

103^D CONGRESS
2^D SESSION

S. 2059

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, MAY 2), 1994

Mr. NUNN (for himself and Mr. THURMOND) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1995, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 1995”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide procurement.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense health program.
- Sec. 107. Chemical demilitarization program.

Subtitle B—Other Matters

- Sec. 111. Repeal of requirement for separate budget request for procurement of Reserve equipment.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

- Sec. 201. Authorization of appropriations.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Repeal of limitations on operation of activities included in Defense Business Operations Fund.
- Sec. 304. Repeal of provisions relating to charges for goods and services provided through the Defense Business Operations Fund.
- Sec. 305. Disposition of proceeds from operation of Naval Academy laundry.

Subtitle B—Other Matters

- Sec. 311. Revision of date for submission of future years mission budget.
- Sec. 312. Live-fire survivability testing of F-22 Aircraft.
- Sec. 313. Ballistic Missile Defense mission.
- Sec. 314. Repeal of requirement for the Secretary of Defense to provide advance review and approval of proposed developmental tests of limited defense system program projects and to provide independent monitoring of the tests.
- Sec. 315. Expansion of the methods of test and evaluation used to demonstrate theater missile defense interceptor performance prior to the interceptor program proceeding into low-rate initial production acquisition phase.
- Sec. 316. Disaster relief.
- Sec. 317. Amendment to the emergency and extraordinary expense authority for the Inspector General of the Department of Defense.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

- Sec. 401. End strengths for active forces.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. Increase in number of members in certain grades authorized to be on active duty in support of the Reserves.

Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy

- Sec. 501. Authority of Secretary of military department to approve officers serving on certain successive selection boards.
- Sec. 502. Technical changes to sections codified by the Warrant Officer Management Act.
- Sec. 503. Authority for facilitated promotions when all officers on a confirmation list are not confirmed at one time.
- Sec. 504. Retirement or enlistment of certain limited duty officers of the Navy and Marine Corps.
- Sec. 505. Authority for temporary promotions of certain Navy lieutenants.

Subtitle B—Reserve Component Matters

- Sec. 511. Reserve Forces Policy Board amendments.
- Sec. 512. Authorization of limited Selected Reserve call up authority and expansion of 90-day call up period.
- Sec. 513. Repeal of obsolete provisions pertaining to transfer to the retired Reserve.
- Sec. 514. Guard and Reserve transition initiatives.

Subtitle C—Other Matters

- Sec. 521. Use of exchanges and Morale, Welfare and Recreation facilities by certain retirees.
- Sec. 522. Overseas military end strengths.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

- Sec. 601. Military pay raise for fiscal year 1995.
- Sec. 602. Calculation of retired pay of a commissioned officer of the Armed Forces when the Secretary concerned determines the officer did not serve satisfactorily in the grade held at retirement.
- Sec. 603. Expiring authorities.

Subtitle B—Retired Pay and Survivor Benefits

- Sec. 611. Authority for survivors of uniformed service members to receive, upon death of member, payment for all leave accrued, regardless of sixty-day limitation.
- Sec. 612. Disability coverage for officer candidates granted excess leave.
- Sec. 613. Forfeiture of annuity or retired pay of members convicted of espionage.

Sec. 614. Crediting of reserve service for computation of retired pay.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Health Care Management

- Sec. 701. Improving coordination of benefits information by sharing health insurance information from the Medicare and Medicaid coverage data bank.
- Sec. 702. Expanded use of partnership and resource sharing programs for improved cost-effectiveness.
- Sec. 703. Improvement of uniformed services treatment facilities program.
- Sec. 704. Authority to conduct health care surveys of families of retired members.
- Sec. 705. Effective date.

Subtitle B—Personnel Matters

- Sec. 711. Increase in incentive special pay for certified registered nurse anesthetists.
- Sec. 712. Authority for nurse accession bonuses, incentive special pay for nurse anesthetists, and nurse officer candidate accession bonus.
- Sec. 713. Reduction in the maximum number of years for a military member to be maintained on the temporary disability retired list.

Subtitle C—Other Matters

- Sec. 721. Revision of definition of dependents for purposes of health benefits.
- Sec. 722. Repeal of the statutory restriction on use of funds for abortions.
- Sec. 723. Authorization for medical and dental care of abused dependents of certain members of the uniformed services.

TITLE VIII—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense

- Sec. 801. Order of succession in military departments.
- Sec. 802. Authority to prepare the official table of distances.
- Sec. 803. Authority to conduct a program to commemorate World War II.
- Sec. 804. Authority for the Department of Defense to share equitably the costs of claims under international armaments cooperation programs.
- Sec. 805. Change of title of Deputy Under Secretary of Defense for Acquisition and Technology to Principal Deputy Under Secretary of Defense for Acquisition and Technology.
- Sec. 806. Change of title of Deputy Under Secretary of Defense for Policy to Principal Deputy Under Secretary of Defense for Policy.
- Sec. 807. Chief Financial Officer of the Department of Defense.
- Sec. 808. Change of title of Comptroller of the Department of Defense to Under Secretary of Defense (Comptroller).

Subtitle B—Professional Military Education

- Sec. 811. Authority to hire civilian faculty members for the Information Resources Management College, National Defense University.

Subtitle C—Education Matters

- Sec. 821. Defense Department Overseas Teachers Pay and Personnel Practices Act Amendments.
- Sec. 822. Adjustment of pay of certain overseas educators.
- Sec. 823. Reauthorization of United States Department of Defense elementary and secondary schools for dependents.

Subtitle D—Other Matters

- Sec. 831. Clarification and expansion of authority of the Department of Defense to receive voluntary services.
- Sec. 832. Repeal of prohibition of contracting for firefighting and security guard functions at military facilities.
- Sec. 833. Statute of limitations for claims under the Fair Labor Standards Act.

TITLE IX—GENERAL PROVISIONS

Subtitle A—Financial Matters

- Sec. 901. Exemption of certain routine adjustments of pay from due process provisions.
- Sec. 902. Contract Disputes Act amendment relating to payment of interest on contractor claims.

Subtitle B—Civilian Employee Pay Matters

- Sec. 911. Expiring authorities.
- Sec. 912. Travel, transportation, and relocation expenses of employees transferred from the Department of Defense to the Postal Service.
- Sec. 913. Limitation of severance pay for certain civilian employees who are employed by nonappropriated funds.

Subtitle C—Other Matters

- Sec. 921. National Guard youth programs.
- Sec. 922. Protection from unauthorized use of the name “Defense Mapping Agency”.
- Sec. 923. Limitation of liability for any navigational aid prepared or disseminated by the Defense Mapping Agency.
- Sec. 924. Reorganization of the Air Force liaison with the Civil Air Patrol.
- Sec. 925. Informed consent of persons participating in human medical research.
- Sec. 926. Military-to-military contacts and comparable activities.
- Sec. 927. Purchase of vessels for the Ready Reserve Force.
- Sec. 928. Technical amendment to authorize implementation of Junior Reserve Officers Training Corps (JROTC) program expansion.

TITLE X—MATTERS RELATING TO ALLIES, OTHER NATIONS, AND INTERNATIONAL ORGANIZATIONS

- Sec. 1001. Extension of authority to acquire logistic support for forces deployed outside the United States to authority to acquire from the United Nations or regional organizations of which the United States is a member.
- Sec. 1002. Extension of authority to enter into cross servicing agreements to authority to enter into agreements with the United Nations organization or any regional organizations of which the United States is a member.

- Sec. 1003. Method of payment for acquisitions and transfers.
- Sec. 1004. Limitation of amounts that may be obligated or accrued.
- Sec. 1005. Definitions.
- Sec. 1006. Effective date.

TITLE XI—PEACEKEEPING AND RELATED MATTERS

- Sec. 1101. Assistance to international peacekeeping and peace enforcement activities.

TITLE XII—COUNTERPROLIFERATION

- Sec. 1201. Extension and Amendment of Counterproliferation Authorities.

TITLE XIII—ACQUISITION REFORM

- Sec. 1301. Amendment to research authorities.
- Sec. 1302. Amendment of acquisition laws relating to industrial mobilization.
- Sec. 1303. Disposition of naval vessels.
- Sec. 1304. Contract for fuel storage and management.

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Army as follows:

(1) For aircraft, \$1,041,581,000.

(2) For missiles, \$593,995,000.

(3) For weapons and tracked combat vehicles,
\$919,786,000.

(4) For ammunition, \$844,644,000.

(5) For other procurement, \$2,690,233,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1995 for procurement for the Navy as follows:

1 (1) For aircraft, \$4,786,265,000.

2 (2) For weapons, including missiles and tor-
3 pedoes, \$2,400,039,000.

4 (3) For shipbuilding and conversion,
5 \$5,585,397,000.

6 (4) For other procurement, \$3,319,418,000.

7 (b) MARINE CORPS.—Funds are hereby authorized to
8 be appropriated for fiscal year 1995 for procurement for
9 the Marine Corps in the amount of \$554,620,000.

10 **SEC. 103. AIR FORCE.**

11 Funds are hereby authorized to be appropriated for
12 fiscal year 1995 for procurement for the Air Force as fol-
13 lows:

14 (1) For aircraft, \$6,747,599,000.

15 (2) For weapons, including missiles,
16 \$4,392,173,000.

17 (3) For other procurement, \$7,078,253,000.

18 **SEC. 104. DEFENSE-WIDE PROCUREMENT.**

19 Funds are hereby authorized to be appropriated for
20 fiscal year 1995 for defense-wide procurement in the
21 amount of \$1,744,916,000.

22 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1995 for procurement for the Defense Inspec-
25 tor General in the amount of \$1,000,000.

1 **SEC. 106. DEFENSE HEALTH PROGRAM.**

2 Funds are hereby authorized to be appropriated for
3 fiscal year 1995 for procurement for the Defense Health
4 Program in the amount of \$308,889,000.

5 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

6 There is hereby authorized to be appropriated for fis-
7 cal year 1995 the amount of \$575,349,000 for—

8 (1) the destruction of lethal agents and muni-
9 tions in accordance with section 1412 of the Depart-
10 ment of Defense Authorization Act, 1986 (50 U.S.C.
11 1521); and

12 (2) the destruction of chemical warfare material
13 of the United States that is not covered by section
14 1412 of such Act.

15 **Subtitle B—Other Matters**

16 **SEC. 111. REPEAL OF REQUIREMENT FOR SEPARATE BUDG-**
17 **ET REQUEST FOR PROCUREMENT OF RE-**
18 **SERVE EQUIPMENT.**

19 Section 114(e) of title 10, United States Code, is re-
20 pealed.

21 **TITLE II—RESEARCH, DEVELOPMENT,**
22 **TEST, AND EVALUATION**

23 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

24 Funds are hereby authorized to be appropriated for
25 fiscal year 1995 for the use of the Armed Forces for re-
26 search, development, test, and evaluation, as follows:

1 (1) For the Army, \$5,260,082,000.

2 (2) For the Navy, \$8,934,718,000.

3 (3) For the Air Force, \$12,349,362,000.

4 (4) For Defense-wide research, development,
5 test, and evaluation, \$9,680,851,000, of which—

6 (A) \$251,495,000 is authorized for the ac-
7 tivities of the Director, Test and Evaluation;
8 and

9 (B) \$12,501,000 is authorized for the Di-
10 rector of Operational Test and Evaluation.

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

13 **Subtitle A—Authorization of Appropriations**

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

15 Funds are hereby authorized to be appropriated for
16 fiscal year 1995 for the use of the Armed Forces of the
17 United States and other activities and agencies of the De-
18 partment of Defense, for expenses, not otherwise provided
19 for, for operation and maintenance, in amounts as follows:

20 (1) For the Army, \$17,820,994,000.

21 (2) For the Navy, \$21,227,239,000.

22 (3) For the Marine Corps, \$1,918,395,000.

23 (4) For the Air Force, \$19,077,041,000.

24 (5) For Defense-wide activities,
25 \$10,223,115,000.

1 (6) For Medical Programs, Defense,
2 \$9,613,331,000.

3 (7) For the Army Reserve, \$1,253,744,000.

4 (8) For the Navy Reserve, \$827,819,000.

5 (9) For the Marine Corps Reserve,
6 \$81,462,000.

7 (10) For the Air Force Reserve,
8 \$1,478,990,000.

9 (11) For the Army National Guard,
10 \$2,447,148,000.

11 (12) For the Air National Guard,
12 \$2,780,178,000.

13 (13) For the National Board for the Promotion
14 of Rifle Practice, \$2,544,000.

15 (14) For the Defense Inspector General,
16 \$127,172,000.

17 (15) For Drug Interdiction and Counter-drug
18 Activities, Defense-wide, \$714,200,000.

19 (16) For the Court of Military Appeals,
20 \$6,152,000.

21 (17) For Environmental Restoration, Defense,
22 \$2,180,200,000.

23 (18) For Humanitarian Assistance,
24 \$71,900,000.

1 (19) For Former Soviet Union Threat Reduc-
2 tion, \$400,000,000.

3 (20) For Contributions for International Peace-
4 keeping and Peace Enforcement Activities Fund,
5 \$300,000,000.

6 **SEC. 302. WORKING CAPITAL FUNDS.**

7 Funds are hereby authorized to be appropriated for
8 fiscal year 1995 for the use of the Armed Forces of the
9 United States and other activities and agencies of the De-
10 partment of Defense for providing capital for working cap-
11 ital and revolving funds in amounts as follows:

12 (1) For the Defense Business Operations Fund,
13 \$1,619,038,000.

14 (2) For the National Defense Sealift Fund,
15 \$608,600,000.

16 **SEC. 303. REPEAL OF LIMITATIONS ON OPERATION OF DE-**
17 **FENSE BUSINESS OPERATIONS FUND.**

18 Section 316 of the National Defense Authorization
19 Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208
20 note), is repealed.

1 **SEC. 304. REPEAL OF PROVISIONS RELATING TO CHARGES**
2 **FOR GOODS AND SERVICES PROVIDED**
3 **THROUGH THE DEFENSE BUSINESS OPER-**
4 **ATIONS FUND.**

5 Subsections 333 (a) and (b) of the National Defense
6 Authorization Act for Fiscal Year 1994 are repealed.

7 **SEC. 305. DISPOSITION OF PROCEEDS FROM OPERATION**
8 **OF NAVAL ACADEMY LAUNDRY.**

9 Section 6971 of title 10, United States Code is
10 amended—

11 (a) by striking out “(a)”;

12 (b) by striking out “and the Academy dairy”
13 and inserting “the Academy dairy, and the Academy
14 laundry”; and

15 (c) by repealing subsection (b).

16 **Subtitle B—Other Matters**

17 **SEC. 311. REVISION OF DATE FOR SUBMISSION OF FUTURE-**
18 **YEARS MISSION BUDGET.**

19 The second sentence of section 222 of title 10, United
20 States Code, is amended by striking out “at the same time
21 that” and inserting “within 60 days after” in lieu thereof.

22 **SEC. 312. LIVE-FIRE SURVIVABILITY TESTING OF F-22 AIR-**
23 **CRAFT.**

24 (a) **AUTHORITY FOR RETROACTIVE WAIVER.**—The
25 Secretary of Defense may exercise the waiver authority in
26 section 2366(c) of title 10, United States Code, with re-

1 spect to the application of the survivability tests of that
2 section to the F-22 aircraft, notwithstanding that such
3 program has entered full-scale engineering development.

4 (b) REPORTING REQUIREMENT.—If the Secretary of
5 Defense submits a certification under section 2366(c) of
6 title 10 that live-fire testing of the F-22 system under
7 such section would be unreasonably expensive or imprac-
8 tical, the Secretary of Defense shall require that suffi-
9 ciently large and realistic components and subsystems that
10 could affect the survivability of the F-22 system be made
11 available for any alternative live-fire test program.

12 (c) FUNDING.—The funds required to carry out any
13 alternative live-fire testing program for the F-22 aircraft
14 system shall be made available from amounts appropriated
15 for the F-22 program.

16 **SEC. 313. BALLISTIC MISSILE DEFENSE MISSION.**

17 Section 224(b) of the National Defense Authorization
18 Act for Fiscal Years 1990 and 1991 (10 U.S.C. 2431
19 note), is amended—

20 (1) by striking out paragraphs (3), (4), (9), and
21 (10);

22 (2) by redesignating paragraphs (5), (6), (7),
23 and (8) as paragraphs (3), (4), (5), and (6) respec-
24 tively; and

1 (3) in redesignated paragraph (7), by striking
2 out “of the Soviet Union” and “for the Soviet
3 Union.”.

4 **SEC. 314. REPEAL OF REQUIREMENT FOR THE SECRETARY**
5 **OF DEFENSE TO PROVIDE ADVANCE REVIEW**
6 **AND APPROVAL OF PROPOSED DEVEL-**
7 **OPMENTAL TESTS OF LIMITED DEFENSE SYS-**
8 **TEM PROGRAM PROJECTS AND TO PROVIDE**
9 **INDEPENDENT MONITORING OF THE TESTS.**

10 Sections 237(b) and 237(c) of the National Defense
11 Authorization Act for Fiscal Year 1994 (Public Law 103–
12 160; 107 Stat. 1547), are repealed.

13 **SEC. 315. EXPANSION OF THE METHODS OF TEST AND**
14 **EVALUATION USED TO DEMONSTRATE THEA-**
15 **TER MISSILE DEFENSE INTERCEPTOR PER-**
16 **FORMANCE PRIOR TO THE INTERCEPTOR**
17 **PROGRAM PROCEEDING INTO LOW-RATE INI-**
18 **TIAL PRODUCTION ACQUISITION PHASE.**

19 Section 237(a) of the National Defense Authorization
20 Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.
21 1547), is amended to read as follows:

22 “(a) TESTING OF THEATER MISSILE DEFENSE
23 INTERCEPTORS.—The Secretary of Defense may not ap-
24 prove a theater missile defense interceptor program pro-
25 ceeding beyond the Low-Rate Initial Production (Mile-

1 stone IIIA) acquisition stage until the Secretary certifies
 2 to the Congressional defense committees that sufficient
 3 lethality tests, involving multiple interceptors and multiple
 4 targets in the presence of realistic countermeasures, con-
 5 sistent with section 2366 of title 10, United States Code,
 6 have been conducted, the results of which demonstrate the
 7 achievement by the interceptors of the weapons systems
 8 performance goals specified in the system baseline docu-
 9 ment established pursuant to section 2435(a)(1)(A) of
 10 title 10, United States Code, before the program entered
 11 engineering and manufacturing systems development.
 12 Modeling and simulation validated by ground and flight
 13 testing may be used to augment live fire testing to dem-
 14 onstrate weapons system performance goals.”.

15 **SEC. 316. DISASTER RELIEF.**

16 (a) **DISASTER RELIEF ACTIVITIES.**—Subchapter I of
 17 chapter 20 of title 10, United States Code, is amended
 18 by adding at the end thereof the following new section:

19 **“§ 404. Disaster relief**

20 “Notwithstanding any other provision of law, the
 21 President may provide global disaster relief to respond to
 22 manmade or natural disasters.”.

23 (b) **CLERICAL AMENDMENT.**—The table of sections
 24 at the beginning of subchapter I of chapter 20 of title 10,

1 United States Code, is amended by adding at the end
2 thereof the following new item:

“404. Disaster relief.”.

3 **SEC. 317. AMENDMENT TO THE EMERGENCY AND EXTRAOR-**
4 **DINARY EXPENSE AUTHORITY FOR THE IN-**
5 **SPECTOR GENERAL OF THE DEPARTMENT OF**
6 **DEFENSE.**

7 Section 127(c) of title 10, United States Code, (as
8 amended by section 361(3) of the National Defense Au-
9 thorization Act for Fiscal Year 1994 (Public Law 103–
10 160; 107 Stat. 1547)) is amended by—

11 (1) striking out “(1)” after “(c)”; and

12 (2) striking out paragraph (2).

13 **TITLE IV—MILITARY PERSONNEL**
14 **AUTHORIZATIONS**

15 **Subtitle A—Active Forces**

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

17 The Armed Forces are authorized strengths for active
18 duty personnel as of September 30, 1995, as follows:

19 (1) The Army, 510,000.

20 (2) The Navy, 441,641.

21 (3) The Marine Corps, 174,000.

22 (4) The Air Force, 400,051.

1 **Subtitle B—Reserve Forces**

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

3 (a) IN GENERAL.—The Armed Forces are authorized
4 strengths for Selected Reserve personnel of the reserve
5 components as of September 30, 1995, as follows:

6 (1) The Army National Guard of the United
7 States, 400,000.

8 (2) The Army Reserve, 242,000.

9 (3) The Naval Reserve, 100,710.

10 (4) The Marine Corps Reserve, 42,000.

11 (5) The Air National Guard of the United
12 States, 115,581.

13 (6) The Air Force Reserve, 78,706.

14 (7) The Coast Guard Reserve, 7,000.

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

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

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

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

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

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

15 Within the end strengths prescribed in section
16 402(b), the reserve components of the Armed Forces are
17 authorized, as of September 30, 1995, the following num-
18 ber of Reserves to be serving on full-time active duty or,
19 in the case of members of the National Guard, full-time
20 National Guard duty for the purpose of organizing, ad-
21 ministering, recruiting, instructing, or training the reserve
22 components:

23 (1) The Army National Guard of the United
24 States, 23,650.

25 (2) The Army Reserve, 11,940.

1 (3) The Naval Reserve, 17,510.

2 (4) The Marine Corps Reserve, 2,285.

3 (5) The Air National Guard of the United
4 States, 9,098.

5 (6) The Air Force Reserve, 648.

6 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
7 **GRADES AUTHORIZED TO BE ON ACTIVE**
8 **DUTY IN SUPPORT OF THE RESERVES.**

9 (a) SENIOR ENLISTED MEMBERS.—Effective on Oc-
10 tober 1, 1994, the table in section 517(b) of title 10,
11 United States Code, is amended to read as follows:

“Grade	Army	Navy	Air Force	Marine Corps
E-9	569	202	328	14
E-8	2,585	429	840	74”.

12 (b) OFFICERS.—Effective on October 1, 1994, the
13 table in section 524(a) of such title is amended to read
14 as follows:

“Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander ..	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	636	75
Colonel or Navy Captain	372	188	274	25”.

1 **Subtitle C—Military Training Student Loads**

2 **SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS.**

3 (a) IN GENERAL.—For fiscal year 1995, the compo-
4 nents of the active and reserve Armed Forces are author-
5 ized average military training student loads as follows:

6 (1) The Army, 69,420.

7 (2) The Navy, 43,064.

8 (3) The Marine Corps, 25,377.

9 (4) The Air Force, 36,840.

10 (b) SCOPE.—The average military training student
11 loads authorized for an armed force in subsection (a) ap-
12 plies to the active and reserve components of that armed
13 force.

14 (c) ADJUSTMENTS.—The average military training
15 student loads authorized in subsection (a) shall be ad-
16 justed consistent with the end strengths authorized in sub-
17 titles A and B. The Secretary of Defense shall prescribe
18 the manner in which such adjustments shall be appor-
19 tioned.

1 **TITLE V—MILITARY PERSONNEL POLICY**

2 **Subtitle A—Officer Personnel Policy**

3 **SEC. 501. AUTHORITY OF SECRETARY OF MILITARY DE-**
4 **PARTMENT TO APPROVE OFFICERS SERVING**
5 **ON CERTAIN SUCCESSIVE SELECTION**
6 **BOARDS.**

7 Section 612(b) of title 10, United States Code, is
8 amended by adding at the end the following sentence:
9 “With the approval of the Secretary of the military depart-
10 ment concerned, however, officers may serve as members
11 on successive selection boards convened under section
12 611(a) of this title for the consideration of officers of the
13 same competitive category and grade if the second board
14 does not consider the same officer or officers as the first
15 board.”.

16 **SEC. 502. TECHNICAL CHANGES TO SECTIONS CODIFIED BY**
17 **THE WARRANT OFFICER MANAGEMENT ACT.**

18 Chapter 33A of title 10, United States Code, is
19 amended—

20 (1) in section 578, by adding at the end the fol-
21 lowing new subsections:

22 “(e) An officer who is appointed to a higher grade
23 under this section is considered to have accepted such ap-
24 pointment on the date on which the appointment is made
25 unless the officer expressly declines the appointment.

1 “(f) An officer who has served continuously since the
 2 officer subscribed to the oath of office prescribed in sec-
 3 tion 3331 of title 5 is not required to take a new oath
 4 upon appointment to a higher grade under this section.”;

5 (2) in sections 573(a)(2) and 574(e), by strik-
 6 ing out “on active duty” in each section;

7 (3) in section 575(d), by inserting before the
 8 period at the end thereof “, except for those officers
 9 precluded from consideration under regulations pre-
 10 scribed by the Secretary concerned under section
 11 577 of this title”;

12 (4) in section 576(f)(1), by striking out the last
 13 sentence thereof, and

14 (5) in section 582(2) is amended by inserting
 15 before the period at the end thereof “(except those
 16 retired warrant officers who were recalled to active
 17 duty prior to February 1, 1992)”.

18 **SEC. 503. AUTHORITY FOR FACILITATED PROMOTIONS**

19 **WHEN ALL OFFICERS ON A CONFIRMATION**

20 **LIST ARE NOT CONFIRMED AT ONE TIME.**

21 (a) IN GENERAL.—Section 624 of title 10, United
 22 States Code, is amended by adding at the end the follow-
 23 ing new subsection:

24 “(e)(1) Notwithstanding the provisions of subsection
 25 (a)(2), if the Senate—

1 “(A) has not given its advice and consent under
2 subsection (c) to the appointment of one or more of-
3 ficers on a promotion list, or completed its consider-
4 ation of those officers under section 629(b) of this
5 title, and

6 “(B) has given its advice and consent to the ap-
7 pointment of one or more officers on the same pro-
8 motion list,

9 then appointments of officers that have received the Sen-
10 ate’s advice and consent may be made in the order in
11 which their names appear on the promotion list.

12 “(2) in the event that the Senate later gives its advice
13 and consent to the appointment of an officer described in
14 subparagraph (1)(A), the Secretary concerned may adjust
15 that officer’s date of rank, effective date for pay and allow-
16 ances in the higher grade to which appointed, and position
17 on the active duty list, as the Secretary concerned consid-
18 ers appropriate under the circumstances.”.

19 (b) CONFORMING AMENDMENT.—Section 624(a)(2)
20 of title 10, United States Code, is amended by striking
21 out “subsection (d),” and inserting in lieu thereof “sub-
22 sections (d) and (e),”.

1 **SEC. 504. RETIREMENT OR ENLISTMENT OF CERTAIN LIM-**
2 **ITED DUTY OFFICERS OF THE NAVY AND MA-**
3 **RINE CORPS.**

4 Section 6383 of title 10, United States Code, is
5 amended—

6 (1) in subsections (a), (b), and (d), by striking
7 out “Except as provided in subsection (i),” each
8 place such phrase appears and inserting in lieu
9 thereof in each instance “Except as provided in sub-
10 sections (f) and (h),”;

11 (2) by amending subsection (f) to read as fol-
12 lows:

13 “(f)(1) Any officer subject to discharge under sub-
14 section (b), (d) or (e) who is not eligible for retirement
15 and to whom paragraph (2) of this subsection does not
16 apply, may, upon his request and in the discretion of the
17 Secretary of the Navy, be enlisted in the grade prescribed
18 by the Secretary.

19 “(2) If any officer subject to discharge under sub-
20 section (b) or (d) is, on the date on which he is to be
21 discharged, within two years of qualifying for retirement
22 under section 6323 of this title, he shall be retained on
23 active duty until he is qualified for retirement and shall
24 then be retired under that section, unless he is sooner re-
25 tired or discharged under another provision of law.”;

26 (3) by striking out subsection (g);

1 (4) by redesignating subsections (h), (i), and (j)
 2 as subsections (g), (h), and (i) respectively; and

3 (5) in subsection (h) (as redesignated by para-
 4 graph 4), by striking out “or the discharge under
 5 subsection (d)” and inserting in lieu thereof “or the
 6 discharge under subsection (b) or (d)”.

7 **SEC. 505. AUTHORITY FOR TEMPORARY PROMOTIONS OF**
 8 **CERTAIN NAVY LIEUTENANTS.**

9 Section 5721(f) of title 10, United States Code, is
 10 repealed.

11 **Subtitle B—Reserve Component Matters**

12 **SEC. 511. RESERVE FORCES POLICY BOARD AMENDMENTS.**

13 (a) Section 175(a) of title 10, United States Code,
 14 is amended—

15 (1) in paragraph (3), by striking out “an offi-
 16 cer” and inserting in lieu thereof “a general officer”;

17 (2) in paragraph (4)—

18 (A) by striking out “an officer” and insert-
 19 ing in lieu thereof “a flag officer”;

20 (B) by striking out “or” and inserting in
 21 lieu thereof “and”; and

22 (C) by inserting “a general officer of the”
 23 before “Regular Marine Corps”;

24 (3) in paragraph (5), by striking out “an offi-
 25 cer” and inserting in lieu thereof “a general officer”;

1 (4) in paragraph (6), by inserting “general”
2 after “four reserve”;

3 (5) in paragraph (7), by inserting “flag or gen-
4 eral” after “four reserve;

5 (6) in paragraph (8), by inserting “general”
6 after “four reserve”; and

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

9 “(10) a regular flag or general officer of the
10 Joint Staff as designated by the Chairman of the
11 Joint Chiefs of Staff.”.

12 (b) Section 175(b) of title 10, United States Code,
13 is amended by inserting “flag” after “two”.

14 **SEC. 512. AUTHORIZATION OF LIMITED SELECTED RE-**
15 **SERVE CALL-UP AUTHORITY AND EXPANSION**
16 **OF 90-DAY CALL UP PERIOD.**

17 (a) REVISION OF AUTHORITY TO ORDER THE SE-
18 LECTED RESERVE TO ACTIVE DUTY TO AUGMENT ACTIVE
19 FORCES.—Section 673b(a) of title 10, United States
20 Code, is amended to read as follows:

21 “(a) Notwithstanding the provisions of section 673(a)
22 of any other provision of law, the President may authorize
23 the Secretary of Defense, and the Secretary of Transpor-
24 tation with respect to the Coast Guard when it is not oper-
25 ating as a service of the Navy, without the consent of the

1 members concerned, to order any unit, and any member
 2 not assigned to a unit organized to serve as a unit of the
 3 Selected Reserve (as defined in section 268(b) of this
 4 title), under their respective jurisdictions—

5 “(1) when the President determines it is nec-
 6 essary to augment the active forces for any oper-
 7 ational mission, to active duty (other than for train-
 8 ing) for not more than a total of 180 days; or

9 “(2) when the President, or his designee, deter-
 10 mines it necessary to order any unit, and member
 11 not assigned to a unit organized to serve as a unit
 12 of the Selected Reserve (as defined in section 268(b)
 13 of this title) to active duty (other than for training)
 14 for not more than a total of 90 days,”.

15 (b) LIMITATION TO THE GENERAL CALL-UP AU-
 16 THORITY TO 25,000.—Section 673b(c) of such title is
 17 amended to read as follows:

18 “(c) Not more than 200,000 members of the Selected
 19 Reserve may be on active duty at any one time under sub-
 20 section (a)(1), and not more than 25,000 members of the
 21 Selected Reserve may be on active duty at any one time
 22 under subsection (a)(2).”.

23 (c) REVISION TO PERIOD OF EXTENSION OF ACTIVE
 24 DUTY.—Section 673b(i) of such title is amended—

1 (1) by striking out “90 additional days” and in-
2 serting in lieu thereof “180 additional days”; and

3 (2) in the first sentence, by striking out “is or-
4 dered to active duty under this section” and insert-
5 ing in lieu thereof “is ordered to active duty under
6 subsection (a)(1)”.

7 (d) CONFORMING AMENDMENT.—Section 673b(f) of
8 such title is amended to read as follows: “Whenever the
9 President authorizes the Secretary of Defense or the Sec-
10 retary of Transportation to order any unit or member of
11 the Selected Reserve to active duty, under the authority
12 of subsection (a)(1), or when the President, or his des-
13 ignee, orders any unit or member of the Selected Reserve
14 to active duty, under the authority of subsection (a)(2),
15 the President, or his designee, as the case may be, shall
16 submit, within 24 hours after exercising such authority,
17 a report to Congress, in writing, setting forth the cir-
18 cumstances necessitating the action taken under this sec-
19 tion and describing the anticipated use of these units or
20 members.”.

21 (e) CONFORMING AMENDMENT TO ENSURE APPLI-
22 CABILITY OF VETERAN’S REEMPLOYMENT RIGHTS TO RE-
23 SERVISTS WHO ENTER UPON ACTIVE DUTY UNDER SEC-
24 TION 673b AS REVISED.—Section 4304(b)(2) of title 38,
25 United States Code, is amended by inserting “, or his des-

1 ignee,” after “the President” both times such phrase ap-
2 pears in the section.

3 **SEC. 513. REPEAL OF OBSOLETE PROVISIONS PERTAINING**
4 **TO TRANSFER TO THE RETIRED RESERVE.**

5 (a) Section 3914 of title 10, United States Code is
6 amended by striking out “A regular enlisted member” and
7 all that follows through the period at the end of the sec-
8 tion.

9 (b) Section 8914 of title 10, United States Code is
10 amended by striking out “A regular enlisted member” and
11 all that follows through the period at the end of the
12 section.

13 **SEC. 514. GUARD AND RESERVE TRANSITION INITIATIVES.**

14 Section 4416 of the National Defense Authorization
15 Act for Fiscal Year 1993 (Public Law 102–484, 106 Stat.
16 2315, 2714) is amended—

17 (1) by amending subsection (d) to read as fol-
18 lows:

19 “(d) ANNUAL PAYMENT PERIOD.—An annual pay-
20 ment granted to a member under this section shall be paid
21 for the number of years specified by the Secretary con-
22 cerned. Such number shall be one or more but not more
23 than five, except that the entitlement to the annual pay-
24 ment shall terminate on the member’s 60th birthday.”;

1 (2) in subsection (e), by adding at the end the
 2 following new paragraph:

3 “(3) In the case of a member who will attain 60 years
 4 of age during the 12 month period following the date on
 5 which an annual payment is due, the payment shall be
 6 paid on a prorated basis of one-twelfth of the annual pay-
 7 ment for each full month between the date on which the
 8 payment is due and the date on which the member attains
 9 age 60.”; and

10 (3) by adding at the end the following new sub-
 11 section:

12 “(i) COORDINATION WITH RETIRED PAY.—A mem-
 13 ber who has received one or more annual payments under
 14 this section shall, upon entitlement for retired pay under
 15 chapter 67 of this title, have deducted from each payment
 16 of such retired pay 50 percent of such pay until the total
 17 amount deducted is equal to the total amount of annual
 18 payments received.”.

19 **Subtitle C—Other Matters**

20 **SEC. 521. USE OF EXCHANGES AND MORALE, WELFARE AND**
 21 **RECREATION FACILITIES BY CERTAIN RETIR-**
 22 **EES.**

23 Section 1065(a) of title 10, United States Code, is
 24 amended by striking out the last sentence and inserting
 25 in lieu thereof the following new sentences: “Such use by

1 members of the Selected Reserve in good standing (as de-
 2 termined by the Secretary concerned) and the dependents
 3 of such members, shall be permitted on the same basis
 4 as members on active duty. Such use by members of the
 5 Retired Reserve who would be eligible for retired pay
 6 under chapter 67 of this title but for the fact that the
 7 members are under 60 years of age, and the dependents
 8 of such members, shall be permitted on the same basis
 9 as retirees from active duty military service.”.

10 **SEC. 522. OVERSEAS MILITARY END STRENGTHS.**

11 Section 1302 of the National Defense Authorization
 12 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
 13 2315, 2545) is repealed.

14 **TITLE VI—COMPENSATION AND OTHER**
 15 **PERSONNEL BENEFITS**

16 **Subtitle A—Pay and Allowances**

17 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1995.**

18 (a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any
 19 adjustment required by section 1009 of title 37, United
 20 States Code, in elements of compensation of members of
 21 the uniformed services to become effective during fiscal
 22 year 1995 shall not be made.

23 (b) **INCREASE IN BASIC PAY, BAS, AND BAQ.**—Ef-
 24 fective on January 1, 1995, the rates of basic pay, basic
 25 allowance for subsistence, and basic allowance for quarters

1 of members of the uniformed services are increased by 1.6
2 percent.

3 **SEC. 602. CALCULATION OF RETIRED PAY OF A COMMIS-**
4 **SIONED OFFICER OF THE ARMED FORCES**
5 **WHEN THE SECRETARY CONCERNED DETER-**
6 **MINES THE OFFICER DID NOT SERVE SATIS-**
7 **FACTORILY IN THE GRADE HELD AT RETIRE-**
8 **MENT.**

9 Section 1401a(f) of title 10, United States Code, is
10 amended by striking out the third sentence and inserting
11 in lieu thereof the following: “However, in the case of a
12 member who, after initially becoming eligible for retired
13 pay—

14 “(1) is reduced in grade pursuant to a sentence
15 of a court-martial; or

16 “(2) is retired in a grade lower than the grade
17 held prior to retirement—

18 “(A) because the Secretary concerned did
19 not determine, under section 1370(a)(1) or sec-
20 tion 1371 of this title, that the member had
21 served satisfactorily in the higher grade; or

22 “(B) because, in accordance with section
23 1370(b) of this title, the member was retired in
24 a lower grade, as determined by the Secretary
25 concerned, because the member did not meet

1 the service in grade requirements specified in
2 section 1370(d) of this title; or

3 “(3) is an officer of the Army, Navy, Air Force,
4 or Marine Corps who, prior to retirement, was serv-
5 ing in or had served in a position of importance and
6 responsibility designated by the President to carry
7 the grade of general, lieutenant general, admiral, or
8 vice admiral, and who does not consent to advance-
9 ment on the retired list to such grade; or

10 “(4) is administratively reduced in grade;
11 such computation may not be based on a grade higher
12 than the grade in which the member is retired.”.

13 **SEC. 603. EXPIRING AUTHORITIES.**

14 (a) **SELECTED RESERVE REENLISTMENT BONUS.**—
15 Section 308b(f) of title 37, United States Code, is amend-
16 ed by striking out “September 30, 1995” and inserting
17 in lieu thereof “September 30, 1998”.

18 (b) **SELECTED RESERVE ENLISTMENT BONUS.**—Sec-
19 tion 308c(e) of title 37, United States Code, is amended
20 by striking out “September 30, 1995” and inserting in
21 lieu thereof “September 30, 1998”.

22 (c) **SELECTED RESERVE AFFILIATION BONUS.**—Sec-
23 tion 308e(e) of title 37, United States Code, is amended
24 by striking out “September 30, 1995” and inserting in
25 lieu thereof “September 30, 1998”.

1 (d) READY RESERVE ENLISTMENT AND REENLIST-
2 MENT BONUS.—Section 308h(g) of title 37, United States
3 Code, is amended by striking out “September 30, 1995”
4 and inserting in lieu thereof “September 30, 1998”.

5 (e) PRIOR SERVICE ENLISTMENT BONUS.—Section
6 308i(i) of title 37, United States Code, is amended by
7 striking out “September 30, 1995” and inserting in lieu
8 thereof “September 30, 1998”.

9 (f) AVIATION OFFICER RETENTION BONUS.—Section
10 301b(a) of title 37, United States Code, is amended by
11 striking out “September 30, 1994” and inserting in lieu
12 thereof “September 30, 1998”.

13 (g) REENLISTMENT BONUS FOR ACTIVE MEM-
14 BERS.—Section 308(g) of title 37, United States Code, is
15 amended by striking out “September 30, 1995” and in-
16 serting in lieu thereof “September 30, 1998”.

17 (h) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—
18 Sections 308a(c) and 308f(c) of title 37, United States
19 Code, is amended by striking out “September 30, 1995”
20 and inserting in lieu thereof “September 30, 1998”.

21 (i) SPECIAL PAY FOR ENLISTED MEMBERS OF THE
22 SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRI-
23 ORITY UNITS.—Section 308d(c) of title 37, United States
24 Code, is amended by striking out “September 30, 1995”,
25 and inserting in lieu thereof “September 30, 1998”.

1 (j) REPAYMENT OF EDUCATION LOANS FOR CERTAIN
2 HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED
3 RESERVE.—Section 2172(d) of title 10, United States
4 Code, is amended by striking out “October 1, 1995”, and
5 inserting in lieu thereof “October 1, 1998”.

6 (k) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
7 HEALTH SPECIALISTS IN THE SELECTED RESERVES.—
8 Section 613(d) of the National Defense Authorization Act,
9 Fiscal Year 1989 (37 U.S.C. 302 note) is amended by
10 striking out “September 30, 1995” and inserting in lieu
11 thereof “September 30, 1998”.

12 (l) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-
13 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
14 312(e) of title 37, United States Code, is amended by
15 striking out “September 30, 1995” and inserting in lieu
16 thereof in each instance “September 30, 2000”.

17 (m) NUCLEAR CAREER ACCESSION BONUS.—Section
18 312b(c) of title 37, United States Code, is amended by
19 striking out “September 30, 1995” and inserting in lieu
20 thereof in each instance “September 30, 2000”.

21 (n) NUCLEAR CAREER ANNUAL INCENTIVE
22 BONUS.—Section 312c(d) of title 37, United States Code,
23 is amended by striking out “October 1, 1995” and insert-
24 ing in lieu thereof in each instance “October 1, 2000”.

**Subtitle B—Retired Pay and Survivor
Benefits**

**SEC. 611. AUTHORITY FOR SURVIVORS OF UNIFORMED
SERVICE MEMBERS TO RECEIVE, UPON
DEATH OF MEMBER, PAYMENT FOR ALL
LEAVE ACCRUED, REGARDLESS OF SIXTY-
DAY LIMITATION.**

Section 501 of title 37, United States Code, is
amended—

(1) in subsection (d)—

(A) by striking out “(1)” after “(d)”;

(B) by striking out the third sentence and
inserting in lieu thereof “The limitations in the
second sentence of subsection (b)(3), subsection
(f), and the second sentence of subsection (g)
shall not apply with respect to a payment made
under this subsection.”; and

(C) by striking out paragraph (2); and

(2) in subsection (f), by striking out “(d),” in
the first sentence.

**SEC. 612. DISABILITY COVERAGE FOR OFFICER CAN-
DIDATES GRANTED EXCESS LEAVE.**

(a) INCLUSION OF OFFICER CANDIDATES IN ELIGI-
BILITY FOR RETIRED PAY.—That portion of section 1201
of title 10, United States Code, which precedes paragraph

1 (1) is amended to read as follows: “Upon a determination
2 by the Secretary concerned that a member of a regular
3 component of the armed forces entitled to basic pay; any
4 other member of the armed forces entitled to basic pay
5 who has been called or ordered to active duty (other than
6 for training under section 270(b) of this title) for a period
7 of more than 30 days; or a member of the armed forces
8 who is not entitled to basic pay because he is authorized
9 by the Secretary concerned under section 502(b) of title
10 37 to participate in a program leading to appointment,
11 designation, or assignment in an officer category, is unfit
12 to perform the duties of his office, grade, rank, or rating
13 because of physical disability incurred while entitled to
14 basic pay, or while not entitled to basic pay because he
15 is authorized by the Secretary concerned under section
16 502(b) of title 37 to participate in a program leading to
17 appointment, designation, or assignment in an officer cat-
18 egory, the Secretary concerned may retire the member,
19 with retired pay computed under section 1401 of this title,
20 if the Secretary concerned also determines that—”

21 (b) INCLUSION OF OFFICER CANDIDATES IN ELIGI-
22 BILITY FOR ASSIGNMENT TO THE TEMPORARY DISABIL-
23 ITY RETIRED LIST.—Section 1202 of title 10, United
24 States Code, is amended to read as follows: “Upon a de-
25 termination by the Secretary concerned that a member of

1 a regular component of the armed forces entitled to basic
2 pay; any other member of the armed forces entitled to
3 basic pay who has been called or ordered to active duty
4 (other than for training under section 270(b) of this title)
5 for a period of more than 30 days; or a member of the
6 armed forces who is not entitled to basic pay because he
7 is authorized by the Secretary concerned under section
8 502(b) of title 37 to participate in a program leading to
9 appointment, designation, or assignment in an officer cat-
10 egory, would be qualified for retirement under section
11 1201 of this title but for the fact that his disability is
12 not determined to be of a permanent nature, the Secretary
13 concerned shall, if he also determines that accepted medi-
14 cal principles indicate that the disability may be of a per-
15 manent nature, place the member's name on the tem-
16 porary disability retired list, with retired pay computed
17 under section 1401 of this title.”.

18 (c) INCLUSION OF OFFICER CANDIDATES IN ELIGI-
19 BILITY FOR DISABILITY SEPARATION PAY.—That portion
20 of section 1203 of title 10, United States Code, which pre-
21 cedes paragraph (1) is amended to read as follows: “Upon
22 a determination by the Secretary concerned that a member
23 of a regular component of the armed forces entitled to
24 basic pay; any other member of the armed forces entitled
25 to basic pay who has been called or ordered to active duty

1 (other than for training under section 270(b) of this title)
2 for a period or more than 30 days; or a member of the
3 armed forces who is not entitled to basic pay because he
4 is authorized by the Secretary concerned under section
5 502(b) of title 37 to participate in a program leading to
6 appointment, designation, or assignment in an officer cat-
7 egory, is unfit to perform the duties of his office, rank
8 or rating because of physical disability incurred while enti-
9 tled to basic pay, or while not entitled to basic pay because
10 he is authorized by the Secretary concerned under section
11 502(b) or title 37 to participate in a program leading to
12 appointment, designation, or assignment in an officer cat-
13 egory, the member may be separated from his armed force
14 with severance pay computed under section 1212 of this
15 title, if the Secretary concerned also determines that—”.

16 (d) EFFECTIVE DATE.—The amendments made by
17 this section shall be effective on the date of enactment and
18 shall apply to any physical disability that may be incurred
19 by a member who is not entitled to basic pay because he
20 is authorized by the Secretary concerned under section
21 502(b) of title 37, United States Code, to participate in
22 a program leading to the appointment, designation, or as-
23 signment in an officer category on and after such date.

1 **SEC. 613. FORFEITURE OF ANNUITY OR RETIRED PAY OF**
2 **MEMBERS CONVICTED OF ESPIONAGE.**

3 Section 8312(b)(2)(A) of title 5, United States Code,
4 is amended to read as follows:

5 “(A) article 104 (aiding the enemy), article
6 106 (spies), or article 106a (espionage) of the
7 Uniform Code of Military Justice (Chapter 47
8 of title 10) or an earlier article on which article
9 104, article 106, or article 106a, as the case
10 may be, is based; or”.

11 **SEC. 614. CREDITING OF RESERVE SERVICE FOR COMPUTA-**
12 **TION OF RETIRED PAY.**

13 (a) ARMY.—(1) Section 3925 of title 10, United
14 States Code, is amended—

15 (A) in subsection (a), by striking out “and of
16 computing his retired pay under section 3991 of this
17 title,”; and

18 (B) by striking out subsection (c).

19 (2) Section 3991(a) of title 10, United States Code,
20 is amended by striking out “section 3925.” in column 2
21 of formula B of the table and inserting in lieu thereof
22 “section 1405.”.

23 (3) Section 3992 of title 10, United States Code, is
24 amended by striking out “section 3925” in column 2 of
25 formula A of the table and inserting in lieu thereof “sec-
26 tion 1405”.

1 (b) NAVY AND MARINE CORPS.—Section 6333(a) of
2 title 10, United States Code, is amended by striking out
3 “his years of active service in the armed forces.” in column
4 2 of formula C of the table and inserting in lieu thereof
5 “the years of service that may be credited to the member
6 under section 1405.”.

7 (c) AIR FORCE.—(1) Section 8925 of title 10, United
8 States Code, is amended—

9 (A) in subsection (a), by striking out “and of
10 computing his retired pay under section 8991 of this
11 title,”; and

12 (B) by striking out subsection (c).

13 (2) Section 8991(a) of title 10, United States Code,
14 is amended by striking out “section 8925.” in column 2
15 of formula B of the table and inserting in lieu thereof
16 “section 1405.”.

17 (3) Section 8992 of title 10, United States Code, is
18 amended by striking out “section 8925” in column 2 of
19 formula A of the table and inserting in lieu thereof “sec-
20 tion 1405”.

21 (d) CONFORMING AMENDMENT.—Section 1405 of
22 such title is amended by adding at the end the following
23 new subsection:

24 “(c) EXCLUSION OF TIME REQUIRED TO BE MADE
25 UP.—Time required to be made up by an enlisted member

1 of the Army or Air Force under section 972 of this title
 2 may not be counted in determining years of service under
 3 subsection (a).”.

4 (e) EFFECTIVE DATE.—This section shall apply to
 5 the computation of the retired or retainer pay of any en-
 6 listed member who retires or is transferred to the Fleet
 7 Reserve or the Fleet Marine Corps Reserve on or after
 8 the effective date of this Act.

9 **TITLE VII—HEALTH CARE PROVISIONS**

10 **Subtitle A—Health Care Management**

11 **SEC. 701. IMPROVING COORDINATION OF BENEFITS INFOR-** 12 **MATION BY SHARING HEALTH INSURANCE IN-** 13 **FORMATION FROM THE MEDICARE AND MED-** 14 **ICAID COVERAGE DATA BANK.**

15 Section 1144 of the Social Security Act (42 U.S.C.
 16 1320b–14) is amended—

17 (1) in the heading, by striking out “MEDICARE
 18 AND MEDICIAD” and inserting in lieu thereof
 19 “HEALTH CARE”;

20 (2) in subsection (a)—

21 (A) by striking out “Medicare and Medic-
 22 aid” and inserting in lieu thereof “Health
 23 Care” in the matter preceding paragraph (1);

24 (B) by striking out “and” at the end of
 25 paragraph (1);

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

4 (D) by adding at the end the following new
5 paragraph:

6 “(3) assist in the identification of, and collec-
7 tion from, third parties responsible for payment of
8 health care items and services furnished to uni-
9 formed services beneficiaries under chapter 55 of
10 title 10, United States Code.”; and

11 (3) in subsection (b)(2)(B), by inserting “to the
12 Secretary of Defense, the Secretary of the depart-
13 ment in which the Coast Guard is operating when
14 the Coast Guard is not operating as a service of the
15 Navy, and” after “Data Bank”.

16 **SEC. 702. EXPANDED USE OF PARTNERSHIP AND RE-**
17 **SOURCE SHARING PROGRAMS FOR IM-**
18 **PROVED COST-EFFECTIVENESS.**

19 Section 1096 of title 10, United States Code, is
20 amended by inserting at the end the following new sub-
21 section:

22 “(d) If necessary to implement an agreement under
23 subsection (a) under which uniformed services personnel
24 assigned to a facility of the uniformed services provide
25 health care services at a civilian care facility, the Secretary

1 of Defense is authorized to reimburse uniformed services
2 personnel for any professional license fee required by the
3 governmental jurisdiction in which the civilian health care
4 facility is located. The amount of such reimbursement may
5 not exceed \$500.”.

6 **SEC. 703. IMPROVEMENT OF UNIFORMED SERVICES TREAT-**
7 **MENT FACILITIES PROGRAM.**

8 Section 1252(e) of the Department of Defense Au-
9 thorization Act, 1984 (42 U.S.C. 248d(e)) is amended by
10 striking out the period after “December 31, 1996” and
11 inserting in lieu thereof “, except that, upon assumption
12 of lead agent responsibility in the surrounding geographic
13 region by a military service, and the subsequent develop-
14 ment of an exclusive provider network, such facility will
15 be eligible for inclusion in such a network provided that
16 mutually agreed upon terms can be negotiated. In any
17 event, the status of the facility will terminate at the begin-
18 ning of the next fiscal year.”.

19 **SEC. 704. AUTHORITY TO CONDUCT HEALTH CARE SUR-**
20 **VEYS OF FAMILIES OF RETIRED MEMBERS.**

21 Section 724 of the National Defense Authorization
22 Act for the Fiscal Year 1993 (Public Law 102–484, 106
23 Stat. 2315, 2440) is amended by adding at the end the
24 following new subsection:

1 “(c) Persons surveyed pursuant to subsection (a)
2 shall be considered to be employees of the United States
3 for purposes of section 3502(4)(A) of title 44, United
4 States Code.”.

5 **SEC. 705. EFFECTIVE DATE.**

6 The amendments made by this subtitle are effective
7 upon enactment of this Act.

8 **Subtitle B—Personnel Matters**

9 **SEC. 711. INCREASE IN INCENTIVE SPECIAL PAY FOR CER-**
10 **TIFIED REGISTERED NURSE ANESTHETISTS.**

11 Section 302e(a)(1) of title 37, United States Code,
12 is amended by striking out “\$6,000” and inserting in lieu
13 thereof “\$15,000”.

14 **SEC. 712. AUTHORITY FOR NURSE ACCESSION BONUSES,**
15 **INCENTIVE SPECIAL PAY FOR NURSE ANES-**
16 **THETISTS, AND NURSE OFFICER CANDIDATE**
17 **ACCESSION BONUS.**

18 (a) Section 2130a(a)(1) of title 10, United States
19 Code, is amended by striking out “1995,” and inserting
20 in lieu thereof “1998,”.

21 (b) Section 302d of title 37, United States Code, is
22 amended by striking out “1995,” and inserting in lieu
23 thereof “1998,”.

1 (c) Section 302e of title 37, United States Code, is
 2 amended by striking out “1995,” and inserting in lieu
 3 thereof “1998,”.

4 **SEC. 713. REDUCTION IN THE MAXIMUM NUMBER OF YEARS**
 5 **FOR A MILITARY MEMBER TO BE MAIN-**
 6 **TAINED ON THE TEMPORARY DISABILITY RE-**
 7 **TIRED LIST.**

8 (a) IN GENERAL.—Section 1210 of title 10, United
 9 States Code, is amended—

10 (1) in subsection (b), by striking out “five” and
 11 inserting in lieu thereof “three”; and

12 (2) in subsection (h), by striking out “five” and
 13 inserting in lieu thereof “three”.

14 (b) EFFECTIVE DATE.—The amendments made by
 15 subsection (a) shall take effect for all military members
 16 placed on the temporary disability retired list on or after
 17 the date of enactment of this Act.

18 **Subtitle C—Other Matters**

19 **SEC. 721. REVISION OF DEFINITION OF DEPENDENTS FOR**
 20 **PURPOSES OF HEALTH BENEFITS.**

21 (a) EXPANSION OF DEFINITION.—Section
 22 1072(a)(I)(i) of title 10, United States Code, is amended
 23 by inserting “is placed in the home of the member or
 24 former member by a placement agency for the purpose of
 25 adoption or” before “is placed in the legal custody”.

1 (b) CONFORMING AMENDMENT.—Section 1079(a) of
 2 title 10, United States Code, is amended by striking out
 3 “spouses and children” in the first sentence and inserting
 4 in lieu thereof “spouses, children and dependents covered
 5 by subparagraph (I) of section 1072(2) of this title”.

6 **SEC. 722. REPEAL OF THE STATUTORY RESTRICTION ON**
 7 **USE OF FUNDS FOR ABORTIONS.**

8 (a) IN GENERAL.—Section 1093 of title 10, United
 9 States Code, is repealed.

10 (b) CLERICAL AMENDMENT.—The table of sections
 11 at the beginning of Chapter 55, United States Code, is
 12 amended by striking out the item referring to section
 13 1093.

14 (c) EFFECTIVE DATE.—The amendment made by
 15 this section shall be effective October 1, 1994.

16 **SEC. 723. AUTHORIZATION FOR MEDICAL AND DENTAL**
 17 **CARE OF ABUSED DEPENDENTS OF CERTAIN**
 18 **MEMBERS OF THE UNIFORMED SERVICES.**

19 Section 1076(e)(1)(A) of title 10, United States
 20 Code, is amended—

21 (1) by inserting “, or is administratively dis-
 22 charged from a uniformed service as a result of,”
 23 after “court-martial conviction for”; and

24 (2) by inserting “, under either military or civil
 25 law,” after “an offense”.

1 **TITLE VIII—DEPARTMENT OF DEFENSE**
2 **ORGANIZATION AND MANAGEMENT**

3 **Subtitle A—Department of Defense**

4 **SEC. 801. ORDER OF SUCCESSION IN MILITARY DEPART-**
5 **MENTS.**

6 Title 10, United States Code, is amended—

7 (1) by striking out section 3017(2) and insert-
8 ing in lieu thereof the following new subsection:

9 “(2) The Assistant Secretaries of the Army and
10 the General Counsel of the Department of the Army,
11 in the order fixed by their length of service as per-
12 manent appointees in such positions.”;

13 (2) by striking out section 5017(2) and insert-
14 ing in lieu thereof the following new subsection:

15 “(2) The Assistant Secretaries of the Navy and
16 the General Counsel of the Department of the Navy,
17 in the order fixed by their length of service as per-
18 manent appointees in such positions.”; and

19 (3) by striking out section 8017(2) and insert-
20 ing in lieu thereof the following new subsection:

21 “(2) The Assistant Secretaries of the Air Force
22 and the General Counsel of the Department of the
23 Air Force, in the order fixed by their length of serv-
24 ice as permanent appointees in such positions.”.

1 **SEC. 802. AUTHORITY TO PREPARE THE OFFICIAL TABLE**
2 **OF DISTANCES.**

3 Section 404(d)(1)(A) of title 37, United States Code,
4 is amended by striking out “Secretary of the Army.” and
5 inserting in lieu thereof “Secretary of Defense.”.

6 **SEC. 803. AUTHORITY TO CONDUCT A PROGRAM TO COM-**
7 **MEMORATE WORLD WAR II.**

8 Sections 378(a) and 378(b) of the National Defense
9 Authorization Act for Fiscal Year 1993 (Public Law 102–
10 484; 106 Stat. 2315, 2387) are each amended by striking
11 out “1995” and inserting in lieu thereof in each instance
12 “1996”.

13 **SEC. 804. AUTHORITY FOR THE DEPARTMENT OF DEFENSE**
14 **TO SHARE EQUITABLY THE COSTS OF CLAIMS**
15 **UNDER INTERNATIONAL ARMAMENTS CO-**
16 **OPERATION PROGRAMS.**

17 Section 843(c) of the National Defense Authorization
18 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
19 2315, 2469) is repealed.

20 **SEC. 805. CHANGE OF TITLE OF DEPUTY UNDER SEC-**
21 **RETARY OF DEFENSE FOR ACQUISITION AND**
22 **TECHNOLOGY TO PRINCIPAL DEPUTY UNDER**
23 **SECRETARY OF DEFENSE FOR ACQUISITION**
24 **AND TECHNOLOGY.**

25 (a) IN GENERAL.—(1) Section 133a of title 10, Unit-
26 ed States Code, is amended by striking out “Deputy

1 Under Secretary of Defense for Acquisition and Tech-
 2 nology” each place such phrase appears and inserting in
 3 lieu thereof in each instance “Principal Deputy Under
 4 Secretary of Defense for Acquisition and Technology”.

5 (2) The heading for section 133a of title 10, United
 6 States Code, is amended to read as follows:

7 **“§ 133a. Principal Deputy Under Secretary of Defense**
 8 **for Acquisition and Technology”.**

9 (3) The item relating to section 133a in the table of
 10 sections at the beginning of chapter 4 of title 10, United
 11 States Code, is amended to read as follows:

“133a. Principal Deputy Under Secretary of Defense for Acquisition and Tech-
 nology.”.

12 (b) CONFORMING AMENDMENTS TO TITLE 10,
 13 UNITED STATES CODE.—Section 171(a)(8) of title 10,
 14 United States Code, is amended by striking out “Deputy
 15 Under Secretary of Defense for Acquisition and Tech-
 16 nology” and inserting in lieu thereof “Principal Deputy
 17 Under Secretary of Defense for Acquisition and Tech-
 18 nology”.

19 (c) CONFORMING AMENDMENTS TO TITLE 5,
 20 UNITED STATES CODE.—Section 5314 of such title is
 21 amended by striking out “Deputy Under Secretary of De-
 22 fense for Acquisition and Technology” and inserting in
 23 lieu thereof “Principal Deputy Under Secretary of De-
 24 fense for Acquisition and Technology”.

1 (d) REFERENCES IN OTHER LAWS.—Any reference
 2 to the Deputy Under Secretary of Defense for Acquisition
 3 in any provision of law other than title 10, United States
 4 Code, or in any rule, regulation, or other paper of the
 5 United States shall be treated as referring to the Principal
 6 Deputy Under Secretary of Defense for Acquisition and
 7 Technology.

8 **SEC. 806. CHANGE OF TITLE OF DEPUTY UNDER SEC-**
 9 **RETARY OF DEFENSE FOR POLICY TO PRIN-**
 10 **CIPAL DEPUTY UNDER SECRETARY FOR POL-**
 11 **ICY.**

12 (a) IN GENERAL.—(1) Chapter 4, section 134a of
 13 title 10, United States Code, is amended by inserting the
 14 word “Principal” before “Deputy Under Secretary of De-
 15 fense for Policy” each place such phrase appears.

16 (2) The heading for section 134a of title 10, United
 17 States Code, is amended to read as follows:

18 **“§ 134a. Principal Deputy Under Secretary of Defense**
 19 **for Policy”.**

20 (3) The item relating to section 134a in the table of
 21 sections at the beginning of chapter 4 of title 10, United
 22 States Code, is amended to read as follows:

“134a. Principal Deputy Under Secretary of Defense for Policy.”.

23 (b) CONFORMING AMENDMENTS TO TITLE 5,
 24 United States Code.—Chapter 53, subchapter II, section
 25 5315 of title 5, United States Code, is amended by insert-

1 ing the terms “Principal” before “Deputy Under Sec-
2 retary of Defense for Policy”.

3 (c) REFERENCES IN OTHER LAWS.—Any reference
4 to the Deputy Under Secretary for Defense for Policy in
5 any provision of law other than title 10, United States
6 Code, or in any rule, regulation, or other paper of the
7 United States shall be treated as referring to the Principal
8 Deputy Under Secretary of Defense for Policy.

9 **SEC. 807. CHIEF FINANCIAL OFFICER OF THE DEPARTMENT**
10 **OF DEFENSE.**

11 (A) REPEAL OF PROVISION PROVIDING THAT COMP-
12 TROLLER IS CHIEF FINANCIAL OFFICER.—Section
13 135(b) of title 10, United States Code, is amended by—

14 (1) striking out the first sentence; and

15 (2) striking out “additional” in the second sen-
16 tence.

17 (b) CONFORMING AMENDMENT TO TITLE 5, UNITED
18 STATES CODE.—Section 5315 of title 5, United States
19 Code, is amended by inserting after the item relating to
20 the Chief Financial Officer, Department of Commerce, the
21 following item:

22 “Chief Financial Officer, Department of De-
23 fense.”.

1 **SEC. 808. CHANGE OF TITLE OF COMPTROLLER OF THE DE-**
 2 **PARTMENT OF DEFENSE TO UNDER SEC-**
 3 **RETARY OF DEFENSE (COMPTROLLER).**

4 (a) IN GENERAL.—(1) Chapter 4, section 135 of title
 5 10, United States Code, is amended by striking out
 6 “Comptroller of the Department of Defense” and “Comp-
 7 troller” each place such phrase and word, respectively, ap-
 8 pears and inserting in lieu thereof in each instance “Under
 9 Secretary of Defense (Comptroller)”.

10 (2) The heading for section 135 of title 10, United
 11 States Code, is amended to read as follows:

12 **§ 135. Under Secretary of Defense (Comptroller)”.**

13 (3) The item relating to section 135 in the table of
 14 sections at the beginning of chapter 4 of title 10, United
 15 States Code, is amended to read as follows:

“135. Under Secretary of Defense (Comptroller)”.

16 (b) CONFORMING AMENDMENTS TO TITLE 10,
 17 UNITED STATES CODE.—Chapter 4, sections 131(b)(6)
 18 and 138(d) of title 10, United States Code, are amended
 19 by striking out “Comptroller of the Department of De-
 20 fense” and “Comptroller” each place such phrase and
 21 word, respectively, appears and inserting in lieu thereof
 22 in each instance “Under Secretary of Defense (Comptrol-
 23 ler)”.

24 (c) CONFORMING AMENDMENTS TO TITLE 5,
 25 UNITED STATES CODE.—Chapter 53, subchapter II, sec-

tion 5314 of title 5, United States Code, is amended by striking out “Comptroller of the Department of Defense” and inserting in lieu thereof “Under Secretary of Defense (Comptroller)”.

(d) REFERENCES IN OTHER LAWS.—Any reference to the Comptroller of the Department of Defense in any provision of law other than title 10, United States Code, or in any rule, regulation, or other paper of the United States shall be treated as referring to the Under Secretary of Defense (Comptroller).

Subtitle B—Professional Military Education

SEC. 811. AUTHORITY TO HIRE CIVILIAN FACULTY MEMBERS FOR THE INFORMATION RESOURCES MANAGEMENT COLLEGE, NATIONAL DEFENSE UNIVERSITY.

Section 1595(d) of title 10, United States Code, is amended by inserting “the Information Resources Management College,” after “the Institute for National Strategic Study,”.

1 **Subtitle C—Education Matters**

2 **SEC. 821. DEFENSE DEPARTMENT OVERSEAS THE TEACH-**
3 **ERS PAY AND PERSONNEL PRACTICES ACT**
4 **AMENDMENTS.**

5 The Defense Department Overseas Teachers Pay and
6 Personnel Practices Act (Public Law 86–91, 73 Stat. 213)
7 is amended—

8 (1) in section 2 (20 U.S.C. 901)—

9 (A) at the end of paragraph (1)(A) (20
10 U.S.C. 901(1)(A)), by inserting “or are per-
11 formed by the incumbent of such other posi-
12 tions, located outside the United States and di-
13 rectly involved with such schools, as the Sec-
14 retary shall identify, and” after “Department of
15 Defense,”; and

16 (B) by amending paragraph (2)(C) (20
17 U.S.C. 901(2)(C)) to read as follows:

18 “(C) who is employed in a position de-
19 scribed in paragraph (1), above.”;

20 (2) in section 5 (20 U.S.C. 903)—

21 (A) in subsection (a) (20 U.S.C. 903(a)),
22 by striking out “secretary of each military de-
23 partment in the Department” and inserting in
24 lieu thereof “Secretary”;

1 (B) in subsection (b) (20 U.S.C. 903(b)),
2 by striking out “the secretary of each military
3 department” and inserting in lieu thereof “the
4 Secretary of Defense”;

5 (C) in subsection (b)(1) (20 U.S.C.
6 903(b)(1)), by striking out “in his military de-
7 partment” and inserting in lieu thereof “to
8 which the Secretary shall determine such para-
9 graph is applicable”;

10 (D) in subsection (c) (20 U.S.C. 903(c)),
11 by striking out “of each military department”
12 and “in his military department”; and

13 (E) in subsection (d) (20 U.S.C. 903(d)),
14 by striking out “of each military department”;
15 and

16 (3) in section 6 (20 U.S.C. 904)—

17 (A) in subsection (a) (20 U.S.C. 904(a)),
18 by inserting “or, if such teacher is employed in
19 a supervisory or above-school level position, up
20 to thirteen” after “be entitled to ten” and be-
21 fore “days of cumulative leave with pay”; and

22 (B) in subsection (d) (20 U.S.C. 904(d)),
23 by striking “of the military department con-
24 cerned”.

1 **SEC. 822. ADJUSTMENT OF PAY OF CERTAIN OVERSEAS**
 2 **EDUCATORS.**

3 Section 5334(d) of title 5, United States Code, is
 4 amended by inserting “such amount as may be authorized,
 5 if any, under regulations issued by the Secretary of De-
 6 fense, up to” between “by” and “20 percent”.

7 **SEC. 823. REAUTHORIZATION OF UNITED STATES DEPART-**
 8 **MENT OF DEFENSE DOMESTIC ELEMENTARY**
 9 **AND SECONDARY SCHOOLS FOR DEPEND-**
 10 **ENTS.**

11 (a) CONTINUED AUTHORITY TO PROVIDE FOR THE
 12 EDUCATION OF DEPENDENTS OF ARMED FORCES PER-
 13 SONNEL WHEN LOCAL AGENCIES ARE UNABLE TO PRO-
 14 VIDE ADEQUATE SERVICES (FORMER “SECTION 6
 15 SCHOOLS”).—Chapter 108 of title 10, United States
 16 Code, is amended by adding at the end the following new
 17 section:

18 **“§ 2163. United States Department of Defense domes-**
 19 **tic dependent elementary and secondary**
 20 **schools**

21 “(a) Upon a determination by the Secretary of De-
 22 fense that appropriate educational programs are not avail-
 23 able through local educational agencies in the United
 24 States (including its territories and possessions) for de-
 25 pendants of federally employed civilian personnel and
 26 members of the armed forces residing on Department of

1 Defense installations, the Secretary of Defense may pro-
2 vide for the elementary and secondary education of such
3 dependents and, under the circumstances described in sub-
4 section (c), for certain dependents of Federal employees.

5 “(b) In making the determination required by sub-
6 section (a), the Secretary of Defense shall consider, among
7 other relevant factors—

8 “(1) whether such dependents are eligible for
9 free public education in the local area of the Depart-
10 ment of Defense installation; and

11 “(2) whether the local educational agency is
12 able to provide a suitable educational program for
13 such dependents. A suitable educational program, as
14 determined by the Secretary of Defense, is a pro-
15 gram comparable to a program of free public edu-
16 cation provided for children in similar communities
17 in the State, or adjacent States when the installation
18 is adjacent to or in more than one State, or, in the
19 case of such dependents who are in the territories or
20 possessions of the United States, is a program of
21 education, in the English language, comparable to
22 free public education provided for children in the
23 District of Columbia.

24 “(c) When the Secretary of Defense—

1 “(1) determines, under subsection (b) that a
2 suitable program of education is not available for de-
3 pendents of members of the armed forces who are
4 stationed on an installation in a territory or posses-
5 sion of the United States; and

6 “(2) institutes a program of education under
7 the provisions of this section, dependents of Federal
8 employees who are stationed at such installation
9 during the school year may be enrolled in the pro-
10 gram of education provided by the Secretary of De-
11 fense. Dependents of Federal employees who are en-
12 rolled in a program of education under this section
13 and who are not living on the Department of De-
14 fense installation may be so enrolled for no more
15 than five consecutive school years, unless the Sec-
16 retary of Defense determines, for good cause, that
17 the enrollment of such dependent child of a civilian
18 employee should be extended. Extensions may be
19 made for one school year at a time. The Secretary
20 of Defense shall consider the educational well being
21 of the child in making the good cause determination
22 for extension. The five-year limitation for education
23 under this section shall commence with the child’s
24 enrollment in a Department of Defense school,
25 whether under the authority of this section or its

1 precedent authority. Upon enrollment in a school au-
2 thorized under this section, the dependent child may
3 continue in the school for the remainder of the
4 school year, unless removed for good cause, notwith-
5 standing a change in the status of the dependent's
6 sponsor.

7 “(d) The Secretary of Defense shall provide for the
8 formation of an elected school board for each installation
9 where a Department of Defense elementary or secondary
10 school is located. Such school board shall be composed of
11 a minimum of three members, elected by the parents of
12 students in attendance at such school. The Secretary, by
13 regulation, shall establish procedures for carrying out such
14 school board elections as provided in this subsection. Each
15 school board shall conduct its formal meetings so that they
16 are open to the public. The elected school board authorized
17 under this section is considered a local civil group with
18 a function of rendering a public service of providing coun-
19 sel through oversight of school expenditures and oper-
20 ations, subject to audit procedures established by the Sec-
21 retary of Defense. Such boards need not comply with the
22 Federal Advisory Committee Act (5 U.S.C. Appendix
23 (1988)), but may close meetings in accordance with such
24 Act.

1 “(e) The Secretary of Defense may enter into such
2 arrangements as may be necessary to provide for the pro-
3 grams of education authorized under this section. The
4 Secretary of Defense may, without regard to the provi-
5 sions of any other law relating to the number, classifica-
6 tion, or compensation of employees—

7 “(1) establish such positions for civilian employ-
8 ees in schools established under the provisions of
9 this section;

10 “(2) appoint individuals to such positions; and

11 “(3) fix the compensation of such individuals
12 for service in such positions. In fixing the compensa-
13 tion of employees appointed by the Secretary of De-
14 fense under this subsection, the Secretary of Defense
15 shall consider the compensation of comparable em-
16 ployees of the local educational agency in the capital
17 of the State where the installation is located, in the
18 local educational agency that provides public edu-
19 cation to students who live adjacent to the installa-
20 tion involved, or the average compensation for simi-
21 lar positions in up to three other local educational
22 agencies, as determined by the Secretary of Defense,
23 in the State in which the installation is located. In
24 determining the compensation for employees in
25 schools established under this section, or its prece-

1 dent authority in the United States, the Secretary of
2 Defense shall consider the compensation for com-
3 parable employees in the public schools of the Dis-
4 trict of Columbia. For employees in such schools in
5 the territories of the United States, the Secretary of
6 Defense also may arrange for the tenure, leave,
7 hours of work, and other incidents of employment,
8 without regard to the relevant provisions in title 5,
9 United States Code, for such activities, on a similar
10 basis as is provided for comparable positions in the
11 public schools of the District of Columbia.

12 “(f) When the Secretary of Defense provides edu-
13 cational services to the dependent child or children of the
14 personnel of another Federal agency, upon the request of
15 the Secretary of Defense, the Secretary of the other Fed-
16 eral agency shall reimburse the Secretary of Defense for
17 such educational services at rate routinely prescribed for
18 such services by the Secretary of Defense. Any payments
19 received by the Secretary of Defense under this section
20 shall be credited to the account designated for the oper-
21 ations of the programs of education authorized under this
22 section.”.

1 (b) The table of sections for such Chapter is amended
 2 by inserting after the item relating to section 2162 the
 3 following new item:

“2163. United States Department of Defense dependent elementary and second-
 ary schools.”.

4 **Subtitle D—Other Matters**

5 **SEC. 831. CLARIFICATION AND EXPANSION OF AUTHORITY**
 6 **OF THE DEPARTMENT OF DEFENSE TO RE-**
 7 **CEIVE VOLUNTARY SERVICES.**

8 (a) VOLUNTARY SERVICES.—Section 1588(a) of title
 9 10, United States Code, is amended to read as follows:

10 “(a) Notwithstanding section 1342 of title 31, the
 11 Secretary concerned may accept from any person—

12 “(1) voluntary medical, dental, nursing, and re-
 13 lated health services;

14 “(2) voluntary services to be provided for a mu-
 15 seum or natural resources program; or

16 “(3) voluntary services to be provided for a pro-
 17 gram that provides services to members of the
 18 armed forces, and their families, including but not
 19 limited to family support programs; morale, welfare,
 20 and recreation programs; child development and
 21 youth services programs; library and educational
 22 programs; religious programs; housing referral pro-
 23 grams; and spouse employment assistance pro-
 24 grams.”.

1 (b) STATUS OF VOLUNTEERS.—Section 1588(b) of
2 title 10, United States Code, is amended to read as fol-
3 lows:

4 “(b)(1) A person providing voluntary services under
5 subsection (a) or participating in a training program
6 under subsection (d) shall, except as provided in para-
7 graph (2), be considered to be a Federal employee for the
8 purposes of—

9 “(A) subchapter I of chapter 81 of title 5, relat-
10 ing to compensation for work-related injuries;

11 “(B) chapter 171 of title 28 and section 2733
12 of this title, relating to tort claims;

13 “(C) section 552a of title 5, relating to the dis-
14 closure of records; and

15 “(D) chapter 11 of title 18, relating to conflicts
16 of interest,

17 as if the person were a special government employee.

18 “(2) A person providing voluntary services under sub-
19 section (a) to a nonappropriated fund instrumentality
20 shall be considered an employee of the instrumentality for
21 the purposes of subchapter II of chapter 81 of title 5,
22 United States Code, relating to compensation for work-
23 related injuries.

24 “(3) Compensation received by a volunteer under
25 chapter 81 of title 5, shall be based on the minimum wage

1 rate established under section 206(a)(1) of title 29, United
2 States Code.

3 “(4) A person providing voluntary services under sub-
4 section (a) to a nonappropriated fund instrumentality
5 shall be considered an employee of the instrumentality for
6 the purposes of chapter 171 of title 28 and section 2733
7 of this title, relating to tort claims.

8 “(5) A person who provides voluntary services under
9 subsection (a) and is not otherwise employed by the Fed-
10 eral Government including a nonappropriated fund instru-
11 mentality shall not be considered a Federal employee in-
12 cluding a nonappropriated fund employee for any other
13 purpose by reason of the provision of such services.”.

14 (c) REIMBURSEMENT FOR INCIDENTAL EXPENSES.—
15 Section 1588(c) of title 10, United States Code, is
16 amended by striking out “as an ombudsman or for a fam-
17 ily service center program” before the period in the first
18 sentence.

19 (d) TRAINING AND SUPERVISION; DEFENSE AGEN-
20 CIES.—Section 1588 of title 10, United States Code, is
21 amended by adding at the end the following new sub-
22 sections:

23 “(d) The Secretary concerned may recruit and train
24 volunteers for programs authorized by subsection (a).

1 “(e) A volunteer whose services are accepted under
2 subsection (a) shall—

3 “(1) not be placed in a policy-making position;

4 “(2) be supervised to the same extent as com-
5 pensated employees performing similar services;

6 “(3) not receive compensation for the services
7 provided;

8 “(4) not be considered a Federal employee
9 under subsection (b) unless performing services
10 within the scope of the agency authorization to per-
11 form volunteer services; and

12 “(5) be licensed, credentialed, privileged, and
13 qualified as required by law and regulations applica-
14 ble to the functional area in which the volunteer pro-
15 vides services.”.

16 (e) CONFORMING AMENDMENT.—Section 8171(a) of
17 title 5, United States Code, is amended by inserting”, or
18 a volunteer providing services under section 1588 of title
19 10 to such an instrumentality” after “described by section
20 2105(c) of this title”.

21 **SEC. 832. REPEAL OF PROHIBITION OF CONTRACTING FOR**
22 **FIREFIGHTING AND SECURITY GUARD FUNC-**
23 **TIONS AT MILITARY FACILITIES.**

24 Section 2465 of title 10, United States Code, is re-
25 pealed.

1 **SEC. 833. STATUTE OF LIMITATIONS FOR CLAIMS UNDER**
2 **THE FAIR LABOR STANDARDS ACT.**

3 (a) Section 7122(b) of title 5, United States Code,
4 is amended by adding at the end the following new sen-
5 tence: “Payment of back pay is limited by the applicable
6 statute of limitations found in the basis for the claim.”.

7 (b) Section 3702(b)(1) of title 31, United States
8 Code, is amended—

9 (1) in subparagraph (A), by striking out “or”
10 at the end;

11 (2) in subparagraph (B), by striking out the pe-
12 riod at the end and inserting in lieu thereof “; or”;
13 and

14 (3) by adding at the end the following new sub-
15 paragraph:

16 “(C) a claim for unpaid minimum wages,
17 unpaid overtime compensation or liquidated
18 damages under the Fair Labor Standards Act
19 of 1938 as amended, must be received within
20 two years after the claim accrues or be forever
21 barred.”.

1 **TITLE IX—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 901. EXEMPTION OF CERTAIN ROUTINE ADJUSTMENTS**
4 **OF PAY FROM DUE PROCESS PROVISIONS.**

5 Section 5514(a) of title 5, United States Code, is
6 amended—

7 (1) by redesignating paragraphs (3) and (4) as
8 paragraphs (4) and (5) respectively; and

9 (2) by inserting after paragraph (2) the follow-
10 ing new paragraph:

11 “(3) The provisions of subparagraph (2) of this sub-
12 section (a) do not apply to routine intra-agency adjust-
13 ments of pay that are attributable to clerical or adminis-
14 trative errors or delays in processing pay documents that
15 have occurred within the four pay periods preceding the
16 adjustment or to any adjustment that amounts to fifty
17 dollars or less, provided that at the time of such adjust-
18 ment, or as soon thereafter as practical, the individual is
19 provided written notice of the nature and the amount of
20 the adjustment and a point of contact for questioning or
21 contesting such adjustment.”.

1 **SEC. 902. CONTRACT DISPUTES ACT AMENDMENT RELAT-**
2 **ING TO PAYMENT OF INTEREST OF CONTRAC-**
3 **TOR CLAIMS.**

4 Section 12 of the Contract Disputes Act of 1978 (41
5 U.S.C. 611) is amended by striking out the first sentence
6 and inserting in lieu thereof the following new sentence:
7 “The Government shall pay interest on a contractor’s
8 claim on the amount found due and unpaid from (a) the
9 date the contracting officer receives the claim pursuant
10 to sections 605(a) and 605(c)(1) of this title or (b) the
11 date the contractor incurred the cost, whichever is later,
12 until the date of payment. The contractor shall delineate
13 the actual dollars expended due to the causes alleged.”.

14 **Subtitle B—Civilian Employee Pay Matters**

15 **SEC. 911. EXPIRING AUTHORITIES.**

16 (a) **REDUCTION IN FORCE NOTIFICATION REQUIRE-**
17 **MENTS.**—Section 4433(b)(2) of the National Defense Au-
18 thorization Act for Fiscal Year 1993 (Public Law 102–
19 484; 106 Stat. 2315, 2721) is amended by striking out
20 “February 1, 1998” and inserting in lieu thereof “Feb-
21 ruary 1, 2000”.

22 (b) **SEPARATION PAY.**—Section 5597(e) of title 5,
23 United States Code, is amended by striking out “Septem-
24 ber 30, 1997” and inserting in lieu thereof “September
25 30, 1999”.

1 (c) Section 4436(b) of Public Law 102–484 is
2 amended in subsection (2)(d)(2) by striking out “January
3 1, 1998” and inserting in lieu thereof “January 1, 2000”.

4 (d) RESTORATION OF CERTAIN LEAVE.—Section
5 6304(d) of title 5, United States Code, is amended by in-
6 serting after “December 31, 1997,” the following: “or in
7 accordance with section 2687 of title 10, United States
8 Code, or any other similar law”.

9 (e) CONTINUED HEALTH BENEFITS.—Section
10 8905a(d)(4)(B) of title 5, United States Code, is amend-
11 ed—

12 (1) in subsections (i) and (ii), by striking out
13 “October 1, 1997” and inserting in lieu thereof “Oc-
14 tober 1, 1999”; and

15 (2) in subsection (ii) by striking out “February
16 1, 1998” and inserting in lieu thereof “February 1,
17 2000”.

18 **SEC. 912. TRAVEL, TRANSPORTATION, AND RELOCATION**
19 **EXPENSES OF EMPLOYEES TRANSFERRED**
20 **FROM THE DEPARTMENT OF DEFENSE TO**
21 **THE POSTAL SERVICE.**

22 (a) IN GENERAL.—Chapter 57 of title 5, United
23 States Code, is amended—

24 (1) by adding at the end thereof the following
25 new section:

1 **“§ 5735. Travel, transportation, and relocation ex-**
 2 **penses of employees transferred from the**
 3 **Department of Defense to the Postal**
 4 **Service**

5 “Notwithstanding the provisions of any other law,
 6 employees of the Department of Defense who are sched-
 7 uled for separation, not for cause, and who are selected
 8 for a permanent position with the Postal Service may be
 9 authorized travel, transportation, and relocation expenses
 10 and allowances under the same conditions and to the same
 11 extent authorized by this subchapter for other transferred
 12 employees within the meaning of this chapter.”; and

13 (2) by amending the table of sections at the be-
 14 ginning of such chapter by adding after the item re-
 15 lating to section 5734 the following new item:

“5735. Travel, transportation, and relocation expenses of employees transferred
 from the Department of Defense to the Postal Service.”.

16 (b) **EFFECTIVE DATE.**—The amendment made by
 17 subsection (a) shall be effective on the enactment of this
 18 Act and shall apply only to employees separated after such
 19 date.

20 **SEC. 913. LIMITATION OF SEVERANCE PAY FOR CERTAIN**
 21 **CIVILIAN EMPLOYEES WHO ARE EMPLOYED**
 22 **BY NONAPPROPRIATED FUNDS.**

23 Section 5595 of title 5, United States Code, is
 24 amended by adding the following new subsection:

1 “(h) Severance pay shall be suspended for employees
2 who move or have moved to a nonappropriated fund posi-
3 tion under coverage of the ‘Portability of Benefits for
4 Nonappropriated Fund Employees Act of 1990’ from an
5 appropriated fund position. The severance pay to which
6 the employee otherwise might have been entitled at the
7 time of qualifying for separation from the appropriated
8 fund position will be paid in accordance with this sub-
9 chapter if the employee is subsequently involuntarily sepa-
10 rated, not by removal for cause on charges of misconduct,
11 delinquency, or inefficiency, from nonappropriated fund
12 employment. Severance pay shall not be paid to an em-
13 ployee who, at the time of the involuntary separation from
14 nonappropriated fund employment, is eligible for an imme-
15 diate annuity from a nonappropriated fund retirement sys-
16 tem, or a retirement system applicable to an employee as
17 defined by section 2105 of this title or to a member of
18 a uniformed service. Severance pay will not be paid to an
19 employee who receives severance pay from the
20 nonappropriated fund for the period of appropriated fund
21 service on which entitlement under this paragraph is
22 based, and in an equivalent amount. The Secretary of De-
23 fense, in consultation with the Department of Transpor-
24 tation, shall prescribe regulations implementing this sub-
25 section.”.

1 **Subtitle C—Other Matters**

2 **SEC. 921. NATIONAL GUARD YOUTH PROGRAMS.**

3 (a) IN GENERAL.—Chapter 5 of title 32, United
4 States Code, is amended by adding at the end the follow-
5 ing new section:

6 **“§ 508. Assistance to certain youth and other organi-**
7 **zations**

8 “(a) AUTHORITY TO PROVIDE SERVICES.—Members
9 or units of the National Guard may provide the services
10 described in subsection (b) to an organization described
11 in subsection (c) in conjunction with training required
12 under this Chapter if—

13 “(1) the provision of such services does not de-
14 grade the quality of the training or otherwise inter-
15 fere with the ability of any unit to perform its mili-
16 tary functions;

17 “(2) the services provided are not commercially
18 available, or commercial entities affected have
19 agreed in writing not to object;

20 “(3) personnel of the National Guard providing
21 the services perform activities which enhance their
22 skills in their military specialties; and

23 “(4) such assistance does not materially in-
24 crease the cost of the training activities.

1 “(b) COVERED SERVICES.—Services which may be
2 provided under this section are—

3 “(1) ground transportation;

4 “(2) limited air transportation, but only in the
5 case of the Special Olympics;

6 “(3) administrative support;

7 “(4) technical training;

8 “(5) emergency medical assistance;

9 “(6) communications; and

10 “(7) security support.

11 “(c) ORGANIZATIONS WHICH MAY BE ASSISTED.—

12 The organizations which may be assisted under this sec-
13 tion are—

14 “(1) The Boy Scouts of America;

15 “(2) The Girl Scouts of America;

16 “(3) The Boys and Girls Clubs of America;

17 “(4) the YMCA;

18 “(5) the YWCA;

19 “(6) the Civil Air Patrol;

20 “(7) the U.S. Olympic Committee;

21 “(8) the Special Olympics;

22 “(9) Campfire Boys and Girls;

23 “(10) the 4-H Club;

24 “(11) the Police Athletic League; and

1 “(12) any other youth or charitable organiza-
2 tion designated by the Secretary of Defense.”.

3 (b) CLERICAL AMENDMENTS.—The table of sections
4 at the beginning of Chapter 5 of title 32, United States
5 Code, is amended by adding at the end the following item:

“508. Assistance to certain youth and other organizations.”.

6 **SEC. 922. PROTECTION FROM UNAUTHORIZED USE OF THE**
7 **NAME “DEFENSE MAPPING AGENCY”.**

8 (a) IN GENERAL.—Chapter 167 of title 10, United
9 States Code, is amended by adding at the end the follow-
10 ing new section:

11 **“§ 2798. Unauthorized use of Defense Mapping Agen-**
12 **cy name, initials, or seal**

13 “(a) No person may, except with the written permis-
14 sion of the Secretary of Defense, knowingly use the words
15 ‘Defense Mapping Agency’, the initials ‘DMA’, the seal of
16 the Defense Mapping Agency, or any colorable imitation
17 of such words, initials, or seal in connection with any mer-
18 chandise, retail product, impersonation, solicitation or
19 commercial activity in a manner reasonably calculated to
20 convey the impression that such use is approved, endorsed,
21 or authorized by the Secretary of Defense.

22 “(b) Whenever it appears to the Attorney General
23 that any person is engaged or about to engage in an act
24 or practice which constitutes or will constitute conduct
25 prohibited by subsection (a), the Attorney General may

1 initiate a civil proceeding in a district court of the United
 2 States to enjoin such act or practice. Such court shall pro-
 3 ceed as soon as practicable to hearing and determination
 4 of such action and may, at any time before such final de-
 5 termination, enter such restraining orders or prohibitions,
 6 or take such other action as is warranted, to prevent in-
 7 jury to the United States or to any person or class of per-
 8 sons for whose protection the action is brought.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
 10 for such chapter 167 is amended by inserting after the
 11 item relating to section 2798 as added by section 623 of
 12 this Act, the following new item:

“2798. Unauthorized use of Defense Mapping Agency name, initials, or seal.”.

13 **SEC. 923. LIMITATION OF LIABILITY FOR ANY NAVIGA-**
 14 **TIONAL AID PREPARED OR DISSEMINATED**
 15 **BY THE DEFENSE MAPPING AGENCY.**

16 (a) IN GENERAL.—Chapter 167 of title 10, United
 17 States Code, is amended by adding at the end the follow-
 18 ing new section:

19 **“§ 2799. Limitation of liability**

20 “No claim or action may be brought against the
 21 United States based upon the preparation or dissemina-
 22 tion by the Defense Mapping Agency of any navigational
 23 aid, including but not limited to, maps, charts, publica-
 24 tions, products or information, regardless of the form or
 25 medium of such aids.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for such chapter 167 is amended by inserting after the
 3 item relating to section 2799 as added by section 624 of
 4 this Act, the following new item:

“2799. Limitation of liability.”.

5 **SEC. 924. REORGANIZATION OF THE AIR FORCE LIAISON**
 6 **WITH THE CIVIL AIR PATROL.**

7 (a) Section 9441(b) of title 10, United States Code,
 8 is amended—

9 (1) by striking out “and” after the semicolon in
 10 paragraph (10);

11 (2) by striking out the period in paragraph (11)
 12 and inserting in lieu thereof “; and”; and

13 (3) by adding at the end the following new
 14 paragraph:

15 “(12) reimburse the Civil Air Patrol the cost of main-
 16 taining the staff at the National Headquarters, including
 17 the payment of travel and allowances as the Secretary con-
 18 siders required by the Civil Air Patrol to carry out its mis-
 19 sion.”.

20 (b) Section 9441 of title 10, United States Code, is
 21 amended by adding at the end the following new sub-
 22 section:

23 “(d) Instead of, or in combination with, detailing or
 24 assigning any member of the Air Force or any officer or
 25 employee of the Department of the Air Force under sec-

1 tion (b)(5), the Secretary of the Air Force may authorize
2 the Civil Air Patrol to employ, as administrators and liai-
3 son officers, retired commissioned and noncommissioned
4 officers of the Air Force, whose qualifications are ap-
5 proved by the Secretary under regulations prescribed by
6 him, and who request such employment, subject to the fol-
7 lowing:

8 “(1) Notwithstanding any other provisions of
9 law, retired members so employed are entitled to re-
10 ceive their retired pay and an additional amount of
11 not more than the difference between their retired
12 pay and the pay and allowances that they would re-
13 ceive if ordered to active duty in the grade and rank
14 in which they were retired, and this additional
15 amount shall be paid to the Civil Air Patrol by the
16 Secretary from funds appropriated for that purpose.

17 “(2) Notwithstanding any other provision of
18 law such retired member is not, while so employed,
19 considered to be on active duty or inactive-duty
20 training for any purpose.”.

21 **SEC. 925. INFORMED CONSENT OF PERSONS PARTICIPAT-**
22 **ING IN HUMAN MEDICAL RESEARCH.**

23 Section 980 of title 10, United States Code, is
24 amended to read as follows:

1 **“§ 980. Limitation on use of humans as experimental**
2 **subjects**

3 “Funds appropriated to the Department of Defense
4 may not be used for research involving a human as an
5 experimental subject unless the research is conducted in
6 accordance with regulations prescribed by the Secretary
7 of Defense. Such regulations shall be consistent with the
8 regulations prescribed by the Secretary of Health and
9 Human Services and other agencies establishing a com-
10 mon Federal policy for the protection of human subjects.”.

11 **SEC. 926. MILITARY-TO-MILITARY CONTACTS AND COM-**
12 **PARABLE ACTIVITIES.**

13 (a) MILITARY-TO-MILITARY CONTACTS AND COM-
14 PARABLE ACTIVITIES.—Chapter 6 of title 10, United
15 States Code, is amended by adding at the end the follow-
16 ing new section:

17 **“§ 166b. Military-to-military contacts and comparable**
18 **activities**

19 “(a) The Secretary of Defense may conduct military-
20 to-military contacts and comparable activities that are de-
21 signed to promote the democratic orientation of the de-
22 fense establishments and military forces of other coun-
23 tries. Funds appropriated for such activities may be pro-
24 vided (1) to the commander of a combatant command,
25 upon the request of the commander; (2) to an officer des-
26 ignated by the Chairman of the Joint Chiefs of Staff with

1 respect to an area or areas not under the area of respon-
2 sibility of a commander of a combatant command; or (3)
3 to a Department of Defense component implementing ac-
4 tivities under this section.

5 “(b) Activities for which funds may be provided under
6 subsection (a) include the following:

7 “(1) Traveling Contact Teams (including trans-
8 portation, translation, and administrative expenses).

9 “(2) Military Liaison Teams.

10 “(3) Defense, Military, and Unit Exchanges.

11 “(4) Seminars, Conferences, and Publications
12 to be held or distributed primarily in the theater.

13 “(5) Personnel expenses of defense personnel
14 for bilateral, regional exchange, or familiarization
15 programs.

16 “(c) Any amount provided for activities under sub-
17 section (a) during any fiscal year for an activity referred
18 to in subsection (b) shall be in addition to amounts other-
19 wise available for that activity for that fiscal year.

20 “(d) Funds appropriated under subsection (a) may
21 be used to reimburse Military Appropriations Accounts to
22 fund pay and allowances for National Guard and Reserve
23 personnel participating in activities referred to in sub-
24 section (b).

1 “(e) Activities may not be conducted under sub-
2 section (a) with any foreign country unless the Secretary
3 of State approves such activities.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 at the beginning of chapter 6 of title 10, United States
6 Code, is amended by adding at the end the following new
7 item:

“166b. Military-to-military contacts and comparable activities.”.

8 **SEC. 927. PURCHASE OF VESSELS FOR THE READY RE-**
9 **SERVE FORCE.**

10 (a) AUTHORIZATION FOR FISCAL YEAR 1995.—Not-
11 withstanding any other provision of law, funds are hereby
12 authorized to be appropriated for Fiscal Year 1995 to the
13 National Defense Sealift Fund in the amount of
14 \$43,000,000 for the purchase of no more than seven Roll-
15 on/Roll-off vessels for the Ready Reserve Force main-
16 tained under section 11 of the Merchant Ship Sales Act
17 of 1946 (50 App. U.S.C. 1744).

18 (b) TRANSFER AUTHORITY.—Notwithstanding any
19 other provision of law, funds appropriated to the National
20 Defense Sealift Fund pursuant to subsection (a) of this
21 section may be transferred to the Maritime Administration
22 for the purposes stated in such subsection (a); provided
23 that, such transfer must occur within 60 days after funds
24 are made available under an appropriation of funds pursu-
25 ant to such authorization in the law; and, provided fur-

1 ther, that the Maritime Administrator shall obligate the
 2 transferred funds before the end of fiscal year 1995 for
 3 the purposes stated in such subsection (a).

4 **SEC. 928. TECHNICAL AMENDMENT TO AUTHORIZE IMPLE-**
 5 **MENTATION OF JUNIOR RESERVE OFFICERS**
 6 **TRAINING CORPS (JROTC) PROGRAM EXPAN-**
 7 **SION.**

8 Section 2031(a)(1) of title 10, United States Code,
 9 is amended by striking out “Not more than 200 units may
 10 be established by all of the military departments each
 11 year, and the total” and inserting in lieu thereof “The
 12 total”.

13 **TITLE X—MATTERS RELATING TO ALLIES,**
 14 **OTHER NATIONS, AND INTER-**
 15 **NATIONAL ORGANIZATIONS**

16 **SEC. 1001. EXTENSION OF AUTHORITY TO ACQUIRE LOGIS-**
 17 **TIC SUPPORT FOR FORCES DEPLOYED OUT-**
 18 **SIDE THE UNITED STATES TO AUTHORITY TO**
 19 **ACQUIRE FROM THE UNITED NATIONS OR RE-**
 20 **GIONAL ORGANIZATIONS OF WHICH THE**
 21 **UNITED STATES IS A MEMBER.**

22 Section 2341 of title 10, United States Code, is
 23 amended by striking out “and” the first time it appears
 24 in subparagraph (1) inserting in lieu thereof a comma and
 25 inserting after “from North Atlantic subsidiary bodies”

1 “, and from the United Nations Organization or any re-
 2 gional international organization of which the United
 3 States is a member”.

4 **SEC. 1002. EXTENSION OF AUTHORITY TO ENTER INTO**
 5 **CROSS SERVICING AGREEMENTS TO AU-**
 6 **THORITY TO ENTER INTO AGREEMENTS WITH**
 7 **THE UNITED NATIONS ORGANIZATION OR**
 8 **ANY REGIONAL ORGANIZATIONS OF WHICH**
 9 **THE UNITED STATES IS A MEMBER.**

10 Section 2342 of title 10, United States Code, is
 11 amended—

12 (1) by striking out “or” at the end of subpara-
 13 graph (a)(1)(B);

14 (2) by redesignating subparagraph (a)(1)(C) as
 15 subparagraph (a)(1)(D);

16 (3) by inserting after subparagraph (a)(1)(B)
 17 the following new subparagraph (a)(1)(C) to read as
 18 follows:

19 “(C) the United Nations Organization or
 20 any regional international organization of which
 21 the United States is a member;”;

22 (4) in subsection (a)(2) by striking out “sub-
 23 sidiary body” both times such term appears and by
 24 inserting in lieu thereof, in each instance, “organiza-
 25 tion”, and

1 (5) in subsection (c) by striking out “a routine”
2 and inserting in lieu thereof “an ordinary” and add-
3 ing at the end the following new sentence: “How-
4 ever, subject to section 2348 of this title, the Sec-
5 retary of Defense may use the authority of this sub-
6 chapter in peacetime to facilitate routine mutual lo-
7 gistic support of and by the United States armed
8 forces in training, exercise, and operations and to
9 permit better use of host nation resources for recur-
10 ring logistic support requirements of deployed
11 United States armed forces.”.

12 **SEC. 1003. METHOD OF PAYMENT FOR ACQUISITIONS AND**
13 **TRANSFERS.**

14 Section 2344(b)(4) of title 10, United States Code,
15 is amended by inserting after “North Atlantic Treaty Or-
16 ganization subsidiary bodies” “and the United Nations
17 Organization or any regional international organization of
18 which the United States is a member.”.

19 **SEC. 1004. LIMITATION ON AMOUNTS THAT MAY BE OBLI-**
20 **GATED OR ACCRUED.**

21 Section 2347 of title 10, United States Code, is
22 amended—

23 (1) in paragraph (a)(1)—

1 (A) by striking out “and” after “North At-
2 lantic Treaty Organization” inserting in lieu
3 thereof a comma; and

4 (B) by inserting in such paragraph (1)
5 after “subsidiary bodies of the North Atlantic
6 Treaty Organization” “or, the United Nations
7 Organization or any regional international orga-
8 nization of which the United States is a mem-
9 ber”;
10 (2) in paragraph (b)(1)—

11 (A) by striking out “and” after “North At-
12 lantic Treaty Organization” inserting in lieu
13 thereof a comma; and

14 (B) by inserting in such paragraph (1)
15 after “subsidiary bodies of the North Atlantic
16 Treaty Organization” “or, the United Nations
17 organization or any regional organization of
18 which the United States is a member”, and

19 (3) by adding at the end the following new sub-
20 section (c):

21 “(c) When the armed forces of the United States are
22 involved in a contingency operation, the restrictions set
23 forth in subsections (a) and (b) are waived for the pur-
24 poses and the duration of such contingency operation.”.

1 **SEC. 1005. DEFINITIONS.**

2 Section 2350 of title 10, United States Code, is
3 amended—

4 (1) in subsection (1)—

5 (A) by inserting “(including airlift)” after
6 “transportation”;

7 (B) by inserting “calibration services,”
8 after “maintenance services,”; and

9 (C) by adding at the end the following new
10 sentence: “Also, included is temporary use of
11 general purpose vehicles and other items of
12 military equipment not designated as part of
13 the United States Munitions List pursuant to
14 section 38(a)(1) of the Arms Export Control
15 Act.”; and

16 (2) by amending subsection (3) to read as fol-
17 lows:

18 “(3) The term ‘transfer’ means selling (whether
19 for payment in currency, replacement-in-kind, or ex-
20 change of supplies or services of equal value), loan-
21 ing, or otherwise temporarily providing logistic sup-
22 port, supplies, and services under the terms of a
23 cross-servicing agreement.”.

24 **SEC. 1006. EFFECTIVE DATE**

25 The amendments made to sections 2341, 2342, 2344,
26 2347, and 2350 of title 10, United States Code, by this

1 Act shall be effective with regard to acquisitions and
2 transfers of logistic support, supplies, and services under
3 the authority of this subchapter that are initiated after
4 the date of enactment of this Act.

5 **TITLE XI—PEACEKEEPING AND RELATED**
6 **MATTERS**

7 **SEC. 1101. ASSISTANCE TO INTERNATIONAL PEACEKEEP-**
8 **ING AND PEACE ENFORCEMENT ACTIVITIES.**

9 (a) **AUTHORITY.**—Notwithstanding the provisions of
10 any other law, the President is authorized to provide the
11 assistance, including personnel supplies, services, and
12 equipment, in support of international peacekeeping and
13 peace enforcement activities, and to make contributions to
14 pay assessments on behalf of the United States for such
15 operations when conducted by the United Nations.

16 (b) **REIMBURSEMENT PROVISIONS.**—Whenever as-
17 sistance is provided under subsection (a), the President
18 shall require reimbursement to the United States for the
19 agreed costs of providing such support: *Provided*, That,
20 in exceptional circumstances and when the President finds
21 it to be in the national interest, he may waive, in whole
22 or in part, the requirement of such reimbursement: *Pro-*
23 *vided further*, That, in the case of a reimbursement from
24 the United Nations, it may be made, subject to section
25 (c)(1), either directly or indirectly in the form of the re-

1 ceipt of a credit to be applied against the United States
2 Government share of any assessment due and owing.

3 (c) CREDITING OF RECEIPTS.—(1) The President is
4 authorized to receive reimbursement from any source for
5 the costs incurred by the United States for assistance pro-
6 vided pursuant to subsection (a). Any reimbursements re-
7 ceived shall first be used to reimburse the appropriate de-
8 partment of the Department of Defense for any incremen-
9 tal costs incurred in the provision of such assistance. Re-
10 imbursements received for incremental costs shall be cred-
11 ited, at the option of the appropriate department of De-
12 partment of Defense, either to the appropriation, fund, or
13 account utilized in incurring the obligation, or to an ap-
14 propriate appropriation, fund, or account currently avail-
15 able for the purposes for which the expenditures were
16 made.

17 (2) There is hereby established in the Treasury of
18 the United States a fund to be known as the “Contribu-
19 tions for International Peacekeeping and Peace Enforce-
20 ment Activities Fund”. Funds appropriated to or depos-
21 ited in the Contributions for International Peacekeeping
22 and Peace Enforcement Activities Fund shall be utilized
23 for the purpose of paying assessments for United Nations
24 operations made under this section and shall remain avail-
25 able until expended. To the extent that the amount of any

1 reimbursement received is in excess of reimbursement for
2 incremental costs made under subsection (c)(1), such ex-
3 cess funds may be credited to the Contributions for Inter-
4 national Peacekeeping and Peace Enforcement Activities
5 Fund.

6 (d) ANNUAL REPORTING REQUIREMENT.—The
7 President shall submit to Congress not later than Feb-
8 ruary 1 of each year a report for the previous fiscal year,
9 containing—

10 (1) a description of each international peace-
11 keeping or peace enforcement activity supported
12 under the authority of this section;

13 (2) the types of assistance provided under this
14 section, by operation or activity supported; and

15 (3) the dollar value, by operation or activity
16 supported, of all assistance provided, reimburse-
17 ments received, reimbursements waived, credits
18 taken, and obligations incurred in the Contributions
19 for International Peacekeeping and Peace Enforce-
20 ment Activities Fund.

21 (e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are hereby authorized to be appropriated to the Depart-
23 ment of Defense, funds for the payment of assessments
24 for United Nations operations made under authority of
25 this section.

1 (f) LIMITATIONS ON THE PAYMENT OF ASSESS-
 2 MENTS.—Payments for assessments made under sub-
 3 section (a) may be provided only for an operation con-
 4 ducted by the United Nations for which the Secretary of
 5 Defense has primary responsibility.

6 **TITLE XII—COUNTERPROLIFERATION**

7 **SEC. 1201. EXTENSION AND AMENDMENT OF COUN-** 8 **TERPROLIFERATION AUTHORITIES.**

9 (a) EXTENSION OF INTERNATIONAL NONPROLIFERA-
 10 TION AUTHORITIES.—(1) Section 1505 of the National
 11 Defense Authorization Act for Fiscal Year 1993, as
 12 amended, (22 U.S.C. 5859a) is amended—

13 (A) in subsection (a) by striking out “during
 14 fiscal year 1994” and inserting in lieu thereof “dur-
 15 ing fiscal year 1995 and thereafter”, and

16 (B) in subsection (e) by striking out “fiscal
 17 year 1994” and inserting in lieu thereof “during fiscal
 18 year 1995 and thereafter”.

19 (2) ADDITIONAL AUTHORITIES.—Subsection (b) of
 20 such section 1505 is amended—

21 (A) by amending paragraph (1) to read as fol-
 22 lows:

23 “(1) Activities carried out by international or-
 24 ganizations that are designed to ensure more effec-
 25 tive safeguards against proliferation and more ag-

1 gressive verification of compliance with international
2 agreements on nonproliferation.”;

3 (B) in paragraph (2) by striking out “the On-
4 Site Inspection Agency”, inserting in lieu thereof
5 “the Department of Defense”;

6 (C) in paragraph (4) by striking out “Prolifera-
7 tion through joint technical projects and improved
8 intelligence sharing” inserting in lieu thereof”, bio-
9 logical, chemical, and missile proliferation through
10 technical projects and improved information shar-
11 ing”; and

12 (D) by adding at the end the following new
13 paragraph (5) to read as follows:

14 “(5) Activities supporting the dismantlement
15 and destruction of nuclear, biological, and chemical
16 weapons, their delivery systems, related technologies,
17 and other weapons.”.

18 (3) REPEAL OF FUNDING LIMITATIONS.—Subsection
19 (d) of such section 1505, as amended, is amended by strik-
20 ing out paragraphs (1) and (3) and the designator “(2)”.

21 (b) EXTENSION OF AUTHORITY FOR STUDIES RE-
22 LATING TO UNITED STATES COUNTERPROLIFERATION
23 POLICY AND REPEAL OF REPORTING REQUIREMENT.—
24 Section 1603 of the National Defense Authorization Act
25 for Fiscal Year 1994 (22 U.S.C. 5859a) is amended—

1 (1) by striking out subsections (d) and (e); and
 2 (2) in subsection (a) by striking out “during
 3 fiscal year 1994” inserting in lieu thereof “during
 4 fiscal year 1995 and thereafter”.

5 (c) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 6 tion to funds otherwise available to the Department of De-
 7 fense, there is authorized to be appropriated an additional
 8 amount of up to \$30,159,000 during fiscal year 1995 for
 9 the purposes of conducting counterproliferation activities.

10 **TITLE XIII—ACQUISITION REFORM**

11 **SEC. 1301. AMENDMENT TO RESEARCH AUTHORITIES.**

12 (a) Section 2358 of title 10, United States Code, (as
 13 amended by section 827(a) of the National Defense Au-
 14 thorization Act for Fiscal Year 1994 (Public Law 103–
 15 160; 107 Stat. 1547)) is amended—

16 (1) by amending the section heading to read as
 17 follows:

18 **“§ 2358. Research and development projects”;**

19 (2) in subsection (a), by striking out “basic, ad-
 20 vanced, and applied research” and inserting in lieu
 21 thereof “basic research, applied research, advanced
 22 research”;

23 (3) in subsection (a)(1), by striking out “basic,
 24 advanced, and applied”; and

1 (4) by amending subsection (b)(1) to read as
2 follows:

3 “(1) by contract, cooperative agreement, or
4 grant;”.

5 (b) Section 2371 of title 10, United States Code, (as
6 amended by section 827(b) of the National Defense Au-
7 thorization Act for Fiscal Year 1994 (Public Law 103–
8 160; 107 Stat. 1547)), is amended to read as follows:

9 **“§ 2371. Research projects: cooperative agreements**
10 **and other transactions**

11 “(a) AUTHORITY FOR OTHER TRANSACTIONS.—The
12 Secretary of Defense, through the Advanced Research
13 Projects Agency and such other elements of the Depart-
14 ment of Defense as the Secretary may designate, and the
15 Secretary of each military department, in carrying out
16 basic, applied, and advanced research projects, may enter
17 into other transactions, in addition to contracts, grants
18 and cooperative agreements authorized by section 2358 of
19 this title.

20 “(b) AUTHORITY FOR MERGING FUNDS.—(1) Coop-
21 erative agreements entered into under section 2358 of this
22 title and other transactions for the performance of such
23 research projects may include a clause that requires a per-
24 son or other entity to make payments to the Department
25 of Defense (or any other department or agency of the Fed-

1 eral Government) as a condition for receiving support
2 under the agreement or other transaction.

3 “(2) The amount of any payment received by the
4 Federal Government pursuant to a requirement imposed
5 under paragraph (1) may be credited, to the extent au-
6 thorized by the Secretary of Defense, to the current appli-
7 cable appropriation of the Department of Defense.
8 Amounts so credited shall be merged with other funds in
9 the account and shall be available for the same purposes
10 and the same period for which other funds in the account
11 to which credited are available.

12 “(3) The authority provided under paragraphs (1)
13 and (2) may be exercised without regard to section 3324
14 of title 31, United States Code.

15 “(c) CONDITIONS.—The Secretary of Defense shall
16 ensure that—

17 “(1) to the maximum extent practicable, a co-
18 operative agreement using the merger authority of
19 subsection (b) or other transaction under subsection
20 (a) does not provide for research that duplicates re-
21 search being conducted under existing programs car-
22 ried out by the Department of Defense;

23 “(2) to the extent the Secretary determines
24 practicable, the funds provided by the Government
25 under the cooperative agreement or other trans-

1 action do not exceed the total amount provided by
2 the other parties to the cooperative agreement or
3 other transaction; and

4 “(3) authorities under this section are used only
5 when the use of standard contracts or grants is not
6 feasible or appropriate.

7 “(d) REPORTING.—Not later than 60 days after the
8 end of each fiscal year, the Secretary of Defense shall sub-
9 mit to the Committees on Armed Services of the Senate
10 and House of Representatives a report on all cooperative
11 agreements using the merger authority of subsection (b)
12 and all other transactions (other than contracts and
13 grants) entered into under this section during such fiscal
14 year. The report shall contain, with respect to each such
15 cooperative agreement and transaction, the following:

16 “(1) A general description of the cooperative
17 agreement or other transaction (as the case may be),
18 including the technologies for which research is pro-
19 vided for under such agreement or transaction.

20 “(2) The potential military and, if any, com-
21 mercial utility of such technologies.

22 “(3) The reasons for not using a contract or
23 grant to provide support for such research.

24 “(4) The amount of the payments, if any, re-
25 ferred to in subsection (b) that were received by the

1 Federal Government in connection with such cooper-
2 ative agreement or other transaction during the fis-
3 cal year covered by the report.

4 “(5) The amount of the payments reported
5 under paragraph (4), if any, that were credited to
6 each account established under subsection (d).

7 “(e) STEVENSON-WYDLER AUTHORITY FOR COOPER-
8 ATIVE RESEARCH AND DEVELOPMENT AGREEMENTS RE-
9 ITERATED.—The Secretary of Defense, in carrying out re-
10 search projects through the Advanced Research Projects
11 Agency, the Secretary of each military department, and
12 the Director of a Defense agency in carrying out research
13 projects, may permit the director of any federally funded
14 research and development center to enter into cooperative
15 research and development agreements with any person,
16 any agency or instrumentality of the United States, any
17 unit of State or local government, and any other entity
18 under the authority granted by section 11 of the Steven-
19 son-Wydler Technology Innovation Act of 1980 (15 U.S.C.
20 3710a). Technology may be transferred to a non-Federal
21 party to such an agreement consistent with the provisions
22 of sections 10 and 11 of such Act (15 U.S.C. 3710,
23 3710a).”

24 (c) The table of sections for such chapter 139 of title
25 10, United States Code, is amended—

1 (1) by striking out the item relating to section
 2 2358 and inserting in lieu thereof the following:

“2358. Research and development projects.”;

3 and

4 (2) by striking out the item relating to section
 5 2371 and inserting in lieu thereof the following:

“2371. Research projects: cooperative agreements and other transactions.”.

6 **SEC. 1302. AMENDMENT OF ACQUISITION LAWS RELATING**
 7 **TO INDUSTRIAL MOBILIZATION.**

8 (a) Section 2539(a) of title 10, United States Code
 9 (as added by section 822(a) of the National Defense Au-
 10 thorization Act for Fiscal Year 1994 (Public Law 103–
 11 160; 107 Stat. 1547, 1705)), is amended by inserting “or
 12 Secretary of a Military department” after “Secretary of
 13 Defense” in the first sentence.

14 (b) Section 2541 of title 10, United States Code (as
 15 added by section 822(b) of the National Defense Author-
 16 ization Act for Fiscal Year 1994 (Public Law 103–160;
 17 107 Stat. 1547, 1706)), is amended—

18 (1) in subsection (a)(1) by inserting “rent”
 19 after “lend.,” and

20 (2) by amending subsection (b) to read as fol-
 21 lows:

22 “(b) CONFIDENTIALITY OF TEST RESULTS.—Prior
 23 to making the services set forth in subsection (a)(3) avail-
 24 able to any person or entity for the benefit of that person

1 or entity, the Federal Government’s representative to the
2 negotiations for the service shall ensure that any contract
3 or other agreement for the provision of such services speci-
4 fies the rights in the resulting technical data that the gov-
5 ernment shall retain.”.

6 (c) Section 2373(b) of title 10, United States Code
7 (as added by section 822(c) of the National Defense Au-
8 thorization Act for Fiscal Year 1994 (Public Law 103–
9 160; 107 Stat. 1547, 1706)), is amended by inserting
10 “, with or without competitive bidding,” after “outside the
11 United States”.

12 (d) Section 2538 of title 10, United States Code (as
13 added by section 822(a) of the National Defense Author-
14 ization Act for Fiscal Year 1994 (Public Law 103–160;
15 107 Stat. 1547, 1704)), is amended—

16 (1) in subsection (a), by striking out “the Sec-
17 retary of Defense,” and inserting in lieu thereof “the
18 head of any department or agency,”; and

19 (2) in subsection (c)—

20 (A) by striking out “through the Secretary
21 of Defense,” and inserting in lieu thereof
22 “through the head of any department or agen-
23 cy,” and

24 (B) by striking out “in the opinion of the
25 Secretary of Defense” and inserting in lieu

1 thereof “in the opinion of the department or
2 agency head”.

3 **SEC. 1303. DISPOSITION OF NAVAL VESSELS.**

4 (a) Section 7304 of title 10, United States Code, is
5 amended to read as follows:

6 **“§ 7304. Disposition of Naval Vessels**

7 “(a) The Secretary of the Navy shall designate
8 boards of naval officers to examine all naval vessels, in-
9 cluding unfinished vessels. Each vessel shall be examined
10 at least once every three years if practicable.

11 “(b) The Boards shall recommend to the Secretary
12 of the Navy in writing which vessels, if any, should be
13 stricken from the Naval Vessel Register. In making such
14 recommendations, the boards shall consider whether any
15 vessel is unfit for service or whether any unfinished vessel
16 cannot be finished without disproportionate expense.

17 “(c) Where the Secretary concurs with any such rec-
18 ommendation, the Secretary shall strike the name of that
19 vessel from the Naval Vessel Register. The Secretary of
20 the Navy shall appraise each vessel so stricken when the
21 Secretary determines that it is in the national interest,
22 the Secretary is authorized to sell such vessels under pre-
23 scribed regulations.

24 “(1) Vessels stricken from the Naval Vessel
25 Register and not subject to disposition under any

1 other law, may be sold at public sale to the highest
2 acceptable bidder, regardless of their appraised
3 value, after being advertised for sale for a period of
4 not less than 30 days.

5 “(2) If the Secretary determines that the bid
6 prices received after advertising are not reasonable
7 and that readvertising will serve no useful purpose,
8 such vessels may be sold by negotiation to the high-
9 est acceptable offeror, provided that—

10 “(A) each responsible bidder has been noti-
11 fied of intent to negotiate and has been given
12 a reasonable opportunity to negotiate; and

13 “(B)(i) the negotiated price is higher than
14 the highest rejected price of any responsible
15 bidder; or

16 “(ii) the negotiated price is reasonable and
17 is in the national interest.

18 “(d) The Secretary of the Navy is further authorized
19 to transfer, by gift or otherwise, any stricken or captured
20 vessel to—

21 “(1) any state, territory, commonwealth or pos-
22 session of the United States, or any municipal cor-
23 poration or any political subdivision thereof;

24 “(2) the District of Columbia; or

25 “(3) any not-for-profit or nonprofit entity;

1 provided that the transfer occurs at no cost to the United
2 States and that the transferee agrees to maintain the ves-
3 sel in a condition satisfactory to the Navy.

4 “(e) The Secretary of the Navy is further authorized
5 to use any stricken vessel for experimental purposes. The
6 vessel shall first be stripped as practicable. The amounts
7 received from stripping the vessel shall be credited to ap-
8 propriations available for the procurement of those scrap-
9 ping services needed for stripping. Amounts received
10 which are in excess of amounts necessary for procuring
11 those services shall be deposited into the general fund of
12 the Treasury.

13 “(f) The provisions of the Federal Property and Ad-
14 ministrative Services Act of 1949 (40 U.S.C. 471 et seq.)
15 do not apply to the disposition of a naval vessel under
16 this section.

17 “(g) Notwithstanding any other provision of law, no
18 battleship, aircraft carrier, cruiser, or destroyer, or sub-
19 marine of the Navy may be sold, transferred or otherwise
20 disposed of, unless the Chief of Naval Operations certifies
21 that it is not essential to the defense of the United States.

22 “(h) All transfers provided pursuant to this section
23 shall occur at no cost to the United States, and the trans-
24 feree shall agree to maintain the vessel in a condition sat-
25 isfactory to the United States, and to be responsible for

1 all liabilities connected with the use and maintenance of
 2 the vessel.”.

3 (b) Sections 7305, 7306, 7307, and 7308 of title 10,
 4 United States Code, are repealed.

5 **SEC. 1304. CONTRACT FOR FUEL STORAGE AND MANAGE-**
 6 **MENT.**

7 Section 2388(a) of title 10, United States Code (as
 8 amended by section 825 of the National Defense Author-
 9 ization Act of Fiscal Year 1994 (Public Law 103–160;
 10 107 Stat. 1547)), is amended by striking out “fuels and
 11 natural gas.” and inserting in lieu thereof “fuels or natu-
 12 ral gas.”.

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