

103D CONGRESS
1ST SESSION

S. 1337

AN ACT

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

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

3 **SECTION 1. SHORT TITLE.**

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

TITLE I—PROCUREMENT

Subtitle A—Funding Authorizations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense Agencies.
- Sec. 105. Defense Inspector General.
- Sec. 106. Reserve components.
- Sec. 107. Chemical demilitarization program.

Subtitle B—Army Programs

- Sec. 111. Modified M113 carriers and AGT-1500 turbine engines.
- Sec. 112. Nuclear, biological, and chemical protective masks.
- Sec. 113. Chemical agent monitoring program.
- Sec. 114. Close tactical trainer quickstart program.

Subtitle C—Air Force Programs

- Sec. 121. Modernization of the heavy bomber force.
- Sec. 122. B-2 bomber aircraft program.
- Sec. 123. Access by Comptroller General to information on heavy bomber programs.
- Sec. 124. C-17 aircraft program.
- Sec. 125. Joint primary aircraft training system.
- Sec. 126. Solid rocket motor upgrade program.
- Sec. 127. Live-fire survivability testing of the C-17 aircraft.

Subtitle D—Other Programs

- Sec. 131. ALQ-135 jammer device.
- Sec. 132. Funding for certain tactical intelligence programs.
- Sec. 133. Global Positioning System.
- Sec. 134. Sense of Congress on expediting sealift procurement.
- Sec. 135. Permanent authority to carry out AWACS memoranda of understanding.
- Sec. 136. Ring laser gyro navigation systems.
- Sec. 137. Operational support aircraft.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorizations

- Sec. 201. Authorization of appropriations.
- Sec. 202. Amount for basic research and exploratory development.
- Sec. 203. Strategic Environmental Research and Development Program.
- Sec. 204. Funding for defense conversion and reinvestment research and development programs.

Subtitle B—Program Requirements, Restrictions, and Limitations

- Sec. 211. Kinetic Energy Antisatellite Program.
- Sec. 212. Javelin missile program.

- Sec. 213. Plan for testing new electronic countermeasures system for B-1B bombers.
- Sec. 214. Space launch plan.
- Sec. 215. Medical countermeasures against biowarfare threats.
- Sec. 216. Baseline report for the Arrow tactical ballistic missile defense system.
- Sec. 217. Limitations regarding federally funded research and development centers.

Subtitle C—Missile Defense Programs

- Sec. 221. Revision of the Missile Defense Act of 1991.
- Sec. 222. Funding of certain ballistic missile defense programs.
- Sec. 223. Requirement for review of ballistic missile defense systems and components for compliance with ABM Treaty.
- Sec. 224. Theater missile defense master plan.
- Sec. 225. Extension of authority for transfer of responsibility for far-term follow-on technologies.
- Sec. 226. Report on acquisition streamlining to accelerate deployment of initial ABM system.
- Sec. 227. Funding for ballistic missile defense programs.
- Sec. 228. Testing of national missile defense program projects.

Subtitle D—Other Matters

- Sec. 231. Nuclear testing.
- Sec. 232. One-year delay in transfer of management responsibility for naval mine countermeasures program to the Director, Defense Research and Engineering.
- Sec. 233. Termination, reestablishment, and reconstitution of an advisory council on semiconductor technology.
- Sec. 234. Authority to acquire Navy large cavitation channel, Memphis, Tennessee.
- Sec. 235. Strategic Environmental Research Council.
- Sec. 236. Sense of the Senate on metalcasting industry.
- Sec. 237. Interim reconnaissance program.

Subtitle E—Programs in Support of the Prevention and Control of Proliferation of Weapons of Mass Destruction

- Sec. 241. Short title.
- Sec. 242. Sense of Congress.
- Sec. 243. Joint Committee for Review of Nonproliferation Programs of the United States.
- Sec. 244. Report on nonproliferation and counterproliferation activities and programs.
- Sec. 245. Definitions.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Funding national defense strategic lift requirements.
- Sec. 304. Armed Forces Retirement Home.
- Sec. 305. National Security Education Trust Fund obligations.
- Sec. 306. Transfer authority.

Sec. 307. Funds for clearing landmines.

Subtitle B—Defense Business Operations Fund

Sec. 311. Extension of authority for use of the Defense Business Operations Fund.

Sec. 312. Implementation of the Defense Business Operations Fund.

Sec. 313. Limitation on obligations against the Defense Business Operations Fund.

Subtitle C—Environmental Provisions

Sec. 321. Authority for military departments to participate in water conservation programs.

Sec. 322. Clarification of authority for energy conservation programs at military installations.

Sec. 323. Clarification of funding for environmental restoration activities at installations to be closed or realigned.

Sec. 324. Annual report on environmental restoration activities of the Department of Defense.

Sec. 325. Extension of period of applicability of requirement for reimbursement of the Federal government for certain liabilities arising under contracts relating to hazardous waste.

Sec. 326. Prohibition on the purchase of surety bonds and other guaranties for the Department of Defense.

Sec. 327. Clarification of scope of indemnification of transferees of closing defense property.

Sec. 328. Shipboard plastic and solid waste control.

Subtitle D—Other Matters

Sec. 331. Repeal of an exception to a limitation on the performance of depot-level maintenance of materiel.

Sec. 332. Maintenance and repair of Pacific battle monuments.

Sec. 333. Purchase of items not exceeding \$100,000.

Sec. 334. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.

Sec. 335. Contracts to perform workloads previously performed by depot-level activities of the Department of Defense.

Sec. 336. Promotion of civilian marksmanship.

Sec. 337. Amendments regarding pilot program to use National Guard personnel in medically underserved communities.

Sec. 338. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 339. Annual assessment of force readiness.

Sec. 340. Budget information on Department of Defense recruiting expenditures.

Sec. 341. Revision of authorities on National Security Education Trust Fund.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.

Sec. 402. Temporary variation of permanent end strength limitations for certain grades of officers in the Marine Corps.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the reserve components.
- Sec. 413. Temporary variation of permanent end strength limitations for Air Force personnel serving on active duty in certain grades in support of the reserve components.

Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

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

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Award of constructive service credit for advanced education in a health profession.
- Sec. 502. Original appointment as regular officers certain reserve officers in health professions.
- Sec. 503. Temporary authority for involuntary separation of certain regular warrant officers.
- Sec. 504. Two-year extension of authority for temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve Components

- Sec. 511. Limited delegation of Presidential authority to order Selected Reserve to active duty.
- Sec. 512. Two-year extension of certain reserve officer management authorities.
- Sec. 513. Consistency of treatment of National Guard technicians and other members of the National Guard.
- Sec. 514. Exception to requirement for 12 weeks of basic training.
- Sec. 515. National Guard management initiatives.
- Sec. 516. Frequency of physical examinations of members of the Ready Reserve.

Subtitle C—Service Academies

- Sec. 521. Congressional nominations.
- Sec. 522. Graduation leave.
- Sec. 523. Management of faculties.

Subtitle D—Force Reduction Transition

- Sec. 531. Teacher and teacher aide program for separated members of the Armed Forces.
- Sec. 532. Extension of personnel management and benefits transition authorities.
- Sec. 533. Technical and conforming amendments relating to transition authorities.

Subtitle E—Other Matters

- Sec. 541. Assignments of women members of the Armed Forces.
- Sec. 542. Reduction in the maximum number of years to be on temporary disability retired list.
- Sec. 543. Clarification of punitive UCMJ article regarding drunken driving.
- Sec. 544. Authority to reduce active duty service obligation incurred in connection with advanced education assistance.
- Sec. 545. Award of Purple Heart to members killed or wounded in action by friendly fire.
- Sec. 546. Policy concerning homosexuality in the Armed Forces.
- Sec. 547. Employment of retired members by foreign governments.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Military pay raise for fiscal year 1994.

Subtitle B—Bonuses, Special Pay, and Incentive Pay

- Sec. 611. Modification of authority relating to payment of certain Selected Reserve bonuses.
- Sec. 612. Extension of authority relating to payment of certain bonuses, payment of other special pay, and repayment of certain education loans.

Subtitle C—Travel and Transportation Allowances

- Sec. 621. Reimbursement of temporary lodging expenses.
- Sec. 622. Treatment of advance pay paid to members evacuated from Homestead Air Force Base.

Subtitle D—Matters Related to Retired Pay and Separation Benefits

- Sec. 631. Special pay for certain disabled members.
- Sec. 632. Standardization of minimum service requirement for eligibility for certain separation benefits.
- Sec. 633. Expansion of eligibility for certain separation benefits.
- Sec. 634. Applicability to Coast Guard Reserve of certain reserve components transition initiatives.

Subtitle E—Benefits for Former POWs and Other Members Held Captive

- Sec. 641. Permanent authority for claims by former prisoners of war based on violations of Geneva Conventions.
- Sec. 642. Members eligible for benefits when held captive by terrorists.

Subtitle F—Other Matters

- Sec. 651. Authority to limit direct payment of pay and allowances to certain members during war, hostilities, or national emergency.
- Sec. 652. Losses incurred and gains realized in connection with housing members in private housing abroad.
- Sec. 653. Postponement of performance of certain tax-related acts for certain persons serving in contingency operations.

- Sec. 654. Benefits for dependents of members of the Armed Forces pending loss of right to retired pay as a result of a court-martial.
- Sec. 655. Sense of Senate relating to excess leave and permissive temporary duty for certain members of the Armed Forces.

TITLE VII—HEALTH CARE PROVISIONS

- Sec. 701. Extension and revision of specialized treatment facility program authority.
- Sec. 702. Codification of CHAMPUS Peer Review Organization program procedures.
- Sec. 703. Flexible deadline for commencement of CHAMPUS Reform Initiative in Hawaii and California.
- Sec. 704. Delay of termination of status of certain facilities as uniformed services treatment facilities.
- Sec. 705. Exclusion of experienced military physicians from medicare definition of new physician.
- Sec. 706. Enrollment in the dependents' dental program by certain members returning from overseas assignments.
- Sec. 707. Sense of Senate on the provision of adequate medical care to military retirees.
- Sec. 708. Independent study of conduct of medical study by Arctic Aeromedical Laboratory, Ladd Air Force Base, Alaska.

TITLE VIII—ACQUISITION POLICY

Subtitle A—Defense Technology and Industrial Base, Reinvestment, and Conversion

- Sec. 801. Manufacturing Science and Technology Program.
- Sec. 802. University Research Initiative Support Program.
- Sec. 803. Operating Committee of the Critical Technologies Institute.
- Sec. 804. Targeting defense conversion funds.
- Sec. 805. Small business participation.

Subtitle B—Acquisition Assistance Programs

- Sec. 811. Contract goal for disadvantaged small businesses and certain institutions of higher education.
- Sec. 812. Procurement technical assistance programs.
- Sec. 813. Pilot Mentor-Protege Program funding and improvements.

Subtitle C—Other Matters

- Sec. 821. Reimbursement of indirect costs of institutions of higher education under Department of Defense contracts.
- Sec. 822. Prohibition on purchase of United States defense contractors by entities controlled by foreign governments.
- Sec. 823. Prohibition on award of certain Department of Defense and Department of Energy contracts to entities controlled by a foreign government.
- Sec. 824. Reports by defense contractors on dealings with terrorist countries and nationals of terrorist countries.
- Sec. 825. Department of Defense purchases through other agencies.
- Sec. 826. Authority of the Advanced Research Projects Agency to carry out certain pilot demonstration projects and prototype projects.

- Sec. 827. Improvement of pricing policies for use of major range and test facility installations of the military departments.

Subtitle D—Defense Acquisition Pilot Program

- Sec. 831. Defense acquisition pilot program amendments.
 Sec. 832. Reference to defense acquisition pilot program.
 Sec. 833. Mission oriented program management.
 Sec. 834. Savings objectives.
 Sec. 835. Program phases and phase funding.
 Sec. 836. Program work force policies.
 Sec. 837. Efficient contracting processes.
 Sec. 838. Contract administration: Performance based contract management.
 Sec. 839. Contractor performance assessment.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Assistant Secretary of Defense for Legislative Affairs.
 Sec. 902. Responsibilities of the Comptroller of the Department of Defense.
 Sec. 903. Repeal of termination of requirement for a Director of Expeditionary Warfare.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 1001. Transfer authority.
 Sec. 1002. Revision of date for submittal of joint report on scoring of budget outlays.
 Sec. 1003. Discretionary authority of the Comptroller General to conduct annual audits of the acceptance by the Department of Defense of property, services, and contributions.

Subtitle B—Fiscal Year 1993 Authorization Matters

- Sec. 1011. Authority for obligation of certain unauthorized fiscal year 1993 defense appropriations.
 Sec. 1012. Limitation on obligation for certain unauthorized appropriations.
 Sec. 1013. Use of fiscal year 1993 Air Force aircraft procurement funds for higher priority programs.
 Sec. 1014. Supplemental authorization of appropriations for fiscal year 1993.

Subtitle C—Joint Officer Personnel Matters

- Sec. 1021. Joint officer personnel policy.
 Sec. 1022. Joint duty credit for certain duty performed during Operations Desert Shield and Desert Storm.

Subtitle D—Matters Relating to Reserve Components

- Sec. 1031. Review of Air Force plans to transfer heavy bombers to reserve components units.
 Sec. 1032. Requirement for transfer of air refueling aircraft to reserve components of the Air Force.

Subtitle E—International Peacekeeping Activities

- Sec. 1041. General authorization of support for international peacekeeping activities.
- Sec. 1042. Report on multinational peacekeeping and peace enforcement.

Subtitle F—Matters Relating to Allies and Other Nations

- Sec. 1051. Burden sharing contributions by Japan, Kuwait, and the Republic of Korea.
- Sec. 1052. Defense conversion and reinvestment; export loan guarantees.
- Sec. 1053. Findings regarding defense cooperation between the United States and Israel.
- Sec. 1054. Defense burdensharing.

Subtitle G—Other Matters

- Sec. 1061. Additional support for counter-drug activities.
- Sec. 1062. Report on personnel requirements for control of transfer of certain weapons.
- Sec. 1063. National Guard Civilian Youth Opportunities Pilot Program amendments.
- Sec. 1064. Civilian faculty of the George C. Marshall European Center for Security Studies.
- Sec. 1065. Administrative improvements in Goldwater Scholarship and Excellence in Education Program.
- Sec. 1066. U.S.S. Indianapolis Memorial, Indianapolis, Indiana.
- Sec. 1067. Involvement of Armed Forces in Somalia.
- Sec. 1068. Sense of the Congress regarding establishment of an Office of Economic Conversion information within the Department of Commerce.
- Sec. 1069. Transfer of obsolete destroyer tender Yosemite.
- Sec. 1070. Transportation of cargoes by water.
- Sec. 1071. Burial of remains at Arlington National Cemetery.
- Sec. 1072. Sense of the Congress regarding the justification for continuing the extremely low frequency communication system.
- Sec. 1073. Basing for C-130 aircraft.
- Sec. 1074. Importance of naval oceanography survey and research in the post-cold war period.
- Sec. 1075. Digital electronic devices.
- Sec. 1076. Research on exposure to hazardous agents and materials of armed services personnel who served in the Persian Gulf war.
- Sec. 1077. Sense of Congress relating to the proliferation of space launch vehicle technologies.
- Sec. 1078. American diplomatic facilities in Germany.
- Sec. 1079. Effective date for changes in Servicemen's Group Life Insurance Program.
- Sec. 1080. Award of the Navy Expeditionary Medal.
- Sec. 1081. Report on military food distribution practices.
- Sec. 1082. Prevention of entry into the United States of certain former members of the Iraqi armed forces.
- Sec. 1083. Short title.
- Sec. 1084. Findings; policy.
- Sec. 1085. Report.
- Sec. 1086. Location of Joint Warfighting Simulation Center.
- Sec. 1087. Sanctions against Serbia and Montenegro.
- Sec. 1088. Environmental education opportunities program.
- Sec. 1089. Medical laser burn treatment.

- Sec. 1090. Technical and clerical amendments.
 Sec. 1091. Termination of certain Department of Defense reporting requirements.
 Sec. 1092. Reports relating to certain special access programs and similar programs.
 Sec. 1093. Department of Defense food stocks for assistance in Bosnia-Herzegovina and Armenia.
 Sec. 1094. Landmine Moratorium Extension Act.

**TITLE XI—COOPERATIVE THREAT REDUCTION WITH
STATES OF FORMER SOVIET UNION**

- Sec. 1101. Short title.
 Sec. 1102. Findings on cooperative threat reduction.
 Sec. 1103. Authority for programs to facilitate cooperative threat reduction.
 Sec. 1104. Funding for fiscal year 1994.
 Sec. 1105. Prior notice to Congress of obligation of funds.
 Sec. 1106. Semiannual report.
 Sec. 1107. Appropriate congressional committees defined.

1 **TITLE I—PROCUREMENT**
 2 **Subtitle A—Funding**
 3 **Authorizations**

4 **SEC. 101. ARMY.**

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

7 (1) For aircraft, \$1,249,539,000.

8 (2) For missiles, \$1,083,810,000.

9 (3) For weapons and tracked combat vehicles,
 10 \$1,009,679,000.

11 (4) For ammunition, \$621,049,000.

12 (5) For other procurement, \$2,864,575,000.

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

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

17 (1) For aircraft, \$5,755,166,000.

1 (2) For weapons, \$3,000,614,000.

2 (3) For shipbuilding and conversion,
3 \$4,264,647,000.

4 (4) For other procurement, \$2,820,931,000.

5 (b) MARINE CORPS.—Funds are hereby authorized to
6 be appropriated for fiscal year 1994 for procurement for
7 the Marine Corps in the amount of \$480,521,000.

8 **SEC. 103. AIR FORCE.**

9 Funds are hereby authorized to be appropriated for
10 fiscal year 1994 for procurement for the Air Force as fol-
11 lows:

12 (1) For aircraft, \$4,041,664,000.

13 (2) For missiles, \$4,245,404,000.

14 (3) For other procurement, \$7,610,888,000.

15 **SEC. 104. DEFENSE AGENCIES.**

16 Funds are hereby authorized to be appropriated for
17 fiscal year 1994 for procurement for the Defense Agencies
18 in the amount of \$2,044,971,000.

19 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

20 Funds are hereby authorized to be appropriated for
21 fiscal year 1994 for procurement for the Inspector General
22 of the Department of Defense in the amount of \$600,000.

23 **SEC. 106. RESERVE COMPONENTS.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 1994 for procurement of aircraft, vehicles, com-

1 munications equipment, and other equipment for the re-
2 serve components of the Armed Forces as follows:

3 (1) For the Army National Guard,
4 \$85,000,000.

5 (2) For the Air National Guard, \$285,000,000.

6 (3) For the Army Reserve, \$65,000,000.

7 (4) For the Naval Reserve, \$55,000,000.

8 (5) For the Air Force Reserve, \$50,000,000.

9 (6) For the Marine Corps Reserve,
10 \$20,000,000.

11 (7) For reserve component simulation equip-
12 ment, \$75,000,000.

13 (8) For National Guard aircraft replacement
14 and modernization, \$150,000,000.

15 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

16 There is hereby authorized to be appropriated for fis-
17 cal year 1994, \$442,947,000 for—

18 (1) the destruction of lethal chemical agents
19 and munitions in accordance with section 1412 of
20 the Department of Defense Authorization Act, 1986
21 (50 U.S.C. 1521); and

22 (2) the destruction of chemical warfare material
23 of the United States that is not covered by section
24 1412 of such Act.

1 **Subtitle B—Army Programs**

2 **SEC. 111. MODIFIED M113 CARRIERS AND AGT-1500 TUR-**
3 **BINE ENGINES.**

4 (a) ADDITIONAL AUTHORIZATION OF APPROPRIA-
5 TIONS.—In addition to the funds authorized to be appro-
6 priated in section 101, funds are authorized to be appro-
7 priated for the Army for procurement of modified M113
8 carriers and AGT-1500 turbine engines in the amount of
9 \$148,000,000.

10 (b) LIMITATION.—None of the funds appropriated
11 pursuant to the authorization in subsection (a) may be
12 obligated during fiscal year 1994.

13 **SEC. 112. NUCLEAR, BIOLOGICAL, AND CHEMICAL PROTEC-**
14 **TIVE MASKS.**

15 Of the unobligated balance of the funds appropriated
16 for the Army for fiscal year 1993 for other procurement,
17 \$9,300,000 shall be available, to the extent provided in
18 appropriations Acts, for procurement of M40/M42 nu-
19 clear, biological, and chemical protective masks.

20 **SEC. 113. CHEMICAL AGENT MONITORING PROGRAM.**

21 Funds appropriated for the Army for fiscal year 1993
22 for other procurement may not be obligated after the date
23 of the enactment of this Act for the Improved Chemical
24 Agent Monitor (ICAM) program.

1 **SEC. 114. CLOSE TACTICAL TRAINER QUICKSTART PRO-**
2 **GRAM.**

3 Authority to reprogram funds for the Close Combat
4 Tactical Trainer Quickstart Program. Subject to existing
5 reprogramming procedures, the Secretary of the Army is
6 authorized to reprogram funds in fiscal year 1994 to pro-
7 cure long lead component hardware items to accelerate the
8 Close Combat Tactical Trainer Quickstart Program.

9 **Subtitle C—Air Force Programs**

10 **SEC. 121. MODERNIZATION OF THE HEAVY BOMBER FORCE.**

11 (a) FUNDING.—Of the amount authorized to be ap-
12 propriated under section 103—

13 (1) not more than \$37,400,000 shall be avail-
14 able for procurement of B-52 bomber aircraft; and

15 (2) not more than \$177,355,000 shall be avail-
16 able for the B-1B bomber aircraft program.

17 (b) LIMITATIONS ON FUNDING.—Of the total amount
18 made available pursuant to subsection (a) for the pro-
19 grams referred to in such subsection—

20 (1) none of such amount may be obligated or
21 expended until all of the requirements set forth in
22 section 152 of the National Defense Authorization
23 Act for Fiscal Year 1993 (Public Law 102-484; 106
24 Stat. 2340) have been met; and

25 (2) not more than 50 percent of such amount
26 may be expended before the commencement of flight

1 testing in accordance with the test plan required by
2 section 152(a) of such Act.

3 **SEC. 122. B-2 BOMBER AIRCRAFT PROGRAM.**

4 (a) AMOUNT FOR PROGRAM.—Subject to subsection
5 (b), of the amount appropriated to the Air Force pursuant
6 to section 103(1) for fiscal year 1994 for procurement of
7 aircraft, not more than \$626,200,000 may be obligated
8 for the B-2 bomber aircraft program.

9 (b) LIMITATIONS ON OBLIGATION.—(1) None of the
10 funds made available for fiscal year 1994 for the B-2
11 bomber aircraft program may be obligated until the Sec-
12 retary of Defense has submitted to the congressional de-
13 fense committees the certifications and reports described
14 in section 151(d)(1) of the National Defense Authoriza-
15 tion Act for Fiscal Year 1993 (Public Law 102-484; 106
16 Stat. 2339).

17 (2) Of the unobligated balances of funds authorized
18 to be appropriated for procurement of B-2 aircraft for fis-
19 cal years 1992, 1993, and 1994, none of such funds may
20 be obligated until—

21 (A) the Secretary of the Air Force—

22 (i) has entered into a definitized produc-
23 tion contract with the prime contractor for air
24 vehicles 17 through 21; or

1 (ii) has submitted to the congressional de-
2 fense committees a report setting forth the rea-
3 sons that a definitized contract cannot be en-
4 tered into; and

5 (B) the Secretary of Defense has submitted to
6 such committees a certification that the Department
7 of the Air Force is in full compliance with the B-
8 2 correction-of-deficiency requirements set forth in
9 section 117(d) of Public Law 101-189 (103 Stat.
10 1376) in all aspects of deficiency correction.

11 (c) TOTAL PROGRAM LIMITATIONS.—(1) Notwith-
12 standing any other provision of law, funds available for
13 the Department of Defense pursuant to authorizations of
14 appropriations in this or any other Act may not be ex-
15 pended for acquisition of more than 20 fully operational
16 B-2 bomber aircraft that meet the Block 30 requirements
17 (as defined by the Secretary of the Air Force as of August
18 1, 1993), plus one test aircraft.

19 (2) The total amount obligated on or after the date
20 of the enactment of this Act for research, development,
21 test, and evaluation for, and acquisition, modification and
22 retrofitting of, the 20 B-2 bomber aircraft (and the one
23 test aircraft) referred to in paragraph (1) and for paying
24 the costs associated with termination of the B-2 bomber
25 aircraft program upon completion of the acquisition of

1 such 20 aircraft (and the one test aircraft) may not exceed
2 \$28,968,000,000 (in fiscal year 1981 constant dollars).

3 (3) The Congress declares that it will consider enact-
4 ing legislation to increase the amount of the limitation
5 specified in paragraph (2) if—

6 (A) for any fiscal year beginning after Septem-
7 ber 30, 1994, the Secretary of Defense has re-
8 quested funds for the B-2 bomber aircraft program
9 in the documents submitted to Congress by the Sec-
10 retary in connection with the budget submitted to
11 Congress pursuant to section 1105 of title 31, Unit-
12 ed States Code, for that fiscal year;

13 (B) obligation of the total amount of the funds
14 so requested would not have violated the limitation;
15 and

16 (C) the requested funds—

17 (i) have not been made available for such
18 fiscal year as requested; or

19 (ii) have been made available for such fis-
20 cal year but have not been obligated in such fis-
21 cal year by reason of any limitation or restric-
22 tion on the obligation of such funds that is con-
23 tained in an Act enacted after the date of the
24 enactment of this Act.

1 **SEC. 123. ACCESS BY COMPTROLLER GENERAL TO INFOR-**
2 **MATION ON HEAVY BOMBER PROGRAMS.**

3 The Secretary of Defense shall take all actions that
4 are necessary to ensure that the Comptroller General of
5 the United States and employees of the General Account-
6 ing Office designated by the Comptroller General have
7 full, free, and prompt access to data, reports, and analyses
8 generated by or on behalf of the Department of the Air
9 Force (including by Air Force contractors) that relate to
10 operation, maintenance, repair, and modernization of
11 heavy bombers, and the plans of the Air Force for oper-
12 ation, maintenance, repair, and modernization of heavy
13 bombers in the future.

14 **SEC. 124. C-17 AIRCRAFT PROGRAM.**

15 (a) FISCAL YEAR 1994 LIMITATION.—None of the
16 funds appropriated for the Department of Defense for fis-
17 cal year 1994 may be made available for procurement of
18 C-17 aircraft until—

19 (1) all limitations and requirements set forth in
20 subsections (b), (c), (d), (f), and (g) of section 134
21 of the National Defense Authorization Act for Fiscal
22 Year 1993 (Public Law 102-484; 106 Stat. 2335)
23 are satisfied; and

24 (2) the Secretary of Defense submits to the
25 congressional defense committees a report on the C-
26 17 acquisition program that contains—

1 (A) the results of the special Defense Ac-
2 quisition Board review of the program;

3 (B) a discussion of the corrective actions
4 to be taken by the Air Force with regard to
5 such program;

6 (C) a discussion of the corrective actions to
7 be taken by the contractor with regard to such
8 program; and

9 (D) the findings and recommendations of
10 the special Defense Science Board group result-
11 ing from the investigation of the program by
12 that group.

13 (b) FISCAL YEAR 1995 LIMITATION.—None of the
14 funds appropriated for the Department of Defense for fis-
15 cal year 1995 that are made available for the C-17 air-
16 craft program (other than funds for advance procurement)
17 may be obligated before the Secretary of Defense submits
18 to the congressional defense committees a report contain-
19 ing a review of the airlift requirements of the Armed
20 Forces. The review shall—

21 (1) be based on an analysis by a federally fund-
22 ed research and development center; and

23 (2) reflect consideration of—

24 (A) the changes in total airlift require-
25 ments resulting from the disintegration of the

1 Warsaw Pact and Soviet Union that eliminate
2 any major trans-Atlantic airlift requirement for
3 Europe;

4 (B) the change in airlift requirements from
5 requirements for airlift of large quantities of
6 outsize cargo for reinforcement of the North
7 Atlantic Treaty Organization (NATO) forces to
8 requirements for airlift in connection with such
9 lesser regional contingencies and humanitarian
10 operations as Operation Desert Shield, Oper-
11 ation Desert Storm, and Operation Restore
12 Hope;

13 (C) the potential contribution that planned
14 strategic sealift improvements can make
15 toward—

16 (i) reducing the total demand for air-
17 lift; and

18 (ii) changing the type of cargo that
19 airlift aircraft must carry;

20 (D) the declining demand for conducting
21 airlift operations in austere airfield environ-
22 ments; and

23 (E) the trade-off between purchasing the
24 type of additional capability that the C-17 air-
25 craft can provide and purchasing and employing

1 additional support equipment that would in-
2 crease the cargo airlift capability of commercial
3 cargo aircraft.

4 (c) LIMITATION ON ACQUISITION OF MORE THAN 5
5 AIRCRAFT.—Funds appropriated for the Department of
6 Defense for fiscal years after fiscal year 1993 that are
7 made available for the C-17 aircraft program (other than
8 funds for advance procurement) may not be obligated to
9 produce more than 5 C-17 aircraft until the program
10 meets the following milestones:

11 (1) Clearance of flight envelope with respect to
12 altitude and speed.

13 (2) Takeoff of aircraft at a gross weight of
14 580,000 pounds and 160,000 pounds payload within
15 a critical field length of 8500 feet at sea level and
16 90 degrees Fahrenheit day conditions (or equivalent
17 results under other conditions).

18 (3) Backing aircraft up a two degree slope with
19 a gross weight of 510,000 pounds.

20 (4) Unassisted 180 degree turn of aircraft on
21 a paved runway of load classification group IV in
22 less than 90 feet, using three maneuvers.

23 (5) Completion of static article ultimate load
24 (150 percent of design limit load) test condition S.P.
25 5030 for wing up bending.

1 (6) Completion of electromagnetic radiation,
2 electromagnetic compatibility, and lightening tests.

3 (7) Low velocity air drop of 5,000-pound, 8-foot
4 length platform.

5 (8) Sequential air drop of multiple simulated
6 paratroop dummies from both paratroop doors.

7 (9) A minimum unit equivalent assembly rate of
8 6.0 assemblies per year, as measured by the ratio of
9 annualized standard hours earned to that required
10 to assemble one aircraft from the beginning of as-
11 sembly to the completion of assembly prior to move-
12 ment to the ramp at the prime contractor's facilities.

13 (10) For all aircraft scheduled for delivery in
14 the prior 6-month period, delivery of each aircraft
15 within one month of scheduled delivery date.

16 (d) LIMITATION ON ACQUISITION OF MORE THAN 8
17 AIRCRAFT.—Funds appropriated for the Department of
18 Defense for fiscal years after fiscal year 1993 that are
19 made available for the C-17 aircraft program (other than
20 funds for advance procurement) may not be obligated to
21 produce more than 8 aircraft until the program meets the
22 following additional milestones:

23 (1) Clearance of flight envelope with respect to
24 loads.

1 (2) Estimate of payload meets 95 percent of the
2 requirement provided in the full-scale development
3 contract for the key performance parameters for
4 payload-to-range systems performance.

5 (3) Operational clearance for aircraft to be air
6 refueled from operational KC-10 and KC-135 air-
7 craft at standard Air Force refueling speeds for the
8 specific tanker in a single receiver formation.

9 (4) Demonstration of combat offload with two
10 463L pallets using the air delivery system rails.

11 (5) Airdrop of 70 paratroopers on one pass,
12 using both paratroop doors.

13 (6) Low velocity air drop of 30,000-pound, 24-
14 foot length platform.

15 (e) LIMITATION ON ACQUISITION OF MORE THAN 10
16 AIRCRAFT.—Funds appropriated for the Department of
17 Defense for fiscal years after fiscal year 1993 that are
18 made available for the C-17 aircraft program (other than
19 funds for advance procurement) may not be obligated to
20 produce 11 or 12 aircraft until the program meets the fol-
21 lowing additional milestones:

22 (1) Estimate of payload meets 97.5 percent of
23 the requirement provided in the full-scale develop-
24 ment contract for the key performance parameters
25 for payload-to-range systems performance.

1 (2) Landing of aircraft with a payload of
2 160,000 pounds and fuel necessary to fly 300 nau-
3 tical miles on a 3,000-foot long, 90-foot wide, and
4 load classification group IV runway at sea level, 90
5 degrees Fahrenheit day conditions (or equivalent re-
6 sults under other conditions).

7 (3) Low altitude parachute extraction system
8 delivery of a 20,000-pound cargo.

9 (4) Simultaneous and sequential container de-
10 livery system airdrop of 30 bundles.

11 (5) Low velocity air drop of 42,000-pound plat-
12 form.

13 (6) Satisfactory completion of one lifetime of
14 testing of durability article.

15 (7) Air vehicle mean time between removal at
16 cumulative flying hours to date of measurement indi-
17 cates that the mature requirement established in the
18 full-scale development contract will be met.

19 (f) FUNDING OUT OF NATIONAL DEFENSE STRATE-
20 GIC LIFT FUND.—Funds appropriated for the Depart-
21 ment of Defense for fiscal year 1994 may be made avail-
22 able for procurement of the C-17 aircraft only in accord-
23 ance with section 2218 of title 10, United States Code.

1 **SEC. 125. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM.**

2 No funds appropriated for the Department of De-
3 fense pursuant to an authorization contained in this Act
4 or any Act enacted after the date of the enactment of this
5 Act may be obligated or expended to procure Joint Pri-
6 mary Aircraft Training System aircraft until the Sec-
7 retary of Defense certifies to the congressional defense
8 committees that the cockpit and ejection seat of such air-
9 craft have been designed for safe and effective operation
10 of the aircraft and ejection system by at least 95 percent
11 of the male pilot trainees and 95 percent of the female
12 pilot trainees.

13 **SEC. 126. SOLID ROCKET MOTOR UPGRADE PROGRAM.**

14 (a) PROHIBITION ON USE OF FUNDS.—Funds appro-
15 priated to the Department of Defense may be used for
16 implementing a supplemental agreement described in sec-
17 tion 9164 of Public Law 102–396 only under the authori-
18 ties in subsection (b).

19 (b) ACTIONS AUTHORIZED.—The Secretary of De-
20 fense may—

21 (1) restructure the provisions of contract
22 F04701–85–C–0019 (hereafter in this subsection re-
23 ferred to as the “prime contract”) and enter into an
24 agreement to reimburse the subcontractor for the
25 Solid Rocket Motor Upgrade (SRMU) subcontract
26 under such prime contract (hereafter in this sub-

1 section referred to as the “SRMU subcontractor”)
2 for the costs incurred by the subcontractor for devel-
3 opment and tooling related to the subcontract;

4 (2) reimburse the SRMU subcontractor for
5 working capital expenses related to the subcontract
6 only after consultation with the Comptroller General
7 of the United States regarding whether such ex-
8 penses are allowable under applicable laws;

9 (3) settle claims arising from disputes between
10 the SRMU subcontractor and prime contractor;

11 (4) transfer funds to reimburse the subcontrac-
12 tor in accordance with paragraphs (1), (2) and (3);

13 (5) if the Secretary enters into an agreement to
14 pay the SRMU subcontractor in accordance with
15 paragraphs (1), (2) and (3), take such actions as are
16 necessary to ensure that competitive procedures are
17 used for awarding contracts in any future procure-
18 ments of solid rocket motors for the Titan IV launch
19 system;

20 (6) take such actions as are necessary to reduce
21 or eliminate concurrency in the Solid Rocket Motor
22 Upgrade program;

23 (7) change the type of the subcontract used for
24 the Solid Rocket Motor Upgrade production sub-
25 contract and adjust the ceiling price for the prime

1 contract accordingly, but only with respect to the
2 Solid Rocket Motor Upgrade production subcontract;
3 and

4 (8) if the Secretary decides to reimburse the
5 SRMU subcontractor for development costs, tooling,
6 and claims resulting from the termination or modi-
7 fication of the subcontract, terminate the Solid
8 Rocket Motor Upgrade production subcontract or
9 modify such subcontract regarding the production
10 quantities and production rates.

11 (c) RELATIONSHIP OF TRANSFER AUTHORITY TO
12 OTHER TRANSFER AUTHORITY.—The authority provided
13 in subsection (b)(4) is not in addition to any other transfer
14 authority provided in this or any other Act.

15 **SEC. 127. LIVE-FIRE SURVIVABILITY TESTING OF THE C-17**
16 **AIRCRAFT.**

17 Section 132(d) of the National Defense Authorization
18 Act for Fiscal Year 1993 (Public Law 102–484) is amend-
19 ed by striking out “for fiscal year 1993”.

20 **Subtitle D—Other Programs**

21 **SEC. 131. ALQ-135 JAMMER DEVICE.**

22 Subsection 182(b)(2) of Public Law 101–510 is
23 amended by striking out “meets or exceeds all operational
24 criteria established for the program” and inserting in lieu
25 thereof “is operationally effective and suitable”.

1 **SEC. 132. FUNDING FOR CERTAIN TACTICAL INTELLIGENCE**
2 **PROGRAMS.**

3 Notwithstanding the limitation in section 141 of Pub-
4 lic Law 102-484 (106 Stat. 2338), funds authorized to
5 be appropriated under such section are authorized to be
6 made available for the following purposes:

7 (1) To complete EP-3 Aries conversion-in-lieu-
8 of-procurement for the remainder of the EP-3 Aries
9 aircraft fleet.

10 (2) To upgrade communications of the EP-3
11 Aries aircraft fleet to permit dissemination of col-
12 lected data.

13 (3) To complete standardization of the RC-135
14 Rivet Joint aircraft fleet to Block III Baseline 6
15 configuration.

16 **SEC. 133. GLOBAL POSITIONING SYSTEM.**

17 (a) PROGRAM STUDY REQUIRED.—(1) The Secretary
18 of Defense shall provide for an independent study to be
19 conducted on the management and funding of the Global
20 Positioning System program for the future.

21 (2) With the agreement of the National Academy of
22 Sciences and the National Academy of Public Administra-
23 tion, the study shall be conducted jointly by those organi-
24 zations.

25 (3) Of the amounts authorized to be appropriated to
26 the Department of Defense for fiscal year 1994 and made

1 available for procurement of Global Positioning System
2 user equipment, for procurement of spacecraft, or for op-
3 erations and maintenance, \$5,000,000 may be used for
4 carrying out the study required by paragraph (1).

5 (b) LIMITATION ON PROCUREMENT OF SYSTEMS
6 NOT GPS EQUIPPED.—Funds may not be obligated after
7 September 30, 2000, to modify or procure any Depart-
8 ment of Defense aircraft, ship, armored vehicle, or indirect
9 fire weapon system that is not equipped with a Global Po-
10 sitioning System receiver.

11 (c) REPORTING REQUIREMENT.—Not later than May
12 1, 1994, the Secretary of Defense, in coordination with
13 the Director of Central Intelligence, shall submit to the
14 congressional defense committees, the Select Committee
15 on Intelligence of the Senate, and the Permanent Select
16 Committee on Intelligence of the House of Representatives
17 a report on the following questions:

18 (1) What, if any, threats to the health and safe-
19 ty of United States military forces, allied military
20 forces, and the United States and allied civilian pop-
21 ulations, and what, if any, threats of damage to
22 property within the United States and allied coun-
23 tries, will result by the year 2000 from Global Posi-
24 tioning System navigation signals, local and wide-
25 area differential navigation correction signals, kine-

1 matic differential correction signals, and commer-
2 cially available map products based on the Global
3 Positioning System?

4 (2) What, if any, threat to civil aviation and
5 other transportation operations will result by the
6 year 2000 from the signal jamming, deception, and
7 other disruptive effects of Global Positioning System
8 navigation signals?

9 (3) What, if any, actions can be taken to elimi-
10 nate or mitigate such threats?

11 (4) What, if any, modifications of the Global
12 Positioning System and derivative systems can be
13 made to eliminate or significantly reduce such
14 threats, or to increase the ability of the Department
15 of Defense to mitigate such threats, without inter-
16 fering with authorized and peaceful uses of the Glob-
17 al Positioning System?

18 **SEC. 134. SENSE OF CONGRESS ON EXPEDITING SEALIFT**

19 **PROCUREMENT.**

20 (a) FINDINGS.—The Congress makes the following
21 findings:

22 (1) The Joint Chiefs of Staff have verified the
23 urgent need for increased sealift.

1 1994, 1993, and 1992 for the Navy shall be obligated or
2 expended for the procurement of ring laser gyro naviga-
3 tion systems for surface ships under a sole source con-
4 tract.

5 **SEC. 137. OPERATIONAL SUPPORT AIRCRAFT.**

6 None of the funds appropriated for the Department
7 of Defense for fiscal year 1994 may be obligated for a
8 procurement of any operational support aircraft without
9 full and open competition (as defined in section 2302(3)
10 of title 10, United States Code), unless—

11 (1) the procurement is within an exception set
12 forth in section 2304(c) of title 10, United States
13 Code;

14 (2) the justification and certification require-
15 ments of section 2304(f) of such title are satisfied;
16 and

17 (3) the Under Secretary of Defense for Acquisi-
18 tion certifies to the congressional defense committees
19 that the procurement is within an exception set forth
20 in section 2304(c) of such title.

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

4 **Subtitle A—Authorizations**

5 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

6 Funds are hereby authorized to be appropriated for
7 fiscal year 1994 for the use of the Armed Forces for re-
8 search, development, test, and evaluation as follows:

9 (1) For the Army, \$5,303,738,000.

10 (2) For the Navy, \$8,338,931,000.

11 (3) For the Air Force, \$12,681,597,000.

12 (4) For the Defense Agencies, \$9,775,951,000,

13 of which—

14 (A) \$252,592,000 is authorized for the ac-
15 tivities of the Deputy Director, Defense Re-
16 search and Engineering (Test and Evaluation);
17 and

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

20 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**
21 **ATORY DEVELOPMENT.**

22 (a) FISCAL YEAR 1994.—Of the amounts authorized
23 to be appropriated by section 201, \$4,549,445,000 shall
24 be available for basic research and exploratory develop-
25 ment projects.

1 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-
2 MENT DEFINED.—For purposes of this section, the term
3 “basic research and exploratory development” means work
4 funded in program elements for defense research and de-
5 velopment under Department of Defense category 6.1 or
6 6.2.

7 **SEC. 203. STRATEGIC ENVIRONMENTAL RESEARCH AND DE-**
8 **VELOPMENT PROGRAM.**

9 Of the amounts authorized to be appropriated by sec-
10 tion 201, \$200,000,000 shall be available for the Strategic
11 Environmental Research and Development Program.

12 **SEC. 204. FUNDING FOR DEFENSE CONVERSION AND REIN-**
13 **VESTMENT RESEARCH AND DEVELOPMENT**
14 **PROGRAMS.**

15 (a) Of the amounts authorized to be appropriated
16 under section 201—

17 (1) \$10,000,000 shall be available for the na-
18 tional defense program for analysis of the technology
19 and industrial base under section 2503 of title 10,
20 United States Code;

21 (2) \$150,000,000 shall be available for defense
22 dual-use critical technology partnerships established
23 under section 2511 of such title;

1 (3) \$100,000,000 shall be available for commer-
2 cial-military integration partnerships established
3 under section 2512 of such title;

4 (4) \$100,000,000 shall be available for assist-
5 ance of regional technology alliances under section
6 2513 of such title;

7 (5) \$30,000,000 shall be available for defense
8 advanced manufacturing technology partnerships es-
9 tablished under section 2522 of such title;

10 (6) \$100,000,000 shall be available for support
11 of defense manufacturing technology extension pro-
12 grams under section 2523 of such title;

13 (7) \$25,000,000 shall be available for defense
14 manufacturing engineering education grants under
15 section 2196 of such title;

16 (8) \$10,000,000 shall be available for support
17 of manufacturing experts in the classroom program
18 under section 2197 of such title;

19 (9) \$30,000,000 shall be available for the ad-
20 vanced materials synthesis and processing partner-
21 ship program; and

22 (10) \$50,000,000 shall be available for the agile
23 manufacturing/enterprise integration program.

24 (b) Of the amounts authorized to be appropriated
25 under section 201, \$10,000,000 shall be available, in addi-

1 tion to the amounts specified in subsection (a), for the
2 programs, projects, and activities described in subsection
3 (a).

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

7 **SEC. 211. KINETIC ENERGY ANTISATELLITE PROGRAM.**

8 (a) CONVERSION OF PROGRAM.—The Secretary of
9 Defense shall convert the Kinetic Energy Antisatellite
10 (KE-ASAT) Program to a tactical antisatellite tech-
11 nologies program.

12 (b) LEVEL FUNDING.—Of the amounts authorized to
13 be appropriated in this title, \$10,000,000 shall be avail-
14 able for fiscal year 1994 for engineering development
15 under the program.

16 (c) DEVELOPMENT OF MOST CRITICAL TECH-
17 NOLOGIES.—The amount referred to in subsection (b)
18 shall be available for engineering development of the most
19 critical antisatellite technologies.

20 (d) LIMITATION PENDING SUBMISSION OF RE-
21 PORT.—No funds appropriated to the Department of De-
22 fense for fiscal year 1994 may be obligated for the Kinetic
23 Energy Antisatellite (KE-ASAT) program until the Sec-
24 retary of Defense submits to Congress the report required
25 by section 1363 of the National Defense Authorization Act

1 for Fiscal Year 1993 (Public Law 102-484; 106 Stat.
2 2560) that contains, in addition to the matter required
3 by such section, the Secretary's certification that there is
4 a requirement for an antisatellite program.

5 **SEC. 212. JAVELIN MISSILE PROGRAM.**

6 (a) LIMITATION.—Of the funds authorized to be ap-
7 propriated in section 201(1), not more than \$34,937,000
8 may be obligated for the Javelin missile program until the
9 Secretary of Defense certifies to the congressional defense
10 committees that the Under Secretary of Defense for
11 Acquisition—

12 (1) has conducted a thorough review of such
13 program;

14 (2) has determined that the cost problems with
15 the Javelin missile development and production are
16 under control;

17 (3) has completed a cost-effectiveness evalua-
18 tion and determined that the Javelin missile should
19 enter production; and

20 (4) has approved an enhanced producibility plan
21 developed by the Army.

22 (b) COST GROWTH REPORT.—The Secretary of De-
23 fense shall submit to Congress a report on the total extent
24 of the increase in the cost of the Javelin program. The
25 Secretary shall include in the report the Secretary's as-

1 assessment of the extent of the contractor's liability for the
2 increased cost and the actions being taken by or on behalf
3 of the United States to obtain compensation for the con-
4 tractor's share of the responsibility for the increased cost.

5 **SEC. 213. PLAN FOR TESTING NEW ELECTRONIC COUNTER-**
6 **MEASURES SYSTEM FOR B-1B BOMBERS.**

7 (a) REQUIREMENT FOR PLAN.—The Secretary of De-
8 fense shall develop a plan for testing the new electronic
9 countermeasures system being developed for the B-1B
10 bomber.

11 (b) CONTENT OF PLAN.—The plan shall contain—

12 (1) a detailed description of plans for devel-
13 opmental testing and for operational testing, includ-
14 ing early operational testing by the Director of
15 Operational Test and Evaluation; and

16 (2) a full description of the range of test pa-
17 rameters, including B-1B bomber flight conditions,
18 individual threat systems against which counter-
19 measures will be tested, and testing of counter-
20 measures in the presence of multiple threats.

21 (c) SUBMISSION OF PLAN.—(1) The Secretary shall
22 submit the plan to the congressional defense committees.

23 (2) The Secretary shall provide a copy of the plan
24 to the Director of Operational Test and Evaluation.

1 (d) REVIEW AND COMMENT.—The Director of Oper-
2 ational Test and Evaluation shall review the plan and sub-
3 mit any comments on the plan to the Secretary and di-
4 rectly to the congressional defense committees.

5 (e) SCOPE OF REVIEW.—The review required under
6 subsection (d) shall include—

7 (1) the adequacy of the test plan to permit
8 measurement of the extent to which the new elec-
9 tronic countermeasures system, if procured and in-
10 stalled in all B-1B bombers, would improve the sur-
11 vivability of B-1B bombers;

12 (2) the adequacy of available threat simulators
13 to characterize threats that the B-1B bomber is
14 likely to encounter on conventional bombing mis-
15 sions;

16 (3) the contribution of the new electronic coun-
17 termeasures system to the effectiveness of the em-
18 ployment of B-1B bombers on conventional bombing
19 missions if the new electronic countermeasures sys-
20 tem were installed on all B-1B bomber aircraft; and

21 (4) such other matters as the Director of Oper-
22 ational Test and Evaluation considers significant.

23 (f) AVAILABILITY OF AUTHORIZED FUNDS.—Of the
24 amount authorized to be appropriated under section
25 201(3), not more than \$43,500,000 shall be available for

1 the new electronic countermeasures system under the B-
2 1B bomber aircraft program.

3 (g) LIMITATIONS.—(1) None of the funds made avail-
4 able pursuant to subsection (f) may be obligated until all
5 of the requirements set forth in section 152 of the Na-
6 tional Defense Authorization Act for Fiscal Year 1993
7 (Public Law 102-484; 106 Stat. 2340) have been met.

8 (2) Of the amount made available pursuant to sub-
9 section (f), not more than \$20,000,000 may be obligated
10 until the plan required by subsection (a) has been submit-
11 ted to the congressional defense committees.

12 **SEC. 214. SPACE LAUNCH PLAN.**

13 (a) PLAN REQUIRED.—The Secretary of Defense
14 shall develop a space launch plan that contains clearly de-
15 fined priorities, goals, and milestones regarding new space
16 launch vehicles and technology. The Secretary shall sub-
17 mit the plan to Congress at the same time that he submits
18 to Congress the future years defense program in 1994
19 pursuant to section 221 of title 10, United States Code.

20 (b) SELECTION OF LAUNCH VEHICLE OPTIONS.—Of
21 the amount authorized to be appropriated in section
22 201(3) and to be made available for research, develop-
23 ment, test, and evaluation of new space launch systems
24 and technology, the Secretary of Defense shall allocate not

1 less than 75 percent of such amount to one of the follow-
2 ing options for a space launch system:

3 (1) A comprehensive demonstration of high-
4 risk, far-term launch technology, such as reusable
5 single-stage-to-orbit and air-breathing propulsion.

6 (2) A competitive acquisition program for a du-
7 rable and inexpensive expendable or reusable launch
8 vehicle with an initial operational capability date
9 early in the next decade.

10 (3) A program to modify existing launch vehi-
11 cles to achieve decreased cost and increased respon-
12 siveness.

13 (c) LIMITATION.—Not more than one-third of the
14 amount authorized to be appropriated in section 201(3)
15 and to be made available for research, development, test,
16 and evaluation of new space launch systems and tech-
17 nology may be obligated until the Secretary certifies to
18 the congressional defense committees that the option se-
19 lected for funding in accordance with subsection (b) is
20 fully funded in the future years defense program referred
21 to in subsection (a).

22 (d) USE OF FOREIGN LAUNCH VEHICLES.—(1) The
23 Secretary of Defense shall conduct one or more studies
24 to determine the potential for using space launch vehicles
25 of foreign countries to launch United States national secu-

1 rity payloads. The studies shall be conducted with the goal
2 of determining whether the use of such launch vehicles
3 would result in reduced costs for launches of national se-
4 curity payloads, increased competition in the furnishing
5 of space launch vehicles for launching such payloads, and
6 a reduction in the excessive United States space launch
7 industrial base.

8 (2) Of the funds authorized to be appropriated under
9 section 201(3) and to be made available for research, de-
10 velopment, test, and evaluation of new space launch sys-
11 tems and technology, the Secretary of Defense shall allo-
12 cate up to \$5,000,000 for conducting studies described in
13 paragraph (1).

14 (e) REQUIREMENT REGARDING DEVELOPMENT OF
15 NEW LAUNCH VEHICLES.—If the Secretary of Defense se-
16 lects an option referred to in paragraph (1) or (2) of sub-
17 section (b) for full funding in the future years defense plan
18 referred to in subsection (a), the Secretary shall explore
19 innovative government-industry funding, management,
20 and acquisition strategies to minimize the cost and time
21 involved.

22 (f) REQUIREMENT REGARDING MODIFICATION OF
23 EXISTING LAUNCH VEHICLES.—If the Secretary of De-
24 fense selects the option referred to in paragraph (3) of
25 subsection (b) for full funding under the future years de-

1 fense plan referred to in subsection (a), the Secretary's
2 plan shall provide for Department of Defense use of one
3 medium-lift launch vehicle for satellite payloads instead of
4 three medium-lift launch vehicles. The Secretary shall use
5 competitive procedures to select the supplier of medium-
6 lift launch vehicles.

7 (g) COST REDUCTION REQUIREMENT.—The plan
8 shall provide for reducing the cost of producing existing
9 launch vehicles at current and projected production rates
10 below the current estimates of the costs for such produc-
11 tion rates.

12 **SEC. 215. MEDICAL COUNTERMEASURES AGAINST**
13 **BIOWARFARE THREATS.**

14 (a) FUNDING.—Of the amounts appropriated pursu-
15 ant to section 201 for fiscal year 1994, not more than
16 \$108,300,000 shall be available for the medical component
17 of the Biological Defense Research Program (BDRP) of
18 the Department of Defense.

19 (b) LIMITATIONS.—(1) Funds appropriated or other-
20 wise made available for the Department of Defense for
21 fiscal year 1994 may be obligated and expended for prod-
22 uct development, and for research, development, testing,
23 and evaluation, of medical countermeasures against
24 biowarfare threat agents only in accordance with this sec-
25 tion.

1 (2) Of the funds made available pursuant to sub-
2 section (a), not more than \$10,000,000 may be obligated
3 or expended for research, development, test, or evaluation
4 of medical countermeasures against far-term validated
5 biowarfare threat agents.

6 (3) Of the funds made available pursuant to sub-
7 section (a), other than funds made available pursuant to
8 paragraph (2) for the purpose set out in that paragraph—

9 (A) not more than 80 percent may be obligated
10 and expended for product development, or for re-
11 search, development, test, or evaluation, of medical
12 countermeasures against near-term validated
13 biowarfare threat agents; and

14 (B) not more than 20 percent may be obligated
15 or expended for product development, or for re-
16 search, development, test, or evaluation, of medical
17 countermeasures against mid-term validated
18 biowarfare threat agents.

19 (c) DEFINITIONS.—In this section, the terms “vali-
20 dated biowarfare threat agent”, “near-term validated
21 biowarfare threat agent”, “mid-term validated biowarfare
22 threat agent”, and “far-term validated biowarfare threat
23 agent” have the meanings given such terms, respectively,
24 in section 241(c) of the National Defense Authorization

1 Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat.
2 2359).

3 **SEC. 216. BASELINE REPORT FOR THE ARROW TACTICAL**
4 **BALLISTIC MISSILE DEFENSE SYSTEM.**

5 (a) **BASELINE REPORT REQUIRED.**—Not later than
6 April 1, 1994, the Secretary of Defense shall submit to
7 the congressional defense committees a baseline report on
8 the Arrow tactical ballistic missile defense system of Is-
9 rael. The Secretary shall design the report to provide such
10 committees with the information the committees need to
11 perform their oversight function.

12 (b) **CONTENT OF REPORT.**—At a minimum, the re-
13 port shall include the following matters:

14 (1) The development and procurement sched-
15 ules for the program.

16 (2) The estimated total cost of the program.

17 (3) The estimated total cost to the United
18 States of involvement in the program, including
19 funding provided through foreign military sales fi-
20 nancing under the Arms Export Control Act.

21 (4) The same or similar kinds of information
22 that are included for a major defense acquisition
23 program in a Selected Acquisition Report submitted
24 pursuant to section 2432 of title 10, United States
25 Code, to the extent that the Secretary can adapt the

1 information requirements of that section for applica-
2 tion to the Arrow tactical ballistic missile defense
3 system.

4 (5) An assessment of the performance of the
5 Arrow system.

6 (6) An evaluation of the development and pro-
7 duction risks under the program.

8 (7) Alternatives to the Arrow system for meet-
9 ing the tactical ballistic missile defense needs of Is-
10 rael, including providing Israel with an existing or
11 planned United States weapon system.

12 (8) For each such alternative—

13 (A) an assessment of the cost effectiveness
14 of undertaking the alternative;

15 (B) the technology transfer implications;
16 and

17 (C) the weapon proliferation implications.

18 (c) FORMS OF REPORT.—The Secretary shall submit
19 the report in classified and unclassified versions.

20 **SEC. 217. LIMITATIONS REGARDING FEDERALLY FUNDED**
21 **RESEARCH AND DEVELOPMENT CENTERS.**

22 (a) LIMITATIONS.—(1) Funds appropriated or other-
23 wise made available for the Department of Defense for
24 fiscal year 1994 pursuant to an authorization of appro-
25 priations in section 201 may be obligated for procuring

1 work from any federally funded research and development
 2 center named in the table in paragraph (2) subject to the
 3 limitations set forth for such center in that table.

4 (2) The table referred to in paragraph (1) is as fol-
 5 lows:

Federally fund- ed research and development center:	Type of work for which funds may be obligated:	Maximum amount that may be obli- gated:	Maximum number of MTS-years that may be pro- cured:
Center for Naval Analysis.	(unspecified)	\$45,400,000	230
Institute for De- fense Analysis.	Systems and engineering in connection with oper- ational test and evalua- tion.	\$13,500,000	76
	Research and development in connection with com- mand, control, commu- nications, and intel- ligence.	\$33,500,000	136
	Studies and analysis.	\$56,000,000	300
Rand Project Air Force.	(unspecified)	\$24,000,000	116
National Defense Research Insti- tute.	(unspecified)	\$23,200,000	115
Arroyo Center.	(unspecified)	\$21,000,000	104
Logistics Manage- ment Institute.	(unspecified)	\$25,690,000	96
Aerospace Cor- poration.	(unspecified)	\$376,770,000	2,165
MIT Lincoln Lab- oratory.	(unspecified)	\$299,300,000	994
Mitre	(unspecified)	\$399,700,000	2,357
Software Engi- neering Institute.	(unspecified)	\$34,590,000	190
Institute for Ad- vanced Tech- nology.	(unspecified)	\$0	0

6 (b) AUTHORITY TO WAIVE LIMITATIONS.—The Sec-
 7 retary of Defense may waive a limitation regarding a max-
 8 imum amount or a maximum number of MTS-years that

1 applies under subsection (a) to a federally funded research
2 and development center if—

3 (1) the Secretary has notified the congressional
4 defense committees of the proposed waiver and the
5 reasons for the waiver, and the 60-day period that
6 begins on the date of the notification has elapsed; or

7 (2) the Secretary determines that it is essential
8 to the national security that funds be obligated for
9 work in excess of that limitation within 60 days and
10 notifies the congressional defense committees of that
11 determination and the reasons for the determination.

12 (c) REPORT ON ALLOCATIONS FOR CENTERS.—Not
13 later than 30 days after the date of the enactment of this
14 Act, the Secretary of Defense shall submit to the congres-
15 sional defense committees a report containing the follow-
16 ing information:

17 (1) The proposed funding level and the esti-
18 mated personnel level for fiscal year 1994 for each
19 federally funded research and development center.

20 (2) The funding source for that funding level,
21 by program element, and the amount transferred or
22 to be transferred from that source to each federally
23 funded research and development center.

24 (d) LIMITATION PENDING SUBMISSION OF RE-
25 PORT.—Notwithstanding any other provision of this sec-

1 tion, no funds appropriated or otherwise made available
2 for the Department of Defense for fiscal year 1994 may
3 be obligated to obtain work from any federally funded re-
4 search and development center until the Secretary of De-
5 fense has submitted the report required by subsection (c).

6 (e) LIMITATION REGARDING EMPLOYEE COMPENSA-
7 TION.—(1) Except as provided in paragraph (2), during
8 fiscal year 1994 no appropriated funds may be used to
9 pay an employee of a federally funded research and devel-
10 opment center named in the table in subsection (a)(2) at
11 a higher rate of compensation than the rate of compensa-
12 tion that the center paid such employee during fiscal year
13 1993.

14 (2) The Secretary of Defense may waive the applica-
15 bility of the limitation in paragraph (1) to any federally
16 funded research and development center that certifies to
17 the Secretary of Defense that the total expenditures of the
18 center for fiscal year 1994, including any increases and
19 planned increases in the rates of compensation for employ-
20 ees of the center, will be less than the amount equal to
21 94 percent of the maximum amount set forth for such cen-
22 ter in the table in subsection (a)(2).

23 (f) DEFINITION.—In this section:

1 (1) The term “MTS-year” means a member of
2 technical staff-year, as defined by the Secretary of
3 Defense.

4 (2) The term “technical staff”, with respect to
5 a federally funded research and development center,
6 means the following employees of the center:

7 (A) Researchers.

8 (B) Mathematicians.

9 (C) Programmers.

10 (D) Analysts.

11 (E) Economists.

12 (F) Scientists.

13 (G) Engineers.

14 (H) Other employees of the center who
15 perform professional level technical work pri-
16 marily in any of the following fields:

17 (i) Studies and analyses.

18 (ii) System engineering and integra-
19 tion.

20 (iii) Systems planning.

21 (iv) Program and policy planning and
22 analysis.

23 (v) Basic and applied research.

24 (g) FUNDING.—(1) Of the amounts authorized to be
25 appropriated to the Department of Defense for research,

1 development, test, and evaluation for fiscal year 1994 pur-
2 suant to section 201, not more than \$1,352,650,000 may
3 be obligated for procuring services from the federally fund-
4 ed research and development centers listed in the table
5 in subsection (a)(2).

6 (2) None of the funds authorized to be obligated
7 under paragraph (1) may be obligated for the procurement
8 of services from the Institute for Advanced Technology.

9 (h) **UNDISTRIBUTED REDUCTION.**—The total
10 amount authorized to be appropriated for research, devel-
11 opment, test, and evaluation in section 201 is hereby re-
12 duced by \$200,000,000.

13 **Subtitle C—Missile Defense** 14 **Programs**

15 **SEC. 221. REVISION OF THE MISSILE DEFENSE ACT OF 1991.**

16 (a) **TERMINOLOGY AMENDMENTS.**—The Missile De-
17 fense Act of 1991 (10 U.S.C. 2431 note) is amended—

18 (1) in section 234(c)(1)—

19 (A) by striking out “Strategic Defense Ini-
20 tiative Organization (SDIO)” and inserting in
21 lieu thereof “Ballistic Missile Defense Organiza-
22 tion (BMDO)”;

23 (B) by striking out “Strategic Defense Ini-
24 tiative Organization’s” and inserting in lieu

1 thereof “Ballistic Missile Defense Organiza-
2 tion’s”;

3 (2) in section 235—

4 (A) in the section heading, by striking out
5 **“STRATEGIC DEFENSE INITIATIVE”** and in-
6 serting in lieu thereof **“BALLISTIC MISSILE**
7 **DEFENSE PROGRAM”**; and

8 (B) in the text of such section, by striking
9 out “Strategic Defense Initiative” each place it
10 appears and inserting in lieu thereof “Ballistic
11 Missile Defense program”;

12 (3) in the heading of section 236, by striking
13 out **“SDI”** and inserting in lieu thereof **“BMD”**; and

14 (4) in sections 234, 235, and 236, by striking
15 out “Strategic Defense Initiative Organization” each
16 place it appears and inserting in lieu thereof “Ballis-
17 tic Missile Defense Organization”.

18 (b) REPEAL OF FUNDING, REPORTING, AND TRANS-
19 FER PROVISIONS.—(1) Section 237 of such Act is re-
20 pealed.

21 (2) Such Act is amended by redesignating sections
22 238, 239, and 240 as sections 237, 238, and 239, respec-
23 tively.

1 **SEC. 222. FUNDING OF CERTAIN BALLISTIC MISSILE DE-**
2 **FENSE PROGRAMS.**

3 (a) FUNDING FOR CERTAIN BALLISTIC MISSILE
4 RDT&E.—If a decision is not made before February 28,
5 1994, to proceed into engineering and manufacturing de-
6 velopment under a weapon system program referred to in
7 subsection (b), the funds appropriated pursuant to the au-
8 thorization of appropriations in section 201 that are avail-
9 able for engineering and manufacturing development for
10 such a program shall be available for research, develop-
11 ment, test, and evaluation of the Patriot PAC-3 Missile
12 program.

13 (b) COVERED WEAPON SYSTEM PROGRAMS.—For
14 purposes of subsection (a) the weapon system programs
15 referred to in this subsection are as follows:

- 16 (1) The Patriot Multimode Missile Program.
17 (2) The Extended Range Interceptor (ERINT)
18 missile program.

19 **SEC. 223. REQUIREMENT FOR REVIEW OF BALLISTIC MIS-**
20 **SILE DEFENSE SYSTEMS AND COMPONENTS**
21 **FOR COMPLIANCE WITH ABM TREATY.**

22 (a) FINDINGS.—Congress makes the following find-
23 ings:

- 24 (1) That section 232(a)(1) of the Missile De-
25 fense Act of 1991 (10 U.S.C. 2431 note) establishes
26 a goal for the United States to comply with the

1 ABM Treaty (including any protocol or amendment
2 thereto) and not develop, test, or deploy any ballistic
3 missile defense system, or component thereof, in vio-
4 lation of that treaty (as modified by any protocol or
5 amendment thereto) while deploying an anti-ballistic
6 missile system capable of providing a highly effective
7 defense of the United States against limited attacks
8 of ballistic missiles.

9 (2) That the Department of Defense has con-
10 ducted no formal compliance reviews of any of the
11 components or systems scheduled for early deploy-
12 ment as part of either the Theater Missile Defense
13 Initiative or the initial limited defense system to be
14 located at Grand Forks, North Dakota.

15 (3) That the Department of Defense is continu-
16 ing to obligate hundreds of millions of dollars during
17 fiscal year 1993 for the development and testing of
18 systems or components of ballistic missile defense
19 systems prior to a determination that, if successfully
20 developed, tested, or deployed, those systems and
21 components would be in compliance with the ABM
22 Treaty.

23 (4) That the Department of Defense is request-
24 ing the authorization and appropriation of additional

1 funds for continued development of such systems
2 and components during fiscal year 1994.

3 (5) That the United States and its allies face
4 existing and expanding threats from ballistic missiles
5 capable of being utilized as theater weapon systems
6 that are presently possessed by, being developed by,
7 or being acquired by a number of countries such as
8 Iraq, Iran, North Korea, and others.

9 (6) That some theater ballistic missiles pres-
10 ently deployed or being developed (such as the Chi-
11 nese-made CSS-2) have capabilities equal to or
12 greater than missiles which had been determined to
13 be strategic missiles 20 years earlier under the
14 U.S.-USSR SALT I Interim Agreement of 1972.

15 (7) That the ABM Treaty was not intended to,
16 and does not, apply to or limit research, develop-
17 ment, testing, or deployment of missile defense sys-
18 tems, system upgrades, or system components that
19 are designed to counter modern theater ballistic mis-
20 siles regardless of their capabilities, unless such sys-
21 tems, system upgrades, or system components are
22 tested against or have demonstrated capabilities to
23 counter modern strategic ballistic missiles.

24 (8) That it is a national security priority of the
25 United States to develop and deploy highly effective

1 theater missile defense systems capable of counter-
2 ing the existing and expanding threats posed by
3 modern theater ballistic missiles, as soon as is tech-
4 nically possible.

5 (9) That it is essential that the Secretary of
6 Defense immediately undertake and complete com-
7 pliance reviews of proposed theater missile defense
8 systems, system upgrades, and system components
9 so as to not delay the development and deployment
10 of such highly effective theater missile defense sys-
11 tems.

12 (10) That the Secretary of Defense should im-
13 mediately report to the Congress on any issue which
14 arises during the course of such compliance reviews
15 which appears to indicate that any provision of the
16 ABM Treaty may limit research, development, test-
17 ing, or deployment by the United States of highly ef-
18 fective theater missile defense systems capable of
19 countering modern theater ballistic missiles.

20 (b) REQUIRED COMPLIANCE REVIEW.—(1) The Sec-
21 retary of Defense shall review the program for each sys-
22 tem and system upgrade specified in paragraph (2), and
23 the system components, to determine whether the develop-
24 ment, testing, and deployment of that system or system
25 upgrade complies with the ABM Treaty.

1 (2) The systems and system upgrades to be reviewed
2 pursuant to paragraph (1) are as follows:

3 (A) The Patriot Multimode Missile.

4 (B) The Extended Range Interceptor (ERINT).

5 (C) The Ground-Based Radar for theater mis-
6 sile defenses (GBR-T).

7 (D) The Theater High Altitude Area Defense
8 interceptor missile (THAAD).

9 (E) The Brilliant Eyes space-based sensor sys-
10 tem.

11 (F) Upgrades to the AEGIS/SPY radar system
12 of the Navy.

13 (G) Upgrades to the Standard Missile-2 (SM-
14 2) interceptor of the Navy.

15 (c) REPORT REQUIRED.—(1) For each system and
16 system upgrade specified in paragraph (2) of subsection
17 (b), the Secretary shall submit to the congressional de-
18 fense committees a report on the results of the review re-
19 quired by that subsection. A report may include the results
20 of the reviews of more than one system and system up-
21 grade.

22 (2) With regard to the Brilliant Eyes space-based
23 sensor, the Secretary shall include in the report findings
24 on each of the following issues:

1 (A) Would the current baseline configuration of
2 the Brilliant Eyes space-based sensor comply with
3 the ABM Treaty if the system were used in conjunc-
4 tion with the planned ground-based radar system
5 and its ground-based interceptors at Grand Forks,
6 North Dakota?

7 (B) If not, can design changes or operational
8 changes be made to the Brilliant Eyes space-based
9 sensor that—

10 (i) will result in the usability of the sensor
11 in conjunction with the planned ground-based
12 radar system and its ground-based interceptors
13 being in compliance with the ABM Treaty; and

14 (ii) will not prevent the system from per-
15 forming its strategic defense missions with a
16 high degree of effectiveness?

17 (C) If not, can the Brilliant Eyes space-based
18 sensor be made, through design changes or oper-
19 ational changes, for use only with theater missile de-
20 fense systems and be in compliance with the ABM
21 Treaty?

22 (D) If so, to what extent would the Brilliant
23 Eyes space-based sensor enhance the capability of
24 upper-tier theater defense systems and lower-tier
25 theater defense systems, respectively?

1 (d) LIMITATIONS ON FUNDING.—(1) Not more than
2 one-half of the funds reported pursuant to section 227(c)
3 to be allocated for fiscal year 1994 for a system or system
4 upgrade specified in subsection (b)(2) of this section may
5 be obligated for that system or system upgrade, or any
6 of its components, until the Secretary has completed the
7 compliance review of such system or system upgrade re-
8 quired by subsection (b) and has submitted to the congres-
9 sional defense committees the report on the results of the
10 compliance review of that system or system upgrade as
11 required by subsection (c). The preceding sentence does
12 not apply with respect to the Brilliant Eyes space-based
13 sensor system.

14 (2) Not more than \$50,000,000 may be obligated for
15 the Brilliant Eyes space-based sensor until the Secretary
16 has completed the compliance review of such system re-
17 quired by subsection (b) and has submitted to the congres-
18 sional defense committees the report required under sub-
19 section (c) for that system.

20 (e) ABM TREATY COMPLIANCE OF THEATER MIS-
21 SILE DEFENSE SYSTEMS.—The Secretary of Defense has
22 assured the Congress in the January 1993 Report to Con-
23 gress on the Strategic Defense Initiative and in the June
24 1993 Report to Congress on the Theater Missile Defense
25 Initiative that all programs, projects, and activities under

1 both initiatives that are planned for execution in fiscal
2 year 1994 fully comply with the ABM Treaty.

3 (f) DEFINITION.—In this section, the term “ABM
4 Treaty” has the meaning given such term in section 239
5 of the Missile Defense Act of 1991 (10 U.S.C. 2431 note).

6 **SEC. 224. THEATER MISSILE DEFENSE MASTER PLAN.**

7 (a) MASTER PLAN REQUIRED.—(1) Not later than
8 March 1, 1994, the Secretary of Defense shall submit to
9 Congress a report containing an updated master plan for
10 theater missile defenses.

11 (2) The plan shall include the following matters:

12 (A) A description of the mission and scope of
13 theater missile defense.

14 (B) A description of the role of each of the
15 Armed Forces in theater missile defense and an ex-
16 planation of how those roles interact and com-
17 plement each other.

18 (C) An evaluation of the cost and relative effec-
19 tiveness of each interceptor and sensor under devel-
20 opment as part of a theater missile defense system
21 by the Ballistic Missile Defense Organization.

22 (D) A detailed acquisition strategy for theater
23 missile defenses, including an analysis and compari-
24 son of the projected life-cycle costs of each theater

1 missile defense system intended for production,
2 showing the component costs for—

3 (i) research, development, test, and evalua-
4 tion;

5 (ii) procurement;

6 (iii) operation and maintenance; and

7 (iv) personnel for each system.

8 (E) The baseline production rate for each sys-
9 tem for each year of the program through comple-
10 tion of procurement.

11 (F) An estimate of the unit cost and capabili-
12 ties of each element.

13 (G) A description of the current and planned
14 testing program for theater missile defenses, includ-
15 ing a description of demonstration targets to be
16 tracked and engaged by multiple interceptors, target
17 discrimination from decoys, and a shoot-look-shoot
18 capability.

19 (H) A description of how any projected theater
20 missile defense program will conform to existing
21 Anti-Ballistic Missile Treaty and Intermediate Nu-
22 clear Forces Treaty regimes, indicating clearly any
23 potential noncompliance with either treaty regime,
24 when such noncompliance would occur, and the posi-
25 tion of the Secretary of Defense as to whether provi-

1 sions of either treaty regime would have to be re-
2 negotiated within that regime in order to address fu-
3 ture contingencies.

4 (I) A description of planned theater missile de-
5 fense doctrine, training, tactics, and force structure.

6 (b) OBJECTIVES OF PLAN.—In preparing the master
7 plan the Secretary shall—

8 (1) seek to maximize the use of existing tech-
9 nologies (such as AEGIS, Patriot, and THAAD)
10 rather than develop new systems;

11 (2) seek to maximize integration and compat-
12 ibility among the systems, roles, and missions of the
13 military departments; and

14 (3) seek to promote cross-service use of existing
15 equipment (such as development of Army equipment
16 for the Marine Corps or ground utilization of an air
17 or sea system).

18 **SEC. 225. EXTENSION OF AUTHORITY FOR TRANSFER OF**
19 **RESPONSIBILITY FOR FAR-TERM FOLLOW-ON**
20 **TECHNOLOGIES.**

21 Section 234(d)(2) of the National Defense Authoriza-
22 tion Act for Fiscal Year 1993 (Public Law 102-484; 106
23 Stat. 2357; 10 U.S.C. 2431 note) is amended—

24 (1) in subparagraph (A)—

1 (A) by striking out “1993” and inserting
2 in lieu thereof “1994”;

3 (B) by striking out “(A)”; and

4 (C) by redesignating clauses (i) and (ii) as
5 subparagraphs (A) and (B), respectively; and

6 (2) by striking out “(B) For purposes of sub-
7 paragraph (A),” and all that follows.

8 **SEC. 226. REPORT ON ACQUISITION STREAMLINING TO AC-**
9 **CELERATE DEPLOYMENT OF INITIAL ABM**
10 **SYSTEM.**

11 (a) FINDINGS.—The Congress makes the following
12 findings:

13 (1) The Missile Defense Act of 1991 (10 U.S.C.
14 2431 note) calls for the deployment of an ABM
15 Treaty-compliant anti-ballistic missile system capa-
16 ble of providing a highly effective defense of the
17 United States against limited attacks by ballistic
18 missiles.

19 (2) That Act directed the Secretary of Defense
20 to structure a development program with the objec-
21 tive of deploying such systems by the earliest date
22 allowed by the availability of appropriate technology
23 and the completion of adequate integrated testing of
24 all systems components.

1 (3) Since 1983, in excess of \$30,000,000,000
2 has been provided for research and development of
3 ballistic missile defense capabilities.

4 (4) Notwithstanding this huge expenditure of
5 funds on missile defense technologies, the Secretary
6 of Defense has proposed deployment of such a sys-
7 tem no sooner than 2004.

8 (5) It is incredible that the initial deployment
9 of a limited defense capability requires another 11
10 years to accomplish within the congressionally man-
11 dated guidance.

12 (b) REVIEW REQUIRED.—The Secretary of Defense
13 shall conduct an intensive and extensive review of opportu-
14 nities to streamline the weapon systems acquisition proc-
15 ess applicable to the development, deployment, and testing
16 of ballistic missile defenses with the objective of reducing
17 the cost of deployment and accelerating the schedule for
18 deployment without significantly increasing programmatic
19 risk or concurrency. In conducting the review, the Sec-
20 retary shall obtain recommendations and advice from the
21 Defense Science Board, the faculty of the Industrial Col-
22 lege of the Armed Forces, and federally funded research
23 and development centers supporting the Office of the Sec-
24 retary of Defense.

1 (c) REPORT REQUIRED.—Not later than May 1,
2 1994, the Secretary shall submit to the congressional de-
3 fense committees a report on his findings resulting from
4 the review together with his recommendations for legisla-
5 tion, if any. The Secretary shall submit the report in un-
6 classified form, but may also submit a classified version
7 of the report if he considers it necessary to classify any
8 of the information in his findings or recommendations or
9 any related information.

10 **SEC. 227. FUNDING FOR BALLISTIC MISSILE DEFENSE PRO-**
11 **GRAMS.**

12 (a) TOTAL AMOUNT.—Of the amounts appropriated
13 pursuant to section 201 for fiscal year 1994, or otherwise
14 made available to the Department of Defense for research,
15 development, test and evaluation for fiscal year 1994, not
16 more than \$2,684,535,000 may be obligated for programs
17 managed by the Ballistic Missile Defense Organization, of
18 which—

19 (1) not more than 48 percent of the total
20 amount may be obligated for Theater Missile De-
21 fense;

22 (2) not more than 32 percent of the total
23 amount may be obligated for the Limited Defense
24 System;

1 (3) not more than 9 percent of the total
2 amount may be obligated for Other Follow-On Sys-
3 tems;

4 (4) not more than 10 percent of the total
5 amount may be obligated for Research and Other
6 Support Activities; and

7 (5) not more than 1 percent of the total
8 amount may be obligated for Small Business Innova-
9 tion Research program and the Small Business
10 Technology Transfer program.

11 Notwithstanding paragraphs (1), (2), (3), and (4), the
12 Secretary of Defense may obligate for a ballistic missile
13 defense initiative or program element referred to in any
14 such paragraph a total amount that exceeds by not more
15 than 10 percent the maximum amount determined under
16 that paragraph, except that the total amount obligated for
17 all programs managed by the Ballistic Missile Defense Or-
18 ganization may not exceed the total amount authorized in
19 the matter above paragraph (1).

20 (b) LIMITATION ON NUMBER OF TMD PROGRAMS.—

21 (1) Subject to paragraph (2), the amount authorized to
22 be obligated for Theater Missile Defense may be obligated
23 only for—

24 (A) the Patriot PAC-3 Missile program;

1 (B) not more than 2 other lower-tier theater
2 missile defense programs;

3 (C) not more than 2 upper-tier theater missile
4 defense programs; and

5 (D) not more than 2 boost-phase intercept thea-
6 ter missile defense programs.

7 (2) The President may waive the limitation in para-
8 graph (1) to the extent that the President determines ap-
9 propriate in the national security interest of the United
10 States.

11 (c) FUNDS NOT TO BE MADE AVAILABLE FOR BRIL-
12 LIANT EYES.—None of the funds authorized to be obli-
13 gated under subsection (a) may be obligated for the Bril-
14 liant Eyes space-based sensor program.

15 (d) REPORTING REQUIREMENT.—Not later than 60
16 days after the date of the enactment of this Act, the Sec-
17 retary of Defense shall submit to the congressional defense
18 committees a report on the allocation of funds appro-
19 priated for the ballistic missile defense program for fiscal
20 year 1994. The report shall specify the amount of such
21 funds allocated for each program, project, and activity
22 managed by the Ballistic Missile Defense Organization
23 and shall list each ballistic missile defense program,
24 project, and activity under the appropriate program ele-
25 ment.

1 **SEC. 228. TESTING OF NATIONAL MISSILE DEFENSE PRO-**
2 **GRAM PROJECTS.**

3 (a) ADVANCE REVIEW AND APPROVAL OF PROPOSED
4 DEVELOPMENTAL TESTS.—No developmental test may be
5 conducted under the limited missile defense program ele-
6 ment of the Ballistic Missile Defense Program until the
7 Director of the Ballistic Missile Defense Organization has
8 notified the Secretary of Defense of the test and the Sec-
9 retary has reviewed and approved (or approved with
10 changes) the test plan.

11 (b) INDEPENDENT MONITORING OF TESTS.—(1) The
12 Secretary shall provide for monitoring of the implementa-
13 tion of each test plan referred to in subsection (a) by a
14 group composed of independent persons who—

15 (A) by reason of education, training, or experi-
16 ence, are qualified to monitor the testing covered by
17 the plan; and

18 (B) are not assigned or detailed to, or otherwise
19 performing duties of, the Ballistic Missile Defense
20 Organization and are otherwise independent of such
21 organization.

22 (2) The monitoring group shall submit to the Sec-
23 retary its analysis of, and conclusions regarding, the con-
24 duct and results of each test monitored by the group.

1 **Subtitle D—Other Matters**

2 **SEC. 231. NUCLEAR TESTING.**

3 (a) LIMITATIONS.—(1) None of the funds appro-
4 priated pursuant to an authorization in this or any other
5 Act may be obligated to support underground explosions
6 of nuclear weapons, or devices, for testing of the effects
7 of nuclear weapon explosions, including the so-called
8 “Mighty Uncle” test.

9 (2) Funds available for the so-called “Mighty Uncle”
10 test may not be obligated until the Secretary of Defense
11 submits to the congressional defense committees a detailed
12 spending plan for underground nuclear weapon testing
13 that is consistent with the provisions of section 507 of
14 Public Law 102–377 (106 Stat. 1343).

15 (b) CERTAIN ACTIONS AUTHORIZED.—The Secretary
16 of Defense may proceed with underground nuclear test
17 tunnel deactivation and environmental cleanup and may
18 expend funds for infrastructure activities not prohibited
19 by subsection (a).

20 (c) FUNDING.—Of the funds authorized to be appro-
21 priated pursuant to section 201, not more than
22 \$38,000,000 may be used for activities described in sub-
23 section (b).

1 (d) TERMINATION OF SAFEGUARD C PROGRAM.—
2 The atmospheric test readiness program known as “Safe-
3 guard C” is hereby terminated.

4 **SEC. 232. ONE-YEAR DELAY IN TRANSFER OF MANAGEMENT**
5 **RESPONSIBILITY FOR NAVAL MINE COUN-**
6 **TERMEASURES PROGRAM TO THE DIRECTOR,**
7 **DEFENSE RESEARCH AND ENGINEERING.**

8 Section 216(a) of the National Defense Authorization
9 for Fiscal Years 1992 and 1993 (Public Law 102-190;
10 105 Stat. 1317) as amended by section 215(l) of the Na-
11 tional Defense Authorization Act for Fiscal Year 1993
12 (Public Law 102-484; 106 Stat. 2352) is amended by
13 striking out “fiscal years 1994 through 1997” and insert-
14 ing in lieu thereof “fiscal years 1995 through 1999”.

15 **SEC. 233. TERMINATION, REESTABLISHMENT, AND RECON-**
16 **STITUTION OF AN ADVISORY COUNCIL ON**
17 **SEMICONDUCTOR TECHNOLOGY.**

18 (a) TERMINATION OF ADVISORY COUNCIL ON FED-
19 ERAL PARTICIPATION IN SEMATECH.—The Advisory
20 Council on Federal Participation in Sematech established
21 by section 273 of the National Defense Authorization Act
22 for Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is here-
23 by terminated.

24 (b) SEMICONDUCTOR TECHNOLOGY COUNCIL.—Sec-
25 tion 273 of the National Defense Authorization Act for

1 Fiscal Years 1988 and 1989 (15 U.S.C. 4603) is amended
2 by striking out the heading and subsections (a) through
3 (c) and inserting in lieu thereof the following:

4 **“SEC. 273. SEMICONDUCTOR TECHNOLOGY COUNCIL.**

5 “(a) ESTABLISHMENT.—There is established the
6 Semiconductor Technology Council.

7 “(b) PURPOSES AND FUNCTIONS.—(1) The purposes
8 of the Council are—

9 “(A) to seek ways to respond to the technology
10 challenges for semiconductors by increasing effi-
11 ciency, promoting creativity and entrepreneurship,
12 and fostering precompetitive cooperation among in-
13 dustry, government, and academia; and

14 “(B) to make available judgments, assessments,
15 insights, and recommendations that relate to the op-
16 portunities for new research and development efforts
17 and the potential to better rationalize and align on
18 a national basis semiconductor research and develop-
19 ment.

20 “(2) The Council shall—

21 “(A) advise Sematech and the Secretary of De-
22 fense on appropriate technology goals for the re-
23 search and development activities of Sematech;

24 “(B) review the technology developments and
25 core technology challenges for semiconductors and

1 explore opportunities for improved coordination
2 among industry, government, and academia;

3 “(C) exchange views regarding the competitive-
4 ness of the semiconductor technology base and new
5 or emerging semiconductor technologies that could
6 affect national economic and security interests;

7 “(D) exchange and update information and
8 identify overlaps and gaps regarding the efforts of
9 industry, government, and academia in semiconduc-
10 tor research and development;

11 “(E) assess technology progress relative to the
12 semiconductor technology roadmap;

13 “(F) make recommendations regarding the
14 scope and content of semiconductor technology de-
15 velopment supported by Federal departments and
16 agencies;

17 “(G) appoint subgroups as necessary in connec-
18 tion with updating and implementing the semi-
19 conductor technology roadmap; and

20 “(H) publish an annual report addressing the
21 semiconductor technology challenges and develop-
22 ments for industry, government, and academia and
23 the relationship among the challenges and develop-
24 ments for each, with particular emphasis on the role
25 of Sematech.

1 “(c) MEMBERSHIP.—The Council shall be composed
2 of 14 members as follows:

3 “(1) The Under Secretary of Defense for Ac-
4 quisition, who shall be Cochairman of the Council.

5 “(2) The Under Secretary of Energy respon-
6 sible for science and technology matters.

7 “(3) The Under Secretary of Commerce for
8 Technology.

9 “(4) The Director of the Office of Science and
10 Technology Policy.

11 “(5) The Assistant to the President for Eco-
12 nomic Policy.

13 “(6) The Director of the National Science
14 Foundation.

15 “(7) Eight members appointed by the President
16 as follows:

17 “(A) Four individuals who are eminent in
18 the semiconductor device industry, one of whom
19 shall be Cochairman of the Council.

20 “(B) Two individuals who are eminent in
21 the semiconductor equipment and materials in-
22 dustry.

23 “(C) One individual who is eminent in the
24 semiconductor user industry.

1 “(D) One individual who is eminent in an
2 academic institution.”.

3 (c) CONFORMING AMENDMENTS.—Part F of title II
4 of such Act is amended—

5 (1) in section 271(c) (15 U.S.C. 4601(c)), by
6 striking out paragraph (1) and inserting in lieu
7 thereof the following:

8 “(1) The terms ‘Semiconductor Technology
9 Council’ and ‘Council’ mean the advisory council es-
10 tablished by section 273.”;

11 (2) in section 272(b)(1)(B) (15 U.S.C.
12 4602(b)(1)(B)), by striking out “Advisory Council
13 on Federal Participation in Sematech” and inserting
14 in lieu thereof “Semiconductor Technology Council”;
15 and

16 (3) in section 273 (15 U.S.C. 4603)—

17 (A) in the first sentence of subsection

18 (d)—

19 (i) by striking out “(c)(6)” and insert-
20 ing in lieu thereof “(c)(7)”; and

21 (ii) by striking out “two shall be ap-
22 pointed for a term of two years” and in-
23 serting in lieu thereof “three shall be ap-
24 pointed for a term of two years”;

1 (B) in the first sentence of subsection (e),
2 by striking out “(c)(6)” and inserting in lieu
3 thereof “(c)(7)”; and

4 (C) in subsection (f), by striking out
5 “Seven members” and inserting in lieu thereof
6 “Nine members”.

7 (d) AUTHORITY TO CALL MEETING.—Section 273(g)
8 of such Act (15 U.S.C. 4603(g)) is amended by striking
9 out “the Chairman or a majority of its members” and in-
10 serting in lieu thereof “a Cochairman”.

11 (e) SOURCE OF SUPPORT FOR SEMATECH.—Section
12 273 of such Act (22 U.S.C. 4603) is amended by adding
13 at the end the following new subsection:

14 “(j) SUPPORT FOR COUNCIL.—The Council shall uti-
15 lize Sematech as needed for general and administrative
16 support in accomplishing the Council’s purposes.”.

17 (f) FIRST MEETING OF NEW COUNCIL.—The first
18 meeting of the Semiconductor Technology Council shall be
19 held not later than 45 days after the date of the enactment
20 of this Act.

21 (g) REFERENCE TO COUNCIL.—A reference in any
22 provision of law to the Advisory Council on Federal Par-
23 ticipation in Sematech shall be deemed to refer to the
24 Semiconductor Technology Council established by section

1 273 of the National Defense Authorization Act for Fiscal
2 Years 1988 and 1989, as amended by subsection (b).

3 **SEC. 234. AUTHORITY TO ACQUIRE NAVY LARGE CAVITA-**
4 **TION CHANNEL, MEMPHIS, TENNESSEE.**

5 (a) **AUTHORITY TO ACQUIRE.**—The Secretary of the
6 Navy may acquire all right, title, and interest of any party
7 in and to a parcel of real property, including improve-
8 ments thereon, consisting of approximately 88 acres and
9 located on President’s Island, Memphis, Tennessee, the
10 site of the Navy Large Cavitation Channel.

11 (b) **FUNDING.**—To the extent provided in appropria-
12 tions Acts, amounts appropriated pursuant to section
13 201(2) for the Navy shall be available for the acquisition
14 of real property authorized under subsection (a).

15 (c) **DESCRIPTION OF PROPERTY.**—The exact acreage
16 and legal description of the real property to be acquired
17 under subsection (a) shall be determined by a survey that
18 is satisfactory to the Secretary.

19 (d) **ADDITIONAL TERMS AND CONDITIONS.**—The
20 Secretary may require any additional terms and conditions
21 in connection with the acquisition under subsection (a)
22 that the Secretary considers appropriate to protect the in-
23 terests of the United States.

1 **SEC. 235. STRATEGIC ENVIRONMENTAL RESEARCH COUN-**
2 **CIL.**

3 (a) MEMBERSHIP.—Section 2902(b) of title 10,
4 United States Code, is amended—

5 (1) by striking out paragraph (1);

6 (2) by redesignating paragraphs (2), (3), and
7 (4), as paragraphs (1), (2), and (3), respectively;

8 (3) by inserting after paragraph (3), as so re-
9 designated, the following new paragraph (4):

10 “(4) The Deputy Under Secretary of Defense
11 responsible for environmental security.”; and

12 (4) by striking out paragraph (6) and inserting
13 in lieu thereof the following new paragraph (6):

14 “(6) The Assistant Secretary of Energy respon-
15 sible for environmental restoration and waste man-
16 agement.”.

17 (b) EXTENSION OF AUTHORITY TO ESTABLISH EM-
18 PLOYEE PAY RATES.—Section 2903(d)(2) of title 10,
19 United States Code, is amended by striking out “Novem-
20 ber 5, 1992” and inserting in lieu thereof “September 30,
21 1995”.

22 **SEC. 236. SENSE OF THE SENATE ON METALCASTING IN-**
23 **DUSTRY.**

24 It is the Sense of the Senate that—

25 (1) The health and viability of the metalcasting
26 industry of the United States are a serious risk, and

1 (2) The Secretary of Defense should seriously
2 consider providing funds, from within the funds
3 made available pursuant to section 204, for
4 metalcasting industry research and development ac-
5 tivities, including the following activities:

6 (A) Development of casting technologies
7 and techniques.

8 (B) Improvement of technology transfer
9 within the metalcasting industry in the United
10 States.

11 (C) Improvement of training for the
12 metalcasting industry workforce.

13 **SEC. 237. INTERIM RECONNAISSANCE PROGRAM.**

14 (a) Of the funds authorized to be appropriated in sec-
15 tion 201 for the Joint Program Office for Unmanned Aer-
16 ial Vehicles, up to \$40,000,000 may be obligated and ex-
17 pended for the purposes of initiating a long-endurance, un-
18 manned reconnaissance aerial vehicle program, subject to
19 the conditions outlined in subsection (b) and subsection
20 (c).

21 (b) The funds may be obligated only to procure, inte-
22 grate, test and evaluate non-development airframes, sen-
23 sors, communication equipment, mission planning equip-
24 ment and ground stations.

1 (c) None of the funds may be obligated until the De-
2 partment identifies the programs within the jurisdiction
3 of the Joint Program Office that will be terminated or
4 deferred, consistent with normal reprogramming proce-
5 dures.

6 **Subtitle E—Programs in Support of**
7 **the Prevention and Control of**
8 **Proliferation of Weapons of**
9 **Mass Destruction**

10 **SEC. 241. SHORT TITLE.**

11 This subtitle may be cited as the “Prevention and
12 Control of the Proliferation of Weapons of Mass Destruc-
13 tion Act of 1993”.

14 **SEC. 242. SENSE OF CONGRESS.**

15 It is the sense of Congress that—

16 (1) the United States should have the ability to
17 counter effectively potential threats to United States
18 interests that arise from the proliferation of such
19 weapons;

20 (2) the Department of Defense, the Department
21 of Energy, and the Intelligence Community have an
22 important role in preventing the proliferation of
23 weapons of mass destruction and dealing with the
24 consequences of any proliferation of such weapons;

1 (3) the Department of Defense, the Department
2 of Energy, and the Intelligence Community have
3 unique capabilities and expertise that can enhance
4 the effectiveness of United States and international
5 nonproliferation efforts, including capabilities and
6 expertise regarding—

7 (A) detection and monitoring of prolifera-
8 tion of weapons of mass destruction;

9 (B) development of effective export control
10 regimes;

11 (C) interdiction and destruction of weap-
12 ons of mass destruction and related weapons
13 material; and

14 (D) carrying out international monitoring
15 and inspection regimes that relate to prolifera-
16 tion of such weapons and material;

17 (4) the Department of Defense, the Department
18 of Energy, and the Intelligence Community have
19 unique capabilities and expertise that directly con-
20 tribute to the ability of the United States to imple-
21 ment United States policy to counter effectively the
22 threats that arise from the proliferation of weapons
23 of mass destruction, including capabilities and exper-
24 tise regarding—

1 (A) responses to terrorism, theft, or acci-
2 dents involving weapons of mass destruction;

3 (B) conduct of intrusive international in-
4 spections for verification of arms control trea-
5 ties;

6 (C) direct and discrete counterproliferation
7 actions that require use of force; and

8 (D) development and deployment of active
9 military countermeasures and protective meas-
10 ures against threats resulting from arms pro-
11 liferation, including defenses against ballistic
12 missile attacks; and

13 (5) in a manner consistent with the non-
14 proliferation policy of the United States, the Depart-
15 ment of Defense, the Department of Energy, and
16 the Intelligence Community should continue to main-
17 tain and improve their capabilities to identify, mon-
18 itor, and respond to the proliferation of weapons of
19 mass destruction and delivery systems for such
20 weapons.

21 **SEC. 243. JOINT COMMITTEE FOR REVIEW OF NON-**
22 **PROLIFERATION PROGRAMS OF THE UNITED**
23 **STATES.**

24 (a) ESTABLISHMENT.—(1) In support of the non-
25 proliferation policy of the United States, there is hereby

1 established a Non-Proliferation Program Review Commit-
2 tee composed of the following members:

3 (A) The Secretary of Defense.

4 (B) The Secretary of Energy.

5 (C) The Director of Central Intelligence.

6 (D) The Director of the United States Arms
7 Control Disarmament Agency.

8 (E) The Chairman of the Joint Chiefs of Staff.

9 (2) The Secretary of Defense shall chair the commit-
10 tee.

11 (3) A member of the committee may designate a rep-
12 resentative to perform routinely the duties of the member.

13 A representative shall be in a position of Deputy Assistant
14 Secretary or a position equivalent to or above the level
15 of Deputy Assistant Secretary. A representative of the
16 Chairman of the Joint Chiefs of Staff shall be a person
17 in a grade equivalent to that of Deputy Assistant Sec-
18 retary of Defense.

19 (4) The Secretary of Defense may delegate to the
20 Under Secretary of Defense for Acquisition the perform-
21 ance of the duties of the Chairman of the committee.

22 (5) The members of the committee shall first meet
23 not later than 30 days after the date of the enactment
24 of this Act. Upon designation of working level officials and
25 representatives, the members of the committee shall joint-

1 ly notify the appropriate committees of Congress that the
2 committee has been constituted. The notification shall
3 identify the representatives designated pursuant to para-
4 graph (3) and the working level officials of the committee.

5 (b) PURPOSES OF THE COMMITTEE.—The purposes
6 of the committee are as follows:

7 (1) To optimize funding for, and ensure the de-
8 velopment and deployment of—

9 (A) highly effective technologies and capa-
10 bilities for the detection, monitoring, collection,
11 processing, analysis, and dissemination of infor-
12 mation in support of United States non-
13 proliferation policy; and

14 (B) disabling technologies in support of
15 such policy.

16 (2) To identify and eliminate undesirable
17 redundancies or uncoordinated efforts in the devel-
18 opment and deployment of such technologies and ca-
19 pabilities.

20 (c) DUTIES.—The committee shall—

21 (1) identify and review existing and proposed
22 capabilities (including counterproliferation capabili-
23 ties) and technologies for support of United States
24 nonproliferation policy with regard to—

25 (A) intelligence;

- 1 (B) battlefield surveillance;
- 2 (C) passive defenses;
- 3 (D) active defenses;
- 4 (E) counterforce capabilities;
- 5 (F) inspection support; and
- 6 (G) support of export control programs;

7 (2) as part of the review pursuant to paragraph
8 (1), review all directed energy and laser programs
9 for detecting, characterizing, or interdicting weapons
10 of mass destruction, their delivery platforms, or
11 other orbiting platforms with a view to the elimi-
12 nation of redundancy and the optimization of fund-
13 ing for the systems not eliminated;

14 (3) prescribe requirements and priorities for the
15 development and deployment of highly effective ca-
16 pabilities and technologies to support fully the non-
17 proliferation policy of the United States;

18 (4) identify deficiencies in existing capabilities
19 and technologies;

20 (5) formulate near-term, mid-term, and long-
21 term programmatic options for meeting require-
22 ments established by the committee and eliminating
23 deficiencies identified by the committee; and

1 (6) in carrying out the other duties of the com-
2 mittee, ensure that all types of counterproliferation
3 actions are considered.

4 (d) ACCESS TO INFORMATION.—The committee shall
5 have access to information on all programs, projects, and
6 activities of the Department of Defense, Department of
7 Energy, and the intelligence community that are pertinent
8 to the purposes and duties of the committee.

9 (e) BUDGET RECOMMENDATIONS.—The committee
10 may submit to the officials referred to in subsection (a)
11 any recommendations regarding existing or planned budg-
12 ets as the committee considers appropriate to encourage
13 funding for capabilities and technologies at the level nec-
14 essary to support United States nonproliferation policy.

15 **SEC. 244. REPORT ON NONPROLIFERATION AND**
16 **COUNTERPROLIFERATION ACTIVITIES AND**
17 **PROGRAMS.**

18 (a) REPORT REQUIRED.—Not later than May 1,
19 1994, the Secretary of Defense shall submit to Congress
20 a report on the findings of the committee on nonprolifera-
21 tion activities established pursuant to section 243.

22 (b) CONTENT OF REPORT.—The report shall include
23 the following matters:

24 (1) A complete list, by program, of the existing,
25 planned, and proposed capabilities and technologies

1 reviewed by the committee, including all directed en-
2 ergy and laser programs reviewed pursuant to sec-
3 tion 243(c)(2).

4 (2) A complete description of the requirements
5 and priorities established by the committee.

6 (3) A comprehensive discussion of the near-
7 term, mid-term, and long-term programmatic op-
8 tions formulated by the committee for meeting re-
9 quirements prescribed by the committee and elimi-
10 nating deficiencies identified by the committee, in-
11 cluding the annual funding requirements and com-
12 pletion dates established for each such option.

13 (4) An explanation of the recommendations
14 made pursuant section 243(e) and a full discussion
15 of the actions taken on such recommendations, in-
16 cluding the actions taken to implement the rec-
17 ommendations.

18 (5) A discussion of the existing and planned ca-
19 pabilities of the Armed Forces of the United
20 States—

21 (A) to detect and monitor clandestine pro-
22 grams for the acquisition or production of
23 weapons of mass destruction;

1 (B) to respond to terrorism or accidents
2 involving such weapons and thefts of materials
3 related to any weapon of mass destruction; and

4 (C) to assist in the interdiction and de-
5 struction of weapons of mass destruction, relat-
6 ed weapons materials, and advanced conven-
7 tional weapons.

8 (6) A description of—

9 (A) the extent to which the Secretary of
10 Defense has incorporated nonproliferation and
11 counterproliferation missions into the overall
12 missions of the unified combatant commands;
13 and

14 (B) how the special operations command
15 established pursuant to section 167(a) of title
16 10, United States Code, might support the com-
17 manders of the other unified combatant com-
18 mands and the commanders of the specified
19 combatant commands in the performance of
20 such overall missions.

21 (c) FORMS OF REPORT.—The report shall be submit-
22 ted in both unclassified and classified forms, as appro-
23 priate.

24 **SEC. 245. DEFINITIONS.**

25 In this subtitle:

1 (1) The term “appropriate congressional com-
2 mittees” means the following:

3 (A) The Committee on Armed Services, the
4 Committee on Appropriations, and the Select
5 Committee on Intelligence of the Senate.

6 (B) The Committee on Armed Services,
7 the Committee on Appropriations, and the Per-
8 manent Select Committee on Intelligence of the
9 House of Representatives.

10 (2) The term “intelligence community” has the
11 meaning given such term in section 3 of the Na-
12 tional Security Act of 1947 (50 U.S.C. 401a).

13 **TITLE III—OPERATION AND** 14 **MAINTENANCE**

15 **Subtitle A—Authorization of Appropriations**

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

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

22 (1) For the Army, \$15,194,036,000.

23 (2) For the Navy, \$19,081,792,000.

24 (3) For the Marine Corps, \$1,790,489,000.

25 (4) For the Air Force, \$18,932,246,000.

1 (5) For Defense Agencies \$9,523,283,000.

2 (6) For the Defense Health Program,
3 \$9,303,447,000.

4 (7) For the Army Reserve, \$1,096,190,000.

5 (8) For the Naval Reserve, \$782,800,000.

6 (9) For the Marine Corps Reserve,
7 \$83,100,000.

8 (10) For the Air Force Reserve,
9 \$1,356,078,000.

10 (11) For the Army National Guard,
11 \$2,216,944,000.

12 (12) For the Air National Guard,
13 \$2,717,733,000.

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

16 (14) For the Defense Inspector General,
17 \$127,001,000.

18 (15) For Drug Interdiction and Counter-Drug
19 Activities, Defense-wide, \$1,168,200,000.

20 (16) For the Court of Military Appeals,
21 \$6,055,000.

22 (17) For Environmental Restoration, Defense,
23 \$2,369,400,000.

24 (18) For Humanitarian Assistance,
25 \$48,000,000.

1 (19) For support for the 1996 Summer Olym-
2 pics, \$2,000,000.

3 (20) For support for the 1994 World Cup
4 Games, \$12,000,000.

5 (21) For Former Soviet Union Threat Reduc-
6 tion, \$400,000,000.

7 **SEC. 302. WORKING CAPITAL FUNDS.**

8 There is hereby authorized to be appropriated for fis-
9 cal year 1994 for the use of the Armed Forces and other
10 activities and agencies of the Department of Defense for
11 providing capital for the Defense Business Operations
12 Fund, \$1,161,095,000.

13 **SEC. 303. FUNDING NATIONAL DEFENSE STRATEGIC LIFT**
14 **REQUIREMENTS.**

15 (a) RENAMING FUND.—Section 2218 of title 10,
16 United States Code, is amended—

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

19 **“§2218. National Defense Strategic Lift Fund”;**

20 and

21 (2) by striking out “National Defense Strategic
22 Sealift Fund” each time it appears and inserting in
23 lieu thereof “National Defense Strategic Lift Fund”.

24 (b) FUND PURPOSES.—Subsection (c)(1) of such sec-
25 tion is amended—

1 (1) by striking out “and” at the end of sub-
2 paragraph (C);

3 (2) by striking out the period at the end of sub-
4 paragraph (D) and inserting in lieu thereof “; and”;
5 and

6 (3) by adding at the end the following new sub-
7 paragraph:

8 “(E) construction, purchase, alteration, and
9 conversion of Department of Defense strategic airlift
10 aircraft.”.

11 (c) DEPOSITS IN THE FUND.—Subsection (d)(1) of
12 such section is amended—

13 (1) by striking out “and” at the end of sub-
14 paragraph (C);“

15 (2) by striking out the period at the end of sub-
16 paragraph (D) and inserting in lieu thereof “; and”;
17 and

18 (3) by adding at the end the following new sub-
19 paragraph:

20 “(E) construction, purchase, alteration,
21 and conversion of Department of Defense stra-
22 tegic airlift aircraft.”.

23 (d) CONTENT OF BUDGET REQUESTS.—Subsection
24 (h) of such section is amended—

1 (1) by striking out “and” at the end of para-
2 graph (3);

3 (2) by striking out the period at the end of
4 paragraph (4) and inserting in lieu thereof “; and”;
5 and

6 (3) by adding at the end the following new
7 paragraph:

8 “(5) the amount requested for programs,
9 projects, and activities for construction, purchase,
10 alteration, and conversion of Department of Defense
11 strategic airlift aircraft.”.

12 (e) STRATEGIC AIRLIFT AIRCRAFT DEFINED.—Sub-
13 section (k) of such section is amended by adding at the
14 end the following new paragraph:

15 “(4) The term ‘strategic airlift aircraft’ means
16 any cargo aircraft owned, operated, controlled, or
17 chartered by the Department of Defense that has
18 intercontinental range.”.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—Funds
20 are hereby authorized to be appropriated for fiscal year
21 1994 for the use of the Department of Defense for the
22 National Defense Strategic Lift Fund in the amount of
23 \$2,669,100,000.

1 **SEC. 304. ARMED FORCES RETIREMENT HOME.**

2 There is hereby authorized to be appropriated for fis-
3 cal year 1994 from the Armed Forces Retirement Home
4 Trust Fund the sum of \$61,918,000 for the operation of
5 the Armed Forces Retirement Home, including the United
6 States Soldiers' and Airmen's Home and the Naval Home.

7 **SEC. 305. NATIONAL SECURITY EDUCATION TRUST FUND**
8 **OBLIGATIONS.**

9 During fiscal year 1994, \$24,000,000 is authorized
10 to be obligated from the National Security Education
11 Trust Fund established by section 804(a) of the David L.
12 Boren National Security Education Act of 1991 (Public
13 Law 102-183; 50 U.S.C. 1904(a)).

14 **SEC. 306. TRANSFER AUTHORITY.**

15 (a) AUTHORITY.—The Secretary of Defense, to the
16 extent provided in appropriations Acts, may transfer funds
17 as provided in this section during fiscal year 1994. Funds
18 so transferred are in addition to the funds authorized to
19 be appropriated in section 301.

20 (b) FROM THE DEFENSE BUSINESS OPERATIONS
21 FUND.—(1) Subject to paragraph (2), not more than
22 \$3,035,300,000 may be transferred from the Defense
23 Business Operations Fund to appropriations for oper-
24 ations and maintenance for fiscal year 1994 in amounts
25 as follows:

26 (A) For the Army, \$880,200,000.

1 (B) For the Navy, \$1,092,700,000.

2 (C) For the Marine Corps, \$121,000,000.

3 (D) For the Air Force, \$941,400,000.

4 (2) Amounts may be transferred under this sub-
5 section only to the extent that the Fund contains cash bal-
6 ances sufficient for such transfers.

7 (c) FROM THE NATIONAL DEFENSE STOCKPILE
8 TRANSACTION FUND.—Not more than \$500,000,000 may
9 be transferred from the National Defense Stockpile Trans-
10 action Fund to appropriations for operation and mainte-
11 nance for fiscal year 1994 in amounts as follows:

12 (1) For the Army, \$150,000,000.

13 (2) For the Navy, \$150,000,000.

14 (3) For the Air Force, \$200,000,000.

15 (d) TREATMENT OF TRANSFERS.—Amounts trans-
16 ferred under this section—

17 (1) shall be merged with and be available for
18 the same purposes and the same period as the
19 amounts in the accounts to which transferred;

20 (2) shall be deemed to increase the amount au-
21 thorized to be appropriated for the account to which
22 the amount is transferred by an amount equal to the
23 amount transferred; and

1 190; 10 U.S.C. 2208 note) is amended by striking out
2 “April 15, 1994” and inserting in lieu thereof “December
3 31, 1994”.

4 **SEC. 312. IMPLEMENTATION OF THE DEFENSE BUSINESS**
5 **OPERATIONS FUND.**

6 Section 316 of the National Defense Authorization
7 Act for Fiscal Years 1992 and 1993 (Public Law 102–
8 190; 10 U.S.C. 2208 note) is amended by striking out sub-
9 sections (d), (e), and (f) and inserting in lieu thereof the
10 following new subsections:

11 “(d) COMPREHENSIVE MANAGEMENT PLAN.—(1)
12 Not later than 30 days after the date of the enactment
13 of the National Defense Authorization Act for Fiscal Year
14 1994, the Secretary of Defense shall submit to the con-
15 gressional defense committees a comprehensive manage-
16 ment plan for the Defense Business Operations Fund. The
17 Secretary shall identify in the plan the actions the Depart-
18 ment of Defense will take to improve the implementation
19 and operation of the Defense Business Operations Fund.

20 “(2)(A) The plan should also include the following
21 matters:

22 “(i) The specific tasks to be performed to ad-
23 dress the serious shortcomings that exist in the
24 Fund’s implementation and operation.

1 “(ii) Milestones for starting and completing
2 each task.

3 “(iii) A statement of the resources needed to
4 complete each task.

5 “(iv) The specific organizations within the De-
6 partment of Defense that are responsible for accom-
7 plishing each task.

8 “(v) Department of Defense plans to monitor
9 the implementation of all corrective actions.

10 “(B) The plan should also address the following spe-
11 cific areas:

12 “(i) The management and organizational struc-
13 ture of the Fund.

14 “(ii) The development and implementation of
15 the policies and procedures, including internal con-
16 trols, applicable to the Fund.

17 “(iii) Management reporting, including financial
18 and operational reporting.

19 “(iv) Accuracy and reliability of cost accounting
20 data.

21 “(v) Development and use of performance indi-
22 cators to measure the efficiency and effectiveness of
23 Fund operations.

24 “(vi) The status of efforts to develop and imple-
25 ment new financial systems for the Fund.

1 “(e) PROGRESS REPORT ON IMPLEMENTATION.—Not
2 later than February 1, 1994, the Secretary of Defense
3 shall submit to the Congress a report on the progress
4 made in implementing the comprehensive management
5 plan required by subsection (d). The report should de-
6 scribe the progress made in reaching the milestones estab-
7 lished in the plan and provide an explanation for the fail-
8 ure to meet any of the milestones. The Secretary shall sub-
9 mit a copy of the report to the Comptroller General of
10 the United States at the same time that he submits the
11 report to Congress.

12 “(f) RESPONSIBILITIES OF THE COMPTROLLER GEN-
13 ERAL.—(1) The Comptroller General of the United States
14 shall monitor and evaluate the progress of the Department
15 of Defense in developing and implementing the com-
16 prehensive management plan required by subsection (d).

17 “(2) Not later than March 1, 1994, the Comptroller
18 General shall submit to the Congress a report containing
19 the following:

20 “(A) The findings and conclusions of the Comp-
21 troller General resulting from the monitoring and
22 evaluation conducted under paragraph (1).

23 “(B) An evaluation of the progress report sub-
24 mitted to Congress by the Secretary of Defense pur-
25 suant to subsection (e).