected to conduct a study under this subsection*
12 *shall consult with representatives of both management and*
13 *employees of defense contractors participating in industrial*
14 *diversification planning pursuant to subsection (a).*

15 (2) *Not later than 180 days after the date of the enact-*
16 *ment of this Act, the Secretary shall submit to Congress a*
17 *report describing the results of the studies conducted pursu-*
18 *ant to this subsection.*

19 **SEC. 1342. ENCOURAGEMENT FOR THE PURCHASE OR**
20 **LEASE OF VEHICLES PRODUCING ZERO OR**
21 **VERY LOW EXHAUST EMISSIONS.**

22 *From funds authorized to be appropriated in subtitle*
23 *A of title I and section 301 for the purchase or lease of*
24 *non-tactical administrative vehicles (such as automobiles,*
25 *utility trucks, buses, and vans), the Secretary of Defense*

1 *is encouraged to expend not less than 10 percent of such*
2 *funds for the purchase or lease of vehicles producing zero*
3 *or very low exhaust emissions.*

4 **SEC. 1343. REVISION TO REQUIREMENTS FOR NOTICE TO**
5 **CONTRACTORS UPON PROPOSED OR ACTUAL**
6 **TERMINATION OF DEFENSE PROGRAMS.**

7 *Section 4471 of the Defense Conversion, Reinvestment,*
8 *and Transition Assistance Act of 1992 (106 Stat. 2753; 10*
9 *U.S.C. 2501 note) is amended to read as follows:*

10 **“SEC. 4471. NOTICE TO CONTRACTORS AND EMPLOYEES**
11 **UPON PROPOSED AND ACTUAL TERMINATION**
12 **OR SUBSTANTIAL REDUCTION IN MAJOR DE-**
13 **FENSE PROGRAMS.**

14 *“(a) NOTICE REQUIREMENT AFTER SUBMISSION OF*
15 *PRESIDENT’S BUDGET TO CONGRESS.—Each year, in con-*
16 *junction with the preparation of the President’s budget for*
17 *the next fiscal year, the Secretary of Defense and the Sec-*
18 *retary of Energy shall each assess which major defense pro-*
19 *grams (if any) under their respective jurisdictions are pro-*
20 *posed to be terminated or substantially reduced under the*
21 *budget of the President for the next fiscal year. As soon as*
22 *reasonably practicable after the date on which that budget*
23 *is submitted to Congress pursuant to section 1105 of title*
24 *31, United States Code, and not more than 180 days after*
25 *such date, each such Secretary, in accordance with regula-*

1 *tions prescribed by that Secretary, shall provide notice of*
2 *the proposed termination of, or substantial reduction in,*
3 *each such program—*

4 *“(1) directly to each prime contractor under that*
5 *program; and*

6 *“(2) by general notice through publication in the*
7 *Federal Register.*

8 *“(b) NOTICE REQUIREMENT AFTER ENACTMENT OF*
9 *APPROPRIATIONS ACT.—*

10 *“(1) DEPARTMENT OF DEFENSE.—As soon as*
11 *reasonably practicable after the enactment of an Act*
12 *appropriating funds for the military functions of the*
13 *Department of Defense, and not more than 180 days*
14 *after such date, the Secretary of Defense, in accord-*
15 *ance with regulations prescribed by the Secretary—*

16 *“(A) shall determine which major defense*
17 *programs (if any) of the Department of Defense*
18 *that were not previously identified under sub-*
19 *section (a) are likely to be terminated or sub-*
20 *stantially reduced as a result of the funding lev-*
21 *els provided in that Act; and*

22 *“(B) shall provide notice of the anticipated*
23 *termination of, or substantial reduction in, that*
24 *program—*

1 “(i) directly to each prime contractor
2 under that program;

3 “(ii) directly to the Secretary of Labor;
4 and

5 “(iii) by general notice through publi-
6 cation in the Federal Register.

7 “(2) DEPARTMENT OF ENERGY.—As soon as rea-
8 sonably practicable after the enactment of an Act ap-
9 propriating funds for national defense programs of
10 the Department of Energy, and not more than 180
11 days after such date, the Secretary of Energy, in ac-
12 cordance with regulations prescribed by the
13 Secretary—

14 “(A) shall determine which major defense
15 programs (if any) of the Department of Energy
16 that were not previously identified under sub-
17 section (a) are likely to be terminated or sub-
18 stantially reduced as a result of the funding lev-
19 els provided in that Act; and

20 “(B) shall provide notice of the anticipated
21 termination of, or substantial reduction in, that
22 program—

23 “(i) directly to each prime contractor
24 under that program;

1 “(ii) directly to the Secretary of Labor;

2 and

3 “(iii) by general notice through publi-
4 cation in the Federal Register.

5 “(c) NOTICE TO SUBCONTRACTORS.—As soon as rea-
6 sonably practicable after the date on which the prime con-
7 tractor for a major defense program receives notice under
8 subsection (a) or (b) of the termination of, or substantial
9 reduction in, that program, and not more than 45 days
10 after such date, the prime contractor shall—

11 “(1) provide notice of that termination or sub-
12 stantial reduction to each person that is a first-tier
13 subcontractor under a contract in an amount not less
14 than \$500,000 for the program; and

15 “(2) require that each such subcontractor (A)
16 provide such notice to each of its subcontractors in an
17 amount in excess of \$100,000 under the contract, and
18 (B) impose a similar notice and pass through require-
19 ment to subcontractors in an amount in excess of
20 \$100,000 at all tiers.

21 “(d) SIX-MONTH CONTRACTOR NOTICE TO EMPLOY-
22 EES AND LOCAL GOVERNMENT BEFORE LAYOFFS.—A
23 prime contractor receiving notice under subsection (a) or
24 (b) or a subcontractor receiving notice under subsection (c)
25 relating to a major defense program may not terminate the

1 *employment of an individual as a result of the actual termi-*
2 *nation or substantial reduction of that program until six*
3 *months after the date on which the contractor or subcontrac-*
4 *tor provides notice in writing of such contractor or sub-*
5 *contractor's intent to terminate the employment of such*
6 *individual—*

7 “(1) to that employee and, if there is a labor rep-
8 resentative of that employee, to that labor representa-
9 tive;

10 “(2) to the State dislocated worker unit or office
11 described in section 311(b)(2) of the Job Training
12 Partnership Act (29 U.S.C. 1661(b)(2)) for the State
13 within which that individual resides; and

14 “(3) to the chief elected official of the unit of gen-
15 eral local government within which that individual
16 resides.

17 “(e) *CONSTRUCTIVE NOTICE.*—The notice of termi-
18 *nation of, or substantial reduction in, a major defense pro-*
19 *gram provided under subsection (d)(1) to an employee of*
20 *a contractor or subcontractor shall have the same effect as*
21 *a notice of termination to such employee for the purposes*
22 *of determining whether such employee is eligible for train-*
23 *ing, adjustment assistance, and employment services under*
24 *section 325 or 325A of the Job Training Partnership Act,*
25 *except where the employer has specified that the termi-*

1 *nation of, or reduction in, the program is not likely to result*
2 *in plant closure or mass layoff. Any employee considered*
3 *to have received such notice under the preceding sentence*
4 *shall only be eligible to receive services under section 314(b)*
5 *of such Act and under paragraphs (1) through (14), (16),*
6 *and (18) of section 314(c) of such Act.*

7 “(f) *WITHDRAWAL OF NOTIFICATION UPON SUFFI-*
8 *CIENT FUNDING FOR PROGRAM TO CONTINUE.—*

9 “(1) *NOTICE TO PRIME CONTRACTOR.—In any*
10 *case in which—*

11 “(A) *the Secretary of Defense or Secretary*
12 *of Energy has provided a notification under sub-*
13 *section (a) with respect to a major defense pro-*
14 *gram based upon the budget of the President for*
15 *any fiscal year; and*

16 “(B) *that Secretary determines, upon enact-*
17 *ment of an Act appropriating funds for the mili-*
18 *tary functions of the Department of Defense or*
19 *for national defense programs of the Department*
20 *of Energy for that fiscal year, as the case may*
21 *be, that due to a sufficient level of funding for*
22 *the program having been provided in that Act*
23 *there will not be a termination of, or substantial*
24 *reduction in, that program,*

1 *that Secretary shall provide notice of withdrawal of*
2 *the notification provided under subsection (a) to each*
3 *prime contractor that received that notice under sub-*
4 *section (a). Any such notice of withdrawal shall be*
5 *provided as soon as reasonably practicable after the*
6 *date of the enactment of the appropriations Act con-*
7 *cerned. In any such case, the Secretary shall at the*
8 *same time provide general notice of such withdrawal*
9 *by publication in the Federal Register.*

10 “(2) NOTICE TO SUBCONTRACTORS.—As soon as
11 *reasonably practicable after the date on which the*
12 *prime contractor for a major defense program receives*
13 *notice under paragraph (1) of the withdrawal of a*
14 *notification previously provided to the contractor*
15 *under subsection (a), and not more than 45 days after*
16 *that date, the prime contractor shall provide notice of*
17 *such withdrawal to each person that is a first-tier*
18 *subcontractor under a contract in an amount not less*
19 *than \$500,000 for the program and shall require that*
20 *each such subcontractor provide such notice to each*
21 *subcontractor in an amount not less than \$100,000 at*
22 *any tier in a contract.*

23 “(3) NOTICE TO EMPLOYEES.—As soon as rea-
24 *sonably practicable after the date on which a prime*
25 *contractor receives notice of withdrawal under para-*

1 *graph (1) or a subcontractor receives such notice*
2 *under paragraph (2), and not more than two weeks*
3 *after that date, the contractor or subcontractor shall*
4 *provide notice of such withdrawal—*

5 *“(A) to each representative of employees*
6 *whose work is directly related to the defense con-*
7 *tract under the program and who are employed*
8 *by the contractor or subcontractor or, if there is*
9 *no such representative at that time, each such*
10 *employee;*

11 *“(B) to the State dislocated worker unit or*
12 *office described in section 311(b)(2) of the Job*
13 *Training Partnership Act (29 U.S.C. 1661(b)(2))*
14 *and the chief elected official of the unit of general*
15 *local government within which the adverse effect*
16 *may occur; and*

17 *“(C) to each grantee under section 325(a) or*
18 *325A(a) of the Job Training Partnership Act*
19 *providing training, adjustment assistance, and*
20 *employment services to an employee described in*
21 *this paragraph.*

22 *“(4) LOSS OF ELIGIBILITY.—An employee who*
23 *receives notice of withdrawal under paragraph (2)*
24 *shall not be eligible for training, adjustment assist-*
25 *ance, and employment services under section 325 or*

1 325A of the Job Training Partnership Act beginning
2 on the date on which the employee receives the notice.

3 “(g) *TERMINATION AND OTHER REMEDIES FOR FAIL-*
4 *URE TO GIVE REQUIRED NOTICE.*—A contractor that will-
5 fully fails to provide notice as required by any provision
6 of this section may be subject to termination for default of
7 the instant contract, suspension, or debarment, or other
8 remedies as determined by the Secretary of Defense or Sec-
9 retary of Energy, as appropriate.

10 “(h) *DEFINITIONS.*—For purposes of this section:

11 “(1) *MAJOR DEFENSE PROGRAM.*—The term
12 ‘major defense program’ means—

13 “(A) in the case of the Department of De-
14 fense, a program that is carried out to produce
15 or acquire a major system (as defined in section
16 2302(5) of title 10, United States Code); and

17 “(B) in the case of the Department of En-
18 ergy, a program that meets the dollar threshold
19 criteria for treatment of a Department of Defense
20 program as a major system.

21 “(2) *SUBSTANTIAL REDUCTION.*—The term ‘sub-
22 stantial reduction’, with respect to a major defense
23 program, means a reduction of 25 percent or more in
24 the total dollar value of contracts under the pro-
25 gram.”.

1 **Subtitle E—National Shipbuilding**
2 **Initiative**

3 **SEC. 1351. SHORT TITLE.**

4 *This subtitle may be cited as the “National Shipbuilding and Shipyard Conversion Act of 1993”.*

6 **SEC. 1352. NATIONAL SHIPBUILDING INITIATIVE.**

7 *(a) ESTABLISHMENT OF PROGRAM.—There shall be a*
8 *National Shipbuilding Initiative program, to be carried out*
9 *to support the industrial base for national security objec-*
10 *tives by assisting in the reestablishment of the United States*
11 *shipbuilding industry as a self-sufficient, internationally*
12 *competitive industry.*

13 *(b) ADMINISTERING DEPARTMENTS.—The program*
14 *shall be carried out—*

15 *(1) by the Secretary of Defense, with respect to*
16 *programs under the jurisdiction of the Secretary of*
17 *Defense; and*

18 *(2) by the Secretary of Transportation, with re-*
19 *spect to programs under the jurisdiction of the Sec-*
20 *retary of Transportation.*

21 *(c) PROGRAM ELEMENTS.—The National Shipbuilding Initiative shall consist of the following program elements:*

22 *(1) FINANCIAL INCENTIVES PROGRAM.—A finan-*
23 *cial incentives program to provide loan guarantees to*
24
25

1 *initiate commercial ship construction for domestic*
2 *and export sales, encourage shipyard modernization,*
3 *and support increased productivity, as provided in*
4 *title XI of the Merchant Marine Act, 1936 (as amend-*
5 *ed by this subtitle).*

6 (2) *TECHNOLOGY DEVELOPMENT PROGRAM.—A*
7 *technology development program, to be carried out*
8 *within the Department of Defense by the Advanced*
9 *Research Projects Agency, to improve the technology*
10 *base for advanced shipbuilding technologies and relat-*
11 *ed dual-use technologies through activities including a*
12 *development program for innovative commercial ship*
13 *design and production processes and technologies.*

14 (3) *NAVY'S AFFORDABILITY THROUGH COM-*
15 *MONALITY PROGRAM.—Enhanced support by the Sec-*
16 *retary of Defense for the shipbuilding program of the*
17 *Department of the Navy known as the Affordability*
18 *Through Commonality (ATC) program, to include en-*
19 *hanced support (A) for the development of common*
20 *modules for military and commercial ships, and (B)*
21 *to foster civil-military integration into the next gen-*
22 *eration of Naval surface combatants.*

23 (4) *NAVY'S MANUFACTURING TECHNOLOGY AND*
24 *TECHNOLOGY BASE PROGRAMS.—Enhanced support*
25 *by the Secretary of Defense for, and strengthened*

1 *and Atmospheric Administration, appropriate naval*
2 *commands and activities, and other appropriate Fed-*
3 *eral agencies on—*

4 *(A) development and transfer to the private*
5 *sector of dual-use shipbuilding technologies, ship*
6 *repair technologies, and shipbuilding manage-*
7 *ment technologies;*

8 *(B) assessments of potential markets for*
9 *maritime products; and*

10 *(C) recommendation of industrial entities,*
11 *partnerships, joint ventures, or consortia for*
12 *short- and long-term manufacturing technology*
13 *investment strategies.*

14 *(2) Funding and program management activi-*
15 *ties to develop innovative design and production proc-*
16 *esses and the technologies required to implement those*
17 *processes.*

18 *(3) Facilitation of industry and Government*
19 *technology development and technology transfer ac-*
20 *tivities (including education and training, market as-*
21 *sessments, simulations, hardware models and proto-*
22 *types, and national and regional industrial base*
23 *studies).*

24 *(4) Integration of promising technology advances*
25 *made in the Technology Reinvestment Program of the*

1 *Advanced Research Projects Agency into the National*
2 *Shipbuilding Initiative to effect full defense conver-*
3 *sion potential.*

4 **SEC. 1355. ELIGIBLE SHIPYARDS.**

5 *To be eligible to receive any assistance or otherwise*
6 *to participate in any program carried out under the Na-*
7 *tional Shipbuilding Initiative, a shipyard must be a pri-*
8 *vate shipyard located in the United States.*

9 **SEC. 1356. LOAN GUARANTEES FOR EXPORT VESSELS.**

10 *Title XI of the Merchant Marine Act, 1936 (46 App.*
11 *U.S.C. 1271 et seq.) is amended as follows:*

12 (1) *ELIGIBLE EXPORT VESSEL DEFINED.*—*Sec-*
13 *tion 1101 is amended by adding at the end the follow-*
14 *ing new subsection:*

15 *“(o) The term ‘eligible export vessel’ means a vessel*
16 *constructed, reconstructed, or reconditioned in the United*
17 *States for use in world-wide trade which will, upon delivery*
18 *or redelivery, be placed under or continued to be docu-*
19 *mented under the laws of a country other than the United*
20 *States.”.*

21 (2) *LIMITATIONS ON GUARANTEE OBLIGA-*
22 *TIONS.*—*Section 1103 is amended—*

23 (A) *by amending the first sentence of sub-*
24 *section (f) to read as follows: “The aggregate un-*
25 *paid principal amount of the obligations guar-*

1 anted under this section and outstanding at
2 any one time shall not exceed \$12,000,000,000, of
3 which (1) \$850,000,000 shall be limited to obli-
4 gations pertaining to guarantees of obligations
5 for fishing vessels and fishery facilities made
6 under this title, and (2) \$3,000,000,000 shall be
7 limited to obligations pertaining to guarantees of
8 obligations for eligible export vessels.”; and

9 (B) by adding at the end the following new
10 subsection:

11 “(g)(1) The Secretary may not issue a commitment to
12 guarantee obligations for an eligible export vessel unless,
13 after considering—

14 (A) the status of pending applications for com-
15 mitments to guarantee obligations for vessels docu-
16 mented under the laws of the United States and oper-
17 ating or to be operated in the domestic or foreign
18 commerce of the United States,

19 (B) the economic soundness of the applications
20 referred to in subparagraph (A), and

21 (C) the amount of guarantee authority avail-
22 able,

23 the Secretary determines, in the sole discretion of the Sec-
24 retary, that the issuance of a commitment to guarantee obli-
25 gations for an eligible export vessel will not result in the

1 *denial of an economically sound application to issue a com-*
2 *mitment to guarantee obligations for vessels documented*
3 *under the laws of the United States operating in the domes-*
4 *tic or foreign commerce of the United States.*

5 “(2) *The Secretary may not issue commitments to*
6 *guarantee obligations for eligible export vessels under this*
7 *section after the later of—*

8 “(A) *the 5th anniversary of the date on which*
9 *the Secretary publishes final regulations setting forth*
10 *the application procedures for the issuance of commit-*
11 *ments to guarantee obligations for eligible export ves-*
12 *sels,*

13 “(B) *the last day of any 5-year period in which*
14 *funding and guarantee authority for obligations for*
15 *eligible export vessels have been continuously avail-*
16 *able, or*

17 “(C) *the last date on which those commitments*
18 *may be issued under any treaty, convention, or other*
19 *international agreement entered into after the date of*
20 *the enactment of the Shipbuilding Conversion Act of*
21 *1993 that prohibits guarantee of those obligations.”.*

22 (3) *AUTHORITY TO GUARANTEE OBLIGATIONS*
23 *FOR ELIGIBLE EXPORT VESSELS.—Section 1104A is*
24 *amended—*

1 (A) by amending so much of subsection
2 (a)(1) as precedes the proviso to read as follows:

3 “(1) financing, including reimbursement of an
4 obligor for expenditures previously made for, con-
5 struction, reconstruction, or reconditioning of a vessel
6 (including an eligible export vessel), which is designed
7 principally for research, or for commercial use (A) in
8 the coastwise or intercoastal trade; (B) on the Great
9 Lakes, or on bays, sounds, rivers, harbors, or inland
10 lakes of the United States; (C) in foreign trade as de-
11 fined in section 905 of this Act for purposes of title
12 V of this Act; or (D) as an ocean thermal energy con-
13 version facility or plantship; (E) with respect to float-
14 ing drydocks in the construction, reconstruction, re-
15 conditioning, or repair of vessels; or (F) with respect
16 to an eligible export vessel, in world-wide trade;”;

17 (B) by amending subsection (b)(2)—

18 (i) by striking “subject to the provi-
19 sions of paragraph (1) of subsection (c) of
20 this section,” and inserting “subject to the
21 provisions of subsection (c)(1) and sub-
22 section (i),”, and

23 (ii) by inserting before the semicolon at
24 the end the following: “: Provided, further
25 That in the case of an eligible export vessel,

1 *such obligations may be in an aggregate*
2 *principal amount which does not exceed*
3 *87½ of the actual cost or depreciated actual*
4 *cost of the eligible export vessel”;*

5 *(C) by amending subsection (b)(6) by in-*
6 *serting after “United States Coast Guard” the*
7 *following: “or, in the case of an eligible export*
8 *vessel, of the appropriate national flag authori-*
9 *ties under a treaty, convention, or other inter-*
10 *national agreement to which the United States is*
11 *a party”;*

12 *(D) in subsection (d), by adding at the end*
13 *the following new paragraph:*

14 *“(3) No commitment to guarantee, or guarantee*
15 *of an obligation may be made by the Secretary under*
16 *this title for the construction, reconstruction or recon-*
17 *ditioning of an eligible export vessel unless—*

18 *“(A) the Secretary finds that the construc-*
19 *tion, reconstruction, or reconditioning of such el-*
20 *igible export vessel will aid in the transition of*
21 *United States shipyards to commercial activities*
22 *or will preserve shipbuilding assets that would be*
23 *essential in time of war or national emergency,*
24 *and*

1 “(B) the owner of the eligible export vessel
2 agrees with the Secretary that the vessel shall not
3 be transferred to any country designated by the
4 Secretary as a country whose interests are hostile
5 to the interests of the United States.”; and

6 (E) by adding at the end the following new
7 subsection:

8 “(i) The Secretary may not, with respect to—

9 “(1) the general 75 percent or less limitation in
10 subsection (b)(2);

11 “(2) the 87½ percent or less limitation in the
12 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or
13 section 1111(b); or

14 “(3) the 80 percent or less limitation in the 3rd
15 proviso to such subsection;

16 establish by rule, regulation, or procedure any percentage
17 within any such limitation that is, or is intended to be,
18 applied uniformly to all guarantees or commitments to
19 guarantee made under this section that are subject to the
20 limitation.”.

21 (4) LIMITATION ON AUTHORITY TO ESTABLISH
22 UNIFORM PERCENTAGE LIMITATION.—Section 1104B
23 is amended by adding at the end of subsection (b) the
24 following flush sentence:

1 “The Secretary may not by rule, regulation, or procedure
2 establish any percentage within the 87½ percent or less
3 limitation in paragraph (2) that is, or is intended to be,
4 applied uniformly to all guarantees or commitments to
5 guarantee made under this section.”.

6 (5) *CONFORMING AMENDMENT.*—Section 1103(a)
7 is amended in the first sentence by striking “, upon
8 application by a citizen of the United States,”.

9 **SEC. 1357. LOAN GUARANTEES FOR SHIPYARD MODERNIZA-**
10 **TION AND IMPROVEMENT.**

11 (a) *IN GENERAL.*—Title XI of the Merchant Marine
12 Act, 1936, is further amended by adding at the end the fol-
13 lowing new section:

14 “SEC. 1111. (a) The Secretary, under section 1103(a)
15 and subject to the terms the Secretary shall prescribe, may
16 guarantee or make a commitment to guarantee the payment
17 of the principal of, and the interest on, an obligation for
18 advanced shipbuilding technology and modern shipbuilding
19 technology of a general shipyard facility located in the
20 United States.

21 “(b) Guarantees or commitments to guarantee under
22 this section are subject to the extent applicable to all the
23 laws requirements, regulations, and procedures that apply
24 to guarantees or commitments to guarantee made under this
25 title, except that guarantees or commitments to guarantee

1 *made under this section may be in the aggregate principal*
2 *amount that does not exceed 87½ percent of the actual cost*
3 *of the advanced shipbuilding technology or modern ship-*
4 *building technology.*

5 “(c) *The Secretary may accept the transfer of funds*
6 *from any other department, agency, or instrumentality of*
7 *the United States Government and may use those funds to*
8 *cover the cost (as defined in section 502 of the Federal Cred-*
9 *it Reform Act of 1990) of making guarantees or commit-*
10 *ments to guarantee loans entered into under this section.*

11 “(d) *For purposes of this section:*

12 “(1) *The term ‘advanced shipbuilding technology’*
13 *includes—*

14 “(A) *numerically controlled machine tools,*
15 *robots, automated process control equipment,*
16 *computerized flexible manufacturing systems, as-*
17 *sociated computer software, and other technology*
18 *for improving shipbuilding and related indus-*
19 *trial production which advance the state-of-the-*
20 *art; and*

21 “(B) *novel techniques and processes de-*
22 *signed to improve shipbuilding quality, produc-*
23 *tivity, and practice, and to promote sustainable*
24 *development, including engineering design, qual-*
25 *ity assurance, concurrent engineering, continu-*

1 *ous process production technology, energy effi-*
2 *ciency, waste minimization, design for*
3 *recyclability or parts reuse, inventory manage-*
4 *ment, upgraded worker skills, and communica-*
5 *tions with customers and suppliers.*

6 “(2) The term ‘modern shipbuilding technology’
7 *means the best available proven technology, tech-*
8 *niques, and processes appropriate to enhancing the*
9 *productivity of shipyards.*

10 “(3) The term ‘general shipyard facility’
11 *means—*

12 “(A) for operations on land—

13 “(i) any structure or appurtenance
14 *thereto designed for the construction, repair,*
15 *rehabilitation, refurbishment or rebuilding*
16 *of any vessel (as defined in title 1, United*
17 *States Code) and including graving docks,*
18 *building ways, ship lifts, wharves, and pier*
19 *cranes;*

20 “(ii) the land necessary for any struc-
21 *ture or appurtenance described in clause*
22 *(i); and*

23 “(iii) equipment that is for the use in
24 *connection with any structure or appur-*
25 *tenance and that is necessary for the per-*

1 *marketable on the international market (including el-*
2 *igible export vessels); and*

3 *(2) \$25,000,000 shall be available only for costs*
4 *(as defined in section 502 of the Federal Credit Re-*
5 *form Act of 1990) of new loan guarantee commit-*
6 *ments under section 1111 of the Merchant Marine*
7 *Act, 1936, as added by section 1357.*

8 *(b) TRANSFER TO SECRETARY OF TRANSPORTATION.—*
9 *Subject to the provisions of appropriations Acts, amounts*
10 *made available under subsection (a) shall be transferred to*
11 *the Secretary of Transportation for use as described in that*
12 *subsection. Any such transfer shall be made not later than*
13 *90 days after the date of the enactment of an Act appro-*
14 *priating the funds to be transferred.*

15 **SEC. 1359. AUTHORIZATIONS OF APPROPRIATIONS.**

16 *(a) AUTHORIZATIONS FOR DEPARTMENT OF TRANS-*
17 *PORTATION.—There is authorized to be appropriated to the*
18 *Secretary of Transportation for fiscal year 1994 the sum*
19 *of \$10,000,000 to pay administrative costs related to new*
20 *loan guarantee commitments described in subsection (a) of*
21 *section 1358, of which—*

22 *(1) \$8,000,000 shall be for administrative costs*
23 *related to new loan guarantee commitments described*
24 *in paragraph (1) of that subsection; and*

1 (2) \$2,000,000 shall be for administrative costs
2 related to new loan guarantee commitments described
3 in paragraph (2) of that subsection.

4 (b) AVAILABILITY OF AMOUNTS.—Amounts appro-
5 priated under the authority of this section shall remain
6 available until expended.

7 **TITLE XIV—NATIONAL COMMIS-**
8 **SION ON ROLES AND MIS-**
9 **SIONS OF THE ARMED**
10 **FORCES**

11 **SEC. 1401. SHORT TITLE.**

12 This title may be cited as the “National Commission
13 on Roles and Missions of the Armed Forces Act”.

14 **SEC. 1402. FINDINGS.**

15 Congress makes the following findings:

16 (1) The current allocation of roles and missions
17 among the Armed Forces evolved from the practice
18 during World War II to meet the Cold War threat
19 and may no longer be appropriate for the post-Cold
20 War era.

21 (2) Many analysts believe that a realignment of
22 those roles and mission is essential for the efficiency
23 and effectiveness of the Armed Forces, particularly in
24 light of lower budgetary resources that will be avail-
25 able to the Department of Defense in the future.

1 (3) *The existing process of a triennial review of*
2 *roles and missions by the Chairman of the Joint*
3 *Chiefs of Staff pursuant to provisions of law enacted*
4 *by the Goldwater-Nichols Department of Defense Re-*
5 *authorization Act of 1986 has not produced the com-*
6 *prehensive review envisioned by Congress.*

7 (4) *It is difficult for any organization, and may*
8 *be particularly difficult for the Department of De-*
9 *fense, to reform itself without the benefit and author-*
10 *ity provided by external perspectives and analysis.*

11 **SEC. 1403. ESTABLISHMENT OF COMMISSION.**

12 (a) *ESTABLISHMENT.*—*There is hereby established in*
13 *the executive branch of the Government a commission to be*
14 *known as the National Commission on Roles and Missions*
15 *of the Armed Forces (hereinafter in this title referred to as*
16 *the “Commission”).*

17 (b) *COMPOSITION AND QUALIFICATIONS.*—

18 (1) *The Commission shall be composed of seven*
19 *members. Members of the Commission shall be ap-*
20 *pointed by the President.*

21 (2) *The Commission shall be appointed from*
22 *among private United States citizens with appro-*
23 *prate and diverse military, organizational, and*
24 *management experiences and historical perspectives.*

1 (3) *The President shall designate one of the*
2 *members as chairman of the Commission.*

3 (c) *PERIOD OF APPOINTMENT; VACANCIES.—Members*
4 *shall be appointed for the life of the Commission. Any va-*
5 *cancy in the Commission shall not affect its powers, but*
6 *shall be filled in the same manner as the original appoint-*
7 *ment.*

8 (d) *INITIAL ORGANIZATIONAL REQUIREMENTS.—*

9 (1) *The President shall make all appointments to*
10 *the Commission within 45 days after the date of the*
11 *enactment of this Act.*

12 (2) *The Commission shall convene its first meet-*
13 *ing within 30 days after the first date on which all*
14 *members of the Commission have been appointed. At*
15 *that meeting, the Commission shall develop an agenda*
16 *and a schedule for carrying out its duties.*

17 **SEC. 1404. DUTIES OF COMMISSION.**

18 (a) *IN GENERAL.—Over the period of fiscal years 1994*
19 *through 1998, the Commission shall—*

20 (1) *review the efficacy and appropriateness for*
21 *the post-Cold War era of the current allocations*
22 *among the Armed Forces of roles, missions, and func-*
23 *tions;*

24 (2) *evaluate and report on alternative assign-*
25 *ments of those roles, missions and functions; and*

1 (3) *make recommendations for changes in the*
2 *current definition and distribution of those roles,*
3 *functions, and missions.*

4 (b) *REVIEW OF POTENTIAL MILITARY OPERATIONS.—*
5 *The Commission shall review the types of military oper-*
6 *ations that may be required in the post-Cold War era, tak-*
7 *ing into account the requirements for success in various*
8 *types of operations. As part of such review, the Commission*
9 *shall take into consideration the official strategic planning*
10 *of the Department of Defense. The types of operations to*
11 *be considered by the Commission as part of such review*
12 *shall include the following:*

13 (1) *Defense of the United States.*

14 (2) *Warfare against other national military*
15 *forces.*

16 (3) *Limited military action for political effect.*

17 (4) *Action against nuclear, chemical, and bio-*
18 *logical weapons capabilities in hostile hands.*

19 (5) *Support of law enforcement.*

20 (6) *Other types of operations as specified by the*
21 *chairman of the Commission.*

22 (c) *DEFINITION OF BROAD MISSION AREAS AND KEY*
23 *SUPPORT REQUIREMENTS.—As a result of the review under*
24 *subsection (b), the Commission shall define broad mission*

1 *areas and key support requirements for the United States*
2 *military establishment as a whole.*

3 *(d) DEVELOPMENT OF CONCEPTUAL FRAMEWORK FOR*
4 *ORGANIZATIONAL ALLOCATIONS.—The Commission shall*
5 *determine a conceptual framework for the review of the or-*
6 *ganizational allocation among the Armed Forces of mili-*
7 *tary roles, missions, and functions. In developing that*
8 *framework, the Commission shall consider—*

9 *(1) static efficiency (such as duplicative overhead*
10 *and economies of scale);*

11 *(2) dynamic effectiveness (including the benefits*
12 *of competition and the effect on innovation);*

13 *(3) interoperability, responsiveness, and other as-*
14 *pects of military effectiveness in the field;*

15 *(4) gaps in mission coverage and so-called or-*
16 *phan missions that are inadequately served by exist-*
17 *ing organizational entities;*

18 *(5) division of responsibility on the battlefield;*

19 *(6) exploitation of new technology and oper-*
20 *ational concepts;*

21 *(7) civilian control of the military;*

22 *(8) the degree of disruption that a change in*
23 *roles and missions would entail; and*

24 *(9) the experience of other nations.*

1 *The Commission shall evaluate the costs and benefits of uni-*
2 *fyng the Armed Forces into a single military service as*
3 *a baseline for assessing the maximum benefits that may be*
4 *achieved from less sweeping reforms.*

5 *(e) RECOMMENDATIONS CONCERNING MILITARY*
6 *ROLES AND MISSIONS.—Using the conceptual framework*
7 *developed under subsection (d) to evaluate possible changes*
8 *to the existing allocation among the Armed Forces of mili-*
9 *tary roles, missions, and functions, the Commission shall*
10 *recommend (1) the functions for which each military de-*
11 *partment should organize, train, and equip forces, (2) the*
12 *missions of combatant commands, and (3) the roles that*
13 *Congress should assign to the various military elements of*
14 *the Department of Defense.*

15 *(f) RECOMMENDATIONS CONCERNING CIVILIAN ELE-*
16 *MENTS OF DEPARTMENT OF DEFENSE.—The Commission*
17 *may address the roles, missions, and functions of civilian*
18 *portions of the Department of Defense and other national*
19 *security agencies to the extent that changes in these areas*
20 *are collateral to changes considered in military roles, func-*
21 *tions, and mission.*

22 *(g) RECOMMENDATIONS CONCERNING PROCESS FOR*
23 *FUTURE CHANGES.—The Commission shall also rec-*
24 *ommend a process for maintaining roles, missions, and*

1 *functions in congruence with the strategic environment as*
2 *it changes in the future.*

3 **SEC. 1405. REPORTS.**

4 (a) *IMPLEMENTATION PLAN.*—Not later than three
5 months after the date on which the Commission is estab-
6 lished, the Commission shall transmit to the Committees on
7 Armed Services of the Senate and House of Representatives
8 a report setting forth a multiyear plan for the work of the
9 Commission, including the subjects to be addressed in the
10 program of the Commission for each year of its existence.
11 The plan shall be developed following discussions with the
12 Secretary of Defense, the Chairman of the Joint Chiefs of
13 Staff, and the chairmen of those committees.

14 (b) *ANNUAL REPORT.*—The Commission shall, not
15 later than March 1 of each year from 1995 through 1999,
16 submit to the committees named in subsection (a) a report
17 setting forth the activities of the Commission during the
18 preceding year and any recommendations for legislation
19 that the Commission considers advisable. The Commission
20 shall submit a preliminary version of each such annual re-
21 port to the Secretary of Defense and Chairman of the Joint
22 Chiefs of Staff not later than December 25 of the preceding
23 year, and the Secretary and Chairman shall submit com-
24 ments thereon to the Commission not later than the follow-
25 ing February 1.

1 (c) *ASSESSMENT OF IMPLEMENTATION.*—In each re-
2 port under subsection (b) after the first, the Commission
3 shall include its assessment of the performance of the De-
4 partment of Defense to that date in carrying out any rec-
5 ommendations made by the Commission in any previous
6 reports under this section.

7 (d) *COORDINATION WITH TRIENNIAL JCS ROLES AND*
8 *MISSIONS REPORT.*—Any report of the Chairman of the
9 Joint Chiefs of Staff under section 153(b) of title 10, United
10 States Code, that is submitted to the Secretary of Defense
11 during the period of the existence of the Commission shall
12 also be submitted to the Commission. In its next report
13 under subsection (b) after receiving any such report of the
14 Chairman of the Joint Chiefs of Staff, the Commission shall
15 provide its assessment of the Chairman's report.

16 **SEC. 1406. POWERS.**

17 (a) *HEARINGS.*—The Commission or, at its direction,
18 any panel or member of the Commission, may, for the pur-
19 pose of carrying out the provisions of this title, hold hear-
20 ings, sit and act at times and places, take testimony, receive
21 evidence, and administer oaths to the extent that the Com-
22 mission or any panel or member considers advisable.

23 (b) *INFORMATION.*—The Commission may secure di-
24 rectly from the Department of Defense and any other Fed-
25 eral department or agency any information that the Com-

1 *mission considers necessary to enable the Commission to*
2 *carry out its responsibilities under this subpart. Upon re-*
3 *quest of the chairman of the Commission, the head of such*
4 *department or agency shall furnish such information expe-*
5 *ditiously to the Commission.*

6 **SEC. 1407. COMMISSION PROCEDURES.**

7 (a) *MEETINGS.*—*The Commission shall meet at the*
8 *call of the chairman.*

9 (b) *QUORUM.*—

10 (1) *Four members of the Commission shall con-*
11 *stitute a quorum, but a lesser number of members*
12 *may hold hearings.*

13 (2) *The Commission shall act by resolution*
14 *agreed to by a majority of the members of the Com-*
15 *mission.*

16 (c) *PANELS.*—*The Commission may establish panels*
17 *composed of less than the full membership of the Commis-*
18 *sion for the purpose of carrying out the Commission's du-*
19 *ties. The actions of each such panel shall be subject to the*
20 *review and control of the Commission. Any findings and*
21 *determinations made by such a panel shall not be consid-*
22 *ered the findings and determinations of the Commission un-*
23 *less approved by the Commission.*

24 (d) *AUTHORITY OF INDIVIDUALS TO ACT FOR COMMIS-*
25 *SION.*—*Any member or agent of the Commission may, if*

1 *authorized by the Commission, take any action which the*
2 *Commission is authorized to take under this title.*

3 **SEC. 1408. PERSONNEL MATTERS.**

4 (a) *PAY OF MEMBERS.*—*Each member of the Commis-*
5 *sion shall be paid at a rate equal to the daily equivalent*
6 *of the annual rate of basic pay payable for level V of the*
7 *Executive Schedule under section 5316 of title 5, United*
8 *States Code, for each day (including travel time) during*
9 *which the member is engaged in the performance of the du-*
10 *ties of the Commission. All members of the Commission who*
11 *are officers or employees of the United States shall serve*
12 *without pay in addition to that received for their services*
13 *as officers or employees of the United States.*

14 (b) *TRAVEL EXPENSES.*—*The members of the Commis-*
15 *sion shall be allowed travel expenses, including per diem*
16 *in lieu of subsistence, at rates authorized for employees of*
17 *agencies under subchapter I of chapter 57 of title 5, United*
18 *States Code, while away from their homes or regular places*
19 *of business in the performance of services for the Commis-*
20 *sion.*

21 (c) *STAFF.*—(1) *The chairman of the Commission*
22 *may, without regard to the provisions of title 5, United*
23 *States Code, governing appointments in the competitive*
24 *service, appoint a staff director and such additional person-*
25 *nel as may be necessary to enable the Commission to per-*

1 *form its duties. The appointment of a staff director shall*
2 *be subject to the approval of the Commission.*

3 *(2) The chairman of the Commission may fix the pay*
4 *of the staff director and other personnel without regard to*
5 *the provisions of chapter 51 and subchapter III of chapter*
6 *53 of title 5, United States Code, relating to classification*
7 *of positions and General Schedule pay rates, except that*
8 *the rate of pay fixed under this paragraph for the staff di-*
9 *rector may not exceed the rate payable for level V of the*
10 *Executive Schedule under section 5316 of such title and the*
11 *rate of pay for other personnel may not exceed the maxi-*
12 *mum rate payable for grade GS-15 of the General Schedule.*

13 *(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon re-*
14 *quest of the chairman of the Commission, the head of any*
15 *Federal department or agency may detail, on a*
16 *nonreimbursable basis, any personnel of that department*
17 *or agency to the Commission to assist it in carrying out*
18 *its duties.*

19 *(e) PROCUREMENT OF TEMPORARY AND INTERMIT-*
20 *TENT SERVICES.—The chairman of the Commission may*
21 *procure temporary and intermittent services under section*
22 *3109(b) of title 5, United States Code, at rates for individ-*
23 *uals which do not exceed the daily equivalent of the annual*
24 *rate of basic pay payable for level V of the Executive Sched-*
25 *ule under section 5316 of such title.*

1 **SEC. 1409. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.**

2 (a) *POSTAL AND PRINTING SERVICES.*—The Commis-
3 sion may use the United States mails and obtain printing
4 and binding services in the same manner and under the
5 same conditions as other departments and agencies of the
6 Federal Government.

7 (b) *MISCELLANEOUS ADMINISTRATIVE AND SUPPORT*
8 *SERVICES.*—The Secretary of Defense shall furnish the
9 Commission, on a reimbursable basis, any administrative
10 and support services requested by the Commission.

11 (c) *GIFTS.*—The Commission may accept, use, and dis-
12 pose of gifts or donations of services or property.

13 (d) *TRAVEL.*—To the maximum extent practicable, the
14 members and employees of the Commission shall travel on
15 military aircraft, military ships, military vehicles, or other
16 military conveyances when travel is necessary in the per-
17 formance of a responsibility of the Commission, except that
18 no such aircraft, ship, vehicle, or other conveyance may be
19 scheduled primarily for the transportation of any such
20 member or employee when the cost of commercial transpor-
21 tation 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 shall
25 be paid out of funds available to the Department of Defense
26 for the payment of compensation, travel allowances, and per

1 *diem allowances, respectively, of civilian employees of the*
 2 *Department of Defense. The other expenses of the Commis-*
 3 *sion shall be paid out of funds available to the Department*
 4 *of Defense for the payment of similar expenses incurred by*
 5 *that Department.*

6 **SEC. 1411. TERMINATION OF THE COMMISSION.**

7 *The Commission shall terminate 90 days after the date*
 8 *on which it submits its final report under section 1405.*

9 **DIVISION B—MILITARY CON-**
 10 **STRUCTION AUTHORIZA-**
 11 **TIONS**

12 **SEC. 2001. SHORT TITLE.**

13 *This division may be cited as the “Military Construc-*
 14 *tion Authorization Act for Fiscal Year 1994”.*

15 **TITLE XXI—ARMY**

16 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
 17 **ACQUISITION PROJECTS.**

18 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 19 *propriated pursuant to the authorization of appropriations*
 20 *in section 2104(a)(1), the Secretary of the Army may ac-*
 21 *quire real property and carry out military construction*
 22 *projects for the installations and locations inside the United*
 23 *States, and in the amounts, set forth in the following table:*

Army: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Fort Rucker</i>	<i>\$42,650,000</i>

Army: Inside the United States—Continued

State	Installation or location	Amount
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
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 may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the Unit-

1 *ed States, and in the amounts, set forth in the following*
 2 *table:*

Army: Outside the United States

Country	Installation or location	Amount
<i>Johnston Island</i>	<i>Johnston Island</i>	<i>\$1,700,000</i>
<i>Kwajalein Atoll</i>	<i>Kwajalein</i>	<i>\$21,200,000</i>
<i>OCONUS Classified ...</i>	<i>Classified Locations</i>	<i>\$3,600,000</i>

3 **SEC. 2102. FAMILY HOUSING.**

4 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2104(a)(6)(A), the Secretary of the
 7 Army may construct or acquire family housing units (in-
 8 cluding land acquisition) at the installations, for the pur-
 9 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
<i>California</i>	<i>Fort Irwin</i>	<i>220 units</i>	<i>\$25,000,000</i>
<i>Hawaii</i>	<i>Schofield Barracks</i>	<i>348 units</i>	<i>\$52,000,000</i>
<i>Maryland</i>	<i>Fort Meade</i>	<i>275 units</i>	<i>\$26,000,000</i>
<i>Nevada</i>	<i>Hawthorne Army Ammunition Plant</i>	<i>Demolition</i>	<i>\$500,000</i>
<i>New York</i>	<i>U.S. Military Academy, West Point</i>	<i>100 units</i>	<i>\$15,000,000</i>
<i>North Carolina</i>	<i>Fort Bragg</i>	<i>224 units</i>	<i>\$18,000,000</i>
<i>Wisconsin</i>	<i>Fort McCoy</i>	<i>16 units</i>	<i>\$2,950,000</i>

10 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 11 priated pursuant to the authorization of appropriations in
 12 section 2104(a)(6)(A), the Secretary of the Army may carry

1 *out architectural and engineering services and construction*
2 *design activities with respect to the construction or im-*
3 *provement of family housing units in an amount not to*
4 *exceed \$11,805,000.*

5 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
6 **UNITS.**

7 *Subject to section 2825 of title 10, United States Code,*
8 *and using amounts appropriated pursuant to the author-*
9 *ization of appropriations in section 2104(a)(6)(A), the Sec-*
10 *retary of the Army may improve existing military family*
11 *housing in an amount not to exceed \$69,630,000.*

12 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

13 *(a) IN GENERAL.—Funds are hereby authorized to be*
14 *appropriated for fiscal years beginning after September 30,*
15 *1993, for military construction, land acquisition, and mili-*
16 *tary family housing functions of the Department of the*
17 *Army in the total amount of \$2,402,338,000 as follows:*

18 *(1) For military construction projects inside the*
19 *United States authorized by section 2101(a),*
20 *\$615,403,000.*

21 *(2) For military construction projects outside the*
22 *United States authorized by section 2101(b),*
23 *\$26,500,000.*

24 *(3) For the construction of the Ammunition De-*
25 *militarization Facility, Anniston Army Depot, Ala-*

1 *bama, authorized in section 2101(a) of the Military*
2 *Construction Authorization Act for Fiscal Year 1991*
3 *(division B of Public Law 101–510; 104 Stat. 1758),*
4 *section 2101(a) of the Military Construction Author-*
5 *ization Act for Fiscal Year 1992 (division B of Public*
6 *Law 102–190; 105 Stat. 1508), and section 2101(a)*
7 *of the Military Construction Authorization Act for*
8 *Fiscal Year 1993 (division B of Public Law 102–484;*
9 *106 Stat. 2586), \$110,900,000.*

10 *(4) For unspecified minor military construction*
11 *projects authorized by section 2805 of title 10, United*
12 *States Code, \$12,000,000.*

13 *(5) For architectural and engineering services*
14 *and construction design under section 2807 of title*
15 *10, United States Code, \$115,161,000.*

16 *(6) For military family housing functions:*

17 *(A) For construction and acquisition of*
18 *military family housing and facilities,*
19 *\$220,885,000.*

20 *(B) For support of military family housing*
21 *(including the functions described in section*
22 *2833 of title 10, United States Code),*
23 *\$1,150,089,000 of which not more than*
24 *\$268,139,000 may be obligated or expended for*

Navy: Inside the United States—Continued

State	Installation or location	Amount
	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
	Philadelphia NISMF	\$8,660,000
	Philadelphia Naval Shipyard	\$13,500,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
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 appropri-
3 ations 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 Uni-
6 ted States, and in the amounts, set forth in the following
7 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
	Naval Magazine	\$3,750,000
	Naval Ocean Communication Center	\$690,000
	Naval Station	\$14,520,000

Navy: Outside the United States—Continued

Country	Installation or location	Amount
	<i>Fleet/Industrial Supply Center</i>	\$22,440,000
	<i>Public Works Center</i>	\$20,680,000
<i>Italy</i>	<i>Naples NSA</i>	\$11,740,000
	<i>Sigonella Naval Air Station</i>	\$13,760,000
<i>Spain</i>	<i>Rota Naval Station</i>	\$2,670,000
<i>Various Locations</i>	<i>Host Nation Infrastructure Support</i>	\$2,960,000
	<i>Land Acquisition</i>	\$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

State	Installation	Purpose	Amount
<i>California</i>	<i>San Diego Navy Public Works Center</i>	<i>318 units</i>	\$36,571,000
<i>District of Columbia</i>	<i>Washington Navy Public Works Center</i>	<i>188 units</i>	\$21,556,000
<i>Florida</i>	<i>Pensacola Navy Public Works Center</i>	<i>Housing Self Help/Warehouse</i>	\$300,000
<i>Georgia</i>	<i>Kings Bay NSB</i> ...	<i>Housing Office/Self Help/Warehouse</i>	\$790,000
<i>Maine</i>	<i>Brunswick NAS</i> ...	<i>Mobile Home Spaces</i>	\$490,000
<i>Virginia</i>	<i>Norfolk PWC/NAB Little Creek</i>	<i>392 units</i>	\$50,674,000
	<i>Oceana NAS</i>	<i>Community Center</i>	\$860,000
<i>Washington</i>	<i>Bangor NAVSUBASE</i> ...	<i>290 units</i>	\$27,438,000
<i>United Kingdom</i>	<i>London NAVACTS</i>	<i>81 units</i>	\$15,470,000

1 (2) For military construction projects outside the
2 United States authorized by section 2201(b),
3 \$105,950,000.

4 (3) For unspecified minor construction projects
5 authorized by section 2805 of title 10, United States
6 Code, \$5,500,000.

7 (4) For architectural and engineering services
8 and construction design under section 2807 of title
9 10, United States Code, \$78,573,000.

10 (5) For military family housing functions:

11 (A) For construction and acquisition of
12 military family housing and facilities,
13 \$367,769,000.

14 (B) For support of military housing (in-
15 cluding functions described in section 2833 of
16 title 10, United States Code), \$860,055,000, of
17 which not more than \$113,308,000 may be obli-
18 gated or expended for the leasing of military
19 family housing units worldwide.

20 (6) For the construction of the large anechoic
21 chamber facility at the Patuxent River Naval Warfare
22 Center, Aircraft Division, Maryland, authorized by
23 section 2201(a) of the Military Construction Author-
24 ization Act for Fiscal Year 1993 (Public Law 102-
25 484, 106 Stat. 2590), \$10,000,000.

1 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
 2 *PROJECTS.*—Notwithstanding the cost variations author-
 3 ized by section 2853 of title 10, United States Code, and
 4 any other cost variation authorized by law, the total cost
 5 of all projects carried out under section 2201 of this Act
 6 may not exceed the total amount authorized to be appro-
 7 priated under paragraphs (1) and (2) of subsection (a).

8 **TITLE XXIII—AIR FORCE**

9 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 10 **LAND ACQUISITION PROJECTS.**

11 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 12 propriated pursuant to the authorization of appropriations
 13 in section 2304(a)(1), the Secretary of the Air Force may
 14 acquire real property and carry out military construction
 15 projects for the installations and locations inside the United
 16 States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or location	Amount
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
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

Air Force: Inside the United States—Continued

State	Installation or location	Amount
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
	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

Air Force: Inside the United States—Continued

State	Installation or location	Amount
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 outside
6 the United States, and in the amounts, set forth in the fol-
7 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
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

8 **SEC. 2302. FAMILY HOUSING.**

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2304(a)(7)(A), the Secretary of the
12 Air Force may construct or acquire family housing units

1 (including land acquisition) at the installations, for the
 2 purposes, and in the amounts set forth in the following
 3 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

4 (b) PLANNING AND DESIGN.—Using amounts appro-
 5 priated pursuant to the authorization of appropriations in
 6 section 2304(a)(7)(A), the Secretary of the Air Force may
 7 carry out architectural and engineering services and con-
 8 struction design activities with respect to the construction

1 *or improvement of military family housing units in an*
2 *amount not to exceed \$11,901,000.*

3 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
4 **UNITS.**

5 *Subject to section 2825 of title 10, United States Code,*
6 *and using amounts appropriated pursuant to the author-*
7 *ization of appropriations in section 2304(a)(7)(A), the Sec-*
8 *retary of the Air Force may improve existing military fam-*
9 *ily housing units in an amount not to exceed \$61,181,000.*

10 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
11 **FORCE.**

12 *(a) IN GENERAL.—Funds are hereby authorized to be*
13 *appropriated for fiscal years beginning after September 30,*
14 *1993, for military construction, land acquisition, and mili-*
15 *tary family housing functions of the Department of the Air*
16 *Force in the total amount of \$2,031,428,000 as follows:*

17 *(1) For military construction projects inside the*
18 *United States authorized by section 2301(a),*
19 *\$794,492,000.*

20 *(2) For military construction projects outside the*
21 *United States authorized by section 2301(b),*
22 *\$33,852,000.*

23 *(3) For unspecified minor construction projects*
24 *authorized by section 2805 of title 10, United States*
25 *Code, \$11,844,000.*

1 (4) *For architectural and engineering services*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$63,882,000.*

4 (5) *For advances to the Secretary of Transpor-*
5 *tation for construction of Defense Access Roads under*
6 *section 210 of title 23, United States Code,*
7 *\$7,150,000.*

8 (6) *For the balance of the amount authorized*
9 *under section 2301(a) of the Military Construction*
10 *Authorization Act for Fiscal Year 1993 (division B of*
11 *Public Law 102-484; 106 Stat. 2594) for the con-*
12 *struction of the climatic test chamber at Eglin Air*
13 *Force Base, Florida, \$57,000,000.*

14 (7) *For military family housing functions:*

15 (A) *For construction and acquisition of*
16 *military family housing and facilities,*
17 *\$183,346,000.*

18 (B) *For support of military housing (in-*
19 *cluding functions described in section 2833 of*
20 *title 10, United States Code), \$869,862,000 of*
21 *which not more than \$118,266,000 may be obli-*
22 *gated or expended for leasing of military family*
23 *housing units worldwide.*

24 (8) *For phase II of the relocation and construc-*
25 *tion of up to 1,068 family housing units at Scott Air*

1 Force Base, Illinois, authorized by section 2302(a) of
2 the Military Construction Authorization Act for Fis-
3 cal Year 1993 (Public Law 102-484, 106 Stat. 2590),
4 \$10,000,000.

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 2301 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. 2305. RELOCATION OF AIR FORCE ACTIVITIES FROM**
13 **SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE**
14 **AIR FORCE BASE, CALIFORNIA.**

15 (a) *STUDENT DORMITORY.*—Section 2301(a) of the
16 National Defense Authorization Act for Fiscal Year 1991
17 (division B of Public Law 101-510; 104 Stat. 1769) is
18 amended in the matter under the heading “CALIFORNIA”—

19 (1) by striking out “Sierra Army Depot,
20 \$3,650,000.”; and

21 (2) by striking out “Beale Air Force Base,
22 \$6,300,000.” and inserting in lieu thereof the follow-
23 ing: “Beale Air Force Base, \$9,950,000.”.

24 (b) *MUNITION MAINTENANCE FACILITY.*—Section
25 2301(a) of the Military Construction Authorization Act for

1 *Fiscal Year 1992 (division B of Public Law 102–190; 105*
2 *Stat. 1521) is amended in the matter under the heading*
3 *“CALIFORNIA”—*

4 (1) *by striking out “Sierra Army Depot,*
5 *\$2,700,000.”; and*

6 (2) *by striking out “Beale Air Force Base,*
7 *\$2,250,000.” and inserting in lieu thereof the follow-*
8 *ing: “Beale Air Force Base, \$4,950,000.”.*

9 **SEC. 2306. COMBAT ARMS TRAINING AND MAINTENANCE FA-**
10 **CILITY RELOCATION FROM WHEELER AIR**
11 **FORCE BASE, HAWAII, TO UNITED STATES**
12 **ARMY SCHOFIELD BARRACKS OPEN RANGE,**
13 **HAWAII.**

14 *Section 2301(a) of the Military Construction Author-*
15 *ization Act for Fiscal Year 1991 (division B of Public Law*
16 *101–510; 104 Stat. 1770) is amended in the matter under*
17 *the heading “HAWAII”—*

18 (1) *by striking out “Wheeler Air Force Base,*
19 *\$3,500,000.” and inserting in lieu thereof the follow-*
20 *ing: “Wheeler Air Force Base, \$2,100,000.”; and*

21 (2) *by inserting after the item relating to*
22 *Hickam Air Force Base the following new item:*

23 *“United States Army Schofield Barracks Open Range,*
24 *\$1,400,000.”.*

1 **SEC. 2307. AUTHORITY TO TRANSFER FUNDS AS PART OF**
2 **THE IMPROVEMENT OF DYSART CHANNEL,**
3 **LUKE AIR FORCE BASE, ARIZONA.**

4 (a) *TRANSFER AUTHORITY.*—Subject to subsections (b)
5 and (c), the Secretary of Air Force may transfer to Mari-
6 copa County, Arizona (in this section referred to as the
7 “County”), funds appropriated for fiscal years beginning
8 after September 30, 1993, for a project, authorized in sec-
9 tion 2301(a) of this Act, to widen and make other improve-
10 ments to the Dysart Channel that are needed to prevent
11 flooding of Luke Air Force Base, Arizona.

12 (b) *USE OF FUNDS.*—All funds transferred pursuant
13 to subsection (a) shall be used by the County only for the
14 purpose of conducting the project described in such sub-
15 section.

16 (c) *CONDITIONS ON TRANSFER.*—Funds may not be
17 transferred pursuant to subsection (a) until after the date
18 on which the Secretary and the County enter into an agree-
19 ment that addresses cost sharing for the widening and other
20 improvements to be made to the Dysart Channel and such
21 other matters associated with the project as the Secretary
22 considers to be appropriate.

23 (d) *LIMITATION ON AIR FORCE COST SHARE.*—The
24 Air Force share of the costs of the project described in sub-
25 section (a) may not exceed the lesser of—

26 (1) 50 percent of the total project cost; or

1 (2) \$6,000,000.

2 (e) *ACQUISITION OF REAL PROPERTY.*—Any acqui-
3 sition of real property for the project described in subsection
4 (a) by the County on behalf of the Air Force shall require
5 the approval of the Secretary of the Air Force. Upon com-
6 pletion of the project, all right, title, and interest in real
7 property contiguous to the existing right-of-way so acquired
8 shall be transferred to the United States.

9 **SEC. 2308. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL**
10 **CONSTRUCTION FOR LACKLAND AIR FORCE**
11 **BASE, TEXAS.**

12 (a) *TRANSFER AUTHORITY.*—Subject to subsection (b),
13 the Secretary of the Air Force may transfer to the Lackland
14 Independent School District, Texas, not more than
15 \$8,000,000 of the funds appropriated by the Military Con-
16 struction Appropriations Act, 1993 (Public Law 102–380;
17 106 Stat. 1366), pursuant to the authorization of appro-
18 priations in section 2304(a)(1) of the Military Construction
19 Authorization Act for Fiscal Year 1993 (division B of Pub-
20 lic Law 102–484; 106 Stat. 2596) for military construction
21 relating to Lackland Air Force Base, Texas, as authorized
22 in section 2301(a) of such Act.

23 (b) *USE OF FUNDS.*—All funds transferred pursuant
24 to subsection (a) shall be used by the Lackland Independent
25 School District to pay for the design and construction of

1 *a new high school, the renovation of an elementary school,*
2 *and the design and construction of a new kindergarten and*
3 *special education facility.*

4 **SEC. 2309. AUTHORITY TO TRANSFER FUNDS AS PART OF**
5 **THE REPLACEMENT FAMILY HOUSING**
6 **PROJECT AT SCOTT AIR FORCE BASE, ILLI-**
7 **NOIS.**

8 (a) *TRANSFER AUTHORITY.*—Subject to subsection (b),
9 *the Secretary of the Air Force may transfer to the County*
10 *of St. Clair, Illinois (in this section referred to as the*
11 *“County”), funds appropriated for the construction of 1,068*
12 *units of military family housing at Scott Air Force Base,*
13 *Illinois, as authorized in section 2302(a) of the Military*
14 *Construction Authorization Act for Fiscal Year 1993 (divi-*
15 *sion B of Public Law 102–484; 106 Stat. 2595).*

16 (b) *USE OF FUNDS.*—All funds transferred pursuant
17 *to subsection (a) shall be used by the County to pay for*
18 *the construction of a replacement family housing complex*
19 *for Scott Air Force Base at a location acceptable to the Sec-*
20 *retary of the Air Force.*

**TITLE XXIV—DEFENSE
AGENCIES**

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

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 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
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

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
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 appropri-
3 ations in section 2403(a)(2), the Secretary of Defense may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 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

8 **SEC. 2402. ENERGY CONSERVATION PROJECTS.**

9 Using amounts appropriated pursuant to the author-
10 ization of appropriations in section 2403(a)(12), the Sec-

1 *retary of Defense may carry out energy conservation*
2 *projects under section 2865 of title 10, United States Code.*

3 **SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
4 **AGENCIES.**

5 *(a) IN GENERAL.—Funds are hereby authorized to be*
6 *appropriated for fiscal years beginning after September 30,*
7 *1993, for military construction, land acquisition, and mili-*
8 *tary family housing functions of the Department of Defense*
9 *(other than the military departments), in the total amount*
10 *of \$4,198,684,000 as follows:*

11 *(1) For military construction projects inside the*
12 *United States authorized by section 2401(a),*
13 *\$271,057,000.*

14 *(2) For military construction projects outside the*
15 *United States authorized by section 2401(b),*
16 *\$15,358,000.*

17 *(3) For military construction projects at Fort*
18 *Sam Houston, Texas, hospital replacement, author-*
19 *ized by section 2401(a) of the Military Construction*
20 *Authorization Act, 1987 (division B of Public Law*
21 *99-661; 100 Stat. 4035), \$75,000,000.*

22 *(4) For military construction projects at Ports-*
23 *mouth Naval Hospital, Virginia, authorized by sec-*
24 *tion 2401(a) of the Military Construction Authoriza-*

1 *tion Act for Fiscal Years 1990 and 1991 (division B*
2 *of Public Law 101–189; 103 Stat. 1640), \$20,000,000.*

3 (5) *For military construction projects at Walter*
4 *Reed Institute of Research, Maryland, authorized by*
5 *section 2401(a) of the Military Construction Author-*
6 *ization Act for Fiscal Year 1993 (division B of Public*
7 *Law 102–484; 106 Stat. 2599), \$48,140,000.*

8 (6) *For military construction projects at Elmen-*
9 *dorf Air Force Base, Alaska, hospital replacement,*
10 *authorized by section 2401(a) of the Military Con-*
11 *struction Authorization Act for Fiscal Year 1993 (di-*
12 *vision B of Public Law 102–484; 106 Stat. 2599),*
13 *\$37,000,000.*

14 (7) *For military construction projects at Fort*
15 *Bragg, North Carolina, hospital replacement, author-*
16 *ized by section 2401(a) of the Military Construction*
17 *Authorization Act for Fiscal Year 1993 (division B of*
18 *Public Law 102–484; 106 Stat. 2599), \$35,000,000.*

19 (8) *For military construction projects at*
20 *Millington Naval Air Station, Tennessee, authorized*
21 *by section 2401(a) of the Military Construction Au-*
22 *thorization Act for Fiscal Year 1993 (division B of*
23 *Public Law 102–484; 106 Stat. 2599), \$5,000,000.*

1 (9) For unspecified minor construction projects
2 authorized by section 2805 of title 10, United States
3 Code, \$21,658,000.

4 (10) For contingency construction projects of the
5 Secretary of Defense under section 2804 of title 10,
6 United States Code, \$12,200,000.

7 (11) For architectural and engineering services
8 and for construction design under section 2807 of title
9 10, United States Code, \$42,405,000.

10 (12) For energy conservation projects authorized
11 by section 2402, \$60,000,000.

12 (13) For base closure and realignment activities
13 as authorized by title II of the Defense Authorization
14 Amendments and Base Closure and Realignment Act
15 (Public Law 100-526; 10 U.S.C. 2687 note),
16 \$127,870,000.

17 (14) For base closure and realignment activities
18 as authorized by the Defense Base Closure and Re-
19 alignment Act of 1990 (part A of title XXIX of Public
20 Law 101-510; 10 U.S.C. 2687 note):

21 (A) For military installations selected for
22 closure or realignment in 1991, \$2,200,500,000.

23 (B) For military installations selected for
24 closure or realignment in 1993, \$1,306,000,000.

1 (15) *For military family housing functions (in-*
2 *cluding functions described in section 2833 of title 10,*
3 *United States Code), \$27,496,000, of which not more*
4 *than \$22,882,000 may be obligated or expended for*
5 *the leasing of military family housing units world-*
6 *wide.*

7 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
8 *PROJECTS.—Notwithstanding the cost variations author-*
9 *ized by section 2853 of title 10, United States Code, and*
10 *any other cost variations authorized by law, the total cost*
11 *of all projects carried out under section 2401 of this Act*
12 *may not exceed the total amount authorized to be appro-*
13 *priated under paragraphs (1) and (2) of subsection (a) and*
14 *subsection (b).*

15 ***TITLE XXV—NORTH ATLANTIC***
16 ***TREATY ORGANIZATION IN-***
17 ***FRAStructure***

18 ***SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND***
19 ***ACQUISITION PROJECTS.***

20 *The Secretary of Defense may make contributions for*
21 *the North Atlantic Treaty Organization Infrastructure Pro-*
22 *gram as provided in section 2806 of title 10, United States*
23 *Code, in an amount not to exceed the sum of the amount*
24 *authorized to be appropriated for this purpose in section*
25 *2502 and the amount collected from the North Atlantic*

1 *Treaty Organization as a result of construction previously*
2 *financed by the United States.*

3 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

4 *Funds are hereby authorized to be appropriated for fis-*
5 *cal years beginning after September 30, 1993, for contribu-*
6 *tions by the Secretary of Defense under section 2806 of title*
7 *10, United States Code, for the share of the United States*
8 *of the cost of projects for the North Atlantic Treaty Organi-*
9 *zation Infrastructure Program as authorized by section*
10 *2501, in the amount of \$240,000,000.*

11 **TITLE XXVI—GUARD AND**
12 **RESERVE FORCES FACILITIES**

13 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
14 **TION AND LAND ACQUISITION PROJECTS.**

15 *There are authorized to be appropriated for fiscal*
16 *years beginning after September 30, 1993, for the costs of*
17 *acquisition, architectural and engineering services, and*
18 *construction of facilities for the Guard and Reserve Forces,*
19 *and for contributions therefor, under chapter 133 of title*
20 *10, United States Code (including the cost of acquisition*
21 *of land for those facilities), the following amounts:*

22 *(1) For the Department of the Army—*

23 *(A) for the Army National Guard of the*
24 *United States, \$229,023,000; and*

1 (B) for the Army Reserve, \$88,433,000.

2 (2) For the Department of the Navy, for the
3 Naval and Marine Corps Reserve, \$20,591,000.

4 (3) For the Department of the Air Force—

5 (A) for the Air National Guard of the Unit-
6 ed States, \$218,114,000; and

7 (B) for the Air Force Reserve, \$84,004,000.

8 **SEC. 2602. TERMINATION OF AUTHORITY TO CARRY OUT**
9 **LAND ACQUISITION FOR ARMY NATIONAL**
10 **GUARD TRAINING AREA IN MUSKINGUM**
11 **COUNTY, OHIO.**

12 (a) *REDUCTION IN FISCAL YEAR 1991 AUTHORIZA-*
13 *TION.—Section 2601(1)(A) of the National Defense Author-*
14 *ization Act for Fiscal Year 1991 (Public Law 101-510; 104*
15 *Stat. 1781), as amended by section 2602(a)(1) of the Na-*
16 *tional Defense Authorization Act for Fiscal Years 1992 and*
17 *1993 (Public Law 102-190; 105 Stat. 1535), is further*
18 *amended by striking out “\$314,887,000” and inserting in*
19 *lieu thereof “\$309,217,000”.*

20 (b) *PURPOSE OF REDUCTION.—The amount of the re-*
21 *duction in the amount authorized to be appropriated for*
22 *the Army National Guard of the United States under sec-*
23 *tion 2601(1)(A) of the National Defense Authorization Act*
24 *for Fiscal Year 1991 corresponds to the amount authorized*
25 *to be appropriated by such section for land acquisition to*

1 *establish an Army National Guard Training Area in*
2 *Muskingum County, Ohio, and the authority of the Sec-*
3 *retary of Defense or the Secretary of the Army to carry out*
4 *such land acquisition is hereby terminated.*

5 **TITLE XXVII—EXPIRATION AND**
6 **EXTENSION OF AUTHORIZA-**
7 **TIONS**

8 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
9 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
10 **LAW.**

11 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
12 *YEARS.—Except as provided in subsection (b), all author-*
13 *izations contained in titles XXI through XXVI for military*
14 *construction projects, land acquisition, family housing*
15 *projects and facilities, and contributions to the North At-*
16 *lantic Treaty Organization Infrastructure program (and*
17 *authorizations of appropriations therefor) shall expire on*
18 *the later of—*

19 *(1) October 1, 1996; or*

20 *(2) the date of the enactment of an Act authoriz-*
21 *ing funds for military construction for fiscal year*
22 *1997.*

23 *(b) EXCEPTION.—Subsection (a) shall not apply to au-*
24 *thorizations for military construction projects, land acqui-*
25 *sition, family housing projects and facilities, and contribu-*

1 *tions to the North Atlantic Treaty Organization Infrastruc-*
2 *ture program (and authorizations of appropriations there-*
3 *for), for which appropriated funds have been obligated be-*
4 *fore the later of—*

5 (1) *October 1, 1996; or*

6 (2) *the date of the enactment of an Act authoriz-*
7 *ing funds for fiscal year 1997 for military construc-*
8 *tion projects, land acquisition, family housing*
9 *projects and facilities, or contributions to the North*
10 *Atlantic Treaty Organization Infrastructure program.*

11 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
12 **FISCAL YEAR 1991 PROJECTS.**

13 (a) *EXTENSIONS.*—*Notwithstanding section 2701(b) of*
14 *the Military Construction Authorization Act for Fiscal Year*
15 *1991 (division B of Public Law 101–510, 104 Stat. 1758),*
16 *authorizations for the projects set forth in the tables in sub-*
17 *section (b), as provided in section 2101, 2301, or 2401 of*
18 *that Act and extended by section 2702(a) of the Military*
19 *Construction Authorization Act for Fiscal Year 1992 (divi-*
20 *sion B of Public Law 102–190; 105 Stat. 1535), shall re-*
21 *main in effect until October 1, 1994, or the date of the en-*
22 *actment of an Act authorizing funds for military construc-*
23 *tion for fiscal year 1995, whichever is later.*

24 (b) *TABLES.*—*The tables referred to in subsection (a)*
25 *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 United States Air Force Academy	Child Development Center Consolidated Education & Training Facility	\$4,550,000 \$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) of
 4 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 in
 7 the table in subsection (b), as provided in section 2301 of
 8 that Act (103 Stat. 1631) and extended by section 2702(b)
 9 of the Military Construction Authorization Act for Fiscal
 10 Year 1992 (division B of Public Law 102–190; 105 Stat.
 11 1535) and section 2702 of the Military Construction Au-
 12 thorization Act for Fiscal Year 1993 (division B of Public
 13 Law 102–484; 106 Stat. 2604), shall remain in effect until
 14 October 1, 1994, or the date of the enactment of an Act
 15 authorizing funds for military construction for fiscal year
 16 1995, whichever is later.

17 (b) *TABLE.*—The table referred to in subsection (a) is
 18 as follows:

Air Force: Extension of 1990 Project Authorizations

State	Installation	Project	Amount
Colorado	Lowry Air Force Base	Computer oper- ations facility .	\$15,500,000
		Logistics support facility	\$3,500,000

19 **SEC. 2704. EFFECTIVE DATE.**

20 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall
 21 take effect on the later of—

1 (1) October 1, 1993; and

2 (2) the date of the enactment of this Act.

3 **TITLE XXVIII—GENERAL**
4 **PROVISIONS**

5 **Subtitle A—Military Construction**
6 **Program and Military Family**
7 **Housing Changes**

8 **SEC. 2801. INCREASE IN THE MAXIMUM AMOUNT AUTHOR-**
9 **IZED TO BE OBLIGATED FOR EMERGENCY**
10 **CONSTRUCTION IN A FISCAL YEAR.**

11 Section 2803(c)(1) of title 10, United States Code, is
12 amended by striking out “\$30,000,000” and inserting in
13 lieu thereof “\$50,000,000”.

14 **SEC. 2802. MILITARY FAMILY HOUSING LEASING PRO-**
15 **GRAMS.**

16 (a) LEASES IN UNITED STATES, PUERTO RICO, OR
17 GUAM.—Subsection (b) of section 2828 of title 10, United
18 States Code, is amended by adding at the end the following
19 new paragraph:

20 “(4) The maximum rental amount under paragraphs
21 (2) and (3) shall be adjusted annually at the beginning of
22 each fiscal year by an amount which corresponds to the
23 change in the Consumer Price Index for all Urban Consum-
24 ers, published by the Bureau of Labor Statistics of the De-

1 *partment of Labor, for the previous one-year period ending*
2 *on September 30.”.*

3 *(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e)*
4 *of such section is amended—*

5 *(1) in the first sentence of paragraph (1), by*
6 *striking out “as adjusted for foreign currency fluctua-*
7 *tion from October 1, 1987.” and inserting in lieu*
8 *thereof “, except that 300 units may be leased for not*
9 *more than \$25,000 per unit per year.”; and*

10 *(2) by adding at the end the following new para-*
11 *graph:*

12 *“(3) The dollar limitations contained in paragraph*
13 *(1) shall be adjusted—*

14 *“(A) for foreign currency fluctuation from Octo-*
15 *ber 1, 1987; and*

16 *“(B) annually at the beginning of each fiscal*
17 *year by an amount which corresponds to the change*
18 *in the Consumer Price Index for all Urban Consum-*
19 *ers, published by the Bureau of Labor Statistics for*
20 *the Department of Labor, for the previous one-year*
21 *period ending on September 30.”.*

1 **SEC. 2803. SALE OF ELECTRICITY FROM ALTERNATE EN-**
2 **ERGY AND COGENERATION PRODUCTION FA-**
3 **CILITIES.**

4 *Section 2483 of title 10, United States Code, is*
5 *amended—*

6 *(1) in subsection (b), by inserting before the pe-*
7 *riod the following: “and may be used, subject to the*
8 *availability of appropriations for this purpose, to*
9 *carry out energy-related military construction*
10 *projects as authorized in sections 2805(a)(1) and*
11 *2865(a)(3) of this title”; and*

12 *(2) by adding at the end the following new sub-*
13 *section:*

14 *“(c) When a decision is made to carry out an energy-*
15 *related military construction project under section*
16 *2805(a)(1) or 2865(a)(3) of this title using proceeds from*
17 *sales under subsection (a), the Secretary concerned shall no-*
18 *tify Congress in writing of that decision, of the justification*
19 *for the project, and of the estimated cost of the project. The*
20 *project may then be carried out only after the end of the*
21 *21-day period beginning on the date the notification is re-*
22 *ceived by Congress.”.*

23 **SEC. 2804. ENERGY SAVINGS AT MILITARY INSTALLATIONS.**

24 *(a) ENERGY EFFICIENT MAINTENANCE.—Subsection*
25 *(a) of section 2865 of title 10, United States Code, is*
26 *amended—*

1 (1) in paragraph (3), by inserting “, including
2 energy efficient maintenance,” after “conservation
3 measures”; and

4 (2) by adding at the end the following new para-
5 graph:

6 “(4) For purposes of paragraph (3), the term ‘energy
7 efficient maintenance’ includes—

8 “(A) the repair by replacement of equipment or
9 systems with the best available technology to meet the
10 same end needs, such as lighting, heating, cooling, or
11 industrial process; and

12 “(B) improvements in the operation and mainte-
13 nance process that result in energy cost savings, such
14 as training or improved controls.”.

15 (b) *USE OF AMOUNTS FROM SALES OF ELEC-*
16 *TRICITY.*—Subsection (b)(2) of such section is amended by
17 inserting “and pursuant to section 2483(b) of this title”
18 after “under paragraph (1)”.

19 ***SEC. 2805. AUTHORIZATION TO ACQUIRE EXISTING FACILI-***
20 ***TIES IN LIEU OF CARRYING OUT CONSTRUC-***
21 ***TION AUTHORIZED BY LAW.***

22 (a) *ESTABLISHMENT OF AUTHORITY.*—Subchapter I of
23 chapter 169 of title 10, United States Code, is amended by
24 adding at the end the following new section:

1 **“SEC. 2813. ACQUISITION OF EXISTING FACILITIES IN LIEU**
2 **OF CONSTRUCTION.**

3 “(a) *ACQUISITION AUTHORITY.*—Subject to subsections
4 (b) and (c), if the Secretary concerned determines that an
5 existing facility at or near a military installation would
6 satisfy the requirements of a military construction project
7 authorized by law, the Secretary may acquire that facility,
8 including real property, using the funds appropriated for
9 the authorized construction project in lieu of carrying out
10 the authorized construction project.

11 “(b) *REQUIRED DETERMINATION.*—The authority pro-
12 vided by this section may only be exercised if the Secretary
13 concerned makes a determination that the acquisition of an
14 existing facility in lieu of new construction is in the best
15 interests of the Government.

16 “(c) *NOTICE AND WAIT REQUIREMENTS.*—A contract
17 may not be entered into under this section until the end
18 of the 21-day period beginning on the date the Secretary
19 concerned notifies Congress in writing of the transaction
20 proposed in the contract, the justification for the trans-
21 action, and the estimated cost of the transaction.”.

22 (b) *APPLICATION OF SECTION.*—Section 2813 of title
23 10, United States Code, as added by subsection (a), shall
24 apply with respect to—

25 (1) projects authorized on or after the date of the
26 enactment of this Act; and

1 **“§ 7574. Investment agreements with private devel-**
2 **opers of housing**

3 “(a) *INVESTMENT AGREEMENTS.*—*The Secretary of*
4 *the Navy may enter into investment agreements with pri-*
5 *vate developers to encourage the construction of housing and*
6 *accessory structures within commuting distance of a mili-*
7 *tary installation under the jurisdiction of the Secretary at*
8 *which there is a shortage of suitable housing to meet the*
9 *requirements of members of the naval service with or with-*
10 *out dependents.*

11 “(b) *COLLATERAL INCENTIVE AGREEMENTS.*—*The*
12 *Secretary may also enter into collateral incentive agree-*
13 *ments with private developers who enter into an investment*
14 *agreement under subsection (a) to ensure that, where*
15 *appropriate—*

16 “(1) *members of the naval service will have pri-*
17 *ority for a fair share of any housing within the scope*
18 *of the investment contract; or*

19 “(2) *rental rates or sale prices, as appropriate,*
20 *for some or all of the units will be affordable for such*
21 *members.*

22 “(c) *TRANSFER OF NAVY LANDS PROHIBITED.*—*Noth-*
23 *ing in this section shall be construed to permit the Sec-*
24 *retary, as part of an agreement entered into under this sec-*
25 *tion, to transfer the right, title, or interest of the United*

1 *States in any real property under the jurisdiction of the*
2 *Secretary.*

3 “(d) *EXPIRATION OF AUTHORITY.*—*The authority of*
4 *the Secretary to enter into an agreement under this section*
5 *shall expire on September 30, 1998.*

6 “**§ 7575. Navy Housing Investment Board**

7 “(a) *ESTABLISHMENT.*—*The Secretary of the Navy*
8 *may establish a board to be known as the ‘Navy Housing*
9 *Investment Board’.*

10 “(b) *MEMBERS.*—(1) *The Navy Housing Investment*
11 *Board shall be composed of seven members appointed for*
12 *a two-year term by the Secretary. The Secretary may ap-*
13 *point to the Board, without regard to the civil service laws,*
14 *two persons from the private sector who have knowledge and*
15 *experience in the financing and the construction of housing.*

16 “(2) *The Secretary shall designate one of the members*
17 *as chairperson of the Board.*

18 “(3) *Members of the Board, other than those members*
19 *regularly employed by the Federal Government, may be*
20 *paid while attending meetings of the Board or otherwise*
21 *-serving at the request of the Secretary, compensation at a*
22 *rate equal to the daily equivalent of the minimum annual*
23 *rate of basic pay payable for level IV of the Executive*
24 *Schedule under section 5315 of title 5, United States Code,*
25 *for each day (including travel time) during which the mem-*

1 *ber is engaged in the actual performance of duties vested*
2 *in the Board. Members shall receive travel expenses, includ-*
3 *ing per diem in lieu of subsistence, in accordance with sec-*
4 *tions 5702 and 5703 of title 5, United States Code.*

5 “(c) *DUTIES.—The Navy Housing Investment Board*
6 *shall—*

7 “(1) *advise the Secretary regarding which pro-*
8 *posed investment agreements under section 7574 of*
9 *this title, if any, are financially and otherwise sound*
10 *investments for meeting the objectives of such section;*
11 *and*

12 “(2) *assist the Secretary in such other ways as*
13 *the Secretary determines to be necessary and appro-*
14 *priate.*

15 “(d) *SELECTION OF INVESTMENT OPPORTUNITIES.—*
16 *Any investment agreement under section 7574 of this title*
17 *may be made through the use of publicly advertised, com-*
18 *petitively bid or competitively negotiated, contracting pro-*
19 *cedures, as provided in chapter 137 of this title, or such*
20 *other contracting procedures as the Secretary considers to*
21 *be appropriate.*

22 “(e) *ACCOUNT.—(1) There is hereby established on the*
23 *books of the Treasury an account to be known as the ‘Navy*
24 *Housing Investment Account’, which shall be administered*
25 *by the Navy Housing Investment Board.*

1 “(2) *There shall be deposited into the Account—*

2 “(A) *such funds as may be authorized for and*
3 *appropriated to the Account; and*

4 “(B) *any proceeds received from the repayment*
5 *of investments or profits on investments under section*
6 *7574 of this title.*

7 “(3) *The Account shall be available without fiscal year*
8 *limitation for contracts, investments, and expenses nec-*
9 *essary for the implementation of this section and section*
10 *7574 of this title.*

11 “(f) *REPORT.—Not later than 60 days after the end*
12 *of each fiscal year in which the Secretary and Navy Hous-*
13 *ing Investment Board carry out activities under section*
14 *7574 of this title, the Secretary shall transmit a report to*
15 *Congress specifying the amount and nature of the deposits*
16 *into, and the expenditures from, the Account during such*
17 *fiscal year and of the amount and nature of all other ex-*
18 *penditures made pursuant to such section during such fiscal*
19 *year.*

20 “(g) *TERMINATION OF BOARD.—The Navy Housing*
21 *Investment Board shall terminate on November 30, 1998.”.*

22 “(b) *CLERICAL AMENDMENT.—The table of sections at*
23 *the beginning of such chapter is amended by inserting after*
24 *the item relating to section 7573 the following new items:*

“7574. Investment agreements with private developers of housing.

“7575. Navy Housing Investment Board.”.

1 **Subtitle B—Defense Base Closure**
2 **and Realignment**

3 **SEC. 2811. BASE CLOSURE ACCOUNT MANAGEMENT FLEXI-**
4 **BILITY.**

5 (a) *BASE CLOSURES UNDER 1988 ACT.*—Section
6 207(a) of the Defense Authorization Amendments and Base
7 Closure and Realignment Act (title II of Public Law 100–
8 526; 10 U.S.C. 2687 note) is amended by adding at the
9 end the following new paragraph:

10 “(7) Proceeds received after September 30, 1995, from
11 the transfer or disposal of any property at a military in-
12 stallation closed or realigned under this title shall be depos-
13 ited directly into the Department of Defense Base Closure
14 Account 1990, as established by section 2906(a) of the De-
15 fense Base Closure and Realignment Act of 1990 (part A
16 of title XXIX of Public Law 101–510; 10 U.S.C. 2687
17 note).”

18 (b) *BASE CLOSURES UNDER 1990 ACT.*—Section 2906
19 of the Defense Base Closure and Realignment Act of 1990
20 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
21 2687 note) is amended—

22 (1) in subsection (a)(2)—

23 (A) by striking out “and” at the end of sub-
24 paragraph (B);

1 (B) by striking out the period at the end of
2 subparagraph (C) and inserting in lieu thereof “;
3 and”; and

4 (C) by adding at the end the following new
5 subparagraph:

6 “(D) proceeds received after September 30, 1995,
7 from the transfer or disposal of any property at a
8 military installation closed or realigned under title II
9 of the Defense Authorization Amendments and Base
10 Closure and Realignment Act (Public Law 100–526;
11 10 U.S.C. 2687 note).”; and

12 (2) in subsection (b), by striking out paragraph
13 (1) and inserting in lieu thereof the following new
14 paragraph:

15 “(1) The Secretary may use the funds in the Account
16 only for the purposes described in section 2905 or, after
17 September 30, 1995, for environmental restoration and
18 property management and disposal at installations closed
19 or realigned under title II of the Defense Authorization
20 Amendments and Base Closure and Realignment Act (Pub-
21 lic Law 100–526; 10 U.S.C. 2687 note).”.

22 (c) TECHNICAL CORRECTION.—Paragraphs (2) and
23 (3) of section 2906(c) of the Defense Base Closure and Re-
24 alignment Act of 1990 (part A of title XXIX of Public Law
25 101–510; 10 U.S.C. 2687 note) are amended by striking out

1 “after the termination of the Commission” and inserting
2 in lieu thereof “after the termination of the authority of
3 the Secretary to carry out a closure or realignment under
4 this part”.

5 **SEC. 2812. AUTHORITY TO CONTRACT FOR CERTAIN FUNC-**
6 **TIONS AT INSTALLATIONS BEING CLOSED OR**
7 **REALIGNED.**

8 (a) *BASE CLOSURES UNDER 1988 ACT.*—(1) Section
9 204(b) of the Defense Authorization Amendments and Base
10 Closure and Realignment Act (title II of Public Law 100–
11 526; 10 U.S.C. 2687 note) is amended by adding at the
12 end the following new paragraph:

13 “(5) The Secretary of Defense may contract with local
14 governments for community services, including police and
15 fire protection, at those military installations to be closed
16 under this title if the Secretary determines that it is in the
17 best interest of the Department to have these services pro-
18 vided by local governmental entities.”.

19 (2) Section 205 of such Act is amended—

20 (A) by striking out “and” at the end of para-
21 graph (1);

22 (B) by striking out the period at the end of
23 paragraph (2) and inserting in lieu thereof “; and”;
24 and

1 (C) by adding at the end the following new para-
2 graph:

3 “(3) chapter 146 of title 10, United States
4 Code.”.

5 (b) *BASE CLOSURES UNDER 1990 ACT.*—(1) Sub-
6 section (b)(2) of section 2905 of the Defense Base Closure
7 and Realignment Act of 1990 (part A of title XXIX of Pub-
8 lic Law 101–510; 10 U.S.C. 2687 note) is amended—

9 (A) by redesignating subparagraph (E) as sub-
10 paragraph (F); and

11 (B) by inserting after subparagraph (D) the fol-
12 lowing new subparagraph:

13 “(E) The Secretary of Defense may contract with local
14 governments for community services, including police and
15 fire protection, at those military installations to be closed
16 under this part if the Secretary determines that it is in
17 the best interest of the Department to have these services
18 provided by local governmental entities.”.

19 (2) Subsection (d) of such section is amended—

20 (A) by striking out “and” at the end of para-
21 graph (1);

22 (B) by striking out the period at the end of
23 paragraph (2) and inserting in lieu thereof “; and”;
24 and

1 (C) by adding at the end the following new para-
2 graph:

3 “(3) chapter 146 of title 10, United States
4 Code.”.

5 **SEC. 2813. INCREASED FUNDING SOURCES FOR ENVIRON-**
6 **MENTAL RESTORATION AT MILITARY INSTAL-**
7 **LATIONS TO BE CLOSED.**

8 (a) *BASE CLOSURES UNDER 1988 ACT.*—(1) Section
9 207 of the Defense Authorization Amendments and Base
10 Closure and Realignment Act (title II of Public Law 100–
11 526; 10 U.S.C. 2687 note) is amended by striking out sub-
12 section (b).

13 (b) *BASE CLOSURES UNDER 1990 ACT.*—(1) Section
14 2906 of the Defense Base Closure and Realignment Act of
15 1990 (part A of title XXIX of Public Law 101–510; 10
16 U.S.C. 2687 note) is amended by striking out subsection
17 (e).

18 (2) Section 2905(a)(1)(C) of such Act is amended by
19 inserting after “the Account” the following: “and, in addi-
20 tion, may use for such purposes other funds appropriated
21 to the Department of Defense and available for environ-
22 mental restoration and mitigation”.

1 **SEC. 2814. TESTIMONY BEFORE DEFENSE BASE CLOSURE**
2 **AND REALIGNMENT COMMISSION.**

3 (a) *OATHS REQUIRED.*—Section 2903(d)(1) of the De-
4 fense Base Closure and Realignment Act of 1990 (part A
5 of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)
6 is amended by adding at the end the following new sentence:
7 “All testimony before the Commission at a public hearing
8 conducted under this paragraph shall be presented under
9 oath.”.

10 (b) *APPLICATION OF AMENDMENT.*—The amendment
11 made by this section shall apply with respect to all public
12 hearings conducted by the Defense Base Closure and Re-
13 alignment Commission after the date of the enactment of
14 this Act.

15 **SEC. 2815. EXPANSION OF CONVEYANCE AUTHORITY RE-**
16 **GARDING FINANCIAL FACILITIES ON CLOSED**
17 **MILITARY INSTALLATIONS TO INCLUDE ALL**
18 **DEPOSITORY INSTITUTIONS.**

19 (a) *INCLUSION OF OTHER DEPOSITORY INSTITUTIONS*
20 *IN ADDITION TO CREDIT UNIONS.*—Section 2825 of the Na-
21 tional Defense Authorization Act for Fiscal Years 1992 and
22 1993 (10 U.S.C. 2687 note) is amended—

23 (1) by striking “credit union” each place it ap-
24 pears and inserting in lieu thereof “depository insti-
25 tution”;

26 (2) in subsection (c), by striking “business”; and

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

3 “(e) *DEPOSITORY INSTITUTION DEFINED.*—*For pur-*
4 *poses of this section, the term ‘depository institution’ has*
5 *the meaning given that term in section 19(b)(1)(A) of the*
6 *Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).”.*

7 (b) *CLERICAL AMENDMENT.*—*The heading of such sec-*
8 *tion is amended to read as follows:*

9 “**SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY**
10 **INSTITUTIONS ON MILITARY INSTALLATIONS**
11 **TO BE CLOSED.”.**

12 **SEC. 2816. AUTHORITY TO TRANSFER PROPERTY AT MILI-**
13 **TARY INSTALLATIONS TO BE CLOSED TO PER-**
14 **SONS PAYING THE COST OF ENVIRONMENTAL**
15 **RESTORATION ACTIVITIES ON THE PROP-**
16 **ERTY.**

17 (a) *BASE CLOSURES UNDER 1988 ACT.*—*Section 204*
18 *of the Defense Authorization Amendments and Base Closure*
19 *and Realignment Act (title II of Public Law 100–526; 10*
20 *U.S.C. 2687 note) is amended by adding at the end the fol-*
21 *lowing new subsection:*

22 “(d) *TRANSFER AUTHORITY IN CONNECTION WITH*
23 *PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.*—

24 “(1) *Subject to paragraph (2) and the require-*
25 *ments specified in section 120(h) of the Comprehen-*

1 *sive Environmental Response, Compensation, and Li-*
2 *ability Act of 1980 (42 U.S.C. 9620(h)), the Secretary*
3 *may enter into an agreement to transfer real property*
4 *or facilities located at a military installation closed*
5 *or to be closed under this title with any person who*
6 *agrees to pay all costs in connection with all environ-*
7 *mental restoration, waste management, and environ-*
8 *mental compliance activities that—*

9 *“(A) are required for the property or facili-*
10 *ties under Federal and State laws, administra-*
11 *tive decisions, agreements, and concurrences; and*

12 *“(B) are known to be necessary on the date*
13 *of the agreement, or reasonably could have been*
14 *known or foreseen to be necessary as a result of*
15 *Department of Defense activities at the military*
16 *installation.*

17 *“(2) RELATION OF COSTS TO FAIR MARKET*
18 *VALUE.—A transfer of real property or facilities may*
19 *be made under paragraph (1) only if the Secretary*
20 *certifies to Congress that—*

21 *“(A) the costs of all environmental restora-*
22 *tion, waste management, and environmental*
23 *compliance activities to be paid by the recipient*
24 *of the property or facilities are equal to or great-*
25 *er than the fair market value of the property or*

1 *facilities to be transferred, as determined by the*
2 *Secretary; or*

3 *“(B) if such costs are lower than the fair*
4 *market value of the property or facilities, the re-*
5 *recipient of the property or facilities agrees to pay*
6 *the difference between the fair market value and*
7 *such costs.*

8 *“(3) DISCLOSURE.—As part of an agreement*
9 *under paragraph (1), the Secretary shall disclose to*
10 *the person to whom the property or facilities will be*
11 *transferred any information of the Secretary regard-*
12 *ing the environmental restoration, waste manage-*
13 *ment, and environmental compliance activities de-*
14 *scribed in paragraph (1) that relate to the property*
15 *or facilities. The Secretary shall provide this informa-*
16 *tion as soon as possible before entering into the agree-*
17 *ment.*

18 *“(4) APPLICATION OF CERCLA.—Nothing in this*
19 *subsection shall be construed to modify or remove the*
20 *environmental restoration, waste management, and*
21 *environmental compliance requirements imposed by*
22 *section 120(h) of the Comprehensive Environmental*
23 *Response, Compensation, and Liability Act of 1980*
24 *(42 U.S.C. 9620(h)).”.*

1 (b) *BASE CLOSURES UNDER 1990 ACT.—Section 2905*
2 *of the Defense Base Closure and Realignment Act of 1990*
3 *(part A of title XXIX of Public Law 101–510; 10 U.S.C.*
4 *2687 note) is amended by adding at the end the following*
5 *new subsection:*

6 “(e) *TRANSFER AUTHORITY IN CONNECTION WITH*
7 *PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—*

8 “(1) *Subject to paragraph (2) and the requirements*
9 *specified in section 120(h) of the Comprehensive En-*
10 *vironmental Response, Compensation, and Liability*
11 *Act of 1980 (42 U.S.C. 9620(h)), the Secretary may*
12 *enter into an agreement to transfer real property or*
13 *facilities located at a military installation closed or*
14 *to be closed under this title with any person who*
15 *agrees to pay all costs in connection with all environ-*
16 *mental restoration, waste management, and environ-*
17 *mental compliance activities that—*

18 “(A) *are required for the property or facili-*
19 *ties under Federal and State laws, administra-*
20 *tive decisions, agreements, and concurrences; and*

21 “(B) *are known to be necessary on the date*
22 *of the agreement, or reasonably could have been*
23 *known or foreseen to be necessary as a result of*
24 *Department of Defense activities at the military*
25 *installation.*

1 “(2) *RELATION OF COSTS TO FAIR MARKET*
2 *VALUE.—A transfer of real property or facilities may*
3 *be made under paragraph (1) only if the Secretary*
4 *certifies to Congress that—*

5 “(A) *the costs of all environmental restora-*
6 *tion, waste management, and environmental*
7 *compliance activities to be paid by the recipient*
8 *of the property or facilities are equal to or great-*
9 *er than the fair market value of the property or*
10 *facilities to be transferred, as determined by the*
11 *Secretary; or*

12 “(B) *if such costs are lower than the fair*
13 *market value of the property or facilities, the re-*
14 *recipient of the property or facilities agrees to pay*
15 *the difference between the fair market value and*
16 *such costs.*

17 “(3) *DISCLOSURE.—As part of an agreement*
18 *under paragraph (1), the Secretary shall disclose to*
19 *the person to whom the property or facilities will be*
20 *transferred any information of the Secretary regard-*
21 *ing the environmental restoration, waste manage-*
22 *ment, and environmental compliance activities de-*
23 *scribed in paragraph (1) that relate to the property*
24 *or facilities. The Secretary shall provide this informa-*

1 *tion as soon as possible before entering into the agree-*
2 *ment.*

3 “(4) *APPLICATION OF CERCLA.—Nothing in this*
4 *subsection shall be construed to modify or remove the*
5 *environmental restoration, waste management, and*
6 *environmental compliance requirements imposed by*
7 *section 120(h) of the Comprehensive Environmental*
8 *Response, Compensation, and Liability Act of 1980*
9 *(42 U.S.C. 9620(h)).”.*

10 **SEC. 2817. AUTHORITY TO LEASE PROPERTY PENDING**
11 **FINAL DISPOSITION.**

12 (a) *LEASE AUTHORITY.—Subsection (f) of section*
13 *2667 of title 10, United States Code, is amended to read*
14 *as follows:*

15 “(f)(1) *Pending the final disposition of real property*
16 *(and associated personal property) located at a military in-*
17 *stallation to be closed or realigned under a base closure law,*
18 *the Secretary of the military department concerned may*
19 *lease the property to public or private entities under this*
20 *subsection if the Secretary determines that such a lease*
21 *would facilitate State or local economic adjustment efforts.*

22 “(2) *Notwithstanding subsection (b)(4), in the case of*
23 *a lease under this subsection to a State or local government,*
24 *the Secretary concerned may accept consideration in an*
25 *amount that is less than the fair market value of the lease*

1 *interest if the Secretary concerned determines that there is*
2 *a public benefit accruing as a result of the lease.*

3 “(3) *The limitation contained in subsection (a)(3)*
4 *shall not apply in selecting real or personal property to*
5 *be leased under this subsection.”.*

6 (b) *DEFINITION.—Such section is further amended by*
7 *adding at the end the following new subsection:*

8 “(g) *In this section, the term ‘base closure law’ means*
9 *each of the following:*

10 “(1) *The Defense Base Closure and Realignment*
11 *Act of 1990 (part A of title XXIX of Public Law 101–*
12 *510; 10 U.S.C. 2687 note).*

13 “(2) *Title II of the Defense Authorization*
14 *Amendments and Base Closure and Realignment Act*
15 *(Public Law 100–526; 10 U.S.C. 2687 note).*

16 “(3) *Section 2687 of this title.”.*

17 **SEC. 2818. ELECTRIC POWER ALLOCATION AND ECONOMIC**
18 **DEVELOPMENT AT CERTAIN MILITARY IN-**
19 **STALLATIONS TO BE CLOSED IN THE STATE**
20 **OF CALIFORNIA.**

21 *For a 10-year period beginning on the date of the en-*
22 *actment of this Act, the electric power allocations provided*
23 *as of that date by the Western Area Power Administration*
24 *from the Central Valley project to military installations in*
25 *the State of California selected for closure pursuant to the*

1 *Defense Base Closure and Realignment Act of 1990 (part*
2 *A of title XXIX of Public Law 101-510; 10 U.S.C. 2687*
3 *note) shall be reserved for sale through long-term contracts*
4 *to preference entities that agree to use such power to pro-*
5 *mote economic development at a military installation that*
6 *is closed or selected for closure pursuant to that Act.*

7 ***Subtitle C—Land Transactions***

8 ***SEC. 2821. MODIFICATION OF LAND CONVEYANCE, NEW***
9 ***LONDON, CONNECTICUT.***

10 (a) *CONVEYANCE WITHOUT CONSIDERATION.*—Sub-
11 *section (a) of section 2841 of the National Defense Author-*
12 *ization Act for Fiscal Years 1992 and 1993 (Public Law*
13 *102-190; 102 Stat.1557) is amended by inserting after*
14 *“convey” the following: “, without consideration,”.*

15 (b) *CONFORMING AMENDMENTS.*—*Such section is fur-*
16 *ther amended—*

17 (1) *in subsection (b), by striking out paragraph*

18 (4);

19 (2) *by striking out subsection (c); and*

20 (3) *redesignating subsections (d) and (e) as sub-*
21 *sections (c) and (d), respectively.*

22 ***SEC. 2822. LAND CONVEYANCE, BROWARD COUNTY, FLOR-***
23 ***IDA.***

24 (a) *LAND CONVEYANCE.*—*Subject to subsection (b), the*
25 *Secretary of the Navy may convey to Broward County,*

1 *Florida (in this section referred to as the “County”), all*
2 *right, title, and interest of the United States in and to a*
3 *parcel of real property, including improvements thereon,*
4 *consisting of approximately 18.45 acres and comprising a*
5 *portion of Fort Lauderdale-Hollywood International Air-*
6 *port, Florida.*

7 (b) *CONSIDERATION.*—*As consideration for the convey-*
8 *ance by the Secretary of the parcel of real property under*
9 *subsection (a), the County shall elect either—*

10 (1) *to construct (or pay the costs of constructing)*
11 *at a location selected by the Secretary within the*
12 *County a suitable replacement facility for the im-*
13 *provements conveyed as part of such conveyance; or*

14 (2) *to pay to the United States an amount equal*
15 *to the fair market value of the parcel conveyed under*
16 *subsection (a), including improvements thereon.*

17 (c) *REPLACEMENT FACILITY.*—*If the County elects to*
18 *pay the fair market value of the real property under sub-*
19 *section (b)(2), the Secretary shall use the amount paid by*
20 *the County, subject to the availability of appropriations for*
21 *this purpose, to construct a suitable facility to replace the*
22 *improvements conveyed under subsection (a).*

23 (d) *DETERMINATION OF FAIR MARKET VALUE.*—*The*
24 *Secretary shall determine the fair market value of the parcel*

1 *of real property to be conveyed under subsection (a). Such*
2 *determination shall be final.*

3 *(e) DESCRIPTION OF PROPERTY.—The exact acreage*
4 *and legal description of the parcel of real property to be*
5 *conveyed under subsection (a) shall be determined by sur-*
6 *veys that are satisfactory to the Secretary. The cost of the*
7 *surveys shall be borne by the County.*

8 *(f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
9 *retary may require any additional terms and conditions*
10 *in connection with the conveyance under subsection (a) that*
11 *the Secretary considers appropriate to protect the interests*
12 *of the United States.*

13 **SEC. 2823. LAND CONVEYANCE, NAVAL AIR STATION**
14 **OCEANA, VIRGINIA.**

15 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
16 *Navy may convey to the City of Virginia Beach, 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 real*
19 *property included on the real property inventory of Naval*
20 *Air Station Oceana in Virginia Beach, Virginia, and con-*
21 *sisting of approximately 3.5 acres. As part of the convey-*
22 *ance of such parcel, the Secretary shall grant the City an*
23 *easement on such additional acreage as may be necessary*
24 *to provide adequate ingress and egress to the parcel.*

1 (b) *CONSIDERATION.*—As consideration for the convey-
2 ance and easement under subsection (a), the City shall pay
3 to the United States an amount equal to the fair market
4 value of the property to be conveyed and the fair market
5 value of the easement to be granted. The Secretary shall de-
6 termine fair market value, and such determination shall be
7 final.

8 (c) *CONDITION OF CONVEYANCE.*—The conveyance au-
9 thorized by subsection (a) shall be subject to the condition
10 that the City may use the property conveyed only for the
11 following purposes:

12 (1) *The maintenance, repair, storage, and berth-*
13 *ing of erosion control and beach replenishment equip-*
14 *ment and materiel, including a dredge.*

15 (2) *The berthing of police boats.*

16 (3) *The provision of operational and administra-*
17 *tive personnel space related to the purposes specified*
18 *in paragraphs (1) and (2).*

19 (d) *REVERSION.*—All right, title and interest in and
20 to the property conveyed under subsection (a) (including
21 any improvements thereon) and the easement granted under
22 such subsection shall revert to the United States, and the
23 United States shall have the right of immediate reentry on
24 the property, if the Secretary determines—

1 *ish Trail Armory in Harris County, Texas. The United*
2 *States acquired the reversionary interest by virtue of a quit-*
3 *claim deed dated June 18, 1936.*

4 (b) *CONDITION.—The Secretary may effectuate the re-*
5 *lease authorized in subsection (a) only after obtaining satis-*
6 *factory assurances that the State of Texas shall obtain, in*
7 *exchange for the real property referred to in subsection (a),*
8 *a parcel of real property that—*

9 (1) *is at least equal in value to the real property*
10 *referred to in subsection (a), and*

11 (2) *beginning on the date on which the State*
12 *first obtains the new parcel of real property, is subject*
13 *to the same restrictions and covenants with respect to*
14 *the United States as are applicable on the date of the*
15 *enactment of this Act to the real property referred to*
16 *in subsection (a).*

17 (c) *LEGAL DESCRIPTION OF REAL PROPERTY.—The*
18 *exact acreage and legal descriptions of the real property re-*
19 *ferred to in subsection (a) shall be determined by a survey*
20 *satisfactory to the Secretary.*

21 **SEC. 2825. LEASE AND JOINT USE OF CERTAIN REAL PROP-**
22 **ERTY, MARINE CORPS BASE, CAMP PENDLE-**
23 **TON, CALIFORNIA.**

24 (a) *LEASE AUTHORIZED.—The Secretary of the Navy*
25 *may lease to Tri-Cities Municipal Water District, a special*

1 *governmental district of the State of California (in the sec-*
2 *tion referred to as the “district”), such interests in real*
3 *property located on, under, and within the northern portion*
4 *of the Marine Corps Base, Camp Pendleton, California, as*
5 *the Secretary determines to be necessary for the district to*
6 *develop, operate, and maintain water extraction and dis-*
7 *tribution facilities for the mutual benefit of the district and*
8 *the base. The lease may be for a period of up to 50 years,*
9 *or such additional period as the Secretary determines to*
10 *be in the interests of the United States.*

11 *(b) CONSIDERATION.—As consideration for the lease of*
12 *real property under subsection (a), the district shall—*

13 *(1) construct, operate, and maintain such im-*
14 *provements as are necessary to fully develop the po-*
15 *tential of the lower San Mateo Water Basin for sus-*
16 *tained yield and storage of imported water for the*
17 *joint benefit of the district and the base;*

18 *(2) assume operating and maintenance respon-*
19 *sibilities for the existing water extraction, storage,*
20 *distribution, and related infrastructure within the*
21 *northern portion of the base; and*

22 *(3) pay to the United States, in the form of cash*
23 *or additional required services, an amount equal to*
24 *the amount, if any, by which the fair market value*
25 *of the real property interests leased under subsection*

1 (a) as a landfill while the property has been in the owner-
2 ship of the United States, the conveyance authorized by sub-
3 section (a) shall be subject to the condition that the City
4 of Portsmouth accept the property as is, notwithstanding
5 the requirements specified in section 120(h) of the Com-
6 prehensive Environmental Response, Compensation, and
7 Liability Act of 1980 (42 U.S.C. 9260(h)).

8 (2) Except as provided in paragraph (4), with respect
9 to the real property to be conveyed under subsection (a),
10 the United States shall not be subject to liability as a prior
11 owner or operator under section 107(a)(2) of the Com-
12 prehensive Environmental Response, Compensation, and
13 Liability Act of 1980 (42 U.S.C. 9607(a)(2)), section 7003
14 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any
15 similar State or local environmental liability law or regula-
16 tion with respect to any release of hazardous substances or
17 petroleum products from the landfill situated on such prop-
18 erty or arising out of the City's use of the property to oper-
19 ate a landfill.

20 (3) Except as provided in paragraph (4), the indem-
21 nification provisions contained in the third proviso in the
22 undesignated paragraph under the heading "ENVIRON-
23 MENTAL RESTORATION, DEFENSE" in title II of the Depart-
24 ment of Defense Appropriations Act, 1993 (Public Law
25 102-396; 106 Stat. 1883) shall not apply with respect to

1 *the presence, release, or threatened release of hazardous sub-*
2 *stances, pollutants, or contaminants resulting from the use*
3 *of the real property to be conveyed under subsection (a) by*
4 *the City as a landfill.*

5 (4) *Nothing in paragraph (2) or (3) alters any liabil-*
6 *ity of the United States with respect to—*

7 (A) *releases of hazardous substances or petroleum*
8 *products from properties other than the real property*
9 *to be conveyed under subsection (a); or*

10 (2) *sites 3 and 12 located within the real prop-*
11 *erty to be conveyed under subsection (a).*

12 (c) *CONSIDERATION.—As consideration for the convey-*
13 *ance under subsection (a), the City shall pay to the United*
14 *States an amount equal to the fair market value of the real*
15 *property to be conveyed. The Secretary shall determine the*
16 *fair market value of the property. Such determination shall*
17 *be final.*

18 (d) *DEPOSIT OF PROCEEDS.—The Secretary shall de-*
19 *posit amounts received as consideration for the conveyance*
20 *under subsection (a) in the special account established pur-*
21 *suant to section 204(h) of the Federal Property and Admin-*
22 *istrative Services Act of 1949 (40 U.S.C. 485(h)).*

23 (e) *DESCRIPTION OF PROPERTY.—The exact acreage*
24 *and legal description of the real property to be conveyed*
25 *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 inter-*
7 *ests of the United States and are agreed to by the City.*

8 **SEC. 2827. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

9 *(a) CONVEYANCE AUTHORIZED.—The Secretary of the*
10 *Navy may convey to Peck Iron and Metal Company, Inc.*
11 *(in this section referred to as “Peck”), all right, title, and*
12 *interest of the United States in and to a parcel of real prop-*
13 *erty consisting of approximately 1.45 acres, including im-*
14 *provements thereon, located in Portsmouth, Virginia, that,*
15 *on the date of the enactment of this Act, is leased to Peck*
16 *pursuant to Department of the Navy lease N62470–91–RP–*
17 *00261, effective August 1, 1991.*

18 *(b) CONSIDERATION.—As consideration for the convey-*
19 *ance 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 the*
24 *special account established pursuant to section 204(h) of the*

1 *Federal Property and Administrative Services Act of 1949*
2 *(40 U.S.C. 485(h)).*

3 *(d) CONDITIONS.—Inasmuch as Peck has been the only*
4 *occupant of the property referred to in subsection (a) while*
5 *the property has been in the ownership of the United States,*
6 *the conveyance authorized by subsection (a) shall be subject*
7 *to the conditions that—*

8 *(1) Peck accept the property as is, notwithstand-*
9 *ing section 120(h) of the Comprehensive Environ-*
10 *mental Response, Compensation, and Liability Act of*
11 *1980 (42 U.S.C. 9620(h)); and*

12 *(2) Peck indemnify the United States against all*
13 *liability in connection with any hazardous materials,*
14 *substances, or conditions which may be found on the*
15 *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 interests*
25 *of the United States.*

1 **SEC. 2828. 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 Sec-
5 retary of the Army may convey to the Washington Gas
6 Company, Virginia, all right, title, and interest of the Unit-
7 ed States in the following real property natural gas system:

8 (1) *All Government-owned utility fixtures, struc-*
9 *tures, and improvements used to provide natural gas*
10 *service to Fort Belvoir, Virginia, without the underly-*
11 *ing fee (land).*

12 (2) *Transfer includes a natural gas distribution*
13 *system consisting of approximately 15.6 miles of nat-*
14 *ural gas distribution lines and other improvements*
15 *thereon and appurtenances thereto at Fort Belvoir,*
16 *Virginia.*

17 (3) *A utility easement and right of way appur-*
18 *tenant which may be necessary or appropriate to pro-*
19 *vide for ingress and egress to and from the natural*
20 *gas system and to satisfy any buffer zone require-*
21 *ments imposed by any Federal or State agency.*

22 (b) *CONSIDERATION.*—In consideration for the convey-
23 ance authorized in subsection (a), the Washington Gas
24 Company, shall—

25 (1) *accept the natural gas system to be conveyed*
26 *under this section in its existing condition;*

1 (2) *provide natural gas service to Fort Belvoir,*
2 *Virginia, at a beneficial rate to the Government;*

3 (3) *comply with all applicable environmental*
4 *laws and regulations including any permit or license*
5 *requirements;*

6 (4) *not expand the existing on-post natural gas*
7 *distribution system unless approved by the Installa-*
8 *tion Commander or his or her designee;*

9 (5) *take over the responsibility for ownership,*
10 *maintenance, repair, safety inspections, and leak test*
11 *surveys for the entire Fort Belvoir natural gas dis-*
12 *tribution system; and*

13 (6) *upgrade natural gas system at no cost to the*
14 *Government based on anticipated fuel oil conversions*
15 *to natural gas.*

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 Washington Gas Company is*
22 *not complying with the conditions specified in this section,*
23 *all right, title, and interest in and to the natural gas system*
24 *conveyed pursuant to subsection (a), including improve-*
25 *ments to the natural gas system, shall revert to the United*

1 *States and the United States shall have the right to access*
2 *and operation of the natural gas 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 pur-*
10 *suant to this section shall be determined by surveys satisfac-*
11 *tory to the Secretary. The cost of such surveys shall be borne*
12 *by the Washington Gas Company.*

13 (g) *ENVIRONMENTAL COMPLIANCE.*—The Washington
14 *Gas Company, Virginia, shall be responsible for owning,*
15 *operating and installing natural gas distribution lines. The*
16 *Secretary of the Army will be responsible for clean-up of*
17 *any contaminated property prior to transfer pursuant to*
18 *the Comprehensive Environmental Response, Compensa-*
19 *tion, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).*

20 **SEC. 2829. TRANSFER OF WATER DISTRIBUTION SYSTEM AT**
21 **FORT LEE, VIRGINIA, TO THE AMERICAN**
22 **WATER COMPANY.**

23 (a) *CONVEYANCE.*—Subject to subsection (b), the Sec-
24 *retary of the Army may convey to the American Water*

1 *Company, Virginia, all right, title, and interest of the Unit-*
2 *ed States in the following real property water system:*

3 (1) *All Government-owned utility fixtures, struc-*
4 *tures, and improvements used to provide water service*
5 *and water distribution service to Fort Lee, Virginia,*
6 *without the underlying fee (land).*

7 (2) *Water system includes approximately 7 miles*
8 *of transmission mains, 85 miles of distribution and*
9 *service lines, 416 fire hydrants, 3 elevated storage*
10 *tanks, 2 pumping stations and other improvements*
11 *thereon and appurtenances thereto at Fort Lee, Vir-*
12 *ginia.*

13 (3) *A utility easement and right-of-way appur-*
14 *tenant which may be necessary or appropriate to pro-*
15 *vide for ingress and egress to and from the water sys-*
16 *tem and to satisfy any buffer zone requirements im-*
17 *posed by any Federal or State agency.*

18 (b) *CONSIDERATION.—In consideration for the convey-*
19 *ance authorized in subsection (a), the American Water*
20 *Company shall—*

21 (1) *accept the water system to be conveyed under*
22 *this section in its existing condition;*

23 (2) *provide water service to Fort Lee, Virginia,*
24 *at a beneficial rate to the Government;*

1 (3) *comply with all applicable environmental*
2 *laws and regulations including any permit or license*
3 *requirements; and*

4 (4) *not expand the existing onpost water dis-*
5 *tribution system unless approved by the Installation*
6 *Commander or his or her designee.*

7 (c) *TERMS.—Conveyance specified in subsection (a)*
8 *shall be subject to negotiation by and approval of the Sec-*
9 *retary of the Army as determined by him to be in the best*
10 *interests of the United States.*

11 (d) *REVERSION.—If the Secretary of the Army deter-*
12 *mines at any time that the American Water Company is*
13 *not complying with the conditions specified in this section,*
14 *all right, title, and interest in and to the water system con-*
15 *veyed pursuant to subsection (a), including improvements*
16 *to the water system, shall revert to the United States and*
17 *the United States shall have the right of access and oper-*
18 *ation of the water system.*

19 (e) *DETERMINATION OF FAIR MARKET VALUE.—The*
20 *aggregate value of this transfer (value defined as benefits*
21 *to the Army), shall be certified by the Secretary to be of*
22 *equal or greater value than the fair market value of the*
23 *facility.*

24 (f) *DESCRIPTION OF PROPERTY.—The exact legal de-*
25 *scription of the equipment and facilities to be conveyed pur-*

1 *suant to this section shall be determined by surveys satisfac-*
2 *tory to the Secretary. The cost of such surveys will be borne*
3 *by the American Water Company.*

4 (g) *ENVIRONMENTAL COMPLIANCE.*—*The American*
5 *Water Company will be responsible for compliance with all*
6 *applicable environmental laws and regulations including*
7 *any permit or license requirements. The American Water*
8 *Company will be responsible for executing and constructing*
9 *environmental betterments to the water system as required*
10 *by applicable law. The United States Army, based on the*
11 *availability of appropriated funding, will share future envi-*
12 *ronmental compliance costs based on a pro rata share of*
13 *the water distribution system as determined by the Sec-*
14 *retary under subsection (c). The Army will be responsible*
15 *for cleanup of any contaminated property prior to transfer*
16 *pursuant to the Comprehensive Environmental Response,*
17 *Compensation, and Liability Act of 1980 (42 U.S.C. 9601*
18 *et seq.).*

19 ***SEC. 2830. TRANSFER OF WASTE WATER TREATMENT FACIL-***
20 ***ITY AT FORT PICKETT, VIRGINIA, TO BLACK-***
21 ***STONE, VIRGINIA.***

22 (a) *CONVEYANCE.*—*Subject to subsection (b), the Sec-*
23 *retary of the Army may convey to the town of Blackstone,*
24 *Virginia (in this section referred to as the “town”), all*

1 *right, title, and interest of the United States in the follow-*
2 *ing real property waste water treatment facility:*

3 (1) *A parcel of real property consisting of ap-*
4 *proximately 11.5 acres, including a waste water*
5 *treatment facility and other improvements thereon*
6 *and appurtenances thereto at Fort Pickett, Virginia.*

7 (2) *All utility easements and right-of-way ap-*
8 *purtenant which may be necessary or appropriate to*
9 *provide for ingress and egress to and from the facility*
10 *and to satisfy any buffer zone requirements imposed*
11 *by any Federal or State agency.*

12 (b) *CONSIDERATION.—In consideration for the convey-*
13 *ance authorized in subsection (a), the town shall—*

14 (1) *design and construct an environmental up-*
15 *grade to the existing plant to meet environmental*
16 *standards;*

17 (2) *provide waste water treatment service to Fort*
18 *Pickett, Virginia, at a beneficial rate to the Govern-*
19 *ment;*

20 (3) *comply with all applicable environmental*
21 *laws and regulations, including any permit or license*
22 *requirements;*

23 (4) *reserve 75 percent of the existing Fort Pick-*
24 *ett, Virginia, waste water plant capacity for the*
25 *Army's use at Fort Pickett, Virginia, should a future*

1 *need arise due to force realignment and mission re-*
2 *quirements; and*

3 (5) *become responsible for future environmental*
4 *cleanup of the facility in accordance with the Com-*
5 *prehensive Environmental Response, Compensation*
6 *and Liability Act resulting from customers other than*
7 *the United States Army.*

8 (c) *TERMS.—Conveyance specified in subsection (a)*
9 *shall be subject to negotiation by and approval of the Sec-*
10 *retary of the Army as determined by him to be in the best*
11 *interests of the United States.*

12 (d) *REVERSION.—If the Secretary of the Army deter-*
13 *mines at any time that the town is not complying with*
14 *the conditions specified in this section, all right, title, and*
15 *interest in and to the waste water treatment system con-*
16 *veyed pursuant to subsection (a), including improvements*
17 *to the waste water treatment system, shall revert to the*
18 *United States and the United States shall have the right*
19 *of access and operation of the waste water treatment system.*

20 (e) *DETERMINATION OF FAIR MARKET VALUE.—The*
21 *aggregate value of this transfer (value defined as benefits*
22 *to the Army), shall be certified by the Secretary to be of*
23 *equal or greater value than the fair market value of the*
24 *facility.*

1 (f) *DESCRIPTION OF PROPERTY.*—The exact acreage
2 and legal description of the property to be conveyed pursu-
3 ant to this section shall be determined by surveys satisfac-
4 tory to the Secretary. The cost of such surveys shall be borne
5 by the town.

6 (g) *ENVIRONMENTAL COMPLIANCE.*—The town shall be
7 responsible for compliance with all applicable environ-
8 mental laws and regulations including any permit or li-
9 cense requirements. The town shall also be responsible for
10 executing and constructing environmental betterments to
11 the plan as required by applicable law. The United States
12 Army based on the availability of appropriated funding
13 and the town will share future environmental compliance
14 costs based on a pro rata share of reserved plant capacity
15 as determined by the Secretary under subsection (c). The
16 Army will be responsible for cleanup of any contaminated
17 property prior to transfer pursuant to the Comprehensive
18 Environmental Response, Compensation, and Liability Act
19 of 1980 (42 U.S.C. 9601 et seq.).

20 **SEC. 2831. TRANSFER OF WATER DISTRIBUTION SYSTEM**
21 **AND RESERVOIR AT STEWART ARMY SUBPOST**
22 **TO NEW WINDSOR, NEW YORK.**

23 (a) *CONVEYANCE.*—Subject to subsection (b), the Sec-
24 retary of the Army may convey to the town of New Windsor,
25 New York (in this section referred to as the “town”), all

1 *right, title, and interest of the United States in the follow-*
2 *ing real property water system:*

3 (1) *All Government-owned utility fixtures, struc-*
4 *tures, water reservoir, distribution plant, and im-*
5 *provements currently used to provide water service*
6 *and water distribution service to Stewart Army*
7 *Subpost, New York, and the surrounding area, to in-*
8 *clude the underlying fee (land) of the reservoir and*
9 *the water treatment plan.*

10 (2) *Transfer also includes all water transmission*
11 *mains, water distribution and service lines, fire hy-*
12 *drants, water pumping stations, and other improve-*
13 *ments thereon and appurtenances thereto at Stewart*
14 *Army Subpost, New York.*

15 (3) *A utility easement and right-of-way appur-*
16 *tenant which may be necessary or appropriate to pro-*
17 *vide for ingress and egress to and from the water sys-*
18 *tem and to satisfy any buffer zone requirements im-*
19 *posed by any Federal or State agency.*

20 (b) *CONSIDERATION.*—*In consideration for the convey-*
21 *ance authorized in subsection (a), the town shall—*

22 (1) *accept the water system to be conveyed under*
23 *this section in its existing conditions;*

1 (2) *provide water service to Stewart Army*
2 *Subpost, New York, at a beneficial rate to the Govern-*
3 *ment;*

4 (3) *comply with all applicable environmental*
5 *laws and regulations including any permit or license*
6 *requirements; and*

7 (4) *not expand the existing on-post water service*
8 *system unless approved by the Installation Com-*
9 *mander or his or her designee.*

10 (c) *TERMS.—Conveyance specified in subsection (a)*
11 *shall be subject to negotiation by and approval of the Sec-*
12 *retary of the Army as determined by him to be in the best*
13 *interests of the United States.*

14 (d) *REVERSION.—If the Secretary of the Army deter-*
15 *mines at any time that the town is not complying with*
16 *the conditions specified in this section, all right, title, and*
17 *interest in and to the water system conveyed pursuant to*
18 *subsection (a), including improvements to the water system,*
19 *shall revert to the United States and the United States shall*
20 *have the right of access and operation of the water system.*

21 (e) *DETERMINATION OF FAIR MARKET VALUE.—The*
22 *aggregate value of this transfer (value defined as benefits*
23 *to the Army), shall be certified by the Secretary to be of*
24 *equal or greater value than the fair market value of the*
25 *facility.*

1 (f) *DESCRIPTION OF PROPERTY.*—The exact legal de-
2 scription of the equipment and facilities to be conveyed pur-
3 suant to this section shall be determined by surveys satisfac-
4 tory to the Secretary. The cost of such surveys will be born
5 by the town.

6 (g) *ENVIRONMENTAL COMPLIANCE.*—The town will be
7 responsible for compliance with all applicable environ-
8 mental laws and regulations including any permit or li-
9 cense requirements. The town will be responsible for execut-
10 ing and constructing environmental betterments to the
11 water system as required by applicable law. The United
12 States Army, based on the availability of appropriated
13 funding, will share future environmental compliance costs
14 based on a pro rata share of the water distribution system
15 as determined by the Secretary under subsection (c). The
16 Army will be responsible for cleanup of any contaminated
17 property prior to transfer pursuant to the Comprehensive
18 Environmental Response, Compensation, and Liability Act
19 of 1980 (42 U.S.C. 9601 et seq.).

20 **SEC. 2832. EXPANSION OF LAND TRANSACTION AUTHORITY**
21 **INVOLVING HUNTERS POINT NAVAL SHIP-**
22 **YARD, SAN FRANCISCO, CALIFORNIA.**

23 Section 2824(a) of the Military Construction Author-
24 ization Act for Fiscal Year 1991 (division B of Public Law

1 101–510; 104 Stat. 1790) is amended by adding at the end
2 the following new paragraph:

3 “(3) In lieu of entering into a lease under paragraph
4 (1), the Secretary may convey the property described in
5 such paragraph to the City (or a local reuse organization
6 approved by the City) for such consideration and under
7 such terms as the Secretary considers to be appropriate.”.

8 **SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL**
9 **SUPPLY CENTER, OAKLAND, CALIFORNIA.**

10 (a) *EXPANSION OF NUMBER OF ACRES FOR LEASE.*—
11 Paragraph (1) of subsection (b) of section 2834 of the Mili-
12 tary Construction Authorization Act for Fiscal Year 1993
13 (division B of Public Law 102–484; 106 Stat. 2614) is
14 amended by striking out “195 acres of real property” and
15 inserting in lieu thereof “300 acres of real property”.

16 (b) *DEMOLITION.*—Paragraph (6) of such subsection is
17 amended to read as follows:

18 “(6) Subject to the availability of appropriations for
19 this purpose, the Secretary shall expend not more than
20 \$10,000,000 to demolish facilities and remediate environ-
21 mental hazards within the area to be leased under this sub-
22 section. In addition, the Secretary may authorize the City
23 or the Port (as the case may be) to demolish any additional
24 facilities on the leased property and, consistent with the re-

1 *strictions required by paragraph (2)(B), construct new fa-*
2 *cilities on the property for the use of the City or the Port.”.*

3 **SEC. 2834. LAND CONVEYANCE, IOWA ARMY AMMUNITION**
4 **PLANT, IOWA.**

5 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
6 *Army may convey to the City of Middletown, Iowa (in this*
7 *section referred to as the “City”), all right, title, and inter-*
8 *est of the United States in and to a tract of real property*
9 *(including improvements thereon) consisting of approxi-*
10 *mately 127 acres at the Iowa Army Ammunition Plant,*
11 *Iowa. The conveyance shall be made at the request of the*
12 *City.*

13 (b) *CONSIDERATION.*—*As consideration for the convey-*
14 *ance under subsection (a), the City shall pay to the United*
15 *States an amount equal to the fair market value of the*
16 *property to be conveyed. The Secretary shall determine fair*
17 *market value, and such determination shall be final.*

18 (c) *LEGAL DESCRIPTION AND SURVEY.*—*The exact*
19 *acreage and legal description of the property authorized to*
20 *be conveyed under subsection (a) shall be determined by a*
21 *survey that is satisfactory to the Secretary.*

22 (d) *OTHER TERMS AND CONDITIONS.*—*The Secretary*
23 *may require such other terms and conditions with respect*
24 *to the conveyance as the Secretary considers appropriate*
25 *to protect the interests of the United States.*

1 **SEC. 2835. TRANSFER OF ELECTRIC POWER DISTRIBUTION**
2 **SYSTEM AT NAVAL AIR STATION, ALAMEDA,**
3 **CALIFORNIA, TO THE CITY OF ALAMEDA BU-**
4 **REAU OF ELECTRICITY.**

5 (a) *CONVEYANCE.*—The Secretary of the Navy may
6 convey to the Bureau of Electricity of the City of Alameda,
7 California (in this section referred to as the “Bureau”), all
8 right, title, and interest of the United States in and to the
9 electric power distribution system located at the Naval Air
10 Station, Alameda, California, including such utility ease-
11 ments and right of ways as may be necessary or appro-
12 priate to provide for ingress and egress to and from the
13 system.

14 (b) *CONSIDERATION.*—(1) As consideration for the con-
15 veyance authorized in subsection (a), the Bureau shall—

16 (A) accept the system to be conveyed under this
17 section in its existing condition;

18 (B) provide electric power to the Naval Air Sta-
19 tion at a beneficial rate to the Government;

20 (C) comply with all applicable environmental
21 laws and regulations, including any permit or license
22 requirements;

23 (D) not expand the existing system without the
24 approval of the Secretary; and

1 (E) take over the responsibility for ownership,
2 operation, maintenance, repair, and safety inspec-
3 tions for the system.

4 (c) *TERMS.*—Conveyance specified in subsection (a)
5 shall be subject to negotiation by and approval of the Sec-
6 retary.

7 (d) *REVERSION.*—If the Secretary determines at any
8 time that the Bureau is not complying with the conditions
9 specified in this section, all right, title, and interest in and
10 to the system conveyed pursuant to subsection (a), including
11 improvements to the system, shall revert to the United
12 States and the United States shall have the right to access
13 and operation of the system.

14 (e) *DETERMINATION OF FAIR MARKET VALUE.*—The
15 aggregate value of this conveyance (value defined as benefits
16 to the Navy), shall be certified by the Secretary to be of
17 equal or greater value than the fair market value of the
18 system.

19 (f) *DESCRIPTION OF PROPERTY.*—The exact legal de-
20 scription of the equipment and facilities to be conveyed
21 under this section shall be determined by surveys satisfac-
22 tory to the Secretary. The cost of such surveys shall be borne
23 by the Bureau.

24 (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
25 retary may require such additional terms and conditions

1 *in connection with the conveyance under subsection (a) as*
2 *the Secretary considers to be necessary to protect the inter-*
3 *ests of the United States.*

4 ***Subtitle D—Other Matters***

5 ***SEC. 2841. FLOOD CONTROL PROJECT.***

6 *(a) COYOTE AND BERRYESSA CREEKS, SANTA CLARA*
7 *COUNTY, CALIFORNIA.—The Secretary of the Army is di-*
8 *rected to construct a flood control project for Coyote and*
9 *Berryessa Creeks in Santa Clara County, California, using*
10 *amounts appropriated for civil works activities of the Corps*
11 *of Engineers for fiscal year 1994.*

12 *(b) MAXIMUM COST REQUIREMENT.—Section 902 of*
13 *the Water Resources Development Act of 1986 (100 Stat.*
14 *4183) shall not apply with respect to the project described*
15 *in subsection (a).*

16 ***SEC. 2842. USE OF ARMY CORPS OF ENGINEERS TO MANAGE***
17 ***MILITARY CONSTRUCTION PROJECTS IN HA-***
18 ***WAI.***

19 *All military construction and military family housing*
20 *carried out in the State of Hawaii for the Armed Forces*
21 *and Defense Agencies using funds appropriated pursuant*
22 *to an authorization of appropriations contained in this di-*
23 *vision shall be designed and conducted through the use of*
24 *the Army Corps of Engineers.*

1 **SEC. 2843. SPECIAL RULE FOR MILITARY CONSTRUCTION**
2 **ON CERTAIN LANDS IN THE STATE OF HA-**
3 **WAI.**

4 (a) *CONSULTATION AND CONCURRENCE.*—*In the case*
5 *of any military construction project in the State of Hawaii*
6 *to be carried out at a military installation located on public*
7 *lands that were ceded to the United States by the Republic*
8 *of Hawaii under the joint resolution of annexation ap-*
9 *proved July 7, 1898 (30 Stat. 750), or that have been ac-*
10 *quired in exchange for such lands, the Secretary concerned*
11 *may not enter into any obligation or make any expenditure*
12 *in connection with the project until the Secretary concerned*
13 *has—*

14 (1) *consulted with the Governor of the State of*
15 *Hawaii regarding the purpose and extent of the*
16 *project; and*

17 (2) *obtained the written concurrence of the Gov-*
18 *ernor to proceed with the project.*

19 (b) *DEFINITIONS.*—*For purposes of this section:*

20 (1) *The term “Secretary concerned” means—*

21 (A) *the Secretary of Defense, in the case of*
22 *military construction functions (including mili-*
23 *tary family housing functions) of the Depart-*
24 *ment of Defense, other than the military depart-*
25 *ments; and*

1 (B) the Secretary of a military department,
2 in the case of military construction functions
3 (including military family housing functions) of
4 that department.

5 (2) The term “military installation” means any
6 base, camp, post, station, yard, center, homeport facil-
7 ity for any ship, or other activity under the jurisdic-
8 tion of the Department of Defense.

9 (3) The term “military construction” has the
10 meaning given that term in section 2801(a) of title
11 10, United States Code.

12 (c) APPLICATION.—This section shall apply with re-
13 spect to military construction projects described in sub-
14 section (a) for which appropriated funds are first obligated
15 after the date of the enactment of this Act.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs Authorizations**

10 **SEC. 3101. WEAPONS ACTIVITIES.**

11 *(a) OPERATING EXPENSES.—Funds are hereby author-*
12 *ized to be appropriated to the Department of Energy for*
13 *fiscal year 1994 for operating expenses incurred in carrying*
14 *out weapons activities necessary for national security pro-*
15 *grams in the amount of \$3,662,954,000, to be allocated as*
16 *follows:*

17 *(1) For research and development,*
18 *\$1,119,325,000.*

19 *(2) For testing, \$222,383,000.*

20 *(3) For stockpile support, \$1,802,280,000.*

21 *(4) For program direction, \$280,466,000.*

22 *(5) For complex reconfiguration, \$138,500,000.*

23 *(6) For stockpile stewardship, \$100,000,000.*

24 *(b) PLANT PROJECTS.—Funds are hereby authorized*
25 *to be appropriated to the Department of Energy for fiscal*

1 year 1994 for plant projects (including maintenance, res-
2 toration, planning, construction, acquisition, modification
3 of facilities, and the continuation of projects authorized in
4 prior years, and land acquisition related thereto) in carry-
5 ing out weapons activities necessary for national security
6 programs as follows:

7 Project GPD-101, general plant projects,
8 various locations, \$11,500,000.

9 Project GPD-121, general plant projects,
10 various locations, \$7,700,000.

11 Project 94-D-102, nuclear weapons re-
12 search, development, and testing facilities revi-
13 talization, Phase V, various locations,
14 \$11,110,000.

15 Project 94-D-124, hydrogen fluoride supply
16 system, Oak Ridge Y-12 Plant, Oak Ridge, Ten-
17 nessee, \$5,000,000.

18 Project 94-D-125, upgrade life safety, Kan-
19 sas City Plant, Kansas City, Missouri,
20 \$1,000,000.

21 Project 94-D-127, emergency notification
22 system, Pantex Plant, Amarillo, Texas,
23 \$1,000,000.

1 *Project 94-D-128, environmental safety*
2 *and health analytical laboratory, Pantex Plant,*
3 *Amarillo, Texas, \$800,000.*

4 *Project 93-D-102, Nevada support facility,*
5 *North Las Vegas, Nevada, \$4,000,000.*

6 *Project 93-D-122, life safety upgrades, Y-*
7 *12 Plant, Oak Ridge, Tennessee, \$5,000,000.*

8 *Project 93-D-123, complex-21, various lo-*
9 *cations, \$25,000,000.*

10 *Project 92-D-102, nuclear weapons re-*
11 *search, development, and testing facilities revi-*
12 *talization, Phase IV, various locations,*
13 *\$27,479,000.*

14 *Project 92-D-126, replace emergency notifi-*
15 *cation systems, various locations, \$10,500,000.*

16 *Project 90-D-102, nuclear weapons re-*
17 *search, development, and testing facilities revi-*
18 *talization, Phase III, various locations,*
19 *\$30,805,000.*

20 *Project 88-D-106, nuclear weapons re-*
21 *search, development, and testing facilities revi-*
22 *talization, Phase II, various locations,*
23 *\$39,624,000.*

24 *Project 88-D-122, facilities capability as-*
25 *surance program, various locations, \$27,100,000.*

1 *Project 88-D-123, security enhancements,*
2 *Pantex Plant, Amarillo, Texas, \$20,000,000.*

3 (c) *CAPITAL EQUIPMENT.*—*Funds are hereby author-*
4 *ized to be appropriated to the Department of Energy for*
5 *fiscal year 1994 for capital equipment not related to con-*
6 *struction in carrying out weapons activities necessary for*
7 *national security programs in the amount of \$123,034,000,*
8 *to be allocated as follows:*

9 (1) *For research and development, \$82,879,000.*

10 (2) *For testing, \$24,400,000.*

11 (3) *For stockpile support, \$12,136,000.*

12 (4) *For program direction, \$3,619,000.*

13 (d) *ADJUSTMENTS FOR SAVINGS.*—*The total amount*
14 *authorized to be appropriated pursuant to this section is*
15 *the sum of the amounts specified in subsections (a) through*
16 *(c) reduced by \$420,641,000 for use of prior year balances.*

17 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
18 **MANAGEMENT.**

19 (a) *OPERATING EXPENSES.*—*Funds are hereby author-*
20 *ized to be appropriated to the Department of Energy for*
21 *fiscal year 1994 for operating expenses incurred in carrying*
22 *out environmental restoration and waste management ac-*
23 *tivities necessary for national security programs in the*
24 *amount of \$4,832,213,000, to be allocated as follows:*

25 (1) *For corrective activities, \$2,170,000.*

1 (2) For environmental restoration,
2 \$1,536,027,000.

3 (3) For waste management, \$2,275,441,000.

4 (4) For technology development, \$371,150,000.

5 (5) For transportation management,
6 \$19,730,000.

7 (6) For program direction, \$82,427,000.

8 (7) For facility transition, \$545,268,000.

9 (b) *PLANT PROJECTS.*—Funds are hereby authorized
10 to be appropriated to the Department of Energy for fiscal
11 year 1994 for plant projects (including maintenance, res-
12 toration, planning, construction, acquisition, modification
13 of facilities, and the continuation of projects authorized in
14 prior years, and land acquisition related thereto) in carry-
15 ing out environmental restoration and waste management
16 activities necessary for national security programs as fol-
17 lows:

18 Project GPD-171, general plant projects, various
19 locations, \$49,015,000.

20 Project 94-D-122, underground storage tanks,
21 Rocky Flats, Colorado, \$700,000.

22 Project 94-D-400, high explosive wastewater
23 treatment system, Los Alamos National Laboratory,
24 Los Alamos, New Mexico, \$1,000,000.

1 *Project 94-D-401, emergency response facility,*
2 *Idaho National Engineering Laboratory, Idaho,*
3 *\$1,190,000.*

4 *Project 94-D-402, liquid waste treatment sys-*
5 *tem, Nevada Test Site, Nevada, \$491,000.*

6 *Project 94-D-404, Melton Valley storage tank*
7 *capacity increase, Oak Ridge National Laboratory,*
8 *Oak Ridge, Tennessee, \$9,400,000.*

9 *Project 94-D-405, central neutralization facility*
10 *pipeline extension project, K-25, Oak Ridge, Ten-*
11 *nessee, \$1,714,000.*

12 *Project 94-D-406, low-level waste disposal facili-*
13 *ties, K-25, Oak Ridge, Tennessee, \$6,000,000.*

14 *Project 94-D-407, initial tank retrieval systems,*
15 *Richland, Washington, \$7,000,000.*

16 *Project 94-D-408, office facilities—200 East,*
17 *Richland, Washington, \$1,200,000.*

18 *Project 94-D-411, solid waste operation com-*
19 *plex, Richland, Washington, \$7,100,000.*

20 *Project 94-D-412, 300 area process sewer piping*
21 *upgrade, Richland, Washington, \$1,100,000.*

22 *Project 94-D-414, site 300 explosive waste stor-*
23 *age facility, Lawrence Livermore National Labora-*
24 *tory, Livermore, California, \$370,000.*

1 *Project 94-D-415, medical facilities, Idaho Na-*
2 *tional Engineering Laboratory, Idaho, \$1,110,000.*

3 *Project 94-D-416, solvent storage tanks installa-*
4 *tion, Savannah River, South Carolina, \$1,500,000.*

5 *Project 94-D-417, intermediate level and low ac-*
6 *tivity waste vaults, Savannah River Site, Aiken,*
7 *South Carolina, \$1,000,000.*

8 *Project 94-D-451, infrastructure replacement,*
9 *Rocky Flats Plant, Golden, Colorado, \$6,600,000.*

10 *Project 93-D-172, electrical upgrade, Idaho Na-*
11 *tional Engineering Laboratory, Idaho, \$9,600,000.*

12 *Project 93-D-174, plant drain waste water*
13 *treatment upgrades, Y-12 Plant, Oak Ridge, Ten-*
14 *nessee, \$3,500,000.*

15 *Project 93-D-175, industrial waste compaction*
16 *facility, Y-12 Plant, Oak Ridge, Tennessee,*
17 *\$1,800,000.*

18 *Project 93-D-176, Oak Ridge reservation storage*
19 *facility, K-25 Plant, Oak Ridge, Tennessee,*
20 *\$6,039,000.*

21 *Project 93-D-177, disposal of K-1515 sanitary*
22 *water treatment plant waste, K-25 Plant, Oak Ridge,*
23 *Tennessee, \$7,100,000.*

1 *Project 93-D-178, building 374 liquid waste*
2 *treatment facility, Rocky Flats, Golden, Colorado,*
3 *\$1,000,000.*

4 *Project 93-D-181, radioactive liquid waste line*
5 *replacement, Richland, Washington, \$6,700,000.*

6 *Project 93-D-182, replacement of cross-site*
7 *transfer system, Richland, Washington, \$6,500,000.*

8 *Project 93-D-183, multi-tank waste storage fa-*
9 *cility, Richland, Washington, \$52,615,000.*

10 *Project 93-D-184, 325 facility compliance/ren-*
11 *ovation, Richland, Washington, \$3,500,000.*

12 *Project 93-D-185, landlord program safety com-*
13 *pliance, Phase II, Richland, Washington, \$1,351,000.*

14 *Project 93-D-187, high-level waste removal from*
15 *filled waste tanks, Savannah River, Aiken, South*
16 *Carolina, \$13,230,000.*

17 *Project 93-D-188, new sanitary landfill, Savan-*
18 *nah River, Aiken, South Carolina, \$1,020,000.*

19 *Project 92-D-125, master safeguards and secu-*
20 *rity agreement/materials surveillance task force secu-*
21 *rity upgrades, Rocky Flats Plant, Golden, Colorado,*
22 *\$3,900,000.*

23 *Project 92-D-172, hazardous waste treatment*
24 *and processing facility, Pantex Plant, Amarillo,*
25 *Texas, \$300,000.*

1 *Project 92-D-173, nitrogen oxide abatement fa-*
2 *ility, Idaho Chemical Processing Plant, Idaho Na-*
3 *tional Engineering Laboratory, Idaho, \$10,000,000.*

4 *Project 92-D-177, tank 101-AZ waste retrieval*
5 *system Richland, Washington, \$7,000,000.*

6 *Project 92-D-181, INEL fire and life safety im-*
7 *provements, Idaho National Engineering Laboratory,*
8 *Idaho, \$5,000,000.*

9 *Project 92-D-182, INEL sewer system upgrade,*
10 *Idaho National Engineering Laboratory, Idaho,*
11 *\$1,450,000.*

12 *Project 92-D-183, INEL transportation com-*
13 *plex, Idaho National Engineering Laboratory, Idaho,*
14 *\$7,198,000.*

15 *Project 92-D-184, Hanford infrastructure un-*
16 *derground storage tanks, Richland, Washington,*
17 *\$300,000.*

18 *Project 92-D-186, steam system rehabilitation,*
19 *Phase II, Richland, Washington, \$4,300,000.*

20 *Project 92-D-187, 300 area electrical distribu-*
21 *tion, conversion, and safety improvements, Phase II,*
22 *Richland, Washington, \$10,276,000.*

23 *Project 92-D-188, waste management ES&H,*
24 *and compliance activities, various locations,*
25 *\$8,568,000.*

1 *Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory California,*
2 *\$3,888,000.*

4 *Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington,*
5 *\$17,700,000.*

7 *Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I,*
8 *Richland, Washington, \$1,500,000.*

10 *Project 90-D-172, aging waste transfer line,*
11 *Richland, Washington, \$5,600,000.*

12 *Project 90-D-175, landlord program safety compliance-I, Richland, Washington, \$1,800,000.*

14 *Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, \$21,700,000.*

17 *Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$11,700,000.*

19 *Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$1,800,000.*

21 *Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina,*
22 *\$23,974,000.*

1 *Project 89–D–175, hazardous waste/mixed waste*
2 *disposal facility, Savannah River, South Carolina,*
3 *\$7,000,000.*

4 *Project 88–D–173, Hanford waste vitrification*
5 *plant, Richland, Washington, \$85,000,000.*

6 *Project 87–D–181, diversion box and pump pit*
7 *containment buildings, Savannah River, South Caro-*
8 *lina, \$2,137,000.*

9 *Project 86–D–103, decontamination and waste*
10 *treatment facility, Lawrence Livermore National*
11 *Laboratory, California, \$10,260,000.*

12 *Project 83–D–148, nonradioactive hazardous*
13 *waste management, Savannah River, South Carolina,*
14 *\$9,769,000.*

15 *Project 81–T–105, defense waste processing facil-*
16 *ity, Savannah River, South Carolina, \$43,873,000.*

17 *(c) CAPITAL EQUIPMENT.—Funds are hereby author-*
18 *ized to be appropriated to the Department of Energy for*
19 *fiscal year 1994 for capital equipment not related to con-*
20 *struction in carrying out environmental restoration and*
21 *waste management activities necessary for national security*
22 *programs in the amount of \$203,826,000, to be allocated*
23 *as follows:*

24 *(1) For corrective activities, \$600,000.*

25 *(2) For waste management, \$138,781,000.*

1 (3) For technology development, \$29,850,000.

2 (4) For transportation management, \$400,000.

3 (5) For program direction, \$9,469,000.

4 (6) For facility transition and management,
5 \$24,726,000.

6 (d) ADJUSTMENTS.—The total amount authorized to
7 be appropriated pursuant to this section is the sum of the
8 amounts specified in subsections (a) through (c) reduced by
9 \$299,100,000 for use of prior year balances and for a gen-
10 eral reduction.

11 **SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DE-**
12 **FENSE PROGRAMS.**

13 (a) OPERATING EXPENSES.—Funds are hereby author-
14 ized to be appropriated to the Department of Energy for
15 fiscal year 1994 for operating expenses incurred in carrying
16 out nuclear materials support and other defense programs
17 necessary for national security programs in the amount of
18 \$2,226,039,000, to be allocated as follows:

19 (1) For nuclear materials support, \$901,166,000.

20 (2) For verification and control technology,
21 \$349,741,000.

22 (3) For nuclear safeguards and security,
23 \$86,246,000.

24 (4) For security investigations, \$53,335,000.

25 (5) For security evaluations, \$14,961,000.

1 (6) *For nuclear safety, \$24,859,000.*

2 (7) *For worker training and adjustment,*
3 *\$100,000,000.*

4 (8) *For naval reactors, including enrichment*
5 *materials, \$695,731,000.*

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 in*
11 *prior years, and land acquisition related thereto) in carry-*
12 *ing out nuclear materials production and other defense pro-*
13 *grams necessary for national security programs as follows:*

14 (1) *For materials support:*

15 *Project GPD-146, general plant projects,*
16 *various locations, \$31,760,000.*

17 *Project 93-D-147, domestic water system*
18 *upgrade, Phases I and II, Savannah River,*
19 *South Carolina, \$7,720,000.*

20 *Project 93-D-148, replace high-level drain*
21 *lines, Savannah River, South Carolina,*
22 *\$1,800,000.*

23 *Project 93-D-152, environmental modifica-*
24 *tion for production facilities, Savannah River,*
25 *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 process-*
5 *ing training center, Savannah River, South*
6 *Carolina, \$8,900,000.*

7 *Project 92-D-143, health protection instru-*
8 *ment 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 secu-*
24 *rity and arms control, Sandia National Labora-*
25 *tories, Albuquerque, New Mexico, \$8,515,000.*

1 (3) *For naval reactors development:*

2 *Project GPN-101, general plant projects,*
3 *various locations, \$7,500,000.*

4 *Project 93-D-200, engineering services fa-*
5 *cilities, Knolls Atomic Power Laboratory,*
6 *Niskayuna, New York, \$7,000,000.*

7 *Project 92-D-200, laboratories facilities up-*
8 *grades, various locations, \$2,800,000.*

9 *Project 90-N-102, expended core facility*
10 *dry cell project, Naval Reactors Facility, Idaho,*
11 *\$7,800,000.*

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 nuclear materials production and*
16 *other defense programs necessary for national security pro-*
17 *grams as follows:*

18 (1) *For materials support, \$75,209,000.*

19 (2) *For verification and control technology,*
20 *\$15,573,000.*

21 (3) *For nuclear safeguards and security,*
22 *\$4,101,000.*

23 (4) *For nuclear safety, \$50,000.*

24 (5) *For naval reactors, \$46,900,000.*

1 (d) *ADJUSTMENTS.*—The total amount that may be
2 appropriated pursuant to this section is the sum of the
3 amounts specified in subsections (a) through (c)—

4 (1) reduced by—

5 (A) \$100,000,000, for recovery of overpay-
6 ment to the Savannah River Pension Fund;

7 (B) \$251,065,000, for use of prior year bal-
8 ances for materials support and other defense
9 programs;

10 (C) \$100,067,000, for use of prior year bal-
11 ances for the new production reactor; and

12 (D) \$110,000,000, for a general reduction;
13 and

14 (2) increased by \$58,000,000 for education pro-
15 grams.

16 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

17 Funds are authorized to be appropriated to the De-
18 partment of Energy for fiscal year 1994 for operating ex-
19 penses incurred in carrying out the nuclear waste fund pro-
20 gram in the amount of \$120,000,000.

21 **SEC. 3105. FUNDING USES AND LIMITATIONS.**

22 (a) *DEFENSE INERTIAL CONFINEMENT FUSION PRO-*
23 *GRAM.*—Of the funds authorized to be appropriated to the
24 Department of Energy for fiscal year 1994 for operating
25 expenses and plant and capital equipment, \$188,413,000

1 *shall be available for the defense inertial confinement fusion*
2 *program.*

3 **(b) PAYMENT OF PENALTY.**—*The Secretary of Energy*
4 *may pay to the Hazardous Substance Superfund, from*
5 *funds appropriated to the Department of Energy for envi-*
6 *ronmental restoration and waste management activities*
7 *pursuant to section 3102, a stipulated civil penalty in the*
8 *amount of \$100,000 assessed in accordance with Article*
9 *XIX of the Hanford Consent Agreement and Compliance*
10 *Order.*

11 **(c) CERTAIN WATER MANAGEMENT PROGRAMS.**—
12 *From funds authorized to be appropriated pursuant to sec-*
13 *tion 3102 to the Department of Energy for environmental*
14 *restoration and waste management activities, the Secretary*
15 *of Energy may reimburse the cities of Westminster, Broom-*
16 *field, Thornton, and Northglen, in the State of Colorado,*
17 *\$11,300,000 for the cost of implementing water manage-*
18 *ment programs.*

19 **(d) TECHNOLOGY TRANSFER ACTIVITIES.**—*(1)(A) The*
20 *Secretary of Energy may use for technology transfer activi-*
21 *ties described in subparagraph (B) funds appropriated or*
22 *otherwise made available to the Department of Energy for*
23 *fiscal year 1994 for stockpile support under section 3101*
24 *and for nuclear materials support and other defense pro-*
25 *grams under section 3103.*

1 (B) *The technology transfer activities that may be*
2 *funded under this paragraph are those that are determined*
3 *by the Secretary of Energy to facilitate the maintenance*
4 *and enhancement of critical skills required for research on,*
5 *and development of, any dual-use critical technology.*

6 (2) *The Secretary of Energy shall conduct the tech-*
7 *nology transfer activities funded under paragraph (1) in*
8 *accordance with applicable laws and regulations relating*
9 *to grants, contracts, and cooperative agreements of the De-*
10 *partment of Energy, including the Stevenson-Wydler Tech-*
11 *nology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the*
12 *National Competitiveness Technology Transfer Act of 1989*
13 *(Public Law 101–189; 103 Stat. 1674), and section 3136*
14 *of the National Defense Authorization Act for Fiscal Years*
15 *1992 and 1993 (Public Law 102–190; 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 102–190;*
20 *105 Stat. 1577).*

21 (4) *Section 12(d) of the Stevenson-Wydler Act of 1980*
22 *(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 that
16 is operated for national security purposes and is en-
17 gaged in the production of a nuclear weapon or its
18 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 Devel-*
23 *opment Appropriations Act, 1993 (Public Law 102-*
24 *377; 106 Stat. 1345) places severe restrictions on the*

1 *underground testing of a nuclear weapon by the United States.*

2
3 *(B) The use of low-yield nuclear weapons threatens to blur the distinction between nuclear and non-nuclear conflict.*

4
5
6 *(2) It shall be the policy of the United States not to conduct research and development of new low-yield nuclear weapons, including the precision low-yield warhead.*

7
8
9 *(3) No funds appropriated pursuant to this Act or any other Act in any fiscal year may be used to conduct or provide for the research and development of any low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.*

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14 *(4) In this subsection, the term “low-yield nuclear weapon” means a nuclear weapon that has a yield less than the lowest yield nuclear weapon type in the nuclear weapons stockpile in existence on the date of the enactment of this Act.*

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18
19 ***Subtitle B—Recurring General Provisions***

20
21 ***SEC. 3121. REPROGRAMMING.***

22 *(a) NOTICE TO CONGRESS.—*

23 *(1) Except as otherwise provided in this title—*

1 (A) no amount appropriated pursuant to
2 this title may be used for any program in excess
3 of the lesser of—

4 (i) 105 percent of the amount author-
5 ized for that program by this title; or

6 (ii) \$10,000,000 more than the amount
7 authorized for that program by this title;
8 and

9 (B) no amount appropriated pursuant to
10 this title may be used for any program which
11 has not been presented to, or requested of, the
12 Congress.

13 (2) An action described in paragraph (1) may
14 not be taken until—

15 (A) the Secretary of Energy has submitted
16 to the congressional defense committees a report
17 containing a full and complete statement of the
18 action proposed to be taken and the facts and
19 circumstances relied upon in support of such
20 proposed action; and

21 (B) a period of 30 days has elapsed after
22 the date on which the report is received by the
23 committees.

24 (3) In the computation of the 30-day period
25 under paragraph (2), there shall be excluded any day

1 *on which either House of Congress is not in session*
2 *because of an adjournment of more than 3 calendar*
3 *days to a day certain.*

4 *(b) LIMITATION ON AMOUNT OBLIGATED.—In no event*
5 *may the total amount of funds obligated pursuant to this*
6 *title exceed the total amount authorized to be appropriated*
7 *by this title.*

8 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

9 *(a) IN GENERAL.—The Secretary of Energy may carry*
10 *out any construction project under the general plant*
11 *projects provisions authorized by this title if the total esti-*
12 *mated cost of the construction project does not exceed*
13 *\$1,200,000.*

14 *(b) REPORT TO CONGRESS.—If, at any time during*
15 *the construction of any general plant project authorized by*
16 *this title, the estimated cost of the project is revised because*
17 *of unforeseen cost variations and the revised cost of the*
18 *project exceeds \$1,200,000, the Secretary shall immediately*
19 *furnish a complete report to the congressional defense com-*
20 *mittees explaining the reasons for the cost variation.*

21 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

22 *(a) IN GENERAL.—*

23 *(1) Except as provided in paragraph (2), con-*
24 *struction on a construction project may not be started*
25 *or additional obligations incurred in connection with*

1 *the project above the total estimated cost, whenever the*
2 *current estimated cost of the construction project,*
3 *which is authorized by sections 3101, 3102, 3103, and*
4 *3104 of this title, or which is in support of national*
5 *security programs of the Department of Energy and*
6 *was authorized by any previous Act, exceeds by more*
7 *than 25 percent the higher of—*

8 *(A) the amount authorized for the project;*

9 *or*

10 *(B) the amount of the total estimated cost*
11 *for the project as shown in the most recent budg-*
12 *et justification data submitted to Congress.*

13 *(2) An action described in paragraph (1) may be*
14 *taken if—*

15 *(A) the Secretary of Energy has submitted*
16 *to the congressional defense committees a report*
17 *on the actions and the circumstances making*
18 *such actions necessary; and*

19 *(B) a period of 30 days has elapsed after*
20 *the date on which the report is received by the*
21 *committees.*

22 *(3) In the computation of the 30-day period*
23 *under paragraph (2), there shall be excluded any day*
24 *on which either House of Congress is not in session*

1 *because of an adjournment of more than 3 calendar*
2 *days to a day certain.*

3 **(b) EXCEPTION.**—*Subsection (a) shall not apply to*
4 *any construction project which has a current estimated cost*
5 *of less than \$5,000,000.*

6 **SEC. 3124. FUND TRANSFER AUTHORITY.**

7 *Funds appropriated pursuant to this title may be*
8 *transferred to other agencies of the Government for the per-*
9 *formance of the work for which the funds were appro-*
10 *priated, and funds so transferred may be merged with the*
11 *appropriations of the agency to which the funds are trans-*
12 *ferred.*

13 **SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.**

14 **(a) IN GENERAL.**—

15 **(1)** *Within the amounts authorized by this title*
16 *for plant engineering and design, the Secretary of*
17 *Energy may carry out advance planning and con-*
18 *struction design (including architectural and engi-*
19 *neering services) in connection with a proposed con-*
20 *struction project for a national security program if*
21 *the total estimated cost for such planning and design*
22 *does not exceed \$2,000,000.*

23 **(2)** *In the case of any such project in which the*
24 *total estimated cost for advance planning and design*
25 *exceeds \$300,000, the Secretary shall notify the con-*

1 gressional defense committees in writing of the details
2 of such project at least 30 days before any funds are
3 obligated for design services for such project.

4 (b) *SPECIFIC AUTHORITY REQUIRED.*—In any case in
5 which the total estimated cost for advance planning and
6 construction design in connection with any such construc-
7 tion project exceeds \$2,000,000, funds for such planning
8 and design must be specifically authorized by law.

9 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
10 **SIGN, AND CONSTRUCTION ACTIVITIES.**

11 (a) *AUTHORITY.*—The Secretary of Energy may use
12 any funds available to the Department of Energy, including
13 those funds authorized to be appropriated for advance plan-
14 ning and construction design under sections 3101, 3102,
15 3103, 3104, to perform planning, design, and construction
16 activities for any Department of Energy defense activity
17 construction project that, as determined by the Secretary,
18 must proceed expeditiously in order to protect public health
19 and safety, meet the needs of national defense, or protect
20 property.

21 (b) *LIMITATION.*—The Secretary may not exercise the
22 authority under subsection (a) in the case of any construc-
23 tion project until the Secretary has submitted to the con-
24 gressional defense committees a report on the activities that

1 *the Secretary intends to carry out under this section and*
2 *the circumstances making such activities necessary.*

3 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
4 *3125(b) does not apply to emergency planning, design, and*
5 *construction activities conducted under this section.*

6 (d) *REPORT.*—*The Secretary of Energy shall promptly*
7 *report to the congressional defense committees any exercise*
8 *of authority under this section.*

9 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
10 **RITY PROGRAMS OF THE DEPARTMENT OF**
11 **ENERGY.**

12 *Subject to the provisions of appropriation Acts and*
13 *section 3121, amounts appropriated pursuant to this title*
14 *for management and support activities and for general*
15 *plant projects are available for use, when necessary, in con-*
16 *nection with all national security programs of the Depart-*
17 *ment of Energy.*

18 **SEC. 3128. AVAILABILITY OF FUNDS.**

19 *When so specified in an appropriation Act, amounts*
20 *appropriated for operating expenses or for plant and cap-*
21 *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 PRO-***
4 ***GRAMS.***

5 (a) *IN GENERAL.*—Chapter 9 of the Atomic Energy
6 Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding
7 at the end the following new section:

8 ***“SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS***
9 ***PROGRAMS.***

10 “(a) *ANNUAL REPORT ON SPECIAL ACCESS PRO-*
11 *GRAMS.*—

12 “(1) *IN GENERAL.*—Not later than February 1 of
13 each year, the Secretary of Energy shall submit to the
14 congressional defense committees a report on special
15 access programs of the Department of Energy carried
16 out under the atomic energy defense activities of the
17 Department.

18 “(2) *MATTERS TO BE INCLUDED.*—Each such re-
19 port 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 program.

2 “(ii) A brief discussion of the major
3 milestones established for the program.

4 “(iii) The actual cost of the program
5 for each fiscal year during which the pro-
6 gram has been conducted before the fiscal
7 year during which that budget is submitted.

8 “(iv) The estimated total cost of the
9 program and the estimated cost of the pro-
10 gram for (I) the current fiscal year, (II) the
11 fiscal year for which the budget is submit-
12 ted, and (III) each of the four succeeding
13 fiscal years during which the program is ex-
14 pected to be conducted.

15 “(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PRO-
16 GRAMS.—

17 (1) IN GENERAL.—Not later than February 1 of
18 each year, the Secretary of Energy shall submit to the
19 congressional defense committees a report that, with
20 respect to each new special access program,
21 provides—

22 “(A) notice of the designation of the pro-
23 gram as a special access program; and

24 “(B) justification for such designation.

1 “(2) *MATTERS TO BE INCLUDED.*—A report
2 under paragraph (1) with respect to a program shall
3 include—

4 “(A) *the current estimate of the total pro-*
5 *gram cost for the program; and*

6 “(B) *an identification of existing programs*
7 *or technologies that are similar to the technology,*
8 *or that have a mission similar to the mission, of*
9 *the program that is the subject of the notice.*

10 “(3) *NEW SPECIAL ACCESS PROGRAM DE-*
11 *FINED.*—In this subsection, the term ‘new special ac-
12 *cess program’ means a special access program that*
13 *has not previously been covered in a notice and jus-*
14 *tification under this subsection.*

15 “(c) *REPORTS ON CHANGES IN CLASSIFICATION OF*
16 *SPECIAL ACCESS PROGRAMS.*—

17 (1) *NOTICE TO CONGRESSIONAL COMMITTEES.*—
18 *Whenever a change in the classification of a special*
19 *access program of the Department of Energy is*
20 *planned to be made or whenever classified informa-*
21 *tion concerning a special access program of the De-*
22 *partment of Energy is to be declassified and made*
23 *public, the Secretary of Energy shall submit to the*
24 *congressional defense committees a report containing*
25 *a description of the proposed change, the reasons for*

1 *the proposed change, and notice of any public an-*
2 *nouncement planned to be made with respect to the*
3 *proposed change.*

4 “(2) *TIME FOR NOTICE.*—*Except as provided in*
5 *paragraph (3), any report referred to in paragraph*
6 *(1) shall be submitted not less than 14 days before the*
7 *date on which the proposed change or public an-*
8 *nouncement is to occur.*

9 “(3) *TIME WAIVER FOR EXCEPTIONAL CIR-*
10 *CUMSTANCES.*—*If the Secretary determines that be-*
11 *cause of exceptional circumstances the requirement of*
12 *paragraph (2) cannot be met with respect to a pro-*
13 *posed change or public announcement concerning a*
14 *special access program of the Department of Energy,*
15 *the Secretary may submit the report required by*
16 *paragraph (1) regarding the proposed change or pub-*
17 *lic announcement at any time before the proposed*
18 *change or public announcement is made and shall in-*
19 *clude in the report an explanation of the exceptional*
20 *circumstances.*

21 “(d) *NOTICE OF CHANGE IN SAP DESIGNATION CRI-*
22 *TERIA.*—*Whenever there is a modification or termination*
23 *of the policy and criteria used for designating a program*
24 *of the Department of Energy as a special access program,*
25 *the Secretary of Energy shall promptly notify the congres-*

1 *sional defense committees of such modification or termi-*
2 *nation. Any such notification shall contain the reasons for*
3 *the modification or termination and, in the case of a modi-*
4 *fication, the provisions of the policy as modified.*

5 “(e) *WAIVER AUTHORITY.*—

6 (1) *IN GENERAL.*—*The Secretary of Energy may*
7 *waive any requirement under subsection (a), (b), or*
8 *(c) that certain information be included in a report*
9 *under that subsection if the Secretary determines that*
10 *inclusion of that information in the report would ad-*
11 *versely affect the national security. Any such waiver*
12 *shall be made on a case-by-case basis.*

13 “(2) *LIMITED NOTICE REQUIRED.*—*If the Sec-*
14 *retary exercises the authority provided under para-*
15 *graph (1), the Secretary shall provide the information*
16 *described in that subsection with respect to the special*
17 *access program concerned, and the justification for*
18 *the waiver, jointly to the chairman and ranking mi-*
19 *nority member of each of the congressional defense*
20 *committees.*

21 “(f) *REPORT AND WAIT FOR INITIATING NEW PRO-*
22 *GRAMS.*—*A special access program may not be initiated*
23 *until—*

24 “(1) *the congressional defense committees are no-*
25 *tified of the program; and*

1 “(2) a period of 30 days elapses after such notifi-
2 cation is received.

3 “(g) CONGRESSIONAL DEFENSE COMMITTEES DE-
4 FINED.—In this section, the term ‘congressional defense
5 committees’ means the Committees on Armed Services and
6 the Committees on Appropriations of the Senate and House
7 of Representatives.”.

8 (b) CLERICAL AMENDMENT.—The table of contents at
9 the beginning of the Atomic Energy Act of 1954 is amended
10 by inserting after the item relating to section 92 the follow-
11 ing new item:

 “Sec. 93. Congressional oversight of special access programs.”.

12 **SEC. 3132. BASELINE ENVIRONMENTAL MANAGEMENT RE-**
13 **PORTS.**

14 (a) ENVIRONMENTAL RESTORATION REPORT.—At the
15 same time the President submits to the Congress the budget
16 for each fiscal year, the Secretary of Energy shall submit
17 to the Congress a report on the activities and projects nec-
18 essary to complete the environmental restoration of all De-
19 partment of Energy defense nuclear facilities not later than
20 the year 2019.

21 (b) WASTE MANAGEMENT REPORT.—Not later than 30
22 days after the date on which the President submits to the
23 Congress the budget for each fiscal year, the Secretary of
24 Energy shall submit to the Congress a report on all activi-
25 ties and projects for waste management, decontamination

1 *and decommissioning, and technology research and develop-*
2 *ment that are necessary for Department of Energy defense*
3 *nuclear facilities through the year 2019.*

4 (c) *CONTENTS OF REPORTS.*—A report required under
5 *subsection (a) or (b) shall be based on compliance with all*
6 *applicable provisions of law and shall—*

7 (1) *provide the estimated total cost of, and the*
8 *complete schedule for, the activities and projects cov-*
9 *ered by the report; and*

10 (2) *with respect to each such activity and*
11 *project, contain—*

12 (A) *a description of the activity or project;*

13 (B) *a description of the problem addressed*
14 *by the activity or project;*

15 (C) *the proposed remediation of the prob-*
16 *lem, if the remediation is known or decided;*

17 (D) *the estimated cost to complete the activ-*
18 *ity or project, including, where appropriate, the*
19 *cost for every five-year increment; and*

20 (E) *the estimated date for completion of the*
21 *project or activity, including, where appropriate,*
22 *progress milestones for every five-year increment.*

23 (d) *ANNUAL STATUS AND VARIANCE REPORT.*—(1)
24 *The Secretary of Energy shall annually submit to the Con-*
25 *gress, at the same time the President submits to the Con-*

1 *gress the budget for a fiscal year (pursuant to section 1105*
2 *of title 31, United States Code), a status and variance re-*
3 *port on environmental restoration and waste management*
4 *activities and projects at Department of Energy defense nu-*
5 *clear facilities. The status and variance report shall contain*
6 *the following:*

7 (A) *Information on each such activity and*
8 *project for which funds were appropriated for the fis-*
9 *cal year immediately prior to the fiscal year during*
10 *which the status report is submitted, including the*
11 *following:*

12 (i) *Information on whether or not the activ-*
13 *ity or project has been completed, and informa-*
14 *tion on the estimated date of completion for ac-*
15 *tivities or projects that have not been completed.*

16 (ii) *The total amount of funds expended for*
17 *the activity or project, including the amount of*
18 *funds expended from amounts made available as*
19 *the result of supplemental appropriations or a*
20 *transfer of funds, and an estimate of the total*
21 *amount of funds required to complete the activ-*
22 *ity or project.*

23 (iii) *Information on whether the President*
24 *requested in the budget an amount of funds for*
25 *the activity or project for the fiscal year during*

1 *which the status report is submitted, and wheth-*
2 *er such funds were appropriated or transferred.*

3 *(iv) An explanation of the reasons for any*
4 *projected cost variance of more than 10 percent*
5 *or \$10,000,000, or any schedule delay of more*
6 *than six months, for the activity or project.*

7 *(B) A disaggregation of the funds appropriated*
8 *for Department of Energy defense environmental res-*
9 *toration and waste management, for the fiscal year*
10 *during which the status report is submitted, into the*
11 *activities and projects (including discrete parts of*
12 *multi-year activities and projects) that the Secretary*
13 *of Energy expects to accomplish during that fiscal*
14 *year.*

15 *(C) A disaggregation of the Department of En-*
16 *ergy defense environmental restoration and waste*
17 *management budget request for the fiscal year for*
18 *which the budget is submitted into the activities and*
19 *projects (including discrete parts of multi-year activi-*
20 *ties and projects) that the Secretary of Energy expects*
21 *to accomplish during that fiscal year.*

22 *(2) The first annual report required under paragraph*
23 *(1) shall be submitted at the same time the President sub-*
24 *mits to the Congress the budget for fiscal year 1995. A sub-*
25 *sequent annual report under this subsection shall be submit-*

1 *ted for each fiscal year following fiscal year 1995 during*
2 *which the Secretary of Energy conducts environmental res-*
3 *toration activities and projects.*

4 *(e) COMPLIANCE TRACKING.—In preparing a report*
5 *under this section, the Secretary of Energy shall provide*
6 *with respect to each activity and project identified in the*
7 *report information which is sufficient to track the Depart-*
8 *ment of Energy’s compliance with relevant Federal and*
9 *State regulatory milestones.*

10 **SEC. 3133. EXPANSION OF AUTHORITY TO LOAN PERSON-**
11 **NEL AND FACILITIES.**

12 *(a) AUTHORITY TO LOAN PERSONNEL.—Subsection*
13 *(a)(1)(A) of section 1434 of the National Defense Authoriza-*
14 *tion Act, Fiscal Year 1989 (Public Law 100–456; 102 Stat.*
15 *2074) is amended—*

16 *(1) in clause (i), by striking out “and” after the*
17 *semicolon;*

18 *(2) in clause (ii), by striking out the period and*
19 *inserting in lieu thereof “; and”; and*

20 *(3) by adding after clause (ii) the following new*
21 *clause:*

22 *“(iii) at the Savannah River Site, South Caro-*
23 *lina, to loan personnel in accordance with this section*
24 *to the community development organization known as*

1 *the Savannah River Regional Diversification Initia-*
2 *tive.”.*

3 (b) *PURPOSE.*—*Subsection (a)(1)(B) of such section is*
4 *amended by striking out “the Hanford Reservation and the*
5 *Idaho National Engineering Laboratory” and inserting in*
6 *lieu thereof “the Hanford Reservation, the Idaho National*
7 *Engineering Laboratory, and the Savannah River Site”.*

8 (c) *AUTHORITY TO LOAN FACILITIES.*—*Subsection (b)*
9 *of such section is amended by striking out “or the Idaho*
10 *National Engineering Laboratory, Idaho,” and inserting in*
11 *lieu thereof “the Idaho National Engineering Laboratory,*
12 *Idaho, and the Savannah River Site, South Carolina,”.*

13 (d) *DURATION OF PROGRAM.*—*Subsection (c) of such*
14 *program is amended by striking out “terminate on” and*
15 *all that follows through the period and inserting in lieu*
16 *thereof the following: “terminate on—*

17 *“(1) September 30, 1993, with respect to the*
18 *Hanford Reservation;*

19 *“(2) September 30, 1994, with respect to the*
20 *Idaho National Engineering Laboratory; and*

21 *“(3) September 30, 1995, with respect to the Sa-*
22 *vannah River Site.”.*

1 **SEC. 3134. MODIFICATION OF PAYMENT PROVISION.**

2 *Section 1532(a) of the Department of Defense Author-*
3 *ization Act, 1986 (42 U.S.C. 2391 note), is amended by*
4 *striking out “1996” and inserting in lieu thereof “1995”.*

5 **SEC. 3135. STOCKPILE STEWARDSHIP PROGRAM.**

6 *(a) ESTABLISHMENT.—The Secretary of Energy shall*
7 *establish a stewardship program to ensure the preservation*
8 *of the core intellectual and technical competencies of the*
9 *United States in nuclear weapons, including weapons de-*
10 *sign, system integration, manufacturing, security, use con-*
11 *trol, reliability assessment, and certification.*

12 *(b) PROGRAM ELEMENTS.—The program shall include*
13 *the following:*

14 *(1) An increased level of effort for advanced com-*
15 *putational capabilities to enhance the simulation and*
16 *modeling capabilities of the United States.*

17 *(2) An increased level of effort for above-ground*
18 *experimental programs, such as hydrotesting, high-en-*
19 *ergy lasers, inertial confinement fusion, plasma phys-*
20 *ics and materials research.*

21 *(3) Support for new facilities construction*
22 *projects that contribute to the experimental capabili-*
23 *ties of the United States, such as an advanced*
24 *hydrodynamics facility, the National Ignition Facil-*
25 *ity, and other facilities for above-ground experiments*
26 *to assess weapon effects.*

1 (c) *AUTHORIZATION OF APPROPRIATIONS.*—Of funds
2 authorized to be appropriated to the Secretary of Energy
3 for fiscal year 1994 for weapons activities, \$100,000,000
4 shall be available for the stewardship program established
5 in subsection (a).

6 **SEC. 3136. COUNTER-PROLIFERATION PROGRAM.**

7 (a) *ESTABLISHMENT.*—The Secretary of Energy, with
8 the concurrence of the Secretary of Defense and the Sec-
9 retary of State, shall establish a program to counter the
10 increasing threat of nuclear weapons proliferation.

11 (b) *PROGRAM ELEMENTS.*—The program established
12 pursuant to subsection (a) shall include the following:

13 (1) *Ongoing counter-proliferation efforts within*
14 *the national security programs of the Department of*
15 *Energy.*

16 (2) *The establishment of a database and tracking*
17 *system to account for production, storage, and usage*
18 *of weapons-grade plutonium, uranium, and tritium*
19 *in the newly independent states of the former Soviet*
20 *Union and in other states, as appropriate.*

21 (3) *Increased research and development with re-*
22 *spect to the detection and disablement of terrorist*
23 *weapons.*

24 (4) *Increased support for—*

1 *The Secretary may not receive the spent nuclear fuel at the*
2 *Savannah River Site until 30 days (as computed in para-*
3 *graph (3)) have expired following the date on which the no-*
4 *tification is received by such committees.*

5 (2) *The spent nuclear fuel referred to in paragraph*
6 *(1) is nuclear fuel that—*

7 (A) *is originally exported to a foreign country*
8 *from the United States in the form of highly enriched*
9 *uranium; and*

10 (B) *is used in a research reactor by the Govern-*
11 *ment of a foreign country or by a foreign-owned or*
12 *foreign-controlled entity.*

13 (3) *For purposes of paragraph (1), days on which ei-*
14 *ther House is not in session because of an adjournment of*
15 *more than 3 days to a day certain or because of an adjourn-*
16 *ment sine die shall be excluded in the computation of such*
17 *30-day period.*

18 (c) *LIMITATION ON STORAGE.—The Secretary of En-*
19 *ergy may not receive and store at the Department of Energy*
20 *defense nuclear facility located at Savannah River Site,*
21 *South Carolina any spent nuclear fuel referred to in sub-*
22 *section (b)(2) in excess of the amount that is the capacity*
23 *of such fuel that may be received and stored at such facility,*
24 *until the completion of an environmental impact statement*
25 *(and the signing by the Secretary of a record of decision*

1 following such completion) under section 102(2)(c) of the
2 National Environmental Policy Act of 1969 (42 U.S.C.
3 4332(2)(c)) with respect to the receipt and storage of spent
4 nuclear fuel from foreign research reactors.

5 **SEC. 3138. CONTRACT GOAL FOR SMALL DISADVANTAGED**
6 **BUSINESSES AND CERTAIN INSTITUTIONS OF**
7 **HIGHER EDUCATION.**

8 (a) GOAL.—Except as provided in subsection (c), a
9 goal of 5 percent of the amount described in subsection (b)
10 shall be the objective of the Department of Energy in carry-
11 ing out national security programs of the Department in
12 each of fiscal years 1994 through 2000 for the total com-
13 bined amount obligated for contracts and subcontracts en-
14 tered into with—

15 (1) small business concerns, including mass
16 media and advertising firms, owned and controlled by
17 socially and economically disadvantaged individuals
18 (as such term is used in section 8(d) of the Small
19 Business Act (15 U.S.C. 637(d)) and regulations is-
20 sued under that section), the majority of the earnings
21 of which directly accrue to such individuals;

22 (2) historically Black colleges and universities;
23 and

24 (3) minority institutions (as defined in para-
25 graphs (3), (4), and (5) of section 312(b) of the High-

1 *er Education Act of 1965 (20 U.S.C. 1058)), includ-*
2 *ing any nonprofit research institution that was an*
3 *integral part of a historically Black college or univer-*
4 *sity before November 14, 1986.*

5 *(b) AMOUNT.—The requirements of subsection (a) for*
6 *any fiscal year apply to the combined total of the funds*
7 *obligated for contracts entered into by the Department of*
8 *Energy pursuant to competitive procedures for such fiscal*
9 *year for purposes of carrying out military applications of*
10 *nuclear energy and other national security programs of the*
11 *Department.*

12 *(c) APPLICABILITY.—Subsection (a) does not apply—*

13 *(1) to the extent to which the Secretary of En-*
14 *ergy determines that compelling national security*
15 *considerations require otherwise; and*

16 *(2) if the Secretary notifies Congress of such a*
17 *determination and the reasons for the determination.*

18 **TITLE XXXII—DEFENSE NU-**
19 **CLEAR FACILITIES SAFETY**
20 **BOARD AUTHORIZATION**

21 **SEC. 3201. AUTHORIZATION.**

22 *There are authorized to be appropriated for fiscal year*
23 *1994, \$15,060,000 for the operation of the Defense Nuclear*
24 *Facilities Safety Board under chapter 21 of the Atomic En-*
25 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

1 **TITLE XXXIII—NATIONAL**
2 **DEFENSE STOCKPILE**

3 **SEC. 3301. DEFINITIONS.**

4 *For purposes of this title:*

5 (1) *The term “National Defense Stockpile”*
6 *means the stockpile provided for in section 4 of the*
7 *Strategic and Critical Materials Stock Piling Act (50*
8 *U.S.C. 98c).*

9 (2) *The term “National Defense Stockpile Trans-*
10 *action Fund” means the fund established under sec-*
11 *tion 9(a) of such Act (50 U.S.C. 98h(a)).*

12 (3) *The term “annual materials plan” means the*
13 *report containing an annual materials plan for the*
14 *operation of the National Defense Stockpile required*
15 *to be submitted to Congress each year under section*
16 *11(b) of such Act (50 U.S.C. 98h-2(b)).*

17 **SEC. 3302. DISPOSAL OF OBSOLETE AND EXCESS MATE-**
18 **RIALS CONTAINED IN THE NATIONAL DE-**
19 **FENSE STOCKPILE.**

20 *The President may dispose of obsolete and excess mate-*
21 *rials in the National Defense Stockpile, except that the*
22 *amount of funds received from the sale of such materials*
23 *may not exceed \$500,000,000 in any fiscal year. All funds*
24 *received from the sale of materials under this section shall*

1 *be deposited in the National Defense Stockpile Transaction*
2 *Fund.*

3 **SEC. 3303. MODIFICATION OF NOTICE AND WAIT REQUIRE-**
4 **MENTS FOR DEVIATIONS FROM ANNUAL MA-**
5 **TERIALS PLAN.**

6 *Section 5(a)(2) of the Strategic and Critical Materials*
7 *Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by strik-*
8 *ing out “and a period of 30 days” and all that follows*
9 *through “more than three days to a day certain.” and in-*
10 *serting in lieu thereof “and a period of 45 days has passed*
11 *from the date of the receipt of such statement by such com-*
12 *mittees.”.*

13 **SEC. 3304. CONTINUATION OF LIMITATIONS ON THE DIS-**
14 **POSAL OF CHROMITE AND MANGANESE ORES**
15 **AND CHROMIUM AND MANGANESE FERRO.**

16 *(a) LIMITATION REGARDING CHROMITE AND MAN-*
17 *GANESE ORES.—During fiscal year 1994, the disposal of*
18 *chromite and manganese ores of metallurgical grade from*
19 *the National Defense Stockpile pursuant to any provision*
20 *of law may be made only for processing within the United*
21 *States and the territories and possessions of the United*
22 *States.*

23 *(b) LIMITATION REGARDING CHROMIUM AND MAN-*
24 *GANESE FERRO.—The disposal of chromium ferro and*
25 *manganese ferro from the National Defense Stockpile pursu-*

1 ant to any provision of law may not commence before Octo-
2 ber 1, 1994.

3 **SEC. 3305. CONVERSION OF CHROMIUM ORE TO HIGH PU-**
4 **RITY ELECTROLYTIC CHROMIUM METAL.**

5 (a) *REQUIRED UPGRADING.*—During each of fiscal
6 years 1994 through 1996, the President shall—

7 (1) obtain bids from domestic producers of high
8 purity electrolytic chromium metal; and

9 (2) award contracts for the conversion of chro-
10 mium ores held in the National Defense Stockpile into
11 high purity electrolytic chromium metal.

12 (b) *QUANTITIES TO BE UPGRADED.*—(1) Contracts
13 awarded under subsection (a) shall provide for the addition
14 of not less than 800 short tons of high purity electrolytic
15 chromium metal to the National Defense Stockpile during
16 each of the fiscal years covered by subsection (a).

17 (2) If, during any fiscal year referred to in subsection
18 (a), the minimum quantity of high purity electrolytic chro-
19 mium metal to be added to the National Defense Stockpile,
20 as required by paragraph (1), is not met, the quantity of
21 such material to be added to the stockpile in the next fiscal
22 year shall be increased by the quantity of the deficiency.

1 (b) *DEFINITION OF HAZARD.*—Section 3 of the Federal
2 *Civil Defense Act of 1950 (50 U.S.C. App. 2252)* is
3 *amended—*

4 (1) *by redesignating subsections (a) through (h)*
5 *as subsections (b) through (i), respectively;*

6 (2) *by inserting before subsection (b), as so redesi-*
7 *gnated, the following new subsection (a):*

8 “(a) *The term ‘hazard’ means an emergency or disas-*
9 *ter resulting from—*

10 “(1) *a natural disaster; or*

11 “(2) *an accidental or man-caused event, includ-*
12 *ing a civil disturbance and an attack-related disas-*
13 *ter.”;*

14 (3) *in subsection (b), as so redesignated—*

15 (A) *by striking out “attack” the first place*
16 *it appears and inserting in lieu thereof “attack-*
17 *related disaster”;* and

18 (B) *by striking out “atomic” and inserting*
19 *in lieu thereof “nuclear”;*

20 (4) *in subsection (c), as so redesignated, by strik-*
21 *ing out “and, for the purposes of this Act” and all*
22 *that follows through “natural disaster;” and inserting*
23 *in lieu thereof a period; and*

1 (5) by striking out subsection (d), as so redesignig-
2 nated, and inserting in lieu thereof the following new
3 subsection:

4 “(d) The term ‘civil defense’ means all those activities
5 and measures designed or undertaken to minimize the ef-
6 fects of a hazard upon the civilian population, to deal with
7 the immediate emergency conditions which would be created
8 by the hazard, and to effectuate emergency repairs to, or
9 the emergency restoration of, vital utilities and facilities de-
10 stroyed or damaged by the hazard. Such term shall include
11 the following:

12 “(1) Measures to be undertaken in preparation
13 for anticipated hazards (including the establishment
14 of appropriate organizations, operational plans, and
15 supporting agreements, the recruitment and training
16 of personnel, the conduct of research, the procurement
17 and stockpiling of necessary materials and supplies,
18 the provision of suitable warning systems, the con-
19 struction or preparation of shelters, shelter areas, and
20 control centers, and, when appropriate, the non-mili-
21 tary evacuation of civil population).

22 “(2) Measures to be undertaken during a hazard
23 (including the enforcement of passive defense regula-
24 tions prescribed by duly established military or civil
25 authorities, the evacuation of personnel to shelter

1 *areas, the control of traffic and panic, and the control*
2 *and use of lighting and civil communications).*

3 *“(3) Measures to be undertaken following a haz-*
4 *ard (including activities for fire fighting, rescue,*
5 *emergency medical, health and sanitation services,*
6 *monitoring for specific dangers of special weapons,*
7 *unexploded bomb reconnaissance, essential debris*
8 *clearance, emergency welfare measures, and imme-*
9 *diately essential emergency repair or restoration of*
10 *damaged vital facilities).”.*

11 *(c) CONFORMING AMENDMENTS TO REFLECT DEFINI-*
12 *TION OF HAZARD.—(1) Section 201 of the Federal Civil De-*
13 *fense Act of 1950 (50 U.S.C. App. 2281) is amended—*

14 *(A) in subsection (c), by striking out “an attack*
15 *or natural disaster” and inserting in lieu thereof “a*
16 *hazard”;*

17 *(B) in subsection (d), by striking out “attacks*
18 *and natural disasters” and inserting in lieu thereof*
19 *“hazards”; and*

20 *(C) in subsection (g)—*

21 *(i) by striking out “an attack or natural*
22 *disaster” the first place it appears and inserting*
23 *in lieu thereof “a hazard”; and*

1 (ii) by striking out “undergoing an attack
2 or natural disaster” and inserting in lieu thereof
3 “experiencing a hazard”.

4 (2) Section 205(d)(1) of such Act (50 U.S.C. App.
5 2286(d)(1)) is amended by striking out “natural disasters”
6 and inserting in lieu thereof “hazards”.

7 (d) STATE USE OF FUNDS FOR PREPARATION AND RE-
8 SPONSE.—(1) Section 207 of the Federal Civil Defense Act
9 of 1950 (50 U.S.C. App. 2289) is amended to read as fol-
10 lows:

11 **“SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND**
12 **TO HAZARDS.**

13 “Funds made available to the States under this Act
14 may be used by the States for the purposes of preparing
15 for, and providing emergency assistance in response to haz-
16 ards. Regulations prescribed to carry out this section shall
17 authorize the use of civil defense personnel, materials, and
18 facilities supported in whole or in part through contribu-
19 tions under this Act for civil defense activities and measures
20 related to hazards.”.

21 (2) The item relating to section 207 in the table of
22 contents in the first section of such Act is amended to read
23 as follows:

 “Sec. 207. Use of funds to prepare for and respond to hazards.”.

1 (e) *REPEAL OF OBSOLETE PROVISIONS.*—(1) *Title V*
2 *of the Federal Civil Defense Act of 1950 (50 U.S.C. App.*
3 *2301-2303) is repealed.*

4 (2) *The table of contents in the first section of such*
5 *Act is amended by striking out the items related to title*
6 *V.*

7 (f) *TECHNICAL AND CONFORMING AMENDMENTS.*—(1)
8 *The table of contents in the first section of the Federal Civil*
9 *Defense Act of 1950 is amended—*

10 (A) *by inserting after the item relating to section*
11 *204 the following new item:*

“Sec. 205. Contributions for personnel and administrative expenses.”; and

12 (B) *by inserting after the item relating to section*
13 *412 the following new item:*

“Sec. 413. Applicability of Reorganization Plan Numbered 1.”.

14 (2) *Section 3 of such Act (50 U.S.C. App. 2252), as*
15 *amended by subsection (b) of this section, is further*
16 *amended—*

17 (A) *in each of subsections (b), (e), (f), and (g),*
18 *as redesignated by subsection (b)(1) of this section, by*
19 *striking out the semicolon at the end and inserting in*
20 *lieu thereof a period; and*

21 (B) *in subsection (h), as so redesignated, by*
22 *striking out “; and” and inserting in lieu thereof a*
23 *period.*

1 (3) *Section 205 of such Act (50 U.S.C. App. 2286) is*
 2 *amended by striking out “SEC. 205.” and inserting in lieu*
 3 *thereof the following:*

4 **“SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINIS-**
 5 **TRATIVE EXPENSES.”.**

6 (g) *AMENDMENT FOR STYLISTIC CONSISTENCY.—The*
 7 *Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251*
 8 *et seq.) is further amended so that the section designation*
 9 *and section heading of each section of such Act shall be in*
 10 *the same form and typeface as the section designation and*
 11 *heading of section 2 of such Act, as amended by subsection*
 12 *(a) of this section.*

Amend the title so as to read: “A bill 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.”.

HR 2401 RH—2

HR 2401 RH—3

HR 2401 RH—4

HR 2401 RH—5

HR 2401 RH—6

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