

103^D CONGRESS
2^D SESSION

S. 2182

AMENDMENT

In the House of Representatives, U. S.

July 25, 1994.

Resolved, That the bill from the Senate (S. 2182) entitled “An Act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “National Defense Au-*
3 *thorization Act for Fiscal Year 1995”.*

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

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

5 (1) *Division A—Department of Defense Author-*
 6 *izations.*

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

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

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

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Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

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Sec. 105. Defense Inspector General.

Sec. 106. Reserve components.

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Sec. 125. Limitation on cost of Seawolf submarine program.

Sec. 126. Limitation on procurement of TAGS vessels.

Sec. 127. Advanced Capability (ADCAP) modification program for the MK-48 torpedo.

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Sec. 133. Bomber force upgrade program.
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Sec. 162. Fiscal year 1995 National Defense Sealift fund program.
Sec. 163. Transfer of excess amount to BRAC III account.
Sec. 164. Fiscal year 1994 unauthorized sealift appropriation defined.
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Sec. 212. Standoff air-to-surface munitions technology demonstration.
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Sec. 215. Advanced Self Protection Jammer (ASPJ) program.
Sec. 216. Advanced lithography program.
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Sec. 220. Mobile Off-Shore Base and Landing Ship Quay Causeway program.
Sec. 221. Arrow/ACES program.
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Sec. 233. Theater Missile Defense risk reduction activities.

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Sec. 503. Technical changes to provisions enacted by Warrant Officer Management Act.

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Sec. 2404. Energy conservation projects.

Sec. 2405. Authorization of appropriations, Defense Agencies.

Sec. 2406. Community impact assistance with regard to Naval Weapons Station, Charleston, South Carolina.

***TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
INFRASTRUCTURE***

Sec. 2501. Authorized NATO construction and land acquisition projects.

Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

Sec. 2602. Prohibition on using funds for unauthorized Guard and Reserve projects.

- Sec. 2603. Authorization of projects for which funds have been appropriated.*
Sec. 2604. State National Guard headquarters, Fort Dix, New Jersey.

**TITLE XXVII—EXPIRATION AND EXTENSION OF
AUTHORIZATIONS**

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*
Sec. 2702. Extension of authorizations of certain fiscal year 1992 projects.
Sec. 2703. Extension of authorizations of certain fiscal year 1991 projects.
Sec. 2704. Effective date.

TITLE XXVIII—GENERAL PROVISIONS

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

- Sec. 2801. Strengthening monetary limitation on renovation of facilities.*
Sec. 2802. Navy housing investment agreements.
Sec. 2803. Navy Housing Investment Board.

Subtitle B—Defense Base Closure and Realignment

- Sec. 2811. Prohibition against consideration in base closure process of advance economic planning undertaken by communities adjacent to military installations.*
Sec. 2812. Repayment of State and local costs incurred in connection with establishment of certain military installations selected for closure.
Sec. 2813. Limitation on sources of funds available to implement base closures and realignments.
Sec. 2814. Prohibition on transfer of certain property located at military installations to be closed pending completion of redevelopment plans.
Sec. 2815. Report of effect of base closures on future mobilization options.
Sec. 2816. Restoration of annual leave for civilian employees in connection with certain base realignments.
Sec. 2817. Government rental of facilities located on closed military installations.

Subtitle C—Changes to Existing Land Conveyance Authority

- Sec. 2821. Additional lessee of property at Naval Supply Center, Oakland, California.*
Sec. 2822. Modification of land conveyance, Fort A.P. Hill Military Reservation, Virginia.
Sec. 2823. Preservation of Calverton Pine Barrens, Naval Weapons Industrial Reserve Plant, New York, as nature preserve.
Sec. 2824. Release of reversionary interest retained as part of conveyance of electricity distribution system, Fort Dix, New Jersey.

Subtitle D—Land Conveyances

- Sec. 2831. Land conveyance, Air Force Plant No. 3, Tulsa, Oklahoma.*
Sec. 2832. Land conveyance, Air Force Plant No. 59, Johnson City (Westover), New York.
Sec. 2833. Land conveyance, Radar Bomb Scoring Site, Dickinson, North Dakota.
Sec. 2834. Land conveyance, Army Reserve Facility, Rio Vista, California.
Sec. 2835. Land conveyance, Naval Weapons Industrial Reserve Plant, Calverton, New York.

- Sec. 2836. Lease of property, Naval Radio Receiving Facility, Imperial Beach, Coronado, California.*
- Sec. 2837. Release of requirements and reversionary interest on certain property in Baltimore, Maryland.*
- Sec. 2838. Release of reversionary interest on certain property in York County, James City County, and Newport News, Virginia.*
- Sec. 2839. Transfer of jurisdiction, Air Force housing at radar site, Holbrook, Arizona.*
- Sec. 2840. Land conveyance, Fort Dix, New Jersey.*
- Sec. 2841. Land conveyance, naval shipyard, Vallejo, California.*

Subtitle E—Other Matters

- Sec. 2851. Authority for Oxnard Harbor District, Port Hueneme, California, to use certain navy property.*
- Sec. 2852. Environmental education and training program for defense personnel.*
- Sec. 2853. Repeal of restriction on land transactions relating to Presidio of San Francisco, California.*
- Sec. 2854. Report on use of military installations in Okinawa.*
- Sec. 2855. Modification of height restriction in avigation easement.*
- Sec. 2856. Continued operation of military medical treatment facility at K. I. Sawyer Air Force Base, Michigan.*
- Sec. 2857. Technical amendment to correct reference in land transaction.*
- Sec. 2858. Additional exception to prohibition on storage and disposal of nondefense toxic and hazardous materials at military installations.*

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

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

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

Subtitle B—Recurring General Provisions

- Sec. 3121. Reprogramming.*
- Sec. 3122. Limits on general plant projects.*
- Sec. 3123. Limits on construction projects.*
- Sec. 3124. Transfer authority.*
- Sec. 3125. Authority for construction design.*
- Sec. 3126. Requirement of conceptual design for request of construction funds.*
- Sec. 3127. Authority for emergency planning, design, and construction activities.*
- Sec. 3128. Funds available for all national security programs of the Department of Energy.*
- Sec. 3129. Availability of funds.*

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Stockpile stewardship recruitment and training program.*
- Sec. 3132. Defense inertial confinement fusion program.*

- Sec. 3133. Payment of penalties.*
- Sec. 3134. Water management programs.*
- Sec. 3135. Worker protection at nuclear weapons facilities.*
- Sec. 3136. Worker health and protection.*
- Sec. 3137. Limitation on use of program direction funds.*
- Sec. 3138. Limitation on use of funds for new construction projects.*
- Sec. 3139. Limitation on use of funds for special access programs.*
- Sec. 3140. Prohibition on prefinancing.*
- Sec. 3141. International Center for Applied Research.*
- Sec. 3142. Limitation on study or relocation of tritium-related activities and operations.*

Subtitle D—Other Matters

- Sec. 3151. Accounting procedures for Department of Energy funds.*
- Sec. 3152. Approval for certain nuclear weapons activities.*
- Sec. 3153. Study of feasibility of conducting certain activities at the Nevada Test Site, Nevada.*
- Sec. 3154. Report on waste streams generated by nuclear weapons production cycle.*
- Sec. 3155. Release of certain restricted data.*
- Sec. 3156. Designation of Marilyn Lloyd Scholarship and Fellowship Program.*
- Sec. 3157. Report on economic redevelopment and conversion activities resulting from reconfiguration of Department of Energy nuclear weapons complex.*
- Sec. 3158. Prohibition on disclosure of certain information on exposure to radiation released from Hanford Nuclear Reservation.*

**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY
BOARD AUTHORIZATION**

- Sec. 3201. Authorization.*

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

- Sec. 3301. Conditions on authority to dispose of certain strategic and critical materials.*
- Sec. 3302. Rejection of change in stockpiling principles.*
- Sec. 3303. Limitations on the disposal of chromite and manganese ores.*
- Sec. 3304. Conditional prohibition on proposed disposal of zinc from National Defense Stockpile.*
- Sec. 3305. Special program for conversion of low carbon ferro chromium to high purity electrolytic chromium metal.*

TITLE XXXIV—CIVIL DEFENSE

- Sec. 3401. Authorization of appropriations.*
- Sec. 3402. Transfer of Federal Civil Defense Act of 1950 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act.*

TITLE XXXV—NAVAL PETROLEUM RESERVES

- Sec. 3501. Authorization of appropriations.*
- Sec. 3502. Price requirement on sale of certain petroleum during fiscal year 1995.*

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

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

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

11 **SEC. 101. ARMY.**

12 *Funds are hereby authorized to be appropriated for fis-*
 13 *cal year 1995 for procurement for the Army as follows:*

14 *(1) For aircraft, \$1,301,452,000.*

15 *(2) For missiles, \$685,136,000.*

16 *(3) For weapons and tracked combat vehicles,*
 17 *\$942,886,000.*

18 *(4) For ammunition, \$854,883,000.*

19 *(5) For other procurement, \$2,651,233,000.*

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

21 *(a) NAVY.—Funds are hereby authorized to be appro-*
 22 *priated for fiscal year 1995 for procurement for the Navy*
 23 *as follows:*

24 *(1) For aircraft, \$4,588,007,000.*

25 *(2) For weapons, including missiles and tor-*
 26 *pedoes, \$2,223,246,000.*

1 (3) For shipbuilding and conversion,
2 \$6,869,897,000.

3 (4) For other procurement, \$3,241,611,000.

4 (b) MARINE CORPS.—Funds are hereby authorized to
5 be appropriated for fiscal year 1995 for procurement for
6 the Marine Corps in the amount of \$528,352,000.

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

8 Funds are hereby authorized to be appropriated for fis-
9 cal year 1995 for procurement for the Air Force as follows:

10 (1) For aircraft, \$6,101,767,000.

11 (2) For weapons including missiles,
12 \$3,953,232,000.

13 (3) For other procurement, \$6,855,423,000.

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

15 Funds are hereby authorized to be appropriated for fis-
16 cal year 1995 for defense-wide procurement in the amount
17 of \$2,066,694,000.

18 **SEC. 105. DEFENSE INSPECTOR GENERAL.**

19 Funds are hereby authorized to be appropriated for fis-
20 cal year 1995 for procurement for the Inspector General of
21 the Department of Defense in the amount of \$1,000,000.

22 **SEC. 106. RESERVE COMPONENTS.**

23 Funds are hereby authorized to be appropriated for fis-
24 cal year 1995 for procurement of aircraft, vehicles, commu-

1 *nications equipment, and other equipment for the reserve*
 2 *components of the Armed Forces as follows:*

3 *(1) For the Army National Guard, \$262,000,000.*

4 *(2) For the Air National Guard, \$176,000,000.*

5 *(3) For the Army Reserve, \$50,000,000.*

6 *(4) For the Naval Reserve, \$183,000,000.*

7 *(5) For the Air Force Reserve, \$68,900,000.*

8 *(6) For the Marine Corps Reserve, \$47,300,000.*

9 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

10 *(a) AUTHORIZATION.—There is hereby authorized to be*
 11 *appropriated for fiscal year 1995 the amount of*
 12 *\$670,349,000 for—*

13 *(1) the destruction of lethal chemical agents and*
 14 *munitions in accordance with section 1412 of the De-*
 15 *partment of Defense Authorization Act, 1986 (50*
 16 *U.S.C. 1521); and*

17 *(2) the destruction of chemical warfare material*
 18 *of the United States that is not covered by section*
 19 *1412 of such Act.*

20 *(b) ALLOCATION.—Of the funds specified in subsection*
 21 *(a)—*

22 *(1) \$365,084,000 is for operations and mainte-*
 23 *nance;*

24 *(2) \$284,465,000 is for procurement; and*

1 (3) \$20,800,000 is for research and development
 2 efforts in support of the nonstockpile chemical weap-
 3 ons program.

4 **Subtitle B—Army Programs**

5 **SEC. 111. PROCUREMENT OF HELICOPTERS.**

6 Sections 132 and 133 of the National Defense Author-
 7 ization Act for Fiscal Years 1990 and 1991 (Public Law
 8 101–189) are repealed.

9 **Subtitle C—Navy Programs**

10 **SEC. 121. TERMINATION OF NAVY F-14A/B UPGRADE PRO-** 11 **GRAM.**

12 (a) *TERMINATION.*—The Secretary of Defense shall ter-
 13 minate the F-14A/B aircraft upgrade program.

14 (b) *LIMITATION ON FUNDS.*—None of the funds appro-
 15 priated or otherwise made available to the Department of
 16 Defense for procurement for fiscal year 1995 or a later fiscal
 17 year may be obligated for the F-14A/B aircraft upgrade
 18 program.

19 **SEC. 122. LIMITATION ON ACQUISITION OF GUIDANCE SYS-** 20 **TEMS FOR TRIDENT II MISSILES.**

21 No funds authorized to be appropriated for fiscal year
 22 1995 for Mark 6 guidance systems for Trident II (D-5)
 23 missiles may be obligated until the Secretary of Defense cer-
 24 tifies to the congressional defense committees that, based
 25 upon a review by the Secretary of the readiness, testing,

1 *spares, and logistics requirements for the guidance system,*
 2 *the inventory objective of 562 units of the guidance system*
 3 *is required to support the inventory objective for Trident*
 4 *II (D-5) missiles.*

5 **SEC. 123. PROHIBITION ON TRIDENT II BACKFIT.**

6 (a) *LIMITATION.*—*The Secretary of the Navy may not*
 7 *modify any Trident I submarine to enable that submarine*
 8 *to be deployed with Trident II (D-5) missiles.*

9 (b) *WAIVER AUTHORITY.*—*If the Secretary of Defense*
 10 *determines that adherence to the prohibition in subsection*
 11 *(a) would result in a significant national security risk to*
 12 *the United States, the Secretary may waive that prohibi-*
 13 *tion. Such a waiver may not take effect until the Secretary*
 14 *submits to Congress a certification of that determination*
 15 *and of the reasons for that determination.*

16 **SEC. 124. INCLUSION OF CONVERSION OF VESSELS IN FAST**
 17 **SEALIFT PROGRAM.**

18 *Section 1424(b) of the National Defense Authorization*
 19 *Act for Fiscal Year 1991 (10 U.S.C. 7291 note) is amend-*
 20 *ed—*

21 (1) *by inserting “or converted” after “con-*
 22 *structed” each place it appears; and*

23 (2) *by inserting “or conversion” after “construc-*
 24 *tion” each place it appears.*

1 **SEC. 125. LIMITATION ON COST OF SEAWOLF SUBMARINE**
2 **PROGRAM.**

3 *No more than \$4,673,371,000 may be obligated or ex-*
4 *pended for procurement of the SSN-21 and SSN-22*
5 *Seawolf submarines.*

6 **SEC. 126. LIMITATION ON PROCUREMENT OF TAGS VES-**
7 **SELS.**

8 *(a) LIMITATION.—The Secretary of the Navy may not*
9 *obligate funds for any of the vessels designated as TAGS–*
10 *63, TAGS–64, or TAGS–65 unless the Secretary certifies*
11 *to the congressional defense committees that the multibeam*
12 *sonars to be used on those vessels (whether new or remanu-*
13 *factured) have been obtained through the use of competitive*
14 *acquisition procedures.*

15 *(b) NATIONAL SECURITY WAIVER.—The Secretary of*
16 *the Navy may waive the limitation in subsection (a) for*
17 *reasons of national security. Such a waiver may not take*
18 *effect until the Secretary submits to the Committees on*
19 *Armed Services of the Senate and House of Representatives*
20 *a report giving notice of the waiver and an explanation*
21 *of the national security reasons for the waiver.*

22 **SEC. 127. ADVANCED CAPABILITY (ADCAP) MODIFICATION**
23 **PROGRAM FOR THE MK-48 TORPEDO.**

24 *Within the amount provided in section 102(a)(2) for*
25 *procurement of weapons, including missiles and torpedoes,*
26 *for the Navy—*

1 (1) the amount provided for the Advanced Capa-
 2 bility (ADCAP) modification program for the MK-48
 3 torpedo is hereby increased by \$52,300,000; and

4 (2) the amount provided for the Fleet Satellite
 5 Communications program is hereby reduced by
 6 \$52,300,000.

7 ***Subtitle D—Air Force Programs***

8 ***SEC. 131. INTERTHEATER AIRLIFT PROGRAMS.***

9 (a) *AUTHORIZATION.*—Of the amount provided in sec-
 10 tion 103 for procurement of aircraft for the Air Force—

11 (1) \$103,000,000 shall be available for Non-De-
 12 velopmental Alternative Aircraft procurement; and

13 (2) \$2,303,402,000 shall be available for the C-
 14 17 aircraft program, of which—

15 (A) \$2,249,819,000 is for procurement of six
 16 C-17 aircraft;

17 (B) \$47,475,000 is for advance procurement
 18 of up to eight C-17 aircraft for fiscal year 1996;
 19 and

20 (C) \$6,108,000 is for C-17 modifications.

21 (b) *REQUIREMENT FOR COMPETITION.*—The Secretary
 22 of Defense shall use competitive procedures in selecting a
 23 source for the aircraft to be procured as Non-Developmental
 24 Alternative Aircraft under subsection (a).

1 (c) *NOTICE TO CONGRESS.*—Funds described in sub-
2 section (a) may not be obligated for procurement under sub-
3 section (a) until 60 days after the date which the Secretary
4 of Defense submits to the congressional defense committees
5 a report describing the Secretary's plan for the obligation
6 of those funds.

7 (d) *PRESERVATION OF INTERTHEATER AIRLIFT CA-*
8 *PACITY.*—In acquiring aircraft under subsection (a), the
9 Secretary of Defense shall structure the acquisition of those
10 aircraft so as to preserve the aggregate intertheater airlift
11 capacity of the Air Force (measured in millions of ton-miles
12 per day) as of the date of the enactment of this Act.

13 **SEC. 132. B-2 BOMBER PROGRAM COST LIMITATION.**

14 In determining the expenditures to be applied against
15 the total program cost limitation of \$28,968,000,000 (in fis-
16 cal year 1981 constant dollars) specified by law for the
17 B-2 bomber program, expenditures by the Department of
18 Defense associated with preserving the industrial facilities
19 used to produce that aircraft shall be included in that total
20 program cost.

21 **SEC. 133. BOMBER FORCE UPGRADE PROGRAM.**

22 (a) *HEAVY BOMBER FORCE UPGRADE FUND.*—From
23 funds authorized by section 104 for defense-wide procure-
24 ment activities, \$100,000,000 shall be for a heavy bomber

1 *force upgrade fund. The Secretary of Defense may obligate*
 2 *amounts in the fund for—*

3 *(1) long-range heavy bombers that would other-*
 4 *wise become attrition reserve aircraft;*

5 *(2) accelerating conventional mission upgrades*
 6 *for the B-1 bomber; or*

7 *(3) a combination of expenditures under para-*
 8 *graphs (1) and (2).*

9 *(b) NOTICE TO CONGRESS.—Funds described in sub-*
 10 *section (a) may not be obligated until 30 days after the*
 11 *date on which the Secretary of Defense submits to the con-*
 12 *gressional defense committees notice of the Secretary's pro-*
 13 *posed expenditures from that fund for the purposes specified*
 14 *in subsection (a).*

15 **SEC. 134. EVALUATION OF RESTART OF C-5B AIRCRAFT**
 16 **PROCUREMENT.**

17 *(a) EVALUATION.—The Secretary of the Air Force*
 18 *shall conduct an evaluation of the costs of restarting pro-*
 19 *duction of C-5B aircraft for the strategic airlift mission.*
 20 *The evaluation shall include startup costs and production*
 21 *costs for a production run of from 30 to 70 units.*

22 *(b) REPORT.—The Secretary shall submit to the con-*
 23 *gressional defense committees a report on the evaluation*
 24 *under subsection (a). The report may be submitted as part*

1 of any other required report to those committees relating
 2 to intertheater airlift.

3 ***Subtitle E—Defense-Wide Activities***

4 ***SEC. 141. BALLISTIC MISSILE EARLY WARNING PROGRAMS.***

5 (a) *RISK MITIGATION FUND.*—From funds authorized
 6 by section 104 for defense-wide procurement, \$300,000,000
 7 shall be for a satellite early-warning assurance fund. The
 8 Secretary of Defense may obligate amounts in the fund
 9 for—

10 (1) continued procurement of Defense Support
 11 Program (DSP) satellite number 24;

12 (2) accelerated development of the Alert, Locate,
 13 and Report Missiles (ALARM) satellite program lead-
 14 ing to launch of the first satellite under that program
 15 no later than the first quarter of 2002;

16 (3) development of the Brilliant Eyes satellite
 17 sensor system;

18 (4) acquisition of up to three additional interim
 19 theater missile sensors; or

20 (5) a combination of expenditures under para-
 21 graphs (1), (2), (3), and (4).

22 (b) *NOTICE TO CONGRESS.*—Funds described in sub-
 23 section (a) may not be obligated until after the date on
 24 which the Secretary of Defense submits to the congressional
 25 defense committees notice of the Secretary's proposed ex-

1 *penditures from that fund for the purposes specified in sub-*
 2 *section (a).*

3 ***Subtitle F—National Defense***
 4 ***Sealift Fund***

5 ***SEC. 161. PROHIBITION OF TRANSFER OF FISCAL YEAR 1994***
 6 ***FUNDS TO CVN-76 CONSTRUCTION.***

7 *None of the fiscal year 1994 unauthorized sealift ap-*
 8 *propriation (as defined in section 164) may be transferred*
 9 *(pursuant to the provisions of an Act making appropria-*
 10 *tions for a fiscal year after fiscal year 1994 or to authority*
 11 *provided under such an Act) to funds appropriated for fis-*
 12 *cal year 1994 or a later fiscal year for Shipbuilding and*
 13 *Conversion, Navy, to be available for CVN-76 construction.*

14 ***SEC. 162. FISCAL YEAR 1995 NATIONAL DEFENSE SEALIFT***
 15 ***FUND PROGRAM.***

16 *(a) USE OF FISCAL YEAR 1994 UNAUTHORIZED SEA-*
 17 *LIFT APPROPRIATION.—From the fiscal year 1994 unau-*
 18 *thorized sealift appropriation (as defined in section 164),*
 19 *the amount of \$608,600,000 shall, to the extent provided*
 20 *in appropriations Acts making appropriations for a fiscal*
 21 *year after fiscal year 1994, be available for fiscal year 1995*
 22 *programs to be carried out through the National Defense*
 23 *Sealift Fund, of which—*

10 (3) \$19,200,000 is for research and development
11 of strategic sealift technology.

16 *SEC. 163. TRANSFER OF EXCESS AMOUNT TO BRAC III*
17 *ACCOUNT.*

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1 **SEC. 164. FISCAL YEAR 1994 UNAUTHORIZED SEALIFT AP-**
 2 **PROPRIATION DEFINED.**

3 *For purposes of this subtitle, the term “fiscal year 1994*
 4 *unauthorized sealift appropriation” means \$1,200,000,000*
 5 *of the amount appropriated for fiscal year 1994 to the Na-*
 6 *tional Defense Sealift Fund (in title V of the Department*
 7 *of Defense Appropriations Act, 1994 (Public Law 103–139;*
 8 *107 Stat. 1435)).*

9 **SEC. 165. OPERATION OF SEALIFT VESSELS FOR WHICH AS-**
 10 **SISTANCE IS PROVIDED THROUGH NATIONAL**
 11 **DEFENSE SEALIFT FUND.**

12 *Section 2218(f) of title 10, United States Code, is*
 13 *amended by adding at the end the following new paragraph:*

14 *“(3)(A) A vessel that is constructed, altered, converted,*
 15 *purchased, operated, maintained, leased, or chartered with*
 16 *funds in the National Defense Sealift Fund pursuant to*
 17 *subsection (c)(1)—*

18 *“(i) may not be operated or maintained directly*
 19 *by the Department of Defense or Department of*
 20 *Transportation; and*

21 *“(ii) may not be crewed by employees of the*
 22 *United States.*

23 *“(B) Operation and maintenance of any such vessel*
 24 *with funds in the National Defense Sealift Fund (including*
 25 *retention of the vessel in reduced operating status) shall be*
 26 *conducted using private operating companies employing*

1 *only merchant mariners on board such vessel who are Unit-*
 2 *ed States citizens. To the extent possible, preference in em-*
 3 *ploying such mariners shall be given to otherwise qualified*
 4 *former or retired military personnel who are released from*
 5 *active duty as a result of the downsizing of the armed forces.*

6 “(C) Subparagraphs (A) and (B) do not apply during
 7 time of war or national emergency declared by the Presi-
 8 dent or the Congress if the Secretary of Defense certifies that
 9 no qualified private contractor or private sector merchant
 10 mariners are available to operate the vessel.

11 “(D) Nothing in this paragraph shall be construed
 12 to—

13 “(i) require the separation by reduction in force
 14 of any employee of the United States who, on the date
 15 of the enactment of this paragraph, is employed as a
 16 crewmember on a vessel described in subparagraph
 17 (A); or

18 “(ii) restrict the ability to embark military de-
 19 tachments to operate special equipment.”.

20 ***Subtitle G—Other Matters***

21 ***SEC. 171. TRANSFER OF USNS MAURY.***

22 (a) *IN GENERAL.*—The Secretary of the Navy shall
 23 transfer the USNS Maury (TAGS-39) to the Department
 24 of Transportation for assignment as a training ship to the
 25 California Maritime Academy at Vallejo, California. The

1 *transfer shall be made on the date of the decommissioning*
 2 *of that vessel.*

3 (b) *TERMS AND CONDITIONS.—(1) In carrying out*
 4 *subsection (a), the Secretary shall deliver the vessel—*

5 (A) *at the place where the vessel is located on the*
 6 *date of the conveyance;*

7 (B) *in its condition on that date; and*

8 (C) *at no cost to the United States.*

9 (2) *The Secretary may require such additional terms*
 10 *and conditions in connection with the transfer authorized*
 11 *by this section as the Secretary considers appropriate.*

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

15 ***Subtitle A—Authorization of***
 16 ***Appropriations***

17 ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

18 *Funds are hereby authorized to be appropriated for fis-*
 19 *cal year 1995 for the use of the Department of Defense for*
 20 *research, development, test, and evaluation as follows:*

21 (1) *For the Army \$5,425,303,000.*

22 (2) *For the Navy, \$8,913,963,000.*

23 (3) *For the Air Force, \$12,318,766,000.*

24 (4) *For Defense-wide activities, \$9,325,708,000, of*

25 *which—*

1 (A) \$254,995,000 is authorized for the ac-
 2 tivities of the Director, Test and Evaluation; and

3 (B) \$12,501,000 is authorized for the Direc-
 4 tor of Operational Test and Evaluation.

5 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**
 6 **ATORY DEVELOPMENT.**

7 (a) FISCAL YEAR 1995.—Of the amounts authorized
 8 to be appropriated by section 201, \$4,288,064,000 shall be
 9 available for basic research and exploratory development
 10 projects.

11 (b) BASIC RESEARCH AND EXPLORATORY DEVELOP-
 12 MENT DEFINED.—For purposes of this section, the term
 13 “basic research and exploratory development” means work
 14 funded in program elements for defense research and devel-
 15 opment under Department of Defense category 6.1 or 6.2.

16 **SEC. 203. TACONITE PROCESSING TECHNOLOGY.**

17 Of the amount provided in section 201 for the Navy,
 18 the sum of \$500,000 shall be available for the purpose of
 19 initiating and carrying out a manufacturing technology
 20 program for taconite processing technology.

21 **Subtitle B—Program Requirements,**
 22 **Restrictions, and Limitations**

23 **SEC. 211. SPACE LAUNCH MODERNIZATION.**

24 (a) POLICY.—(1) It is in the Nation’s long-term na-
 25 tional security and economic interests to regain pre-

1 *eminence in the area of space launch technology and oper-*
2 *ations.*

3 (2) *Access to space at affordable costs is fundamental*
4 *to maintaining required command, control, communica-*
5 *tions, intelligence, navigation, weather, and early warning*
6 *support to United States and coalition forces.*

7 (3) *Encouragement of privately financed, cost effective*
8 *expendable and reusable launch vehicles is in the economic*
9 *interest of the Department of Defense and the United States*
10 *Government.*

11 (b) *REQUIRED ACTIONS.*—*The Secretary of Defense*
12 *shall take the following actions in pursuance of the space*
13 *launch modernization policy set forth in subsection (a):*

14 (1) *Begin and complete a program to replace or*
15 *consolidate the current fleet of medium and heavy ex-*
16 *pendable launch vehicles with new or upgraded ex-*
17 *pendable launch vehicles or with a combination of ex-*
18 *pendable and reusable launch vehicles. The Secretary*
19 *shall initiate flight tests of new or upgraded expend-*
20 *able launch vehicles and of reusable launch vehicles*
21 *not later than 1998 to achieve an initial launch capa-*
22 *bility for selected replacement vehicles not later than*
23 *July 1, 2002. The program shall include a fly-before-*
24 *buy acquisition strategy with both advanced concept*
25 *technology demonstrations of expendable launch vehi-*

1 *cles and advanced technology demonstrations of reusable launch vehicles.*

2
3 *(2) For purposes of paragraph (1), initiate a*
4 *competitive Advanced Concept Technology Demonstration program to achieve a cost reduction over*
5 *current medium and heavy expendable launch vehicles*
6 *of at least 15 percent in flyaway cost per pound (in*
7 *fiscal year 1994 dollars) and at least 25 percent reduction in launch operations costs per launch (in fiscal year 1994 dollars).*

8
9 *(3) Encourage and evaluate innovative acquisition, technical, and financing (including best commercial practices) solutions for providing affordable,*
10 *operable, reliable, and responsive access to space.*

11 *(4) Centralize oversight of launch requirements*
12 *of the Department of Defense and other users to preclude inflated requirements from escalating current*
13 *and future launch costs.*

14 *(5) Encourage and provide incentives for the use*
15 *of commercial practices in the acquisition, operation,*
16 *and support of Department of Defense space operations.*

17 *(6) Establish effective suitable coordination*
18 *among military, civilian, and commercial launch developers and users.*

1 (c) *ALLOCATION OF FUNDS.*—Of the amount author-
 2 ized to be appropriated in section 201(3), \$200,000,000
 3 shall be available for research, development, test, and eval-
 4 uation of non-man-rated space launch systems and tech-
 5 nologies. Of that amount—

6 (1) \$100,000,000 shall be available only for a
 7 competitive reusable rocket technology demonstration
 8 program, including—

9 (A) use of at least 90 percent of such
 10 amount for development and flight testing of one
 11 or more technology demonstration vehicles, and

12 (B) further development of reusable rocket
 13 technologies; and

14 (2) \$100,000,000 shall be available only for an
 15 Advanced Concept Technology Demonstration pro-
 16 gram for expendable launch vehicles, including—

17 (A) competitive development and flight test-
 18 ing of advanced concept technology demonstra-
 19 tion vehicles, and

20 (B) further development of enhanced tech-
 21 nologies related to expendable launch vehicles, in-
 22 cluding Russian rocket propulsion technology.

23 (d) *LIMITATIONS.*—(1) Not more than 2 percent of the
 24 funds made available by subsection (c) may be used for di-

1 *rect and indirect Department of Defense-related program*
 2 *office, contractor support, and management overhead costs.*

3 *(2) Program office staff may not exceed 10 individuals,*
 4 *including contractor support.*

5 *(3) None of the funds authorized in this section may*
 6 *be released or otherwise transferred for execution or obliga-*
 7 *tion to any Government department, agency, or organiza-*
 8 *tion outside the Department of Defense.*

9 **SEC. 212. STANDOFF AIR-TO-SURFACE MUNITIONS TECH-**
 10 **NOLOGY DEMONSTRATION.**

11 *(a) IN GENERAL.—(1) Of the amounts authorized to*
 12 *be appropriated pursuant to section 201, up to \$2,000,000*
 13 *of the amount for the Navy and up to \$2,000,000 of the*
 14 *amount for the Air Force shall be used for the conduct of*
 15 *a demonstration of nondevelopmental technology that would*
 16 *enable the use of a single adaptor kit for munitions de-*
 17 *scribed in paragraph (2) in order to give those munitions*
 18 *a standoff and near-precision guided capability. Such*
 19 *amounts shall be obligated not later than nine months after*
 20 *the date of the enactment of this Act.*

21 *(2) Paragraph (1) applies to guided and unguided in-*
 22 *ventory munitions of the class of 1,000 pounds and below.*

23 *(b) REPORT.—The Secretary of the Defense shall sub-*
 24 *mit to the congressional defense committees a report setting*
 25 *forth in detail the results and costs of the demonstration*

1 *and the applicability of the technology demonstrated in pro-*
 2 *viding the Armed Forces with an inexpensive solution to*
 3 *providing both range extension and near-precision guided*
 4 *capability to in-inventory munitions.*

5 **SEC. 213. EXTENSION OF PROHIBITION ON TESTING MID-IN-**
 6 **FRARED ADVANCED CHEMICAL LASER**
 7 **AGAINST AN OBJECT IN SPACE.**

8 *The Secretary of Defense may not carry out a test of*
 9 *the Mid-Infrared Advanced Chemical Laser (MIRACL)*
 10 *transmitter and associated optics against an object in space*
 11 *during fiscal year 1995 unless such testing is specifically*
 12 *authorized by law.*

13 **SEC. 214. APPLICABILITY OF CERTAIN ELECTRONIC COM-**
 14 **BAT SYSTEMS TESTING REQUIREMENTS.**

15 *(a) COVERED SYSTEMS.—Subsection (a) of section 220*
 16 *of the National Defense Authorization Act for Fiscal Year*
 17 *1994 (Public Law 103–160; 107 Stat. 1589) is amended—*

18 *(1) by inserting “ACAT I level integrated or*
 19 *stand-alone” before “electronic combat system”; and*

20 *(2) by inserting “ACAT I level integrated or*
 21 *stand-alone” before “command, control, and commu-*
 22 *nications countermeasure system”.*

23 *(b) APPLICABILITY.—Subsection (e) of section 220 of*
 24 *such Act is amended to read as follows:*

1 “(e) *APPLICABILITY.*—The provisions of subsections
2 (a) and (b) shall apply to an ACAT I level integrated or
3 stand-alone electronic combat system and to an ACAT I
4 level integrated or stand-alone command, control, and com-
5 munications countermeasure system regardless of whether
6 development of the electronic combat system or the com-
7 mand, control, and communications countermeasure sys-
8 tem, as the case may be, began before, on, or after the date
9 of the enactment of this Act.”.

10 **SEC. 215. ADVANCED SELF PROTECTION JAMMER (ASPJ)**
11 **PROGRAM.**

12 (a) Subject to subsection (b), the Secretary of the Navy
13 shall, not later than September 30, 1994, obligate funds ap-
14 propriated to the Department of Defense for fiscal year
15 1994 and prior years to carry out logistics support, mainte-
16 nance, and integration of existing Advanced Self Protection
17 Jammer systems from the Navy inventory into the F-14D
18 aircraft for testing and evaluation. The Secretary may ac-
19 quire sufficient racks, spares, and logistic support, includ-
20 ing hardware and software, necessary to maintain the exist-
21 ing ASPJ systems in the Navy inventory.

22 (b) The Secretary of the Navy may obligate funds
23 under subsection (a) only to the extent provided in appro-
24 priations Acts.

1 (c) *The Secretary of the Navy shall carry out sub-*
2 *section (a) notwithstanding section 122 of the National De-*
3 *fense Authorization Act for Fiscal Year 1993 (Public Law*
4 *102-484; 106 Stat. 2334).*

5 **SEC. 216. ADVANCED LITHOGRAPHY PROGRAM.**

6 (a) *PURPOSE.*—*The purpose of the Advanced Lithog-*
7 *raphy Program (hereinafter in this section referred to as*
8 *the “ALP”) is to fund goal-oriented research and develop-*
9 *ment to be conducted in both the public and private sectors*
10 *to help achieve a competitive position for American lithog-*
11 *raphy tool manufacturers in the international market*
12 *place.*

13 (b) *CONDUCT OF PROGRAM.*—(1) *The program shall*
14 *be conducted in accordance with research and development*
15 *plans (including an interim plan) developed by the Semi-*
16 *conductor Technology Council, established in section 273 of*
17 *the National Defense Authorization Act for Fiscal Years*
18 *1988 and 1989 (15 U.S.C. 4603) (as amended by section*
19 *263 of the National Defense Authorization Act for Fiscal*
20 *Year 1994 (Public Law 103-160; 107 Stat. 1608)).*

21 (2) *The interim plan referred to in paragraph (1) shall*
22 *be the Semiconductor Industry Association (SIA) 1994 de-*
23 *velopment plan for lithography.*

24 (c) *PROGRAM MANAGEMENT.*—*The Advanced Research*
25 *Projects Agency (ARPA) shall be the executive agent for the*

1 *ALP and shall ensure seamless program planning of the*
2 *ALP into the full range of ARPA core electronics develop-*
3 *ment programs.*

4 (d) *FUNDING.—Of the funds authorized to be appro-*
5 *priated in section 201, \$100,000,000 shall be available for*
6 *the advanced lithography program. Of that amount—*

7 (1) *\$75,000,000 shall be available to conduct re-*
8 *search and development activities in accordance with*
9 *subsection (b); and*

10 (2) *\$25,000,000 shall be available to procure ad-*
11 *vanced American-manufactured lithography tools for*
12 *evaluation at Government-owned or Government-*
13 *sponsored research facilities engaged in advanced li-*
14 *thography.*

15 (e) *REQUIREMENTS.—Not later than January 1,*
16 *1995—*

17 (1) *the President shall appoint to the Semi-*
18 *conductor Technology Council, referred to in sub-*
19 *section (a), the members listed in section 273(c) of the*
20 *National Defense Authorization Act for Fiscal Years*
21 *1988 and 1989 (15 U.S.C. 4603);*

22 (2) *the Under Secretary of Defense for Acquisi-*
23 *tion and Technology, in his capacity as Cochairman*
24 *of the Council, shall call a meeting of the Council for*

1 *the purpose of developing a national strategy for li-*
 2 *thography;*

3 (3) *the Council shall issue a Department of De-*
 4 *fense instruction for the operation of the Council; and*

5 (4) *the Council shall develop and submit to the*
 6 *Secretary of Defense a plan for achieving the national*
 7 *strategy for lithography.*

8 (f) *RESTRICTION.*—*After January 1, 1995, no funds*
 9 *may be obligated by the Department of Defense for the High*
 10 *Performance Computing Program (PE 602301E), Sematech*
 11 *(PE 603745E), or Warbreaker (PE 603226E; Project*
 12 *EE40) unless the events listed in subsection (e) have oc-*
 13 *curred.*

14 **SEC. 217. FEDERALLY FUNDED RESEARCH AND DEVELOP-**
 15 **MENT CENTERS.**

16 (a) *AUTHORITY.*—*A Federally Funded Research and*
 17 *Development Center (FFRDC) of the Department of Defense*
 18 *that functions primarily as a research laboratory may re-*
 19 *spond to solicitations and announcements under programs*
 20 *authorized by the Federal Government for the purpose of*
 21 *promoting the development and transfer of dual-use tech-*
 22 *nology to the United States industrial sector if such*
 23 *FFRDC meets the following conditions:*

24 (1) *The FFRDC is a collaborating member of a*
 25 *United States industry-led team.*

1 (2) *The nature of such collaboration is that of a*
 2 *precompetitive research and technology development*
 3 *effort.*

4 (b) *USE OF COOPERATIVE AGREEMENTS.—An FFRDC*
 5 *described in subsection (a) that responds to a solicitation*
 6 *or announcement described in such subsection shall not be*
 7 *considered to be engaging in a competitive procedure and*
 8 *may use a cooperative research and development agreement*
 9 *(as defined in section 12 of the Stevenson-Wydler Tech-*
 10 *nology Innovation Act of 1980 (15 U.S.C. 3710a)) or other*
 11 *cooperative agreement as the instrument of participation*
 12 *in the solicitation or announcement.*

13 **SEC. 218. DEFENSE EXPERIMENTAL PROGRAM TO STIMU-**
 14 **LATE COMPETITIVE RESEARCH.**

15 (a) *IN GENERAL.—(1) The Secretary, through the Di-*
 16 *rector of Defense Research and Engineering, shall operate*
 17 *a Defense Experimental Program to Stimulate Competitive*
 18 *Research (hereinafter in this section referred to as*
 19 *“DEPSCoR”) as part of the university research programs*
 20 *of the Department of Defense.*

21 (2) *The objectives of DEPSCoR shall be—*

22 (A) *to enhance the competitiveness within the*
 23 *peer-review system of investigators from academic in-*
 24 *stitutions in eligible States; and*

1 (B) to increase the probability of long-term
2 growth of competitive funding to investigators at in-
3 stitutions from eligible States.

4 (3) In order to carry out the objectives stated in para-
5 graph (2), DEPSCoR shall provide for activities which may
6 include competitive research awards, research infrastruc-
7 ture support, and graduate traineeships.

8 (4) DEPSCoR shall assist those States that—

9 (A) historically have received relatively little
10 Federal research and development funding; and

11 (B) have demonstrated a commitment to develop
12 their research bases and improve science and engi-
13 neering research and education programs at their
14 universities and colleges.

15 (b) DEFINITION.—The term “eligible States” means
16 States that have been designated by the Director of the Na-
17 tional Science Foundation as eligible to participate in the
18 Experimental Program to Stimulate Competitive Research.

19 (c) COORDINATION.—The Secretary shall consult with
20 the Director of the National Science Foundation and the
21 Director of the Office of Science and Technology Policy in
22 the planning, development, and execution of DEPSCoR and
23 shall coordinate the Department’s program with similar
24 programs sponsored by other Federal agencies. All solicita-
25 tions shall be made to, and all awards shall be made

1 *through, the State committees established by the National*
 2 *Science Foundation for the purpose of administering the*
 3 *Experimental Program to Stimulate Competitive Research.*
 4 *The State committees shall ensure that the DEPSCoR pro-*
 5 *gram is coordinated with other Federal Experimental Pro-*
 6 *gram to Stimulate Competitive Research initiatives in their*
 7 *respective States.*

8 ***SEC. 219. DIGITAL BATTLEFIELD PROGRAM.***

9 *(a) ESTABLISHMENT OF PROGRAM.—The Secretary of*
 10 *the Army shall establish a Digital Battlefield program to*
 11 *provide enhancements required to field components for a*
 12 *digitalized battlefield by 1996. These enhancements shall in-*
 13 *clude electronics, second-generation forward-looking infra-*
 14 *red technology, and communications for major platforms*
 15 *and development of applique packages for platforms without*
 16 *embedded digital systems.*

17 *(b) FUNDING.—Of the amounts authorized to be appro-*
 18 *priated pursuant to section 201, \$50,000,000 shall be avail-*
 19 *able for fiscal year 1995 for the digital battlefield program*
 20 *(PE 203758A).*

21 *(c) PROGRAM LIMITATION.—None of the funds appro-*
 22 *priated pursuant to section 201 for the digital battlefield*
 23 *program (PE 203758A) for the Army for fiscal year 1995*
 24 *may be obligated for research and development activities for*

1 *development or integration of such program until the Sec-*
2 *retary of the Army—*

3 (1) *establishes, and programs funds for, a re-*
4 *search and development program to enhance the proc-*
5 *essing and memory capability of the electronic sys-*
6 *tems on the Abrams tank to make the M1/M1A2*
7 *Abrams tank compatible and interoperable with the*
8 *digital battlefield, when placed into service;*

9 (2) *restructures the M1 Abrams tank upgrade*
10 *program to incorporate the enhancements produced by*
11 *the research and development program established*
12 *under paragraph (1);*

13 (3) *transmits to the congressional defense com-*
14 *mittees a report providing notice of the restructured*
15 *M1A2 program under paragraph (2) and a descrip-*
16 *tion of the program;*

17 (4) *coordinates with the Secretary of the Navy to*
18 *include the Marine Corps in the Army's plans for the*
19 *digital battlefield; and*

20 (5) *transmits to the congressional defense com-*
21 *mittees a report describing—*

22 (A) *the Army's plan of actions and mile-*
23 *stones for defining the overall system architecture*
24 *for the digital battlefield, the standards and pro-*

1 *ocols for the digital battlefield, and resulting re-*
 2 *quirements;*

3 *(B) how those requirements affect or will af-*
 4 *fect the major platforms that will make up the*
 5 *digital battlefield; and*

6 *(C) the manner in which coordination with*
 7 *the Secretary of the Navy under paragraph (4)*
 8 *is being carried out.*

9 **SEC. 220. MOBILE OFF-SHORE BASE AND LANDING SHIP**

10 **QUAY CAUSEWAY PROGRAM.**

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

12 *(1) The concepts of the sea-going Mobile Off-*
 13 *Shore Base and the related Landing Ship Quay*
 14 *Causeway could result in significant improvements in*
 15 *the capability for the Armed Forces to respond to cri-*
 16 *ses in those areas where land bases are not available*
 17 *for use by those forces.*

18 *(2) The potential development and acquisition*
 19 *costs of the Mobile Off-Shore Base and the Landing*
 20 *Ship Quay Causeway are such that any program for*
 21 *development of the Mobile Off-Shore Base or the*
 22 *Landing Ship Quay Causeway should be designated*
 23 *as a major defense acquisition program.*

24 *(b) LIMITATION.—No funds are authorized for fiscal*
 25 *year 1995 for research and development for a Mobile Off-*

1 *Shore Base or a Landing Ship Quay Causeway program.*
2 *The Secretary of Defense may not develop or acquire a Mo-*
3 *bile Off-Shore Base or a Landing Ship Quay Causeway*
4 *until both of the following occur:*

5 (1) *The military requirement for a Mobile Off-*
6 *Shore Base and a Landing Ship Quay Causeway, as*
7 *reflected in operational requirements documents, is*
8 *approved by the Joint Requirements Oversight Coun-*
9 *cil.*

10 (2) *The Secretary of Defense certifies to the con-*
11 *gressional defense committees that—*

12 (A) *there is a validated requirement for the*
13 *Mobile Off-Shore Base or the Landing Ship*
14 *Quay Causeway; and*

15 (B) *the acquisition plan and program to*
16 *fulfill the requirement are established and are*
17 *funded to the end of the current future-years de-*
18 *fense program submitted pursuant to section 221*
19 *of title 10, United States Code.*

20 ***SEC. 221. ARROW/ACES PROGRAM.***

21 *Of the amount provided in section 201 for Defense-*
22 *wide activities, \$52,400,000 is available for the Arrow/*
23 *ACES program.*

1 **SEC. 222. ARMY HELICOPTER ENGINE UPGRADE PROGRAM.**

2 *The amount authorized in section 201 for the Army*
3 *is hereby reduced by \$4,500,000, to be derived from the*
4 *amount provided for development of an electronic fuel con-*
5 *trol to upgrade the hydromechanical unit for the T53-series*
6 *helicopter engine.*

7 **SEC. 223. RESEARCH AND DEVELOPMENT FOR STRATEGIC**
8 **METALS.**

9 *(a) RESEARCH AND DEVELOPMENT.—The Secretary of*
10 *Defense, in consultation with the Secretary of Commerce,*
11 *shall give consideration to acceleration of research and de-*
12 *velopment projects for strategic metals and alloys to support*
13 *the objectives of section 2501(c) of title 10, United States*
14 *Code. In carrying out the preceding sentence, the Secretary*
15 *of Defense shall begin by conducting a project for the accel-*
16 *eration of research in aluminum beryllium alloys to meet*
17 *military and commercial standards for emerging applica-*
18 *tions.*

19 *(b) FUNDING.—Of the amounts authorized in section*
20 *201(4) for materials and electronic technology carried out*
21 *by the Advanced Research Projects Agency, \$2,000,000 is*
22 *authorized for the project for acceleration of research in alu-*
23 *minum beryllium alloys described in subsection (a).*

Subtitle C—Missile Defense Programs

SEC. 231. BALLISTIC MISSILE DEFENSE ORGANIZATION BUDGET PRESENTATION.

In the budget of the President for any fiscal year, amounts requested for the Ballistic Missile Defense Organization shall be set forth showing the amounts requested for each individual program, project, and activity of that organization as well as the total amount requested for the organization.

SEC. 232. THEATER MISSILE DEFENSE PROGRAMS.

(a) NAVAL THEATER MISSILE DEFENSE.—Of the amount provided for the Ballistic Missile Defense Organization under section 201 for Theater Missile Defense, not less than \$40,000,000 shall be available to support the aggressive exploration of the Navy Upper Tier Program for Naval Theater Missile Defense.

(b) ACCELERATED ADVANCED CONCEPT TECHNOLOGY DEMONSTRATION PROGRAM.—The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall initiate during fiscal year 1995 an accelerated Advanced Concept Technology Demonstration Program to demonstrate the technical feasibility of using the Navy's Block IV Standard Missile combined with a kick stage rocket motor and the lightweight Exoatmospheric Pro-

jectile (LEAP) as a near-term option for cost-effective wide-area Theater Missile Defense.

(c) *THEATER MISSILE DEFENSE PROGRAM PRIORITIES.*—(1) *The Secretary of Defense, acting through the Director of the Ballistic Missile Defense Organization, shall establish as the first priority of the Theater Missile Defense Program the deployment of—*

(A) *a layered land-based Theater Missile Defense capability consisting of the Patriot Advanced Capability (PAC-3) system and the Theater High-Altitude Area Defense (THAAD) system; and*

(B) *a layered sea-based Theater Missile Defense capability consisting of the Navy Lower Tier theater missile defense program and the Navy Upper Tier theater missile defense program.*

(2) *Each program referred to in paragraph (1) shall be treated by the Department of Defense as a major acquisition program for funding purposes for fiscal years 1995 through 1999, as prescribed in the October 1993 report of the Secretary of Defense entitled “Report on the Bottom Up Review” and in Defense Planning Guidance.*

SEC. 233. THEATER MISSILE DEFENSE RISK REDUCTION ACTIVITIES.

(a) *IN GENERAL.*—*Of the amount provided in section 201 for Defense-wide Activities, \$210,000,000 is for theater*

1 *missile defense risk reduction activities of the Ballistic Mis-*
 2 *sile Defense Organization. None of such amount may be ob-*
 3 *ligated for a program specified in subsection (b) until 30*
 4 *days after the date on which the Secretary of Defense sub-*
 5 *mits to the congressional defense committees notice of the*
 6 *Secretary's plans to obligate funds for such program.*

7 (b) *PROGRAMS.—The programs referred to in sub-*
 8 *section (a) are the following:*

9 (1) *The Extended-Range Interceptor (ERINT)*
 10 *program.*

11 (2) *The Multi-Mode Missile.*

12 (3) *Sea-based lower tier systems.*

13 (4) *Sea-based upper tier systems.*

14 **SEC. 234. MILITARY SATELLITE COMMUNICATIONS.**

15 (a) *MILSTAR LIMITATION.—Of the amount author-*
 16 *ized in section 201 for the MILSTAR satellite communica-*
 17 *tions program, \$50,000,000 may not be obligated until a*
 18 *report setting forth the plan described in subsection (b) has*
 19 *been received by the congressional defense committees.*

20 (b) *MILITARY COMMUNICATIONS MASTER PLAN.—The*
 21 *Secretary of Defense shall develop a military communica-*
 22 *tions master plan that addresses—*

23 (1) *the projected military communications re-*
 24 *quirements of the Department of Defense;*

1 (2) *alternate and innovative ways of meeting*
2 *those requirements (including greater reliance on the*
3 *commercial sector); and*

4 (3) *methods to ensure that those elements of the*
5 *Department of Defense that create the demand for*
6 *such communications services are required to have an*
7 *important role in paying for the provision of those*
8 *services.*

9 **SEC. 235. LIMITATION ON FLIGHT TESTS OF CERTAIN MIS-**
10 **SILES.**

11 (a) *LIMITATION.*—*The Secretary of Defense may not*
12 *conduct a flight test program of theater missile defense*
13 *interceptors and sensors if an anticipated result of the*
14 *launch of a missile under that test program would be release*
15 *of debris in a land area of the United States outside a des-*
16 *ignated Department of Defense test range.*

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

20 (c) *CERTAIN TESTING UNAFFECTED.*—*Nothing in this*
21 *section shall be construed as prohibiting or limiting testing*
22 *of cruise missiles, unmanned aerial vehicles (UAVs), or pre-*
23 *cision-guided munitions.*

1 **SEC. 236. COMPLIANCE WITH THE ABM TREATY.**

2 (a) *LIMITATION.*—Funds appropriated to the Depart-
3 ment of Defense for fiscal year 1995, or otherwise made
4 available to the Department of Defense from any funds ap-
5 propriated for fiscal year 1995 or for any fiscal year before
6 1995, may not be obligated or expended—

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

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

21 (b) *DEFINITIONS.*—In this section:

22 (1) The term “July 13, 1993, ACDA letter”
23 means the letter dated July 13, 1993, from the Acting
24 Director of the Arms Control and Disarmament Agen-
25 cy to the chairman of the Committee on Foreign Rela-
26 tions of the Senate relating to the correct interpreta-

1 *tion of the ABM Treaty and accompanied by an en-*
 2 *closure setting forth such interpretation.*

3 (2) *The term “ABM Treaty” means the Treaty*
 4 *between the United States of America and the Union*
 5 *of Soviet Socialist Republics on the Limitation of*
 6 *Anti-Ballistic Missiles, signed in Moscow on May 26,*
 7 *1972.*

8 ***Subtitle D—Women’s Health***
 9 ***Research***

10 ***SEC. 241. DEFENSE WOMEN’S HEALTH RESEARCH PRO-***
 11 ***GRAM.***

12 (a) *CONTINUATION OF THE PROGRAM.*—*The Secretary*
 13 *of Defense shall continue the Defense Women’s Health Re-*
 14 *search Program (hereinafter in this section referred to as*
 15 *the “Program”) established in fiscal year 1994 pursuant*
 16 *to the authority in section 251 of the National Defense Au-*
 17 *thorization Act for Fiscal Year 1994 (Public Law 103–160;*
 18 *107 Stat. 1606). The Program shall continue under an*
 19 *Army executive agency or agent and shall serve as the co-*
 20 *ordinating agent for multidisciplinary and multi-institu-*
 21 *tional research within the Department of Defense on wom-*
 22 *en’s health issues related to service in the Armed Forces.*
 23 *The Program also shall coordinate with research supported*
 24 *by the Department of Health and Human Services and*

1 *other agencies that is aimed at improving the health of*
2 *women.*

3 *(b) IMPLEMENTATION PLAN.—If the Secretary of De-*
4 *fense intends to change the plan for the implementation of*
5 *the Program previously submitted to the Committees on*
6 *Armed Services of the Senate and House of Representatives,*
7 *the amended plan shall be submitted to such committees be-*
8 *fore implementation.*

9 *(c) PROGRAM ACTIVITIES.—The Program shall sup-*
10 *port health research into matters relating to the service of*
11 *women in the military, including the following matters:*

12 *(1) Epidemiologic research, including health care*
13 *needs of deployed women, patterns of illness and in-*
14 *jury, environmental and occupational hazards, side-*
15 *effects of pharmaceuticals and biologicals, and psy-*
16 *chological stress associated with military training, de-*
17 *ployment, traumatic incidents, and other military life*
18 *conditions.*

19 *(2) Data base development designed to facilitate*
20 *long-term research studies of women's health issues,*
21 *and continued development and support of a military*
22 *women's health information clearinghouse to serve as*
23 *an information resource for clinical, research, and*
24 *policy issues affecting women in the Armed Forces.*

1 (3) *Policies and standards issues, including re-*
 2 *search supporting development of military standards*
 3 *related to training, operations, deployment, and re-*
 4 *tention and their relationship to factors affecting*
 5 *women's health.*

6 (4) *Research emphasizing interventions that have*
 7 *a potential for affecting health issues associated with*
 8 *women's military service.*

9 (d) *FUNDING.*—*Of the amount authorized to be appro-*
 10 *priated pursuant to section 201, \$40,000,000 shall be avail-*
 11 *able for the Program.*

12 ***TITLE III—OPERATION AND***
 13 ***MAINTENANCE***
 14 ***Subtitle A—Authorization of***
 15 ***Appropriations***

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

17 *Funds are hereby authorized to be appropriated for fis-*
 18 *cal year 1995 for the use of the Armed Forces and other*
 19 *activities and agencies of the Department of Defense for ex-*
 20 *penses, not otherwise provided for, for operation and main-*
 21 *tenance in amounts as follows:*

22 (1) *For the Army, \$17,362,741,000.*

23 (2) *For the Navy, \$20,110,196,000.*

24 (3) *For the Marine Corps, \$1,997,095,000.*

25 (4) *For the Air Force, \$18,733,458,000.*

1 (5) For Defense-wide activities, \$9,513,523,000.

2 (6) For the Army Reserve, \$1,255,057,000.

3 (7) For the Naval Reserve, \$827,819,000.

4 (8) For the Marine Corps Reserve, \$81,462,000.

5 (9) For the Air Force Reserve, \$1,481,332,000.

6 (10) For the Army National Guard,
7 \$2,448,615,000.

8 (11) For the Air National Guard,
9 \$2,780,178,000.

10 (12) For the National Board for the Promotion
11 of Rifle Practice, \$2,544,000.

12 (13) For the Defense Inspector General,
13 \$147,172,000.

14 (14) For the Court of Military Appeals,
15 \$6,152,000.

16 (15) For Environmental Restoration, Defense,
17 \$2,180,200,000.

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

20 (17) For Medical Programs, Defense,
21 \$9,613,331,000.

22 (18) For the National Contingency Operation
23 Non-DBOF Costs Fund, \$300,000,000.

24 (19) For Department of Defense World War II
25 50th Anniversary Program, \$500,000.

1 (20) For Project Peace, \$15,000,000.

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

4 (22) For Overseas Humanitarian, Disaster, and
5 Civic Aid programs, \$60,000,000.

6 **SEC. 302. DEFENSE BUSINESS OPERATIONS FUND.**

7 Funds are hereby authorized to be appropriated for fis-
8 cal year 1995 for the use of the Armed Forces and other
9 activities and agencies of the Department of Defense for the
10 Defense Business Operations Fund in the amount of
11 \$1,212,038,000.

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

13 There is hereby authorized to be appropriated for fiscal
14 year 1995 from the Armed Forces Retirement Home Trust
15 Fund the sum of \$59,317,000 for the operation of the Armed
16 Forces Retirement Home, including the United States Sol-
17 diers' and Airmen's Home and the Naval Home.

18 **SEC. 304. FUNDS FOR DEPOT-LEVEL MAINTENANCE AND RE-**
19 **PAIR WORK.**

20 (a) INCREASED FUNDING FOR DEPARTMENT OF DE-
21 FENSE DEPOT-LEVEL ACTIVITIES.—Of amounts authorized
22 to be appropriated for fiscal year 1995 under section 301,
23 the amount that shall be available for the performance of
24 depot-level maintenance and repair work by depot-level ac-

1 *tivities of the Department of Defense is the amount equal*
 2 *to the sum of—*

3 *(1) the total amount requested in the President's*
 4 *budget for that fiscal year for the Department of De-*
 5 *fense for the performance of depot-level maintenance*
 6 *and repair work; and*

7 *(2) \$600,000,000, of which—*

8 *(A) \$300,000,000 shall be available for the*
 9 *Army;*

10 *(B) \$100,000,000 shall be available for the*
 11 *Navy;*

12 *(C) \$150,000,000 shall be available for the*
 13 *Air Force; and*

14 *(D) \$50,000,000 shall be available for the*
 15 *Marine Corps.*

16 *(b) DECREASED FUNDING FOR CONTRACTORS.—Of*
 17 *amounts appropriated for fiscal year 1995 pursuant to sec-*
 18 *tion 301, the amount that shall be available for the perform-*
 19 *ance of depot-level maintenance and repair work by non-*
 20 *Federal Government personnel is not more than the amount*
 21 *equal to 40 percent of the total amount requested in the*
 22 *President's budget for that fiscal year for the Department*
 23 *of Defense for the performance of depot-level maintenance*
 24 *and repair work.*

1 **SEC. 305. SUPPORT FOR THE 1996 SUMMER OLYMPICS.**

2 (a) *AUTHORITY TO PROVIDE SUPPORT.*—The Sec-
3 retary of Defense may provide logistical support and per-
4 sonnel services in connection with the 1996 games of the
5 XXVI Olympiad to be held in Atlanta, Georgia.

6 (b) *PAY AND NONTRAVEL-RELATED ALLOWANCES.*—

7 (1) *Except as provided in paragraph (2), the costs for pay*
8 *and nontravel-related allowances of members of the Armed*
9 *Forces for the support and services referred to in subsection*
10 *(a) may not be charged to appropriations made pursuant*
11 *to the authorization of appropriations in subsection (c).*

12 (2) *Paragraph (1) does not apply in the case of mem-*
13 *bers of a reserve component called or ordered to active duty*
14 *to provide logistical support and personnel services for the*
15 *games of the XXVI Olympiad.*

16 (c) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
17 *authorized to be appropriated \$4,000,000 for the Depart-*
18 *ment of Defense for fiscal year 1995 to carry out subsection*
19 *(a).*

20 **SEC. 306. FUNDS FOR CLEARING LANDMINES.**

21 *Of the funds authorized to be appropriated in section*
22 *301, not more than \$25,000,000 shall be available for activi-*
23 *ties to support the clearing of landmines for humanitarian*
24 *purposes, as determined by the Secretary of Defense.*

1 **SEC. 307. SUPPORT FOR THE 1995 SPECIAL OLYMPICS**
 2 **WORLD GAMES.**

3 (a) *AUTHORITY TO PROVIDE SUPPORT.*—The Sec-
 4 retary of Defense may provide logistical support and per-
 5 sonnel services in connection with the 1995 Special Olym-
 6 pics World Games to be held in the State of Connecticut.

7 (b) *PAY AND NONTRAVEL-RELATED ALLOWANCES.*—
 8 (1) *Except as provided in paragraph (2), the costs for pay*
 9 *and nontravel-related allowances of members of the Armed*
 10 *Forces for the support and services referred to in sub-*
 11 *section (a) may not be charged to appropriations made*
 12 *pursuant to the authorization in subsection (c).*

13 (2) *Paragraph (1) does not apply in the case of mem-*
 14 *bers of a reserve component called or ordered to active duty*
 15 *to provide logistical support and personnel services for the*
 16 *1995 Special Olympics World Games.*

17 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
 18 authorized to be appropriated for the Department of De-
 19 fense for fiscal year 1995 the sum of \$2,000,000 to carry
 20 out subsection (a).

21 ***Subtitle B—Limitations***

22 **SEC. 311. REPORTS AND LIMITATION ON TRANSFER OF CER-**
 23 **TAIN OPERATION AND MAINTENANCE FUNDS.**

24 (a) *LIMITATION ON TRANSFER.*—Section 116 of title
 25 10, United States Code, is amended—

1 (1) by redesignating subsection (b) as subsection
2 (d); and

3 (2) by inserting after subsection (a) the follow-
4 ing:

5 “(b) *REPORTS ON TRANSFERS OF CERTAIN FUNDS.*—

6 (1) Each report required by subsection (a) shall include a
7 report on the following:

8 “(A) Each transfer of amounts provided in an
9 appropriation Act to the Department of Defense for
10 the activities referred to in paragraph (3) between ap-
11 propriations during the preceding fiscal year, includ-
12 ing the reason for the transfer.

13 “(B) Each transfer of amounts provided in an
14 appropriation Act to the Department of Defense for
15 an activity referred to in paragraph (3) within that
16 appropriation for any other such activity during the
17 preceding fiscal year, including the reason for the
18 transfer.

19 “(2) On May 1 of each year, the Secretary of Defense
20 shall submit to the Congress a report on the following:

21 “(A) Each transfer during the first six months of
22 the fiscal year in which the report is submitted of
23 amounts provided in an appropriation Act to the De-
24 partment of Defense for the activities referred to in

1 *paragraph (3) between appropriations, including the*
2 *reason for the transfer.*

3 *“(B) Each transfer during the first six months*
4 *of the fiscal year in which the report is submitted of*
5 *amounts provided in an appropriation Act to the De-*
6 *partment of Defense for an activity referred to in*
7 *paragraph (3) within that appropriation for any*
8 *other such activity, including the reason for the*
9 *transfer.*

10 *“(3) The activities referred to in paragraphs (1) and*
11 *(2) are the following:*

12 *“(A) Activities for which amounts are appro-*
13 *priated for the Army for operations and maintenance*
14 *for operating forces for (i) combat units, (ii) tactical*
15 *support, and (iii) force-related training/special activi-*
16 *ties.*

17 *“(B) Activities for which amounts are appro-*
18 *priated for the Navy for operations and maintenance*
19 *for operating forces for (i) mission and other flight*
20 *operations, (ii) mission and other ship operations,*
21 *(iii) fleet air training, and (iv) ship operational sup-*
22 *port and training.*

23 *“(C) Activities for which amounts are appro-*
24 *priated for the Air Force for operations and mainte-*
25 *nance for operating forces for (i) primary combat*

1 *forces, (ii) primary combat weapons, (iii) global and*
 2 *early warning, and (iv) air operations training.*

3 “(c) *LIMITATION.*—*The Secretary of Defense may not*
 4 *transfer an amount that exceeds \$20,000,000 of amounts*
 5 *provided in an appropriation Act to the Department of De-*
 6 *fense for the activities referred to in subsection (b)(3) be-*
 7 *tween appropriations or within that appropriation for any*
 8 *other such activity until—*

9 *“(1) the Congress is notified of the transfer; and*

10 *“(2) a period of 30 days elapses after such notifi-*
 11 *cation is received.”.*

12 (b) *CLERICAL AMENDMENTS.*—(1) *The heading of such*
 13 *section is amended to read as follows:*

14 ***“§ 116. Operations and maintenance activities: con-***
 15 ***gressional oversight”.***

16 (2) *The item relating to such section in the table of*
 17 *sections at the beginning of chapter 2 of such title is amend-*
 18 *ed to read as follows:*

“116. Operations and maintenance activities: congressional oversight.”.

19 (c) *CONFORMING REPEAL.*—*Section 377 of the Na-*
 20 *tional Defense Authorization Act for Fiscal Year 1994 (Pub-*
 21 *lic Law 103–160; 107 Stat. 1638) is repealed.*

1 **SEC. 312. LIMITATION ON RETENTION OF MORALE, WEL-**
 2 **FARE, AND RECREATION FUNDS BY MILITARY**
 3 **INSTALLATIONS.**

4 (a) *LIMITATION.*—Chapter 131 of title 10, United
 5 States Code, is amended by adding at the end the following
 6 new section:

7 **“§2219. Retention of morale, welfare, and recreation**
 8 **funds by military installations: limitation**

9 “Amounts may not be retained in a nonappropriated
 10 morale, welfare, and recreation account of a military in-
 11 stallation of a military department in excess of the amount
 12 necessary to meet working capital requirements of that in-
 13 stallation. Amounts in excess of that amount shall be trans-
 14 ferred to a single, department-wide nonappropriated mo-
 15 rale, welfare, and recreation account of the military depart-
 16 ment.”.

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

“2219. Retention of morale, welfare, and recreation funds by military installa-
 tions: limitation.”.

20 **SEC. 313. PROHIBITION ON USE OF APPROPRIATED FUNDS**
 21 **FOR OPERATION OF ARMED FORCES RECRE-**
 22 **ATION CENTER, EUROPE.**

23 No funds appropriated to the Department of Defense
 24 for any fiscal year may be used to operate the Armed Forces

1 *Recreation Center, Europe, except that such funds may be*
 2 *used for the payment of utilities, emergency repairs, and*
 3 *transportation of United States products for the Center.*

4 ***SEC. 314. LIMITATION ON USE OF SPECIFICATIONS FOR***
 5 ***PROCUREMENT OF SUBSISTENCE ITEMS.***

6 *(a) IN GENERAL.—Chapter 137 of title 10, United*
 7 *States Code, is amended by adding at the end the following*
 8 *new section:*

9 ***“§2332. Subsistence items: limitation on use of speci-***
 10 ***fications and restrictions in procurement***
 11 ***of***

12 *“(a) LIMITATION.—Except as provided in subsection*
 13 *(b), the Secretary of Defense may not use specifications or*
 14 *restrictions in the procurement of subsistence items for use*
 15 *at military installations.*

16 *“(b) EXCEPTION.—The Secretary of Defense may use*
 17 *specifications and restrictions in the procurement of field*
 18 *rations and shipboard rations (including tray packs and*
 19 *meals ready-to-eat), except that any such specifications and*
 20 *restrictions shall be developed consistent with the preference*
 21 *of the Department of Defense for commercial items.”.*

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

“2332. Subsistence items: limitation on use of specifications in
procurement of.”.

1 **Subtitle C—Depot-Level Activities**

2 **SEC. 321. FINDINGS.**

3 *The Congress finds the following:*

4 (1) *By providing the Armed Forces with a critical capacity to respond to the needs of the Armed Forces for depot-level maintenance and repair of weapon systems and equipment, the depot-level maintenance and repair activities of the Department of Defense play an essential role in maintaining the readiness of the Armed Forces.*

11 (2) *The consolidation of entities within the defense industry has jeopardized the capability of the defense industry to perform maintenance and repair of weapon systems and equipment.*

15 (3) *The defense industry maintains not less than 60 percent of the total capability to perform maintenance and repair of weapon systems and equipment.*

18 (4) *The capability of the depot-level maintenance and repair activities of the Department of Defense to perform maintenance and repair of weapon systems and equipment should not be determined by policies established by the defense industry.*

23 (5) *Reductions in the number of civilian employees of the depot-level maintenance and repair activities of the Department of Defense may account for ap-*

1 *proximately 80 percent of all reductions in the com-*
 2 *ing years in the number of civilian employees of the*
 3 *Department.*

4 (6) *An increase from one fiscal year to the next*
 5 *in the amount of funds available for the maintenance*
 6 *and repair of weapon systems and equipment does*
 7 *not necessarily result in a corresponding increase in*
 8 *the performance of such maintenance and repair.*

9 **SEC. 322. MODIFICATION OF LIMITATION ON PERFORM-**
 10 **ANCE OF DEPOT-LEVEL MAINTENANCE.**

11 (a) *MODIFICATION.*—Subsection (a) of section 2466 of
 12 *title 10, United States Code, is amended to read as follows:*

13 “(a) *PERCENTAGE LIMITATION.*—Not more than 40
 14 *percent of the funds made available in a fiscal year to a*
 15 *military department or a Defense Agency for depot-level*
 16 *maintenance and repair workload may be used to contract*
 17 *for the performance by non-Federal Government personnel*
 18 *of such workload for the military department or the Defense*
 19 *Agency. Any such funds that are not used for such a con-*
 20 *tract shall be used for the performance of depot-level mainte-*
 21 *nance and repair workload by employees of the Department*
 22 *of Defense.”.*

23 (b) *INCLUSION OF REPAIR ACTIVITIES.*—Subsection
 24 (b) of such section is amended by inserting “and repair”
 25 after “maintenance” each place it appears.

1 (c) *COMPUTATION OF PERCENTAGE.*—Such section is
2 further amended—

3 (1) by redesignating subsections (d) and (e) as
4 subsections (e) and (f), respectively; and

5 (2) by inserting after subsection (c) the following
6 new subsection (d):

7 “(d) *COMPUTATION OF PERCENTAGE.*—In computing
8 for purposes of subsection (a) the percentage of funds re-
9 ferred to in that subsection that are used to contract for
10 the performance of depot-level maintenance and repair
11 workload, the Secretary of the military department, or in
12 the case of a Defense Agency, the Secretary of Defense shall
13 include in the computation any funds provided for the per-
14 formance by such personnel of the following:

15 “(1) Interim contractor support.

16 “(2) Contract logistic support.

17 “(3) Maintenance and repair workload above the
18 unit level.

19 “(4) The provision of materials and parts.”.

20 (d) *REPORT.*—Subsection (f) of such section, as redes-
21 ignated by subsection (c)(1), is amended to read as follows:

22 “(f) *REPORT.*—Not later than January 15, 1995, the
23 Secretary of Defense shall submit to the Congress a report
24 describing the progress during the preceding fiscal year by
25 each military department and Defense Agency to achieve

1 *and maintain the percentage of depot-level maintenance*
2 *and repair required to be performed by employees of the*
3 *Department of Defense pursuant to subsection (a).”.*

4 ***SEC. 323. LIMITATION ON THE PERFORMANCE OF DEPOT-***
5 ***LEVEL MAINTENANCE OF MATERIEL FOR NEW***
6 ***WEAPON SYSTEMS.***

7 *(a) LIMITATION.—Subsection (a) of section 2466 of*
8 *title 10, United States Code, as amended by section 322*
9 *of this Act, is amended—*

10 *(1) by inserting “(1)” before “Not more than 40*
11 *percent”; and*

12 *(2) by adding at the end the following new para-*
13 *graph:*

14 *“(2) The Secretary concerned shall, within 5 years*
15 *after the initial delivery of a weapon system by a contractor*
16 *to the Department of Defense, provide for the performance*
17 *by employees of the Department of Defense of not less than*
18 *60 percent of the depot-level maintenance of the weapon sys-*
19 *tem.”.*

20 *(b) EFFECTIVE DATE.—The amendments made by this*
21 *section shall apply only with respect to a weapon system*
22 *initially delivered after the date of the enactment of this*
23 *Act.*

1 **SEC. 324. AUDITS TO MONITOR COST GROWTH OF CON-**
 2 **TRACTS TO PERFORM DEPOT-LEVEL MAINTENANCE AND REPAIR.**
 3

4 (a) *REQUIREMENT.*—Chapter 146 of title 10, United
 5 States Code, is amended by adding at the end the following
 6 new section:

7 **“§ 2470. Audits of cost growth in contracts to perform**
 8 **depot-level maintenance and repair**

9 “The Secretary of Defense shall audit contracts entered
 10 into by the Department of Defense for the performance of
 11 depot-level maintenance and repair to monitor the costs in-
 12 curred by the contractor to perform the contract. An audit
 13 of a contract under this section shall be performed at least
 14 once during the period in which the contract is performed
 15 and shall take account of any costs incurred by the contract
 16 in excess of the amount proposed by the contractor to per-
 17 form the contract or in excess of costs incurred by the con-
 18 tractor during the previous year.”.

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

“2470. Audits of cost growth in contracts to perform depot-level maintenance and
 repair.”.

1 **SEC. 325. CONSIDERATION OF COSTS OF CLOSING DEPART-**
2 **MENT OF DEFENSE DEPOTS IN CERTAIN COST**
3 **COMPARISONS.**

4 *Section 2467 of title 10, United States Code, is amend-*
5 *ed—*

6 *(1) by redesignating subsection (b) as subsection*
7 *(c); and*

8 *(2) by inserting after subsection (a) the follow-*
9 *ing:*

10 *“(b) REQUIREMENT TO CONSIDER COSTS OF CLOSING*
11 *DEPOTS.—In any comparison conducted by the Depart-*
12 *ment of Defense of the cost of performing depot-level mainte-*
13 *nance and repair work by non-Federal Government person-*
14 *nel and the cost of performing such work by employees of*
15 *the Department of Defense, the Secretary of Defense shall,*
16 *to the maximum extent practicable, consider the estimated*
17 *cost (including the cost to perform any necessary environ-*
18 *mental restoration of the facility) that would be incurred*
19 *if the Department of Defense were required to close a De-*
20 *partment of Defense defense depot-level facility as a result*
21 *of awarding the contract to non-Federal Government per-*
22 *sonnel to perform such work.”.*

1 **SEC. 326. AUTHORITY FOR DEPOT-LEVEL ACTIVITIES OF**
 2 **THE DEPARTMENT OF DEFENSE TO COMPETE**
 3 **FOR MAINTENANCE AND REPAIR WORKLOADS**
 4 **OF OTHER FEDERAL AGENCIES.**

5 (a) *IN GENERAL.*—Chapter 146 of title 10, United
 6 States Code, as amended by section 324 of this Act, is fur-
 7 ther amended by adding at the end the following new
 8 section:

9 **“§ 2471. Depot-level activities of the Department of De-**
 10 **fense: authority to compete for mainte-**
 11 **nance and repair workloads of other Fed-**
 12 **eral agencies**

13 “A depot-level activity of the Department of Defense
 14 shall be eligible to compete for the performance of any depot-
 15 level maintenance and repair workload of a Federal agency
 16 for which competitive procedures are used to select the en-
 17 tity to perform the workload.”.

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

“2471. Depot-level activities of the Department of Defense: authority to compete
 for maintenance and repair workloads of other Federal agen-
 cies.”.

21 **SEC. 327. AUTHORITY OF DEPOTS TO PROVIDE SERVICES**
 22 **OUTSIDE OF THE DEPARTMENT OF DEFENSE.**

23 (a) *IN GENERAL.*—Chapter 146 of title 10, United
 24 States Code, as amended by section 326 of this Act, is fur-

1 *ther amended by adding at the end the following new*
 2 *section:*

3 ***“§2472. Persons outside the Department of Defense:***
 4 ***lease of excess depot-level equipment and***
 5 ***facilities by***

6 *“(a) AUTHORITY TO LEASE EXCESS EQUIPMENT AND*
 7 *FACILITIES.—Subject to subsection (b), the Secretary of a*
 8 *military department and, with respect to a Defense Agency,*
 9 *the Secretary of Defense, may lease excess equipment and*
 10 *facilities of a depot-level activity of the military depart-*
 11 *ment, or the Defense Agency, to a person outside the Depart-*
 12 *ment of Defense for the performance of depot-level mainte-*
 13 *nance and repair work by such person.*

14 *“(b) LIMITATIONS.—A lease under subsection (a) may*
 15 *be entered into only if—*

16 *“(1) the lease of any such equipment or facilities*
 17 *will not have a significant adverse effect on the readi-*
 18 *ness of the armed forces, as determined by the Sec-*
 19 *retary concerned;*

20 *“(2) the person leasing such equipment or facili-*
 21 *ties agrees to reimburse the Department of Defense for*
 22 *the costs (both direct and indirect costs, including*
 23 *any rental costs, as determined the Secretary con-*
 24 *cerned) attributable to the lease of such equipment or*
 25 *facilities;*

1 “(3) the person leasing such equipment or facili-
 2 ties agrees to hold harmless and indemnify the United
 3 States, except in cases of willful conduct or extreme
 4 negligence, from any claim for damages or injury to
 5 any person or property arising out the lease of such
 6 equipment or facilities; and

7 “(4) the person leasing such equipment or facili-
 8 ties agrees to hold harmless and indemnify the United
 9 States from any liability or claim for damages or in-
 10 jury to any person or property arising out of a deci-
 11 sion by the Secretary concerned to suspend or termi-
 12 nate the lease in times of war or national emergency.

13 “(c) CREDIT TO GENERAL FUND.—Any reimburse-
 14 ment received under this section shall be credited to the Gen-
 15 eral Fund of the Treasury.”.

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

 “2472. Persons outside the Department of Defense: lease of excess depot-level equip-
 ment and facilities by.”.

19 **SEC. 328. MAINTENANCE OF SUFFICIENT DEPOT-LEVEL FA-**
 20 **CILITIES, ACTIVITIES, AND EMPLOYEES OF**
 21 **THE DEPARTMENT OF DEFENSE.**

22 The Secretary of Defense shall maintain sufficient
 23 depot-level activities and facilities of the Department of De-
 24 fense and a sufficient number of employees of the Depart-

1 *ment that are assigned to the performance of depot-level*
 2 *maintenance and repair to carry out this subtitle and the*
 3 *amendments made by this subtitle. The Secretary of Defense*
 4 *should seek to ensure that the military departments main-*
 5 *tain depot-level maintenance and repair capabilities nec-*
 6 *essary to ensure their critical readiness requirements.*

7 ***SEC. 329. REUTILIZATION INITIATIVE FOR DEPOT-LEVEL***
 8 ***ACTIVITIES.***

9 *(a) PILOT PROGRAM AUTHORIZED.—During fiscal*
 10 *year 1995, the Secretary of Defense shall carry out a pilot*
 11 *program to encourage commercial firms to enter into part-*
 12 *nerships with depot-level activities of the military depart-*
 13 *ments for the purpose of—*

14 *(1) demonstrating commercial uses of such depot-*
 15 *level activities that are related to the principal mis-*
 16 *sion of such depot-level activities;*

17 *(2) preserving employment and skills of employ-*
 18 *ees currently employed by such depot-level activities*
 19 *or providing for the reemployment and retraining of*
 20 *employees who, as the result of the closure, realign-*
 21 *ment, or reduced in-house workload of such activities,*
 22 *may become unemployed; and*

23 *(3) supporting the goals of other defense conver-*
 24 *sion, reinvestment, and transition assistance pro-*
 25 *grams while also allowing such depot-level activities*

1 to remain in operation to continue to perform their
2 defense readiness mission.

3 (b) *PARTICIPANTS IN PILOT PROGRAM.*—The Sec-
4 retary shall designate not less than six depot-level activities
5 of the military departments to participate in the pilot pro-
6 gram under this section. Of these depot-level activities, at
7 least two shall be depot-level activities of the Department
8 of the Army, at least two shall be depot-level activities of
9 the Department of the Navy, and at least two shall be depot-
10 level activities of Department of the Air Force.

11 (c) *CONDITIONS ON PILOT PROGRAM.*—In carrying
12 out the pilot program under this section, the Secretary shall
13 ensure that the program—

14 (1) does not interfere with the closure or realign-
15 ment of a depot-level activity of the military depart-
16 ments under a base closure law; and

17 (2) does not adversely affect the readiness or pri-
18 mary mission of a participating depot-level activity.

19 (d) *FUNDING FOR FISCAL YEAR 1995.*—Of the
20 amounts authorized to be appropriated under section 301,
21 \$100,000,000 shall be available only to carry out the pilot
22 program under this section.

**Subtitle D—Defense Business
Operations Fund**

SEC. 341. OVERSIGHT OF DEFENSE BUSINESS OPERATIONS

FUND.

(a) *EXTENSION OF AUTHORITY.*—Section 316(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (10 U.S.C. 2208 note) is amended by striking out “During the period” and all that follows through “December 31, 1994, the” and inserting in lieu thereof “The”.

(b) *LIMITATION ON TRANSFERS.*—Except as otherwise provided in this Act, the Secretary of Defense may not transfer amounts to or from the Defense Business Operations Fund from or to any other account or source until after the expiration of 30 days from the date on which the Secretary transmits to the Congress a notification of the Secretary’s intent to make the transfer.

(c) *PROHIBITION ON ADVANCE CHARGES.*—(1) After September 30, 1995, the Secretary of Defense may not charge for goods and services provided through the Defense Business Operations Fund in advance of the provision of such goods and services.

(2) The payment of amounts to the Defense Business Operations Fund from another fund or activity of the Department of the Defense may be made only for goods or serv-

1 *ices actually provided by the Defense Business Operations*
2 *Fund.*

3 (d) *PURCHASE FROM OTHER SOURCES.*—The Sec-
4 *retary of Defense or the Secretary of a military department*
5 *may purchase goods and services that are available for pur-*
6 *chase from the Defense Business Operations Fund from a*
7 *source other than the Defense Business Operations Fund if*
8 *the Secretary determines that such source offers a more com-*
9 *petitive rate for the goods and services than the Defense*
10 *Business Operations Fund offers.*

11 (e) *ANNUAL REPORTS AND BUDGET.*—(1) The Sec-
12 *retary of Defense shall annually submit to the Congress, at*
13 *the same time that the President submits the budget under*
14 *section 1105 of title 31, United States Code, the following:*

15 (A) *A detailed report that contains a statement*
16 *of all receipts and disbursements of the Defense Busi-*
17 *ness Operations Fund (including such a statement for*
18 *each subaccount of the Fund) for the year for which*
19 *the report is submitted.*

20 (B) *A detailed proposed budget for the operation*
21 *of the Defense Business Operations Fund for the fiscal*
22 *year for which the budget is submitted.*

23 (2) *Not later than September 30 each year, the Sec-*
24 *retary of Defense shall submit to the Congress a report that*
25 *contains a comparison of the amounts actually expended*

1 *for the operation of the Defense Business Operations Fund*
2 *for the fiscal year ending on that September 30 with the*
3 *amount proposed for the operation of the Defense Business*
4 *Operations Fund for that fiscal year in the President's*
5 *budget.*

6 (f) *LIMITATION ON INCLUSION OF CERTAIN COSTS IN*
7 *DBOF CHARGES.—A charge for a good or service provided*
8 *through the Defense Business Operations Fund may not in-*
9 *clude amounts necessary to recover losses incurred by the*
10 *Defense Business Operations Fund that are unrelated to the*
11 *good or service or amounts to cover costs incurred in con-*
12 *nection with the closure or realignment of a military instal-*
13 *lation.*

14 (g) *LIMITATION ON ACCUMULATION OF FUNDS.—(1)*
15 *The Secretary of Defense shall establish billing procedures*
16 *to ensure that the balance in the Defense Business Oper-*
17 *ations Fund does not exceed \$300,000,000 more than*
18 *amount necessary to provide for the working capital re-*
19 *quirements of the Defense Business Operations Fund, as de-*
20 *termined by the Secretary.*

21 (2) *The Secretary may waive the limitation described*
22 *in this subsection if the Secretary determines that such*
23 *waiver is critical to the national security of the United*
24 *States. The Secretary shall immediately notify the Congress*
25 *of any such waiver and the reasons for the waiver.*

1 **SEC. 342. REVIEW BY COMPTROLLER GENERAL OF CHARGES**
2 **IMPOSED BY DEFENSE BUSINESS OPER-**
3 **ATIONS FUND.**

4 (a) *REVIEW.*—The Comptroller General of the United
5 States shall review the charges for goods and services pro-
6 vided by the Defense Business Operations Fund, including
7 a review of—

8 (1) *charges for goods and services provided by*
9 *the Defense Business Operations Fund, including a*
10 *comparison of charges imposed for the provision of*
11 *goods and services to the military departments and*
12 *Defense Agencies with charges imposed for the provi-*
13 *sion of goods and services to persons outside the De-*
14 *partment of Defense;*

15 (2) *charges imposed by the Defense Business Op-*
16 *erations Fund for overhead costs and service charges;*
17 *and*

18 (3) *the extent to which charges imposed by the*
19 *Defense Business Operations Fund provide an advan-*
20 *tage or disadvantage for the military departments*
21 *and Defense Agencies or for persons outside the De-*
22 *partment of Defense for whom such goods and services*
23 *are provided.*

24 (b) *REPORT.*—Not later than April 15, 1995, the
25 Comptroller General of the United States shall submit to
26 the Congress a report on the results of the review conducted

1 *under subsection (a) and the recommendations of the Comp-*
 2 *troller General for any legislative and administrative ac-*
 3 *tion the Comptroller General considers to be appropriate.*

4 ***Subtitle E—Department of Defense***
 5 ***Domestic and Overseas Schools***

6 ***SEC. 351. REAUTHORIZATION OF DEPARTMENT OF DE-***
 7 ***FENSE DOMESTIC ELEMENTARY AND SEC-***
 8 ***ONDARY SCHOOLS FOR MILITARY DEPEND-***
 9 ***ENTS.***

10 *(a) CONTINUED AUTHORITY TO PROVIDE FOR EDU-*
 11 *CATION OF MILITARY DEPENDENTS WHEN LOCAL AGEN-*
 12 *CIES ARE UNABLE TO.—Chapter 108 of title 10, United*
 13 *States Code, is amended by adding at the end the following*
 14 *new section:*

15 ***“§2164. Department of Defense domestic dependent***
 16 ***elementary and secondary schools***

17 *“(a) AUTHORITY OF SECRETARY.—If the Secretary of*
 18 *Defense makes a determination that appropriate edu-*
 19 *cational programs are not available through a local edu-*
 20 *cational agency for dependents of members of the armed*
 21 *forces residing on or near a military installation in the*
 22 *United States (including territories, commonwealths, and*
 23 *possessions of the United States), the Secretary may provide*
 24 *for the elementary or secondary education of such depend-*
 25 *ents.*

1 “(b) *FACTORS TO BE CONSIDERED.*—*Factors to be*
 2 *considered by the Secretary of Defense in making a deter-*
 3 *mination under subsection (a) shall include the following:*

4 “(1) *The extent to which such dependents are eli-*
 5 *gible for free public education in the local area adja-*
 6 *cent to the military installation.*

7 “(2) *The extent to which the local educational*
 8 *agency is able to provide an appropriate educational*
 9 *program for such dependents. For purposes of this*
 10 *section, an appropriate educational program, as de-*
 11 *termined by the Secretary, is a program comparable*
 12 *to a program of free public education provided for*
 13 *children—*

14 “(A) *in similar communities in the State,*
 15 *in the case of a military installation located in*
 16 *a State;*

17 “(B) *in similar communities in adjacent*
 18 *States, in the case of a military installation ad-*
 19 *jacent to or located in more than one State; and*

20 “(C) *in the District of Columbia, in the case*
 21 *of a military installation located in a territory,*
 22 *commonwealth, or possession, except that an ap-*
 23 *propriate educational program under this sub-*
 24 *paragraph is also a program of education con-*
 25 *ducted in the English language.*

1 “(c) *EDUCATION FOR DEPENDENTS OF FEDERAL EM-*
2 *PLOYEES.—(1) An individual who is a dependent of a Fed-*
3 *eral employee residing at any such military installation at*
4 *any time during the school year may enroll in an edu-*
5 *cational program provided by the Secretary of Defense pur-*
6 *suant to subsection (a).*

7 “(2)(A) *Except as provided in subparagraph (B), an*
8 *individual who is a dependent of a Federal employee, who*
9 *is enrolled in an educational program provided by the Sec-*
10 *retary pursuant to subsection (a), and who is not living*
11 *on the military installation may be enrolled in the program*
12 *for not more than five consecutive school years.*

13 “(B) *An individual referred to in subparagraph (A)*
14 *may be enrolled in the program for more than five consecu-*
15 *tive school years if the Secretary determines, after consider-*
16 *ation of the individual’s educational well-being, that good*
17 *cause exists to extend the enrollment for more than the five-*
18 *year period described in such subparagraph. Any such ex-*
19 *tension may be made for only one school year at a time.*

20 “(C) *For purposes of this paragraph, the five-year pe-*
21 *riod described in subparagraph (A) begins on the date the*
22 *individual enrolls in the program pursuant to this section*
23 *or pursuant to any provision of law enacted before the date*
24 *of the enactment of this section that provided eligibility to*
25 *the individual for enrollment in a similar program.*

1 “(3) An individual enrolled in a program under this
2 subsection may participate in the program for the remain-
3 der of the school year notwithstanding a change in status
4 of the Federal employee with respect to whom the individual
5 is a dependent, except that any such individual may be re-
6 moved from enrollment in the program at any time for good
7 cause, as determined by the Secretary.

8 “(d) ESTABLISHMENT OF SCHOOL BOARDS.—(1) The
9 Secretary of Defense shall provide for the establishment of
10 a school board for each Department of Defense elementary
11 or secondary school established for a military installation
12 under this section.

13 “(2) Each school board established for a school under
14 paragraph (1) shall be elected by the parents of individuals
15 attending the school. Meetings conducted by the school board
16 shall be open to the public.

17 “(3)(A) A school board elected for a school under this
18 subsection may develop fiscal, personnel, and educational
19 policies and procedures for the school, including fiscal, per-
20 sonnel, and educational program management, except that
21 the Secretary may issue any directive to the school board
22 and school administrative officials the Secretary considers
23 necessary for the effective operation of the school or the en-
24 tire school system.

1 “(B) Any directive referred to in subparagraph (A)
 2 shall, to the maximum extent practicable, be issued only
 3 after consultation with appropriate school boards elected
 4 under this subsection. The Secretary shall establish a proc-
 5 ess by which a school board or school administrative offi-
 6 cials may formally appeal such directives directly to the
 7 Secretary. Consideration of such appeals may not be dele-
 8 gated below the Secretary of Defense.

9 “(e) *STAFF.*—(1) The Secretary of Defense, in coordi-
 10 nation with the school board established for a school under
 11 subsection (d), may enter into such arrangements as may
 12 be necessary to provide educational programs under this
 13 section.

14 “(2) The Secretary may, without regard to the provi-
 15 sions of any other law relating to the number, classification,
 16 or compensation of employees—

17 “(A) establish such positions for civilian employ-
 18 ees in schools established under this section;

19 “(B) appoint individuals to such positions; and

20 “(C) fix the compensation of such individuals for
 21 service in such positions.

22 “(3)(A) Except as provided in subparagraph (B), in
 23 fixing the compensation of employees appointed under
 24 paragraph (2), the Secretary, in coordination with the

1 *school board established for a school under subsection (d),*
2 *shall consider—*

3 “(i) *the compensation of comparable employees*
4 *of the local educational agency in the capital of the*
5 *State where the military installation is located;*

6 “(ii) *the compensation of comparable employees*
7 *in the local educational agency that provides public*
8 *education to students who live adjacent to the mili-*
9 *tary installation; or*

10 “(iii) *the average compensation for similar posi-*
11 *tions in not more than three other local educational*
12 *agencies, as determined by the Secretary and the ap-*
13 *propriate local school boards in the State in which the*
14 *military installation is located.*

15 “(B) *In fixing the compensation of employees in*
16 *schools established in the territories, commonwealths, and*
17 *possessions under this section or any other provision of law*
18 *enacted before the date of the enactment of this section that*
19 *provided for similar schools, the Secretary shall determine*
20 *the level of compensation required to attract qualified em-*
21 *ployees. For employees in such schools, the Secretary, in co-*
22 *ordination with the local school boards and without regard*
23 *to the provisions of title 5, may arrange for the tenure,*
24 *leave, hours of work, and other incidents of employment on*

1 *a similar basis as is provided for comparable positions in*
 2 *the public schools of the District of Columbia.*

3 “(f) *REIMBURSEMENT.*—When the Secretary of Defense
 4 *provides educational services under this section to an indi-*
 5 *vidual who is a dependent of an employee of another Fed-*
 6 *eral agency, the head of the other Federal agency shall, upon*
 7 *request of the Secretary of Defense, reimburse the Secretary*
 8 *of Defense for those services at rates routinely prescribed*
 9 *by the Secretary of Defense for those services. Any payments*
 10 *received by the Secretary of Defense under this section shall*
 11 *be credited to the account designated by the Secretary for*
 12 *the operation of educational programs under this section.”.*

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

*“2164. Department of Defense domestic dependent elementary and secondary
 schools.”.*

16 (c) *SAVINGS PROVISION.*—Nothing in section 2164 of
 17 *title 10, United States Code, as added by subsection (a),*
 18 *shall be construed as affecting the rights in existence on the*
 19 *date of the enactment of this Act of an employee of any*
 20 *school established under such section (or any other provision*
 21 *of law enacted before the date of the enactment of this Act*
 22 *that established a similar school) to negotiate or bargain*
 23 *collectively with the Secretary with respect to wages, hours,*
 24 *and other terms and conditions of employment.*

1 **SEC. 352. SURVEY AND PILOT PROGRAM FOR THE TRANS-**
 2 **FER OF DEPARTMENT OF DEFENSE DOMES-**
 3 **TIC DEPENDENT ELEMENTARY AND SECOND-**
 4 **ARY SCHOOLS TO APPROPRIATE LOCAL EDU-**
 5 **CATIONAL AGENCIES.**

6 (a) *SURVEY.*—(1) *The Secretary of Defense shall con-*
 7 *duct a survey of each Department of Defense domestic de-*
 8 *pendent elementary and secondary school operated by the*
 9 *Department of Defense to determine the feasibility of, and*
 10 *actions necessary to be taken to provide for, the transfer*
 11 *of that school to the appropriate local educational agency.*

12 (2) *The Secretary of Defense shall coordinate the con-*
 13 *duct of the survey of each such school with representatives*
 14 *of the local educational agency referred to in paragraph (1)*
 15 *and of parent organizations representing parents of stu-*
 16 *dents enrolled in the school.*

17 (3) *Issues addressed by the survey shall include—*

18 (A) *the opinions and attitudes of such parents*
 19 *with respect to the appropriate entity to operate the*
 20 *school;*

21 (B) *the position of the local educational agency*
 22 *and the appropriate education officials of the State in*
 23 *which the school is located regarding the extent to*
 24 *which the transfer of the school to the local edu-*
 25 *cational agency is feasible and desirable, including*

1 *the financial and legal justifications for that position;*
2 *and*

3 *(C) the requirements, as specified by the local*
4 *educational agency and the appropriate education of-*
5 *icials of the State in which the school is located, for*
6 *financial support, military construction, and any*
7 *other support provided by the Department of Defense*
8 *in order to complete the transfer of the school to the*
9 *local educational agency.*

10 *(4) Not later than June 30, 1995, the Secretary of De-*
11 *fense shall submit to the Committees on Armed Services of*
12 *the Senate and the House of Representatives a report on*
13 *the results of the survey. The report shall include the rec-*
14 *ommendations of the Secretary with respect to the transfer*
15 *of each such school.*

16 *(b) PILOT PROGRAM.—(1) The Secretary of Defense*
17 *shall conduct a pilot program to assess the potential for*
18 *the transfer of Department of Defense domestic dependent*
19 *elementary and secondary schools to appropriate local edu-*
20 *cational agencies.*

21 *(2) The Secretary of Defense shall select two schools*
22 *for participation in the pilot program based on the results*
23 *of the survey conducted by the Secretary under subsection*
24 *(a). The Secretary shall provide for the transfer of each such*
25 *school to the appropriate local educational agency not later*

1 *than the date on which the 1995 school year begins for that*
 2 *school.*

3 (3) *Not later than March 31, 1996, the Secretary of*
 4 *Defense shall submit to the Committees on Armed Services*
 5 *of the Senate and House of Representatives a report on the*
 6 *results of the pilot program. The report shall include the*
 7 *recommendation of the Secretary with respect to the extent*
 8 *to which other Department of Defense domestic dependent*
 9 *elementary and secondary schools should be transferred to*
 10 *appropriate local educational agencies.*

11 (c) *LIMITATION.*—A *Department of Defense domestic*
 12 *dependent elementary or secondary school may not be trans-*
 13 *ferred to a local educational agency under this section ex-*
 14 *cept on terms that are agreeable to the local educational*
 15 *agency.*

16 ***SEC. 353. REPORT ON CALCULATION AND RECOVERY OF***
 17 ***TUITION COSTS OF CERTAIN STUDENTS EN-***
 18 ***ROLLED IN SCHOOLS OF THE DEFENSE DE-***
 19 ***PENDENTS' EDUCATION SYSTEM.***

20 (a) *REPORT.*—*Not later than March 31, 1995, the Sec-*
 21 *retary of Defense shall submit to the Committees on Armed*
 22 *Services of the Senate and House of Representatives and*
 23 *the Committee on Education and Labor of the House of*
 24 *Representatives a report on the calculation and application*
 25 *of the tuition rate required to be determined under section*

1 *1404(b) of the Defense Dependents' Education Act of 1978*
2 *(20 U.S.C. 923(b)).*

3 *(b) CONTENTS OF REPORT.—The report required by*
4 *subsection (a) shall contain the following:*

5 *(1) A description of—*

6 *(A) the costs included in the tuition rate;*

7 *(B) the method by which the tuition rate is*
8 *determined; and*

9 *(C) the method by which any increase in*
10 *the tuition rate is determined.*

11 *(2) An analysis of—*

12 *(A) the variation in the cost of providing*
13 *educational services in the defense dependents'*
14 *education system in different geographic loca-*
15 *tions; and*

16 *(B) the extent to which the imposition of a*
17 *uniform tuition rate enables the system to receive*
18 *adequate funds to defray the cost of providing*
19 *educational services to tuition-paying students.*

20 *(3) Recommendations of the Secretary with re-*
21 *spect to improvements that may be made in the deter-*
22 *mination and application of the tuition rate.*

1 **SEC. 354. AUTHORITY TO ACCEPT GIFTS FOR DEPARTMENT**
 2 **OF DEFENSE DOMESTIC ELEMENTARY AND**
 3 **SECONDARY SCHOOLS.**

4 (a) *AUTHORITY.*—Section 2605 of title 10, United
 5 States Code, is amended—

6 (1) by striking out “the defense dependents’ edu-
 7 cation system provided for under the Defense Depend-
 8 ents’ Education Act of 1978 (20 U.S.C. 921 et seq.)”
 9 in subsection (a) and inserting in lieu thereof “a de-
 10 fense dependents’ school”; and

11 (2) by striking out “the defense dependent’s edu-
 12 cation system” in subsection (b) and inserting in lieu
 13 thereof “defense dependents’ schools”.

14 (b) *DEFINITION.*—Such section is further amended by
 15 adding at the end the following new subsection:

16 “(g) In this section, the term ‘defense dependents’
 17 school’ means the following:

18 “(1) A school established as part of the defense
 19 dependents’ education system provided for under the
 20 Defense Dependents’ Education Act of 1978 (20
 21 U.S.C. 921 et seq.).

22 “(2) An elementary or secondary school estab-
 23 lished pursuant to section 2164 of this title.”.

24 (c) *CLERICAL AMENDMENT.*—(1) The heading of such
 25 section is amended to read as follows:

1 ***“§2605. Acceptance of gifts for defense dependents’***
 2 ***schoools”.***

3 (2) *The item relating to such section in the table of*
 4 *sections at the beginning of chapter 155 of such title is*
 5 *amended to read as follows:*

“2605. Acceptance of gifts for defense dependents’ schools.”.

6 ***Subtitle F—Other Matters***

7 ***SEC. 361. MODIFICATION OF FEES PAID BY RESIDENTS OF***
 8 ***ARMED FORCES RETIREMENT HOME.***

9 (a) *IN GENERAL.*—Paragraph (2) of section 1514(c)
 10 *of the Armed Forces Retirement Home Act of 1991 (24*
 11 *U.S.C. 414(c)(2)) is amended to read as follows:*

12 *“(2) The fee shall be fixed as a percentage of the month-*
 13 *ly income and monthly payments (including Federal pay-*
 14 *ments) received by a resident, subject to such adjustments*
 15 *in the fee as the Retirement Home Board may make under*
 16 *paragraph (1). The percentage shall be the same for each*
 17 *establishment of the Retirement Home.”.*

18 (b) *APPLICATION OF MODIFIED FEES TO ALL RESI-*
 19 *DENTS.*—(1) *Subsections (d) and (e) of section 1514 of such*
 20 *Act are repealed.*

21 (2) *Such section is further amended by adding after*
 22 *subsection (c) the following new subsection (d):*

23 *“(d) APPLICATION OF FEES.—Subject to such adjust-*
 24 *ments in the fee as the Retirement Home Board may make*

1 under subsection (c), each resident of the Retirement Home
 2 shall be required to pay a monthly fee equal to—

3 “(1) in the case of a resident who is receiving as-
 4 sisted-living services at the Retirement Home, 65 per-
 5 cent of all monthly income and monthly payments
 6 (including Federal payments) received by the resi-
 7 dent; and

8 “(2) in the case of a resident who is not receiv-
 9 ing assisted-living services at the Retirement Home,
 10 40 percent of all such monthly income and monthly
 11 payments.”.

12 (c) *EFFECTIVE DATE.*—The amendments made by this
 13 section shall take effect one year after the date of the enact-
 14 ment of this Act.

15 **SEC. 362. NATIONAL GUARD YOUTH PROGRAM.**

16 (a) *AUTHORITY.*—Chapter 5 of title 32, United States
 17 Code, is amended by adding at the end the following new
 18 section:

19 **“§ 508. Assistance to certain youth organizations**

20 “(a) Members or units of the National Guard may pro-
 21 vide the services described in subsection (b) to an organiza-
 22 tion described in subsection (c) in conjunction with train-
 23 ing required under this chapter if—

24 “(1) the provision of such services does not de-
 25 grade the quality of the training or otherwise interfere

1 *with the ability of any unit to perform its military*
2 *functions;*

3 “(2) *the services provided are not commercially*
4 *available or affected commercial entities have agreed*
5 *in writing not to object to the provision of the serv-*
6 *ices;*

7 “(3) *members of the National Guard providing*
8 *the services perform activities which enhance their*
9 *skills in their military specialties; and*

10 “(4) *such assistance does not materially increase*
11 *the cost of training activities under this chapter.*

12 “(b) *Services which may be provided under this section*
13 *are the following:*

14 “(1) *Ground transportation.*

15 “(2) *Limited air transportation, but only in the*
16 *case of the Special Olympics.*

17 “(3) *Administrative support.*

18 “(4) *Technical training.*

19 “(5) *Emergency medical assistance.*

20 “(6) *Communications.*

21 “(c) *The organizations which may be assisted under*
22 *this section are the following:*

23 “(1) *The Boy Scouts of America.*

24 “(2) *The Girl Scouts of America.*

25 “(3) *The Boys and Girls Clubs of America.*

1 “(4) *The YMCA.*

2 “(5) *The YWCA.*

3 “(6) *The Civil Air Patrol.*

4 “(7) *The Special Olympics.*

5 “(8) *Campfire Boys and Girls.*

6 “(9) *The 4-H Club.*

7 “(10) *The Police Athletic League.”.*

8 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 9 *the beginning of chapter 5 of title 32, United States Code,*
 10 *is amended by adding at the end the following item:*

“508. Assistance to certain youth organizations.”.

11 ***SEC. 363. DEPARTMENT OF DEFENSE FOOD INVENTORY***
 12 ***PROGRAM.***

13 (a) *DEMONSTRATION PROJECT.*—*The Department of*
 14 *Defense Food Inventory Demonstration Project (the imple-*
 15 *mentation of which was requested of the military depart-*
 16 *ments and the Defense Logistics Agency by the Deputy*
 17 *Under Secretary of Defense, Logistics, in a memorandum*
 18 *dated August 16, 1993) shall be completed by the Depart-*
 19 *ment of Defense not later than September 30, 1995 and*
 20 *shall be expanded to cover two geographic areas, as des-*
 21 *ignated by the Secretary of Defense.*

22 (b) *REPORT.*—*Not later than October 1, 1995, the Sec-*
 23 *retary of Defense shall submit to the Committees on Armed*
 24 *Services of the Senate and House of Representatives a re-*

1 *port on the implementation of the demonstration project re-*
 2 *ferred to in subsection (a).*

3 (c) *IMPLEMENTATION OF PROGRAM THROUGHOUT*
 4 *UNITED STATES.*—Not later than October 1, 1996, the Sec-
 5 retary of Defense shall provide for the expanded use
 6 throughout the United States of full-line commercial food
 7 distributors to meet the food requirements of the Depart-
 8 ment of Defense.

9 **SEC. 364. DEPARTMENT OF DEFENSE SPECIAL SUPPLE-**
 10 **MENTAL FOOD PROGRAM.**

11 (a) *IN GENERAL.*—Chapter 53 of title 10, United
 12 States Code, is amended by adding at the end the following
 13 new section:

14 **“§ 1060a. Special supplemental food program**

15 “(a) *AUTHORITY.*—The Secretary of Defense may
 16 carry out a program to provide special supplemental food
 17 benefits to members of the armed forces on duty at stations
 18 outside the United States (and its territories and posses-
 19 sions) and to eligible civilians serving with, employed by,
 20 or accompanying the armed forces outside the United States
 21 (and its territories and possessions).

22 “(b) *FEDERAL PAYMENTS AND COMMODITIES.*—For
 23 the purpose of obtaining Federal payments and commod-
 24 ities in order to carry out the program referred to in sub-
 25 section (a), the Secretary of Defense shall make available,

1 *from funds appropriated for such purpose, the same pay-*
 2 *ments and commodities as are made for the special supple-*
 3 *mental food program in the United States under section*
 4 *17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).*

5 “(c) *PROGRAM ADMINISTRATION.—(1)(A) The Sec-*
 6 *retary of Defense shall administer the program referred to*
 7 *in subsection (a) and, except as provided in subparagraph*
 8 *(B), shall determine eligibility for program benefits under*
 9 *the criteria published by the Secretary of Agriculture under*
 10 *section 17 of the Child Nutrition Act of 1966 (42 U.S.C.*
 11 *1786).*

12 “(B) *The Secretary of Defense shall prescribe regula-*
 13 *tions governing computation of income eligibility standards*
 14 *for families of individuals participating in the program*
 15 *under this section.*

16 “(2) *The program benefits provided under the program*
 17 *shall be similar to benefits provided by State and local*
 18 *agencies in the United States.*

19 “(d) *DEPARTURES FROM STANDARDS.—The Secretary*
 20 *of Defense may authorize departures from standards pre-*
 21 *scribed by the Secretary of Agriculture regarding the sup-*
 22 *plemental foods to be made available in the program when*
 23 *local conditions preclude strict compliance or when such*
 24 *compliance is highly impracticable.*

1 “(e) *AUTHORIZATION OF APPROPRIATIONS.—Funds*
2 *are hereby authorized to be appropriated to the Department*
3 *of Defense for operations and maintenance for any fiscal*
4 *year in such amounts as may be necessary for the adminis-*
5 *trative expenses of the Department of Defense under this*
6 *section.*

7 “(f) *REGULATIONS.—The Secretary of Defense shall*
8 *prescribe regulations to administer the program authorized*
9 *by this section.*

10 “(g) *DEFINITIONS.—In this section:*

11 “(1) *The term ‘eligible civilian’ means—*

12 “(A) *a dependent of a member of the armed*
13 *forces residing with the member outside the Unit-*
14 *ed States;*

15 “(B) *a employee of a military department*
16 *who is a national of the United States and is re-*
17 *siding outside the United States in connection*
18 *with such individual’s employment or a depend-*
19 *ent of such individual residing with the employee*
20 *outside the United States; or*

21 “(C) *an employee of a Department of De-*
22 *fense contractor who is a national of the United*
23 *States and is residing outside the United States*
24 *in connection with such individual’s employment*

1 or a dependent of such individual residing with
2 the employee outside the United States.

3 “(2) The term ‘national of the United States’
4 means—

5 “(A) a citizen of the United States; or

6 “(B) a person who, though not a citizen of
7 the United States, owes permanent allegiance to
8 the United States (as defined in section
9 101(a)(22) of the Immigration and Nationality
10 Act (8 U.S.C. 1101(a)(22))).

11 “(3) The term ‘dependent’ has the meaning given
12 such term in subparagraphs (A), (D), (E), and (I) of
13 section 1072(2) of this title.”.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
15 the beginning of chapter 53 of title 10, United States Code,
16 is amended by adding at the end the following new item:
 “1060a. Special supplemental food program.”.

17 **SEC. 365. TRANSPORTATION OF THE REMAINS OF DE-**
18 **CEASED RETIRED MEMBERS WHO DIE OUT-**
19 **SIDE OF THE UNITED STATES.**

20 (a) *AUTHORITY.*—Section 1481 of title 10, United
21 States Code, is amended—

22 (1) in subsection (a)—

23 (A) by striking out “the remains of—” and
24 inserting in lieu thereof “the remains of the fol-
25 lowing:”;

1 (B) by amending the first word in each
2 paragraph by capitalizing the first letter of that
3 first word;

4 (C) by striking out “and” after the semi-
5 colon in paragraph (7);

6 (D) by striking out the semicolon at the end
7 of each paragraph and inserting in lieu thereof
8 a period; and

9 (E) by inserting after paragraph (8) the fol-
10 lowing new paragraph:

11 “(9) To the extent authorized under section
12 1482(g) of this title, any retired member of an armed
13 force or a dependent of such a member who dies while
14 outside the United States.”; and

15 (2) by adding at the end the following new sub-
16 section:

17 “(c) In this section, the term ‘dependent’ has the mean-
18 ing given such term in section 1072(2) of this title.”.

19 (b) *EXPENSES INCIDENT TO DEATH.*—Section 1482 of
20 such title is amended by adding at the end the following
21 new subsection:

22 “(g) The payment of expenses incident to the recovery,
23 care, and disposition of a decedent covered by section
24 1481(a)(9) of this title is limited to the payment of expenses
25 described in paragraphs (1) through (5) of subsection (a)

1 *and air transportation of the remains from a location out-*
 2 *side the United States to a point of entry in the United*
 3 *States. Such air transportation may be provided without*
 4 *reimbursement on a space-available basis in military or*
 5 *military-chartered aircraft. The Secretary concerned shall*
 6 *pay all other expenses authorized to be paid under this sub-*
 7 *section only on a reimbursable basis. Amounts reimbursed*
 8 *to the Secretary concerned under this subsection shall be*
 9 *credited to appropriations available, at the time of reim-*
 10 *bursement, for the payment of such expenses.”.*

11 *(c) EFFECTIVE DATE.—The amendments made by this*
 12 *section shall apply with respect to the remains of, and inci-*
 13 *dental expenses incident to the recovery, care, and disposi-*
 14 *tion of, an individual who dies after the date of the enact-*
 15 *ment of this Act.*

16 **SEC. 366. AUTHORITY TO TRANSPORT THE REMAINS OF**
 17 **CERTAIN DECEASED VETERANS ON DEPART-**
 18 **MENT OF DEFENSE AEROMEDICAL EVACU-**
 19 **ATION AIRCRAFT.**

20 *(a) TRANSPORTATION AUTHORIZED.—Subsection (a)*
 21 *of section 2641 of title 10, United States Code, is amended*
 22 *by inserting before the period the following: “or of trans-*
 23 *porting the remains of a deceased veteran who died at the*
 24 *facility after being transported to the facility under this*
 25 *subsection. Transportation of the remains of a deceased vet-*

1 *eran under this subsection may be provided to the place*
 2 *from which the veteran was transported to the facility or*
 3 *to any other destination which is not farther away from*
 4 *the facility than such place”.*

5 *(b) CONFORMING AMENDMENTS.—Such section is fur-*
 6 *ther amended—*

7 *(1) in subsection (b)—*

8 *(A) by inserting “or for the remains of a*
 9 *veteran” after “furnished to a veteran”;*

10 *(B) in paragraph (1), by inserting “or of*
 11 *the remains of such veteran” after “of such vet-*
 12 *eran”;* and

13 *(C) in paragraph (2), by inserting “or the*
 14 *remains of the veteran” after “for the veteran”;*

15 *(2) in subsection (d)(1)—*

16 *(A) by inserting “or on the survivors of a*
 17 *veteran” after “on a veteran”;* and

18 *(B) by inserting “or for the remains of the*
 19 *veteran” after “to the veteran”;* and

20 *(3) in subsection (d)(2), by inserting “or for the*
 21 *remains of veterans” after “to veterans”.*

22 *(c) CROSS REFERENCE AMENDMENT.—Subsection (c)*
 23 *of such section is amended by striking out “5011(g)(5)” and*
 24 *inserting in lieu thereof “8111(g)(5)”.*

1 **SEC. 367. MODIFICATION OF AIR FORCE SUPPORT FOR THE**
 2 **CIVIL AIR PATROL.**

3 (a) *PROVISION OF FUNDS.*—Subsection (b) of section
 4 9441 of title 10, United States Code, is amended—

5 (1) by redesignating paragraphs (8), (9), (10),
 6 and (11) as paragraphs (9), (10), (11), and (12), re-
 7 spectively; and

8 (2) by inserting after paragraph (7) the follow-
 9 ing new paragraph (8):

10 “(8) provide funds for the national headquarters
 11 of the Civil Air Patrol, including the provision (in
 12 advance of payment) of funds for the payment of staff
 13 compensation and benefits, administrative expenses,
 14 travel, per diem and allowances, rent and utilities,
 15 and other operational expenses;”.

16 (b) *LIAISONS.*—Such section is further amended by
 17 adding at the end the following new subsection:

18 “(d)(1) The Secretary of the Air Force may authorize
 19 the Civil Air Patrol to employ, as administrators and liai-
 20 son officers, retired members of the Air Force whose quali-
 21 fications are approved under regulations prescribed by the
 22 Secretary and who request such employment.

23 “(2) A retired member employed pursuant to para-
 24 graph (1) may receive the member’s retired pay and an ad-
 25 ditional amount that is not more than the difference be-
 26 tween the member’s retired pay and the pay and allowances

1 *the member would be entitled to receive if ordered to active*
 2 *duty in the grade in which the member retired. The addi-*
 3 *tional amount shall be paid to the Civil Air Patrol by the*
 4 *Secretary from funds generally available to the Air Force*
 5 *for civil air assistance.*

6 “(3) A retired member employed pursuant to para-
 7 graph (1) shall not, while so employed, be considered to be
 8 on active duty or inactive-duty training for any purpose.”.

9 **SEC. 368. REVIEW AND REPORT ON USE OF OPERATIONS**
 10 **AND MAINTENANCE FUNDS BY THE DEPART-**
 11 **MENT OF DEFENSE.**

12 (a) *REVIEW.*—The Secretary of Defense shall conduct
 13 a review of each operations and maintenance account of
 14 the Department of Defense to determine the extent to which
 15 funds appropriated to the Department for operations and
 16 maintenance accounts are used for an activity for which
 17 funds have been appropriated to, or are more appropriately
 18 made available from, accounts of the Department for pro-
 19 curement, research, development, test, and evaluation, or
 20 military construction.

21 (b) *REPORT.*—Not later than March 31, 1995, the Sec-
 22 retary of Defense shall submit to the Committees on Armed
 23 Services of the Senate and House of Representatives a re-
 24 port that contains the result of the review conducted by the
 25 Secretary under subsection (a) and a report on the extent

1 *to which funds appropriated to the Department of Defense*
 2 *for operations and maintenance accounts are being used for*
 3 *an activity for which funds have been appropriated to, or*
 4 *are more appropriately made available from, accounts of*
 5 *the Department for procurement, research, development,*
 6 *test, and evaluation, or military construction.*

7 ***SEC. 369. REQUIREMENT OF COMPARATIVE REPORT ON***
 8 ***OPERATIONS AND MAINTENANCE FUNDING.***

9 *(a) REQUIREMENT.—Subsection (a) of section 116 of*
 10 *title 10, United States Code, is amended by adding at the*
 11 *end the following new paragraph:*

12 *“(3) The Secretary shall include in each such report*
 13 *a comparison of the level of funding for operations and*
 14 *maintenance for the next fiscal year with the level of oper-*
 15 *ations and maintenance funding for each previous fiscal*
 16 *year beginning with fiscal year 1975, using constant dollars*
 17 *and the same standard of comparison for each such fiscal*
 18 *year.”.*

19 *(b) DEVELOPMENT OF COMPARATIVE METHOD.—Not*
 20 *later than February 1, 1995, the Secretary of Defense shall*
 21 *submit to the Committees on Armed Services of the Senate*
 22 *and House of Representatives a report on the development*
 23 *by the Secretary of a method to make the comparison re-*
 24 *quired under paragraph (3) of section 116(a) of title 10,*
 25 *United States Code, as added by subsection (a).*

1 **SEC. 370. AUTOMATED DATA PROCESSING PROGRAMS OF**
2 **THE DEPARTMENT OF DEFENSE.**

3 (a) *LIMITATION.*—Of amounts authorized to be appro-
4 priated under section 301, not more than \$2,575,000,000
5 shall be available for new development and modernization
6 of automated data processing programs of the Department
7 of Defense. The Secretary of Defense may not obligate or
8 expend amounts in excess of \$2,000,000,000 for any such
9 new development or modernization until the Secretary—

10 (1) makes a determination that any such new
11 development or modernization is based on—

12 (A) a sound functional economic analysis;

13 (B) objectives of the defense information in-
14 frastructure;

15 (C) migratory assessment guidance provided
16 by the Defense Information Systems Agency; and

17 (D) Department of Defense directives on life
18 cycle management; and

19 (2) establishes performance measures and man-
20 agement controls to oversee and manage the acceler-
21 ated implementation of migration systems, data
22 standards, and process improvement.

23 (b) *REPORTS.*—(1) Not later than December 15, 1994,
24 the Secretary of Defense shall submit to the Congress a re-
25 port on the establishment by the Secretary of performance
26 measures and management controls to ensure, to the maxi-

1 *imum extent practicable, the best possible return on invest-*
2 *ment for any funds used by the Secretary for new develop-*
3 *ment and modernization of automated data processing pro-*
4 *grams of the Department of Defense.*

5 *(2) Not later than March 15 and December 15 of each*
6 *year, the Secretary of Defense shall submit to the Congress*
7 *a report on the progress made by the Secretary in improv-*
8 *ing the defense information infrastructure, realizing a re-*
9 *duction in the overall support infrastructure of the Depart-*
10 *ment of Defense, selecting and converting to migration sys-*
11 *tems, establishing data standards, and improving the func-*
12 *tional business process for the automated data processing*
13 *programs of the Department. The report shall include infor-*
14 *mation (by functional area) on—*

15 *(A) the migration systems selected for the pro-*
16 *grams;*

17 *(B) the systems that will be migrated or elimi-*
18 *nated;*

19 *(C) the total cost of migration, including conver-*
20 *sion and interface costs;*

21 *(D) the number of corporate data elements that*
22 *have been standardized; and*

23 *(E) the improvements that have been made to*
24 *any such process, including the savings that have been*
25 *achieved by such improvements.*

1 (c) *REVIEW BY THE COMPTROLLER GENERAL.*—Not
 2 later than March 1, 1995, the Comptroller General of the
 3 United States shall submit to the Congress a report that
 4 contains an evaluation of the performance measures and
 5 management controls established by the Secretary of Defense
 6 to manage and oversee the implementation of migration
 7 systems, data standards, and process improvements for the
 8 automated data processing programs of the Department of
 9 Defense.

10 **SEC. 371. REVIEW BY DEFENSE INSPECTOR GENERAL OF**
 11 **COST GROWTH IN CERTAIN CONTRACTS.**

12 (a) *IN GENERAL.*—(1) Chapter 146 of title 10, United
 13 States Code, as amended by section 327, is further amended
 14 by adding at the end the following new section:

15 **“§2473. Cost growth in commercial contracts: review**
 16 **by Inspector General**

17 “(a) *REVIEW.*—Each fiscal year, the Inspector General
 18 of the Department of Defense shall conduct a review of not
 19 less than 20 percent of existing contracts for the perform-
 20 ance of commercial activities which resulted from a cost
 21 comparison study conducted by the Department of Defense
 22 under Office of Management and Budget Circular A–76 (or
 23 any other successor administrative regulation or policy) to
 24 determine the extent to which the costs incurred by a con-

1 tractor under any such contract has exceeded the cost of the
 2 contract at the time the contract was entered into.

3 “(b) *REPORT*.—Each year, not later than 30 days
 4 after the day on which the President submits to the Congress
 5 the budget for a fiscal year under section 1105 of title 31,
 6 the Secretary of Defense shall submit to the Committees on
 7 Armed Services of the Senate and House of Representatives
 8 a report containing the results of the most recently con-
 9 ducted review under subsection (a).”.

10 (2) The table of sections at the beginning of such chap-
 11 ter is amended by adding at the end the following new item:
 “2473. Cost growth in commercial contracts: review by Inspector General.”.

12 (b) *USE OF FUNDS*.—Of amounts authorized to be ap-
 13 propriated pursuant to section 301(12) for the Inspector
 14 General of the Department of Defense, \$10,000,000 shall be
 15 available to conduct a review under subsection (a) for fiscal
 16 year 1995.

17 **SEC. 372. COST COMPARISON STUDIES FOR CONTRACTS**
 18 **FOR ADVISORY AND ASSISTANCE SERVICES.**

19 (a) *IN GENERAL*.—(1) Chapter 141 of title 10, United
 20 States Code, is amended by adding at the end the following
 21 new section:

22 **“§2410l. Contracts for advisory and assistance serv-**
 23 **ices: cost comparison studies**

24 “(a) *REQUIREMENT*.—Before the Secretary of Defense
 25 enters into a contract for the performance of advisory and

1 *assistance services, the Secretary of Defense shall conduct*
 2 *a comparison study of the cost of performing the services*
 3 *by Department of Defense personnel and the cost of perform-*
 4 *ing the services by contractor personnel.*

5 “(b) *WAIVER.*—The Secretary of Defense may, pursu-
 6 ant to guidelines established by the Secretary, waive the re-
 7 quirement under subsection (a) to perform a cost compari-
 8 son study based on factors that are not related to cost.”.

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

“2410l. Contracts for advisory and assistance services: cost comparison studies.”.

11 (b) *PROCEDURES FOR CONDUCT OF STUDIES.*—The
 12 Secretary of Defense shall establish the following procedures:

13 (1) *Procedures to carry out a cost comparison*
 14 *study under section 2410l of title 10, United States*
 15 *Code, as added by subsection (a). Such procedures*
 16 *may contain a requirement that the cost comparison*
 17 *study include consideration of factors that are not re-*
 18 *lated to cost, including the quality of the service re-*
 19 *quired to be performed, the availability of Depart-*
 20 *ment of Defense personnel, the duration and recurring*
 21 *nature of the services to be performed, and the consist-*
 22 *ency of the workload.*

23 (2) *Procedures to review contracts entered into*
 24 *after a waiver under subsection (b) of such section to*

1 *determine whether the contract is justified and suffi-*
 2 *ciently documented.*

3 *(c) EFFECTIVE DATE.—Section 2410l of title 10, Unit-*
 4 *ed States Code, as added by subsection (a), shall take effect*
 5 *six months after the date of the enactment of this Act.*

6 **SEC. 373. REQUIREMENT AND PLAN FOR CONVERTING PER-**
 7 **FORMANCE OF CERTAIN POSITIONS TO PER-**
 8 **FORMANCE BY DEPARTMENT OF DEFENSE**
 9 **EMPLOYEES.**

10 *(a) CONVERSION TO PERFORMANCE BY EMPLOYEES.—*
 11 *In each of fiscal years 1995, 1996, and 1997, the Secretary*
 12 *of Defense shall change the performance of not less than*
 13 *10,000 positions that, as of September 30, 1994, were des-*
 14 *ignated to be performed by members of the Armed Forces*
 15 *on active duty to performance by employees of the Depart-*
 16 *ment of Defense.*

17 *(b) PLAN.—Not later than March 31, 1995, the Sec-*
 18 *retary of Defense shall submit to the Committees on Armed*
 19 *Services of the Senate and House of Representatives a plan*
 20 *for the implementation of subsection (a).*

21 **SEC. 374. USE OF SERVICE CONTRACT FUNDS FOR SEPARA-**
 22 **TION INCENTIVE PROGRAMS FOR DEPART-**
 23 **MENT OF DEFENSE EMPLOYEES.**

24 *During fiscal year 1995, any separation pay paid to*
 25 *an employee of the Department of Defense pursuant to sec-*

1 *tion 5597 of title 5, United States Code, or any other sepa-*
 2 *ration incentive program shall be paid from funds appro-*
 3 *priated to the Department of Defense for operation and*
 4 *maintenance for the purpose of entering into service*
 5 *contracts.*

6 ***SEC. 375. NON-FEDERAL EMPLOYMENT INCENTIVE PILOT***
 7 ***PROGRAM.***

8 *(a) AUTHORITY.—The Secretary of Defense may estab-*
 9 *lish a pilot program for employees (as defined in subsection*
 10 *(g)) at military installations scheduled for closure or re-*
 11 *alignment under which retraining and relocation incentives*
 12 *may be paid to encourage non-Federal employers to hire*
 13 *or retain such employees.*

14 *(b) RETRAINING INCENTIVE.—(1) As part of the pilot*
 15 *program, the Secretary may enter into an agreement with*
 16 *a non-Federal employer under which the non-Federal em-*
 17 *ployer agrees to hire an employee for a mutually agreeable*
 18 *salary for a minimum twelve-month period and to certify*
 19 *to the Secretary the employer's cost to train the employee.*

20 *(2) The Secretary shall pay a retraining incentive to*
 21 *the non-Federal employer upon the employee's completion*
 22 *of employment for the twelve-month period referred to in*
 23 *paragraph (1). The Secretary shall prorate the amount of*
 24 *the retraining incentive paid to the non-Federal employer*

1 *for an employee who does not complete such employment*
2 *for that twelve-month period.*

3 (c) *RELOCATION INCENTIVE.*—An employee employed
4 *by a non-Federal employer under the pilot program shall*
5 *be eligible to receive from the Secretary a relocation incen-*
6 *tive for such period of employment equal to the travel,*
7 *transportation, and subsistence expenses that would be au-*
8 *thorized to be paid to the employee under chapter 57 of title*
9 *5, United States Code (including the reimbursement pay-*
10 *ment authorized under section 5724b of such title) if the*
11 *employee were traveling on official business away from the*
12 *employee's designated post of duty or away from the em-*
13 *ployee's home or regular place of business during such pe-*
14 *riod.*

15 (d) *LIMITATIONS.*—A military department or a De-
16 *fense Agency may offer an incentive under the pilot pro-*
17 *gram only with the prior consent, or on the authority, of*
18 *the Secretary. Any such incentive may be paid for retrain-*
19 *ing, relocation, or a combination of retraining and reloca-*
20 *tion, except that the maximum amount that may be paid*
21 *to a non-Federal employer to hire an employee under the*
22 *pilot program may not exceed \$10,000.*

23 (e) *DURATION.*—The pilot program shall terminate not
24 *later than September 30, 1999.*

25 (f) *DEFINITIONS.*—In this section:

1 (1) *The term “employee” means an employee of*
2 *a military department or a Defense Agency, serving*
3 *under an appointment without time limitation, who*
4 *has been currently employed by the military depart-*
5 *ment or Defense Agency for a continuous period of at*
6 *least 12 months and who has been given specific no-*
7 *tice of separation by reduction in force, except that*
8 *such term does not include—*

9 (A) *a reemployed annuitant under sub-*
10 *chapter III of chapter 83 of title 5, United States*
11 *Code, chapter 84 of such title, or another retire-*
12 *ment system for employees of the Government;*

13 (B) *an employee who is subject to sub-*
14 *chapter III of chapter 83 of title 5, United States*
15 *Code, or chapter 84 of such title and who, at the*
16 *time of separation from service, has fulfilled the*
17 *requirements for immediate annuity under such*
18 *subchapter or chapter; or*

19 (C) *an employee having a disability on the*
20 *basis of which such employee is or would be eli-*
21 *gible for disability retirement under any of the*
22 *retirement systems referred to in subparagraph*
23 (A).

24 (2) *The term “non-Federal employer” means an*
25 *employer that is not the Federal Government.*

1 **SEC. 376. UNIFORM HEALTH BENEFITS PROGRAM FOR EM-**
 2 **PLOYEES OF THE DEPARTMENT OF DEFENSE**
 3 **ASSIGNED TO NONAPPROPRIATED FUND IN-**
 4 **STRUMENTALITIES.**

5 (a) *IN GENERAL.*—Not later than October 1, 1995, the
 6 Secretary of Defense shall take such steps as may be nec-
 7 essary to provide a uniform health benefits program for em-
 8 ployees of the Department of Defense assigned to a
 9 nonappropriated fund instrumentality of the Department.

10 (b) *REPORT.*—The Secretary of Defense shall submit
 11 a report on the implementation of subsection (a) to the
 12 Committees on Armed Services of the Senate and House of
 13 Representatives not later than March 15, 1995.

14 **SEC. 377. OPERATION OF MILITARY EXCHANGE AND COM-**
 15 **MISSARY STORE AT NAVAL AIR STATION**
 16 **FORT WORTH, JOINT RESERVE CENTER,**
 17 **CARSWELL FIELD.**

18 The Secretary of Defense shall provide for the oper-
 19 ation by the Army and Air Force Exchange Service, until
 20 December 31, 1995, of any military exchange and com-
 21 missary store located at the Naval Air Station Fort Worth,
 22 Joint Reserve Center, Carswell Field.

23 **SEC. 378. SHIPS' STORES.**

24 (a) *EXTENSION OF DEADLINE FOR CONVERSION.*—Sec-
 25 tion 371(a) of the National Defense Authorization Act for
 26 Fiscal Year 1994 (10 U.S.C. 7604 note) is amended by

1 *striking out “October 1, 1994” and inserting in lieu thereof*
 2 *“October 1, 1995”.*

3 *(b) MODIFICATION OF EFFECTIVE DATE.—Section*
 4 *371(d) of such Act is amended by striking out “shall take*
 5 *effect on the date on which the Secretary of the Navy com-*
 6 *pletes the conversion referred to in subsection (a)” and in-*
 7 *serting in lieu thereof “shall take effect on October 1, 1994”.*

8 **SEC. 379. PROGRAM TO COMMEMORATE WORLD WAR II.**

9 *(a) EXTENSION.—Section 378 of the National Defense*
 10 *Authorization Act for Fiscal Year 1993 (Public Law 102–*
 11 *484; 106 Stat. 2387) is amended by striking out “1995”*
 12 *in subsections (a) and (b) and inserting in lieu thereof*
 13 *“1996”.*

14 *(b) REIMBURSEMENT OF CERTAIN COSTS.—Such sec-*
 15 *tion is further amended by adding at the end the following*
 16 *new subsection:*

17 *“(g) REIMBURSEMENT FOR CERTAIN EXPENSES.—The*
 18 *Secretary of Defense may provide for reimbursement of ex-*
 19 *penses incurred by a person to provide for the participation*
 20 *of the S.S. Jeremiah O’Brien in programs and activities*
 21 *to commemorate the 50th anniversary of World War II.”.*

22 **SEC. 380. ONE-YEAR EXTENSION OF CERTAIN PROGRAMS.**

23 *(a) DEMONSTRATION PROJECT FOR USE OF PRO-*
 24 *CEEDS FROM THE SALE OF CERTAIN PROPERTY.—(1) Sec-*
 25 *tion 343(d)(1) of the National Defense Authorization Act*

1 *for Fiscal Years 1992 and 1993 (Public Law 102–190; 105*
 2 *Stat. 1344) is amended by striking out “terminate on De-*
 3 *cember 5, 1994” and inserting in lieu thereof “terminate*
 4 *on December 5, 1995”.*

5 *(2) Section 343(e) of such Act is amended by striking*
 6 *out “February 3, 1995” and inserting in lieu thereof “Feb-*
 7 *ruary 3, 1996”.*

8 *(b) AUTHORITY FOR AVIATION DEPOTS AND NAVAL*
 9 *SHIPYARDS TO ENGAGE IN DEFENSE-RELATED PRODUC-*
 10 *TION AND SERVICES.—Section 1425(e) of the National De-*
 11 *fense Authorization Act for Fiscal Year 1991 (Public Law*
 12 *101–510; 104 Stat. 1684) is amended by striking out “Sep-*
 13 *tember 30, 1994” and inserting in lieu thereof “September*
 14 *30, 1995”.*

15 *(c) AUTHORITY OF BASE COMMANDERS OVER CON-*
 16 *TRACTING FOR COMMERCIAL ACTIVITIES.—Section 2468(f)*
 17 *of title 10, United States Code, is amended by striking out*
 18 *“September 30, 1994” and inserting in lieu thereof “Sep-*
 19 *tember 30, 1995”.*

20 **SEC. 381. CLARIFICATION AND CODIFICATION OF OVER-**
 21 **SEAS MILITARY END STRENGTH LIMITATION.**

22 *(a) IN GENERAL.—(1) Chapter 3 of title 10, United*
 23 *States Code, is amended by inserting after section 123a the*
 24 *following new section:*

1 **“§ 123b. Forces stationed abroad: limitation on num-**
 2 **ber**

3 “(a) *END-STRENGTH LIMITATION.*—No funds appro-
 4 *priated to the Department of Defense may be used to sup-*
 5 *port a strength level of members of the armed forces assigned*
 6 *to permanent duty ashore in nations outside the United*
 7 *States at the end of any fiscal year at a level in excess of*
 8 *200,000.*

9 “(b) *EXCEPTION FOR WARTIME.*—Subsection (a) does
 10 *not apply in the event of a declaration of war or an armed*
 11 *attack on any member nation of the North Atlantic Treaty*
 12 *Organization, Japan, the Republic of Korea, or any other*
 13 *ally of the United States.*

14 “(c) *PRESIDENTIAL WAIVER.*—The President may
 15 *waive the operation of subsection (a) if the President de-*
 16 *clares an emergency. The President shall immediately no-*
 17 *tify Congress of any such waiver.”.*

18 (2) *The table of sections at the beginning of such chap-*
 19 *ter is amended by adding at the end the following new item:*
 “123b. Forces stationed abroad: limitation on number.”.

20 (b) *EFFECTIVE DATE.*—Section 123b of title 10, *Unit-*
 21 *ed States Code, as added by subsection (a), does not apply*
 22 *with respect to a fiscal year before fiscal year 1996.*

23 (c) *CONFORMING REPEAL.*—Section 1302 of the *Na-*
 24 *tional Defense Authorization Act for Fiscal Year 1993 (Pub-*
 25 *lic Law 102–484; 106 Stat. 2545) is repealed.*

1 **SEC. 382. AUTHORITY TO ISSUE MILITARY IDENTIFICATION**
 2 **CARDS TO SO-CALLED HONORARY RETIREES**
 3 **OF THE NAVAL AND MARINE CORPS RE-**
 4 **SERVES.**

5 (a) *AUTHORITY.*—The Secretary of the Navy may issue
 6 a military identification card to a member of the Retired
 7 Reserve described in subsection (b).

8 (b) *COVERED MEMBERS.*—A member of the Retired
 9 Reserve referred to in subsection (a) is a member of the
 10 Naval Reserve or Marine Corps Reserve who transferred to
 11 the Retired Reserve under section 274(2) of title 10, United
 12 States Code, without having completed the years of service
 13 required under section 1331(a)(2) of such title for eligibility
 14 for retired pay under chapter 67 of that title.

15 (c) *EFFECT ON COMMISSARY AND EXCHANGE BENE-*
 16 *FITS.*—The issuance of a military identification card under
 17 subsection (a) to a member of the Retired Reserve does not
 18 confer eligibility for commissary and exchange benefits on
 19 that member.

20 **SEC. 383. MODIFICATION OF STATUTE OF LIMITATIONS FOR**
 21 **CERTAIN CLAIMS FOR PERSONAL PROPERTY**
 22 **DAMAGE OR LOSS.**

23 (a) *MODIFICATION.*—Subsection (g) of section 3721 of
 24 title 31, United States Code, is amended—

25 (1) by striking out “. However, if” and inserting
 26 in lieu thereof “, except that in the case of a member

1 of the uniformed services, the claim must be presented
 2 in writing within 1 year after the claim accrues. If”;
 3 and

4 (2) in the second sentence, by inserting “(or, in
 5 the case of a member of the uniformed services, within
 6 1 year)” after “presented within 2 years”.

7 (b) *APPLICABILITY.*—The amendment made by sub-
 8 section (a) shall apply to a claim under section 3721 of
 9 title 31, United States Code, that accrues on or after the
 10 date of the enactment of this Act.

11 **SEC. 384. OPERATION OF OVERSEAS FACILITIES OF THE DE-**
 12 **PARTMENT OF DEFENSE BY UNITED STATES**
 13 **FIRMS.**

14 (a) *OPERATION OF FACILITIES.*—(1) Subchapter V of
 15 chapter 148 of title 10, United States Code, is amended by
 16 adding at the end the following new section:

17 **“§2542. Operation of overseas facilities of the Depart-**
 18 **ment of Defense by United States firms**

19 “(a) *OPERATION OF OVERSEAS FACILITIES.*—A con-
 20 tract to operate a Department of Defense facility not in
 21 the United States (or its territories or possessions) for the
 22 production or distribution of subsistence items may be
 23 awarded only to a United States firm. The facility shall
 24 be operated in accordance with Federal law governing the
 25 production or distribution of such items.

1 “(b) *DEFINITION.*—In this section, the term ‘United
2 States firm’ has the meaning given such term in section
3 2532(d)(1) of this title.”.

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

“2542. Operation of overseas facilities of the Department of Defense by United States firms.”.

7 (b) *EFFECTIVE DATE.*—Section 2542 of title 10, Unit-
8 ed States Code, as added by subsection (a), shall apply with
9 respect to solicitations issued, contracts awarded or ex-
10 tended, or subcontracts approved, after January 1, 1995.

11 **SEC. 385. EXCLUSION OF CERTAIN TROOPS IN CALCULA-**
12 **TION OF AUTHORIZED END STRENGTH FOR**
13 **MILITARY PERSONNEL IN EUROPE.**

14 Subsection (c)(1) of section 1002 of the Department of
15 Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is
16 amended by adding at the end the following: “For purposes
17 of this paragraph, members of the Armed Forces of the
18 United States assigned to permanent duty ashore in Ice-
19 land, Greenland, and the Azores are excluded in calculating
20 the end strength level of members of the Armed Forces as-
21 signed to permanent duty ashore in European member na-
22 tions of NATO.”.

1 **SEC. 386. AUTHORITY TO TRANSFER CERTAIN EXCESS**
 2 **PROPERTY TO EDUCATIONAL INSTITUTIONS**
 3 **AND TRAINING SCHOOLS.**

4 *Notwithstanding title II of the Federal Property and*
 5 *Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)*
 6 *and any other provision of law, the Secretary of Defense*
 7 *may, until January 1, 1997, authorize the transfer, on a*
 8 *nonreimbursable basis, of any property described in section*
 9 *2535 of title 10, United States Code, to any nonprofit edu-*
 10 *cational institution or training school whenever the pro-*
 11 *gram proposed by such institution or school for the use of*
 12 *such property is in the public interest.*

13 **SEC. 387. PRIORITY TO STATES FOR THE TRANSFER OF**
 14 **NONLETHAL EXCESS SUPPLIES OF THE DE-**
 15 **PARTMENT OF DEFENSE.**

16 *Section 2547 of title 10, United States Code, is amend-*
 17 *ed—*

18 *(1) in subsection (a), by striking out “The Sec-*
 19 *retary of Defense” and inserting in lieu thereof “Sub-*
 20 *ject to subsection (d), the Secretary of Defense”;*

21 *(2) by redesignating subsection (d) as subsection*
 22 *(e); and*

23 *(3) by inserting after subsection (c) the following*
 24 *new subsection (d):*

25 *“(d) Nonlethal excess supplies of the Department of De-*
 26 *fense shall be made available to a State, a local government*

1 *of a State, a Territory, or a possession, upon the request*
 2 *of the State, local government, Territory, or possession pur-*
 3 *suant to authority provided in another provision of law,*
 4 *before such supplies are made available for humanitarian*
 5 *relief purposes under this section. The President may make*
 6 *such supplies available for humanitarian purposes before*
 7 *such supplies are made available to a State, local govern-*
 8 *ment, Territory, or possession under this subsection in order*
 9 *to respond to an emergency for which such supplies are es-*
 10 *pecially suited.”.*

11 ***TITLE IV—MILITARY PERSONNEL*** 12 ***AUTHORIZATIONS***

13 ***Subtitle A—Active Forces***

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

15 *The Armed Forces are authorized strengths for active*
 16 *duty personnel as of September 30, 1995, as follows:*

- 17 *(1) The Army, 510,000.*
- 18 *(2) The Navy, 441,641.*
- 19 *(3) The Marine Corps, 174,000.*
- 20 *(4) The Air Force, 400,051.*

21 ***SEC. 402. LIMITATION ON DEPLOYMENT OF DIVISIONS CON-*** 22 ***STITUTING ARMY CONTINGENCY FORCE.***

23 *(a) IN GENERAL.—Whenever practicable, in assigning*
 24 *forces of the Army for operations other than war, the Presi-*
 25 *dent shall seek to use elements of divisions that are not part*

1 *of the contingency force, and the President may not at any*
 2 *one time use elements of more than one division of the con-*
 3 *tingency force for such operations (except for domestic hu-*
 4 *manitarian or disaster relief missions) unless elements of*
 5 *all divisions that are not part of the contingency force are*
 6 *currently deployed for such operations.*

7 (b) *CONTINGENCY FORCE DEFINED.*—For purposes of
 8 this section, the term “contingency force” means the set of
 9 four or five Army divisions that is designated as the Army
 10 contingency force by the Secretary of the Army, such force
 11 consisting of those divisions that are assigned to be the ini-
 12 tial Army divisions to be deployed to respond to a regional
 13 conflict.

14 ***Subtitle B—Reserve Forces***

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

16 (a) *IN GENERAL.*—The Armed Forces are authorized
 17 strengths for Selected Reserve personnel of the reserve com-
 18 ponents as of September 30, 1995, as follows:

19 (1) *The Army National Guard of the United*
 20 *States, 400,000.*

21 (2) *The Army Reserve, 242,000.*

22 (3) *The Naval Reserve, 100,710.*

23 (4) *The Marine Corps Reserve, 42,000.*

24 (5) *The Air National Guard of the United*
 25 *States, 115,581.*

1 (6) *The Air Force Reserve, 78,706.*

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

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

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

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

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

19 *Whenever such units or such individual members are re-*
20 *leased from active duty during any fiscal year, the end*
21 *strength prescribed for such fiscal year for the Selected Re-*
22 *serve of such reserve component shall be increased propor-*
23 *tionately by the total authorized strengths of such units and*
24 *by the total number of such individual members.*

1 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
 2 **DUTY IN SUPPORT OF THE RESERVES.**

3 *Within the end strengths prescribed in section 411(a),*
 4 *the reserve components of the Armed Forces are authorized,*
 5 *as of September 30, 1995, the following number of Reserves*
 6 *to be serving on full-time active duty or, in the case of mem-*
 7 *bers of the National Guard, full-time National Guard duty*
 8 *for the purpose of organizing, administering, recruiting, in-*
 9 *structing, or training the reserve components:*

10 (1) *The Army National Guard of the United*
 11 *States, 23,650.*

12 (2) *The Army Reserve, 11,940.*

13 (3) *The Naval Reserve, 17,510.*

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

15 (5) *The Air National Guard of the United*
 16 *States, 9,098.*

17 (6) *The Air Force Reserve, 648.*

18 **SEC. 413. ACTIVE COMPONENT MEMBERS TO BE ASSIGNED**
 19 **FOR TRAINING COMPATIBILITY WITH GUARD**
 20 **UNITS.**

21 *Section 414(c) of the National Defense Authorization*
 22 *Act for Fiscal Years 1992 and 1993 (10 U.S.C. 261 note)*
 23 *is amended by striking out “September 30, 1994” and in-*
 24 *serting in lieu thereof “September 30, 1996”.*

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

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

4 (a) *IN GENERAL.*—For fiscal year 1995, the Armed
5 Forces are authorized average military training student
6 loads as follows:

7 (1) *The Army, 69,420.*

8 (2) *The Navy, 43,064.*

9 (3) *The Marine Corps, 25,377.*

10 (4) *The Air Force, 36,840.*

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

15 (c) *ADJUSTMENTS.*—The average military training
16 student loads authorized in subsection (a) shall be adjusted
17 consistent with the end strengths authorized in subtitles A
18 and B. The Secretary of Defense shall prescribe the manner
19 in which such adjustments shall be apportioned.

20 **Subtitle D—Authorization of**
21 **Appropriations**

22 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
23 **TARY PERSONNEL.**

24 There is hereby authorized to be appropriated to the
25 Department of Defense for military personnel for fiscal year

1 1995 a total of \$71,086,397,000. The authorization in the
 2 preceding sentence supersedes any other authorization of
 3 appropriations (definite or indefinite) for such purpose for
 4 fiscal year 1995.

5 **TITLE V—MILITARY PERSONNEL**
 6 **POLICY**

7 **Subtitle A—Officer Personnel Policy**

8 **SEC. 501. AUTHORITY FOR OFFICERS TO SERVE ON SUCCES-**
 9 **SIVE PROMOTION BOARDS.**

10 Section 612(b) of title 10, United States Code, is
 11 amended—

12 (1) by striking out “No officer may be” and in-
 13 serting in lieu thereof “(1) Except as provided in
 14 paragraph (2), an officer may not be”; and

15 (2) by adding at the end the following:

16 “(2) With the approval of the Secretary of the military
 17 department concerned, an officer may serve as a member
 18 on successive consideration of officers of the same competi-
 19 tive category and grade if the second board does not con-
 20 sider the same officer or officers as the first board.”.

21 **SEC. 502. ARMY FIELD GRADE OFFICER STRENGTH LIMITA-**
 22 **TIONS.**

23 (a) REVISIONS TO AUTHORIZED ACTIVE DUTY NUM-
 24 BERS.—The table in section 523(a)(1) of title 10, United
 25 States Code, is amended by striking out all of the table

1 preceding “Air Force:” and inserting in lieu thereof the
 2 following:

“Total number of commissioned officers (excluding officers in categories specified in subsection (b)) on active duty:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
“Army:			
60,000	12,380	8,361	3,080
65,000	13,071	8,750	3,264
70,000	13,763	9,138	3,447
75,000	14,454	9,527	3,631
80,000	15,146	9,915	3,814
85,000	15,837	10,304	3,997
90,000	16,529	10,692	4,181
95,000	17,220	11,081	4,364
100,000	17,912	11,469	4,548
110,000	19,295	12,246	4,915
120,000	20,678	13,023	5,281
130,000	22,061	13,800	5,648
170,000	27,593	16,908	7,116”.

3 (b) *EFFECTIVE DATE.*—The amendment made by sub-
 4 section (a) shall take effect on October 1, 1994.

5 **SEC. 503. TECHNICAL CHANGES TO PROVISIONS ENACTED**
 6 **BY WARRANT OFFICER MANAGEMENT ACT.**

7 Chapter 33A of title 10, United States Code, is amend-
 8 ed—

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

11 “(e) An officer who is appointed to a higher grade
 12 under this section is considered to have accepted such ap-
 13 pointment on the date on which the appointment is made
 14 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 section
 3 3331 of title 5 is not required to take a new oath upon
 4 appointment to a higher grade under this section.”;

5 (2) in sections 573(a)(2) and 574(e), by striking
 6 out “on active duty”;

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

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

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

18 **SEC. 504. NAVY AND MARINE CORPS LIMITED DUTY OFFI-**
 19 **CERS.**

20 Section 5589 of title 10, United States Code, is amend-
 21 ed—

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

24 (2) by inserting after subsection (b) the following
 25 subsection:

1 “(c) An officer designated for limited duty who is serv-
 2 ing on active duty pursuant to a temporary appointment
 3 under section 5596 of this title may be given an original
 4 appointment under this section with the same grade and
 5 date of rank as the officer held pursuant to the temporary
 6 appointment.”.

7 **SEC. 505. RETIREMENT OR ENLISTMENT OF CERTAIN LIM-**
 8 **ITED DUTY OFFICERS OF THE NAVY AND MA-**
 9 **RINE CORPS.**

10 Section 6383 of title 10, United States Code, is amend-
 11 ed—

12 (1) in subsections (a)(1), (a)(2), (a)(3), (a)(4),
 13 (b), and (d), by striking out “Except as provided in
 14 subsection (i),” and inserting in lieu thereof “Except
 15 as provided in subsections (f) and (h),”;

16 (2) by striking out subsection (f) and inserting
 17 in lieu thereof the following:

18 “(f)(1) An officer subject to discharge under subsection
 19 (b), (d), or (e) who is not eligible for retirement and to
 20 whom paragraph (2) does not apply may, upon the officer’s
 21 request and in the discretion of the Secretary of the Navy,
 22 be enlisted in the grade prescribed by the Secretary.

23 “(2) If an officer subject to discharge under subsection
 24 (b) or (d) is, on the date on which the officer is to be dis-
 25 charged, within two years of qualifying for retirement

1 *under section 6323 of this title, the officer shall be retained*
 2 *on active duty until qualified for retirement and shall then*
 3 *be retired under that section, unless the officer is sooner re-*
 4 *tired or discharged under another provision of law.”;*

5 *(3) by striking out subsection (g);*

6 *(4) by redesignating subsections (h), (i), and (j)*
 7 *as subsections (g), (h), and (i) respectively; and*

8 *(5) in subsection (h) (as so redesignated), by*
 9 *striking out “or the discharge under subsection (d)”*
 10 *and inserting in lieu thereof “or the discharge under*
 11 *subsection (b) or (d)”.*

12 ***SEC. 506. TEMPORARY EXCLUSION OF SUPERINTENDENT***
 13 ***OF NAVAL ACADEMY FROM COUNTING TO-***
 14 ***WARD NUMBER OF SENIOR ADMIRALS AU-***
 15 ***THORIZED TO BE ON ACTIVE DUTY.***

16 *(a) GRADE RELIEF.—If the next officer appointed to*
 17 *serve as Superintendent of the United States Naval Acad-*
 18 *emy after April 1, 1994, is an officer described in subsection*
 19 *(b), that officer, while so serving, shall not be counted for*
 20 *purposes of the limitations contained in section 525(b)(2)*
 21 *of title 10, United States Code.*

22 *(b) QUALIFYING OFFICER.—Subsection (a) applies in*
 23 *the case of a retired officer who—*

24 *(1) holds the grade of admiral on the retired list;*

1 (2) *is ordered to active duty pursuant to section*
 2 *688 of title 10, United States Code, to serve as Super-*
 3 *intendent of the United States Naval Academy; and*
 4 (3) *is appointed pursuant to section 601 of that*
 5 *title to have the grade of admiral while serving on ac-*
 6 *tive duty in that position.*

7 **SEC. 507. GRADE OF HEADS OF CERTAIN PROFESSIONAL**
 8 **MILITARY EDUCATION SCHOOLS.**

9 (a) *NATIONAL DEFENSE UNIVERSITY.*—*The president*
 10 *of the National Defense University, if a member of the*
 11 *Armed Forces on active duty, has the grade of lieutenant*
 12 *general or vice admiral while so serving, if appointed to*
 13 *that grade for service in that position.*

14 (b) *COMPONENT SCHOOLS OF NDU.*—*The com-*
 15 *mandant of each of the following Department of Defense*
 16 *schools shall be selected from among officers on the active-*
 17 *duty list who have the grade of major general or rear*
 18 *admiral:*

19 (1) *The National War College.*

20 (2) *The Industrial College of the Armed Forces.*

21 (3) *The Armed Forces Staff College.*

22 (c) *SERVICE SCHOOLS.*—*The following positions may*
 23 *be held only by officers on the active-duty list serving in*
 24 *the grade of major general or rear admiral or a higher*
 25 *grade:*

1 (1) *The commandant of the Army War College.*

2 (2) *The president of the Naval War College.*

3 (3) *The commandant of the Air University.*

4 ***Subtitle B—Reserve Component***
 5 ***Matters***

6 ***SEC. 511. SELECTED RESERVE ACTIVATION AUTHORITY.***

7 (a) *ENHANCED ACTIVATION AUTHORITY.—Subsection*
 8 (a) *of section 673b of title 10, United States Code, is amend-*
 9 *ed to read as follows:*

10 “(a)(1) *If the President determines that augmentation*
 11 *of the active forces is necessary for an operational mission,*
 12 *the President may provide Reserve activation authority.*
 13 *The period for which a unit or member is ordered to active*
 14 *duty pursuant to Reserve activation authority provided*
 15 *under this paragraph may not be more than 180 days (and*
 16 *is subject to extension under subsection (i)).*

17 “(2) *If the President determines that augmentation of*
 18 *the active forces may be necessary for an operational mis-*
 19 *sion that the President authorizes to be carried out, the*
 20 *President may, on or after the date on which the President*
 21 *authorizes that mission to be carried out, provide Reserve*
 22 *activation authority with respect to a total of not more than*
 23 *25,000 members of the Selected Reserve. The period for*
 24 *which a unit or member is ordered to active duty pursuant*

1 *to Reserve activation authority provided under this para-*
 2 *graph may not be more than 90 days.*

3 “(3) *The term ‘Reserve activation authority’ means*
 4 *authority provided by the President to the Secretary of De-*
 5 *fense and the Secretary of Transportation with respect to*
 6 *the Coast Guard when it is not operating as a service of*
 7 *the Navy to order to active duty (other than for training)*
 8 *without the consent of the members concerned (A) any unit*
 9 *of the Selected Reserve, and (B) any member of the Selected*
 10 *Reserve not assigned to a unit organized to serve as a unit.*

11 “(4) *This section applies notwithstanding the provi-*
 12 *sions of section 673(a) of this title or any other provision*
 13 *of law.”.*

14 (b) *PERIOD OF EXTENSION OF ACTIVE DUTY.—Sub-*
 15 *section (i) of such section is amended in the first sentence—*

16 (1) *by striking out “is ordered to active duty*
 17 *under this section” and inserting in lieu thereof “is*
 18 *ordered to active duty under authority provided*
 19 *under subsection (a)(1)”;* and

20 (2) *by striking out “90 additional days” and in-*
 21 *serting in lieu thereof “180 additional days”.*

22 (c) *CONFORMING AMENDMENT CONCERNING NOTICE*
 23 *TO CONGRESS OF USE OF ACTIVATION AUTHORITY.—Sub-*
 24 *section (f) of such section is amended—*

25 (1) *by inserting “(1)” after “(f)”;* and

1 (2) *by adding at the end the following:*

2 “(2) *Whenever a unit or member of the Selected Re-*
 3 *serve is ordered to active duty under authority provided*
 4 *under subsection (a)(2), the Secretary of Defense or the Sec-*
 5 *retary of Transportation, as the case may be, shall submit,*
 6 *within 24 hours after issuing such order, a report to Con-*
 7 *gress, in writing, setting forth the circumstances necessitat-*
 8 *ing the action taken and describing the anticipated use of*
 9 *the units or members ordered to active duty.”.*

10 **SEC. 512. RESERVE GENERAL AND FLAG OFFICERS ON AC-**
 11 **TIVE DUTY.**

12 (a) *IN GENERAL.*—Section 526 of title 10, United
 13 *States Code, is amended by adding at the end the following:*

14 “(d)(1) *Within the numbers authorized under sub-*
 15 *sections (a) and (b), there shall be, at a minimum, the fol-*
 16 *lowing Reserve general and flag officers serving in the Na-*
 17 *tional Guard Bureau, the Office of a Chief of a reserve com-*
 18 *ponent, or the headquarters of a reserve component com-*
 19 *mand:*

<i>Army National Guard of the United</i>	
<i>States</i>	<i>3 general officers.</i>
<i>Army Reserve</i>	<i>3 general officers.</i>
<i>Naval Reserve</i>	<i>3 flag officers.</i>
<i>Air National Guard of the United States</i>	<i>3 general officers.</i>
<i>Air Force Reserve</i>	<i>3 general officers.</i>

20 “(2) *Within the numbers authorized under subsections*
 21 *(a) and (b), there shall be (in addition to the officers speci-*
 22 *fied in paragraph (1)) a Reserve general or flag officer who*

1 *is assigned as the Military Executive to the Reserve Forces*
 2 *Policy Board.*

3 “(e) *The limitation of this section does not apply to*
 4 *a reserve general or flag officer who is on active duty for*
 5 *training or who is on active duty under a call or order*
 6 *specifying a period of less than 180 days.”.*

7 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
 8 *section (a) shall take effect at the end of the 90-day period*
 9 *beginning on the date of the enactment of this Act.*

10 ***SEC. 513. DEFINITION OF ACTIVE GUARD AND RESERVE***
 11 ***DUTY.***

12 *Section 101(d) of title 10, United States Code, is*
 13 *amended by adding at the end the following new paragraph:*

14 “(7)(A) *The term ‘active Guard and Reserve*
 15 *duty’ means active duty or full-time National Guard*
 16 *duty performed by a member of a reserve component*
 17 *of the Army, Navy, Air Force, or Marine Corps or of*
 18 *the National Guard pursuant to an order to active*
 19 *duty or full-time National Guard duty for a period*
 20 *of more than 180 consecutive days for the purpose of*
 21 *organizing, administering, recruiting, instructing, or*
 22 *training the reserve components.*

23 “(B) *Such term does not include the following:*

1 “(i) Duty performed as a member of the Re-
 2 serve Forces Policy Board provided for under
 3 section 175 of this title.

4 “(ii) Duty performed as a property and fis-
 5 cal officer under section 708 of title 32.

6 “(iii) Duty performed in connection with
 7 drug interdiction and counter-drug activities
 8 under section 112 of title 32.

9 “(iv) Duty performed as a general or flag
 10 officer.

11 “(v) Service as a State director of the Selec-
 12 tive Service System under section 10(b)(2) of the
 13 Military Selective Service Act (50 U.S.C. App.
 14 460(b)(2)).”.

15 **SEC. 514. REPEAL OF OBSOLETE PROVISIONS PERTAINING**
 16 **TO TRANSFER OF REGULAR ENLISTED MEM-**
 17 **BERS TO THE RETIRED RESERVE.**

18 (a) ARMY.—Section 3914 of title 10, United States
 19 Code, is amended by striking out the second and third
 20 sentences.

21 (b) AIR FORCE.—Section 8914 of such title, is amend-
 22 ed by striking out the second and third sentences.

1 **SEC. 515. GUARD AND RESERVE TRANSITION INITIATIVES.**

2 (a) Section 1331a(c) of title 10, United States Code,
3 is amended by adding at the end the following new para-
4 graph:

5 “(3) Notwithstanding the provisions of section 4415(2)
6 of the National Defense Authorization Act for Fiscal Year
7 1993 (Public Law 102–484; 106 Stat. 2714), the Secretary
8 concerned may, consistent with the other provisions of this
9 section, provide the notification required by section 1331(d)
10 of this title to a member who no longer meets the qualifica-
11 tions for membership in the Selected Reserve solely because
12 the member is unfit because of physical disability. Such no-
13 tification may not be made if the disability is the result
14 of the member’s intentional misconduct, willful neglect, or
15 willful failure to comply with standards and qualifications
16 for retention established by the Secretary concerned or was
17 incurred during a period of unauthorized absence.”.

18 (b) Section 4416 of the National Defense Authorization
19 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
20 2714) is amended—

21 (1) by striking out subsection (d) and inserting
22 in lieu thereof the following:

23 “(d) ANNUAL PAYMENT PERIOD.—An annual pay-
24 ment granted to a member under this section shall be paid
25 for the number of years specified by the Secretary con-
26 cerned. Such number shall be one or more but not more

1 *than five, except that the entitlement to the annual payment*
 2 *shall terminate on the member's 60th birthday.”;*

3 *(2) by adding at the end of subsection (e) the fol-*
 4 *lowing new paragraph:*

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

12 *(3) by adding at the end the following new sub-*
 13 *section:*

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

21 **SEC. 516. SEMIANNUAL REPORT ON SEPARATIONS OF AC-**
 22 **TIVE ARMY OFFICERS.**

23 *Section 1111 of the Army National Guard Combat*
 24 *Readiness Reform Act of 1992 (title XI of Public Law 102–*

1 484; 106 Stat. 2536) is amended by adding at the end the
 2 following new subsection:

3 “(e) On a semiannual basis, the Secretary of the Army
 4 shall furnish to the Chief of the National Guard Bureau
 5 a list containing the name, home of record, and last-known
 6 mailing address of each officer of the Army who during the
 7 previous six months was honorably separated from active
 8 service in the grade of major or below.”.

9 ***Subtitle C—Other Matters***

10 ***SEC. 521. REPEAL OF REQUIRED REDUCTION IN RECRUIT-*** 11 ***ING PERSONNEL.***

12 *Section 431 of the National Defense Authorization Act*
 13 *for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2400)*
 14 *is repealed.*

15 ***SEC. 522. COAST GUARD FORCE REDUCTION TRANSITION*** 16 ***BENEFITS.***

17 *(a) INVOLUNTARY SEPARATION BENEFITS AND SERV-*
 18 *ICES.—Chapter 58 of title 10, United States Code, is*
 19 *amended as follows:*

20 *(1) Section 1141 is amended in the matter pre-*
 21 *ceding paragraph (1)—*

22 *(A) by striking out “Army, Navy, Air*
 23 *Force, or Marine Corps” and inserting in lieu*
 24 *thereof “armed forces”; and*

1 (B) by striking out “or on or after the date
2 of the enactment of the National Defense Author-
3 ization Act for Fiscal Year 1994” and inserting
4 in lieu thereof “or after November 29, 1993, or,
5 with respect to a member of the Coast Guard, if
6 the member was on active duty in the Coast
7 Guard after September 30, 1994,”.

8 (2) Section 1143 is amended—

9 (A) in the heading, by striking out “: **De-**
10 **partment of Defense**”;

11 (B) in subsection (a), by inserting “and the
12 Secretary of Transportation with respect to the
13 Coast Guard” after “Secretary of Defense” and
14 by striking out “under the jurisdiction of the
15 Secretary”;

16 (C) in subsection (b), by adding at the end
17 the following new sentence: “The Secretary of
18 Transportation shall establish permanent em-
19 ployment assistance centers at appropriate Coast
20 Guard installations.”;

21 (D) in subsection (c), by inserting “and the
22 Secretary of Transportation” after “Secretary of
23 Defense”; and

24 (E) in subsection (d), by adding at the end
25 the following new sentence: “The Secretary of

1 *Transportation shall provide the same preference*
 2 *in hiring to involuntarily separated members of*
 3 *the Coast Guard, and the dependents of such*
 4 *members, in Coast Guard nonappropriated fund*
 5 *instrumentalities.”.*

6 (3) *Section 1143a is amended—*

7 (A) *in the heading by striking out “: **De-***
 8 ***partment of Defense**”;* and

9 (B) *by adding at the end the following new*
 10 *subsection:*

11 “(h) *This section shall apply to the Coast Guard in*
 12 *the same manner and to the same extent as it applies to*
 13 *the Department of Defense. The Secretary of Transportation*
 14 *shall implement the requirements of this section for the*
 15 *Coast Guard.”.*

16 (4) *Section 1145 is amended by adding at the*
 17 *end the following new subsection:*

18 “(e) *The provisions of this section shall apply to mem-*
 19 *bers of the Coast Guard (and their dependents) involuntar-*
 20 *ily separated from active duty during the five-year period*
 21 *beginning on October 1, 1994. The Secretary of Transpor-*
 22 *tation shall implement this section for the Coast Guard.”.*

23 (5) *Section 1146 is amended by adding at the*
 24 *end the following new sentence: “The Secretary of*
 25 *Transportation shall implement this provision for*

1 *Coast Guard members involuntarily separated during*
2 *the five-year period beginning October 1, 1994.”.*

3 (6) *Section 1147(a) is amended—*

4 (A) *by inserting “(1)” before “The Sec-*
5 *retary of a military department”; and*

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

8 “(2) *The Secretary of Transportation may prescribe*
9 *regulations to permit members of the Coast Guard who are*
10 *involuntarily separated during the five-year period begin-*
11 *ning October 1, 1994, to continue for not more than 180*
12 *days after the date of such separation to reside (along with*
13 *others of the member’s household) in military family hous-*
14 *ing provided or leased by the Coast Guard to the individual*
15 *as a member of the armed forces.”.*

16 (7) *Section 1148 is amended by inserting “and*
17 *the Secretary of Transportation” after “Secretary of*
18 *Defense”.*

19 (8) *Section 1149 is amended—*

20 (A) *by inserting “or the Secretary of Trans-*
21 *portation with respect to the Coast Guard” after*
22 *“Secretary of Defense”; and*

23 (B) *by striking out “of the military depart-*
24 *ment”.*

1 (9) *Section 1150 is amended by adding at the*
2 *end the following new subsection:*

3 “(c) *COAST GUARD.—This section shall apply to the*
4 *Coast Guard in the same manner and to the same extent*
5 *as it applies to the Department of Defense. The Secretary*
6 *of Transportation shall prescribe regulations to implement*
7 *this section for the Coast Guard.*”.

8 (10) *The table of sections at the beginning of the*
9 *chapter is amended by striking out “: Department of*
10 *Defense” in the items relating to section 1143 and*
11 *1143a.*

12 (b) *SPECIAL SEPARATION BENEFIT.—Section 1174a of*
13 *title 10, United States Code, is amended—*

14 (1) *in subsection (a), by striking out “of each*
15 *military department” and inserting in lieu thereof*
16 *“concerned”;*

17 (2) *in subsection (d), by striking out “of a mili-*
18 *tary department” and inserting in lieu thereof*
19 *“concerned”;*

20 (3) *in subsection (e)(3), by striking out “of the*
21 *military department”;* and

22 (4) *in subsection (h), by striking out “of a mili-*
23 *tary department” and inserting in lieu thereof*
24 *“concerned”.*

1 (c) *VOLUNTARY SEPARATION INCENTIVE*.—Section
2 1175 of title 10, United States Code, is amended—

3 (1) in subsections (a) and (b), by inserting “and
4 the Secretary of Transportation” after “Secretary of
5 Defense”;

6 (2) in subsection (c), by striking out “of the
7 military department”;

8 (3) in subsection (g), by inserting “and the De-
9 partment of Transportation for the Coast Guard” be-
10 fore the period at the end;

11 (4) in subsection (h)(3), by inserting “except for
12 payments to members of the Coast Guard” after
13 “under this section”; and

14 (5) in subsection (i), by inserting “and the
15 Secretary of Transportation” after “Secretary of
16 Defense”.

17 (d) *TEMPORARY EARLY RETIREMENT AUTHORITY*.—
18 Section 4403 of the Defense Authorization Act for Fiscal
19 Year 1993 (Public Law 102–484, 106 Stat. 2702, 10 U.S.C.
20 1293 note) shall apply to the Coast Guard in the same man-
21 ner and to the same extent as that provision applies to the
22 Department of Defense. The Secretary of Transportation
23 shall implement the provisions of that section with respect
24 to the Coast Guard and apply the applicable provisions of

1 *title 14, United States Code, relating to retirement of Coast*
 2 *Guard personnel.*

3 *(e) EFFECTIVE DATE.—This section and the amend-*
 4 *ments made by this section shall apply only to members*
 5 *of the Coast Guard who are involuntarily separated after*
 6 *September 30, 1994.*

7 ***SEC. 523. EXTENSION OF WARRANT OFFICER MANAGEMENT***
 8 ***ACT TO COAST GUARD.***

9 *(a) ESTABLISHMENT OF PERMANENT GRADE OF*
 10 *CHIEF WARRANT OFFICER, W-5.—(1) The grade of chief*
 11 *warrant officer, W-5, is hereby established in the Coast*
 12 *Guard.*

13 *(2) Section 571(a) of title 10, United States Code, is*
 14 *amended by striking out “Army, Navy, Air Force, and Ma-*
 15 *rine Corps” and inserting in lieu thereof “armed forces”.*

16 *(b) EXTENSION OF WARRANT OFFICER MANAGEMENT*
 17 *ACT PROVISIONS TO COAST GUARD WARRANT OFFICERS.—*
 18 *Chapter 33A of title 10, United States Code, is amended*
 19 *as follows:*

20 *(1) Section 573(a) is amended—*

21 *(A) by striking out “Secretary of a military*
 22 *department” in paragraph (1) and inserting in*
 23 *lieu thereof “Secretary concerned”; and*

24 *(B) by striking out “of the military depart-*
 25 *ment” in paragraph (2).*

1 (2) *Section 574 is amended by striking out “Sec-*
2 *retary of each military department” in subsections*
3 *(a) and (b) and inserting in lieu thereof “Secretary*
4 *concerned”.*

5 (3) *Section 575(b)(2) is amended by inserting*
6 *“and the Secretary of Transportation, when the Coast*
7 *Guard is not operating as a service in the Navy,”*
8 *after “Secretary of Defense”.*

9 (4) *Section 576 is amended—*

10 (A) *in subsection (a), by striking out “of the*
11 *military department” in the matter preceding*
12 *paragraph (1);*

13 (B) *in subsection (e), by striking out “of the*
14 *military department”; and*

15 (C) *in subsection (f)(2), by striking out “of*
16 *the military department”.*

17 (5) *Section 580 is amended—*

18 (A) *in subsection (a)(4)(B), by inserting “,*
19 *or severance pay computed under section 286a of*
20 *title 14, as appropriate,” after “section 1174 of*
21 *this title”; and*

22 (B) *in subsection (e)(6), by inserting “and*
23 *the Secretary of Transportation when the Coast*
24 *Guard is not operating as a service in the*
25 *Navy,” after “Secretary of Defense”.*

1 (6) *Section 581(a) is amended by striking out*
 2 *“in the Army, Navy, Air Force, or Marine Corps”.*

3 (c) *TRANSITION FOR CERTAIN REGULAR WARRANT*
 4 *OFFICERS SERVING IN A HIGHER TEMPORARY GRADE*
 5 *BELOW CHIEF WARRANT OFFICER, W-5.—(1) A regular*
 6 *warrant officer of the Coast Guard who on the effective date*
 7 *of this section is on active duty and—*

8 (A) *is serving in a temporary grade below chief*
 9 *warrant officer, W-5, that is higher than that war-*
 10 *rant officer’s permanent grade;*

11 (B) *is on a list of officers recommended for pro-*
 12 *motion to a temporary grade below chief warrant offi-*
 13 *cer W-5; or*

14 (C) *is on a list of officers recommended for pro-*
 15 *motion to a permanent grade higher than the grade*
 16 *in which that warrant officer is serving;*

17 *shall be considered to have been recommended by a board*
 18 *convened under section 573 of title 10, United States Code,*
 19 *as amended by this subsection (b), for promotion to the per-*
 20 *manent grade equivalent to the grade in which that war-*
 21 *rant officer is serving or for which that warrant officer has*
 22 *been recommended for promotion, as the case may be.*

23 (2) *An officer referred to in subparagraph (A) of para-*
 24 *graph (1) who is not promoted to the grade to which that*
 25 *warrant officer is considered under such subsection to have*

1 *been recommended for promotion because that officer's name*
 2 *is removed from a list of officers who are considered under*
 3 *such paragraph to have been recommended for promotion*
 4 *shall be considered by a board convened under section 573*
 5 *of title 10, United States Code, as amended by subsection*
 6 *(b), for promotion to the permanent grade equivalent to the*
 7 *temporary grade in which that warrant officer was serving*
 8 *on the effective date of this section as if that warrant officer*
 9 *were serving in the permanent grade.*

10 (3) *The date of rank of an officer referred to in para-*
 11 *graph (1)(A) who is promoted to the grade in which that*
 12 *warrant officer is serving on the effective date of this section*
 13 *is the date of that officer's temporary appointment in that*
 14 *grade.*

15 (d) *TRANSITION FOR CERTAIN RESERVE WARRANT*
 16 *OFFICERS SERVING IN A HIGHER TEMPORARY GRADE*
 17 *BELOW CHIEF WARRANT OFFICER, W-5.—(1)(A) Except*
 18 *as provided in paragraph (2), a reserve warrant officer of*
 19 *the Coast Guard who on the effective date of this section*
 20 *is subject to placement on the warrant officer active-duty*
 21 *list and who—*

22 (i) *is serving in a temporary grade below chief*
 23 *warrant officer, W-5, that is higher than that war-*
 24 *rant officer's permanent grade; or*

1 (ii) is on a list of warrant officers recommended
2 for promotion to a temporary grade below chief war-
3 rant officer, W-5, that is the same as or higher than
4 that warrant officer's permanent grade;
5 shall be considered to have been recommended by a board
6 convened under section 598 of title 10, United States Code,
7 for promotion to the permanent grade equivalent to the
8 grade in which the warrant officer is serving or for which
9 that warrant officer has been recommended for promotion,
10 as the case may be.

11 (B) The date of rank of a warrant officer referred to
12 in subparagraph (A)(i) who is promoted to the grade in
13 which that warrant officer is considered under such sub-
14 paragraph to have been recommended for promotion is the
15 date of the temporary appointment of that warrant officer
16 in that grade.

17 (2) A reserve warrant officer of the Coast Guard who
18 on the effective date of this section—

19 (A) is subject to placement on the warrant officer
20 active-duty list;

21 (B) is serving on active duty in a temporary
22 grade; and

23 (C) holds a permanent grade higher than the
24 temporary grade in which that warrant officer is
25 serving;

1 *shall while continuing on active duty retain such tem-*
 2 *porary grade and shall be considered for promotion to a*
 3 *grade equal to or lower than the permanent grade as if such*
 4 *temporary grade is a permanent grade. If such warrant of-*
 5 *ficer is recommended for promotion, the appointment of*
 6 *that warrant officer to such grade shall be a temporary*
 7 *appointment.*

8 (e) *RANK OF COAST GUARD WARRANT OFFICERS.—*

9 (1) *Subchapter A of chapter 11 of title 14, United States*
 10 *Code, is amended by adding at the end the following new*
 11 *section:*

12 ***“§215. Rank of warrant officers***

13 *“(a) Among warrant officer grades, warrant officers*
 14 *of a higher numerical designation are senior to warrant*
 15 *officer grades of a lower numerical designation.*

16 *“(b) Warrant officers shall take precedence in the grade*
 17 *to which appointed in accordance with the dates of their*
 18 *commissions as commissioned officers in the Coast Guard*
 19 *in such grade. Precedence among warrant officers of the*
 20 *same grade who have the same date of commission shall*
 21 *be determined by regulations prescribed by the Secretary.”.*

22 (2) *The table of sections at the beginning of such chap-*
 23 *ter is amended by inserting after the item relating to section*
 24 *214 the following new item:*

“215. Rank of warrant officers.”.

1 (f) *TECHNICAL AND CONFORMING AMENDMENTS.—(1)*
2 *Section 1125(a) of the National Defense Authorization Act*
3 *for Fiscal Years 1992 and 1993 (10 U.S.C. 555 note) is*
4 *repealed.*

5 (2) *Section 286a(a) of title 14, United States Code,*
6 *is amended by striking out “section 564(a)(3) of title 10*
7 *(as in effect on the day before the effective date of the War-*
8 *rant Officer Management Act)” and inserting in lieu there-*
9 *of “section 580(a)(4)(A) of title 10”.*

10 (3) *Section 334(b) of such title is amended by striking*
11 *out “section 564 of title 10 (as in effect on the day before*
12 *the effective date of the Warrant Officer Management Act)*
13 *or” and inserting in lieu thereof “section 580,”.*

14 (4) *Section 41 of such title is amended by striking out*
15 *“chief warrant officers, W-4; chief warrant officers, W-3;*
16 *chief warrant officers, W-2; cadets; warrant officers,*
17 *W-1;” and inserting in lieu thereof “chief warrant officers;*
18 *cadets; warrant officers;”.*

19 (5)(A) *Sections 212 and 213 of such title are repealed.*

20 (B) *The table of sections at the beginning of chapter*
21 *11 of such title is amended by striking out the items relating*
22 *to section 212 and 213.*

23 (6) *Section 214 of such title is amended by striking*
24 *out subsections (b) and (c).*

1 (7) *Section 583 of title 10, United States Code, is*
 2 *amended by adding at the end the following new paragraph:*

3 “(4) *The active-duty list referred to in section*
 4 *573(b) of this title includes the active-duty promotion*
 5 *list established by section 41a of title 14.”.*

6 (g) *TEMPORARY AUTHORITY FOR INVOLUNTARY SEPA-*
 7 *RATION OF CERTAIN WARRANT OFFICERS.—Section 580a*
 8 *of title 10, United States Code, is amended by adding at*
 9 *the end the following new subsection:*

10 “(e) *This section applies to the Secretary of Transpor-*
 11 *tation in the same manner and to the same extent as it*
 12 *applies to the Secretary of Defense. The Commandant of*
 13 *the Coast Guard shall take the action set forth in subsection*
 14 *(b) with respect to regular warrant officers of the Coast*
 15 *Guard.”.*

16 (h) *EFFECTIVE DATE.—This section and the amend-*
 17 *ments made by this section shall take effect on the later of—*

18 (1) *October 1, 1994; or*

19 (2) *the first day of the fourth month beginning*
 20 *after the date of the enactment of this Act.*

21 **SEC. 524. AUTHORIZED ACTIVE DUTY STRENGTHS FOR**
 22 **ARMY ENLISTED MEMBERS IN PAY GRADE**
 23 **E-8.**

24 (a) *IN GENERAL.—Section 517(a) of title 10, United*
 25 *States Code, is amended by inserting “(or, in the case of*

1 the Army, 2.5 percent)” after “may not be more than 2
2 percent”.

3 (b) *SPECIAL RULE FOR 1995.*—The percentage appli-
4 cable to enlisted members of the Army in pay grade E-
5 8 under section 517(a) of title 10, United States Code, dur-
6 ing 1995 shall be 2.3 percent (rather than the percentage
7 provided by the amendment made by subsection (a)).

8 (c) *EFFECTIVE DATE.*—The amendment made by sub-
9 section (a) shall not apply with respect to the number of
10 enlisted members of the Army on active duty in pay grade
11 E-8 during 1994.

12 **SEC. 525. REIMBURSEMENT FOR CERTAIN LOSSES OF**
13 **HOUSEHOLD EFFECTS DURING PCS MOVES.**

14 (a) *AUTHORITY TO REIMBURSE.*—The Secretary of the
15 military department concerned may reimburse a member
16 of the Armed Forces under the Secretary’s jurisdiction for
17 a loss described in subsection (b).

18 (b) *COVERED LOSSES.*—This section applies with re-
19 spect to a loss of household effects sustained during a move
20 made incident to a change of permanent station when, as
21 determined by the Secretary, the loss was caused by a hostile
22 action incident to war or a warlike action by a military
23 force.

24 (c) *LIMITATION.*—The Secretary may provide reim-
25 bursement under this section for a loss described in sub-

1 *section (b) only to the extent that the loss is not reimbursed*
 2 *under insurance or under the authority of another provision*
 3 *of law.*

4 (d) *EFFECTIVE DATE.*—*The authority provided by this*
 5 *section applies with respect to losses incurred after June*
 6 *30, 1990.*

7 ***SEC. 526. VICTIMS' ADVOCATES PROGRAMS IN DEPART-***
 8 ***MENT OF DEFENSE.***

9 (a) *ESTABLISHMENT.*—*The Secretary of Defense, act-*
 10 *ing through the Under Secretary of Defense for Personnel*
 11 *and Readiness, shall establish within each of the military*
 12 *departments a victims' advocates program to provide assist-*
 13 *ance to members of the Armed Forces and their dependents*
 14 *who are victims of sexual and physical abuse, unlawful dis-*
 15 *crimination, or sexual harassment.*

16 (b) *IMPLEMENTATION THROUGH FAMILY ADVOCACY*
 17 *PROGRAM.*—*The programs under subsection (a) shall, to the*
 18 *extent practicable, be carried out through Family Advocacy*
 19 *Programs in the military departments.*

20 (c) *VICTIMS ADVOCATE DEFINED.*—*For purposes of the*
 21 *programs under subsection (a), a victims advocate program*
 22 *is a program in which individuals working in the program*
 23 *serve the interests of a victim of sexual and physical abuse,*
 24 *unlawful discrimination, or sexual harassment by provid-*
 25 *ing information on available benefits and services, assist-*

1 *ance in obtaining those benefits and services, and other ap-*
 2 *propriate assistance.*

3 *(d) IMPLEMENTATION REPORT.—The Secretary of De-*
 4 *fense shall submit to the Committees on Armed Services of*
 5 *the Senate and House of Representatives a report on the*
 6 *implementation of this section. The report shall be submit-*
 7 *ted not later than six months after the date of the enactment*
 8 *of this Act.*

9 **SEC. 527. PROHIBITION OF RETALIATORY ACTIONS**
 10 **AGAINST MEMBERS OF THE ARMED FORCES**
 11 **MAKING ALLEGATIONS OF SEXUAL HARASS-**
 12 **MENT OR UNLAWFUL DISCRIMINATION.**

13 *(a) IN GENERAL.—(1) Chapter 49 of title 10, United*
 14 *States Code, is amended by adding at the end the following*
 15 *new section:*

16 **“§983. Retaliatory personnel actions prohibited**
 17 **against members alleging sexual harass-**
 18 **ment or unlawful discrimination**

19 *“(a) PROHIBITION OF RETALIATORY PERSONNEL AC-*
 20 *TIONS.—(1) No person may take (or threaten to take) an*
 21 *unfavorable personnel action, or withhold (or threaten to*
 22 *withhold) a favorable personnel action, as a reprisal*
 23 *against a member of the armed forces for making or prepar-*
 24 *ing a communication described in subsection (b)(2) to—*

25 *“(A) a Member of Congress;*

1 “(B) an Inspector General (as defined in sub-
2 section (g));

3 “(C) a member of a Department of Defense
4 audit, inspection, investigation, or law enforcement
5 organization; or

6 “(D) any other person or organization (includ-
7 ing any person or organization in the chain of com-
8 mand) designated pursuant to regulations or other es-
9 tablished administrative procedures for such commu-
10 nications.

11 “(2) Any action prohibited by paragraph (1) (includ-
12 ing the threat to take any action and the withholding or
13 threat to withhold any favorable action) shall be considered
14 for the purposes of this section to be a personnel action pro-
15 hibited by this subsection.

16 “(b) INSPECTOR GENERAL INVESTIGATION OF ALLE-
17 GATIONS OF PROHIBITED PERSONNEL ACTIONS.—(1) If a
18 member of the armed forces submits to the Department of
19 Defense Inspector General (or to the Inspector General of
20 the Department of Transportation, in the case of a member
21 of the Coast Guard when the Coast Guard is not operating
22 as a service in the Navy) an allegation that a personnel
23 action prohibited by subsection (a) has been taken (or
24 threatened) against the member with respect to a commu-
25 nication described in paragraph (2), the Inspector General

1 *shall expeditiously investigate the allegation. The Inspector*
2 *General of the Department of Defense may not delegate or*
3 *assign any such investigation to an office or organization*
4 *within a military department.*

5 “(2) *A communication described in this paragraph is*
6 *a communication in which a member of the armed forces*
7 *complains of, or discloses information that the member rea-*
8 *sonably believes constitutes evidence of, sexual harassment*
9 *or unlawful discrimination.*

10 “(3) *The Inspector General is not required to make an*
11 *investigation under paragraph (1) in the case of an allega-*
12 *tion made more than 60 days after the date on which the*
13 *member becomes aware of the personnel action that is sub-*
14 *ject of the allegation.*

15 “(c) *INSPECTOR GENERAL INVESTIGATION OF ALLEGA-*
16 *TIONS OF SEXUAL HARASSMENT OR UNLAWFUL DISCRIMI-*
17 *NATION.—If the Inspector General considers it necessary,*
18 *due to evidence of a biased or inadequate investigation of*
19 *the underlying allegation of sexual harassment or unlawful*
20 *discrimination, the Inspector General may initiate a sepa-*
21 *rate investigation of that allegation.*

22 “(d) *REPORTS ON INVESTIGATIONS.—(1) Not later*
23 *than 30 days after completion of an investigation under*
24 *subsection (b) or (c), the Inspector General shall submit a*
25 *report on the results of the investigation to the Secretary*

1 of Defense (or to the Secretary of Transportation in the case
2 of a member of the Coast Guard when the Coast Guard is
3 not operating as a service in the Navy) and the member
4 of the armed forces who made the allegation.

5 “(2) In the copy of the report submitted to the member,
6 the Inspector General shall ensure the maximum disclosure
7 of information possible, with the exception of information
8 that is not required to be disclosed under section 552 of
9 title 5.

10 “(3) If, in the course of an investigation of an allega-
11 tion under this section, the Inspector General determines
12 that it is not possible to submit the report required by para-
13 graph (1) within 120 days after the date of receipt of the
14 allegation being investigated, the Inspector General shall
15 provide to the Secretary of Defense (or to the Secretary of
16 Transportation in the case of a member of the Coast Guard
17 when the Coast Guard is not operating as a service in the
18 Navy) and to the member making the allegation a notice—

19 “(A) of that determination (including the rea-
20 sons why the report may not be submitted within that
21 time); and

22 “(B) of the time when the report will be submit-
23 ted.

24 “(4) The report on the results of the investigation shall
25 contain a thorough review of the facts and circumstances

1 *relevant to the allegation and the complaint or disclosure*
 2 *and shall include documents acquired during the course of*
 3 *the investigation, including summaries of interviews con-*
 4 *ducted. The report may include a recommendation as to*
 5 *the disposition of the complaint.*

6 “(e) *CORRECTION OF RECORDS WHEN PROHIBITED*
 7 *ACTION TAKEN.—(1) A board for the correction of military*
 8 *records acting under section 1552 of this title, in resolving*
 9 *an application for the correction of records made by a mem-*
 10 *ber or former member of the armed forces who has alleged*
 11 *a personnel action prohibited by subsection (a), on the re-*
 12 *quest of the member or former member or otherwise, may*
 13 *review the matter.*

14 “(2) *In resolving an application described in para-*
 15 *graph (1), a correction board—*

16 “(A) *shall review the report of the Inspector Gen-*
 17 *eral submitted under subsection (d);*

18 “(B) *may request the Inspector General to gather*
 19 *further evidence; and*

20 “(C) *may receive oral argument, examine and*
 21 *cross-examine witnesses, take depositions, and, if ap-*
 22 *propriate, conduct an evidentiary hearing.*

23 “(3) *If the board elects to hold an administrative hear-*
 24 *ing, the member or former member who filed the application*
 25 *described in paragraph (1)—*

1 “(A) may be provided with representation by a
2 judge advocate if—

3 “(i) the Inspector General, in the report
4 under subsection (d), finds that there is probable
5 cause to believe that a personnnel action prohib-
6 ited by subsection (a) has been taken (or threat-
7 ened) against the member with respect to a com-
8 munication described in subsection (b)(2);

9 “(ii) the Judge Advocate General concerned
10 determines that the case is unusually complex or
11 otherwise requires judge advocate assistance to
12 ensure proper presentation of the legal issues in
13 the case; and

14 “(iii) the member is not represented by out-
15 side counsel chosen by the member; and

16 “(B) may examine witnesses through deposition,
17 serve interrogatories, and request the production of
18 evidence, including evidence contained in the inves-
19 tigatory record of the Inspector General but not in-
20 cluded in the report submitted under subsection (d).

21 “(4) The Secretary concerned shall issue a final deci-
22 sion with respect to an application described in paragraph
23 (1) within 180 days after the application is filed. If the
24 Secretary fails to issue such a final decision within that
25 time, the member or former member shall be deemed to have

1 *exhausted the member's or former member's administrative*
2 *remedies under section 1552 of this title.*

3 “(5) *The Secretary concerned shall order such action,*
4 *consistent with the limitations contained in sections 1552*
5 *and 1553 of this title, as is necessary to correct the record*
6 *of a personnel action prohibited by subsection (a).*

7 “(6) *If the Board determines that a personnel action*
8 *prohibited by subsection (a) has occurred, the Board may*
9 *recommend to the Secretary concerned that the Secretary*
10 *take appropriate disciplinary action against the individual*
11 *who committed such personnel action.*

12 “(f) *REVIEW BY SECRETARY OF DEFENSE.—Upon the*
13 *completion of all administrative review under subsection*
14 *(e), the member or former member of the armed forces (ex-*
15 *cept for a member or former member of the Coast Guard*
16 *when the Coast Guard is not operating as a service in the*
17 *Navy) who made the allegation referred to in subsection*
18 *(b)(1), if not satisfied with the disposition of the matter,*
19 *may submit the matter to the Secretary of Defense. The Sec-*
20 *retary shall make a decision to reverse or uphold the deci-*
21 *sion of the Secretary of the military department concerned*
22 *in the matter within 90 days after receipt of such a submit-*
23 *tal.*

24 “(g) *POST-DISPOSITION INTERVIEWS.—After disposi-*
25 *tion of any case under this section, the Inspector General*

1 *shall, whenever possible, conduct an interview with the per-*
 2 *son making the allegation to determine the views of that*
 3 *person on the disposition of the matter.*

4 “(h) *REGULATIONS.*—*The Secretary of Defense, and*
 5 *the Secretary of Transportation with respect to the Coast*
 6 *Guard when it is not operating as a service in the Navy,*
 7 *shall prescribe regulations to carry out this section.*

8 “(i) *DEFINITIONS.*—*In this section:*

9 “(1) *The term ‘unlawful discrimination’ means*
 10 *discrimination on the basis of race, color, religion,*
 11 *sex, or national origin.*

12 “(2) *The term ‘Member of Congress’ includes any*
 13 *Delegate or Resident Commissioner to Congress.*

14 “(3) *The term ‘Inspector General’ means—*

15 “(A) *an Inspector General appointed under*
 16 *the Inspector General Act of 1978; and*

17 “(B) *an officer of the armed forces assigned*
 18 *or detailed under regulations of the Secretary*
 19 *concerned to serve as an Inspector General at*
 20 *any command level in one of the armed forces.”.*

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

“983. Retaliatory personnel actions prohibited against members alleging sexual harassment or unlawful discrimination.”.

23 (b) *DEADLINE FOR REGULATIONS.*—*The Secretary of*
 24 *Defense and the Secretary of Transportation shall prescribe*

1 *the regulations required by subsection (g) of section 983 of*
2 *title 10, United States Code, as added by subsection (a),*
3 *not later than 120 days after the date of the enactment of*
4 *this Act.*

5 (c) *CONTENT OF REGULATIONS.*—*In prescribing regu-*
6 *lations under section 983 of title 10, United States Code,*
7 *as added by subsection (a), the Secretary of Defense and*
8 *the Secretary of Transportation shall provide for due proc-*
9 *ess procedures for the subject of any investigation carried*
10 *out under the provisions of that section, including a process*
11 *for appeal and review of investigative findings.*

12 (d) *EFFECTIVE DATE.*—*Section 983 of title 10, United*
13 *States Code, as added by subsection (a), shall apply with*
14 *respect to any personnel action taken (or threatened to be*
15 *taken) on or after the date of the enactment of this Act as*
16 *a reprisal prohibited by subsection (a) of that section.*

17 **SEC. 528. ANNUAL REPORT ON PERSONNEL READINESS.**

18 (a) *REQUIRED ASSESSMENT.*—*The Secretary of De-*
19 *fense shall submit to Congress an annual report on trends*
20 *in recruiting, retention, and personnel readiness.*

21 (b) *DATA TO BE COLLECTED.*—*Each annual report*
22 *under subsection (a) shall include the following information*
23 *with respect to the preceding fiscal year for the active com-*
24 *ponents of each of the Armed Forces under the jurisdiction*

1 *of the Secretary (as well as such additional information as*
2 *the Secretary considers appropriate):*

3 (1) *The numbers and rates of temporary and*
4 *permanent nondeployability of members of the Armed*
5 *Forces, displayed by cause of nondeployability, rank,*
6 *and gender.*

7 (2) *The numbers and rates of complaints and al-*
8 *legations involving gender and other unlawful dis-*
9 *crimination and sexual harassment, and the rates of*
10 *substantiation for those complaints and allegations.*

11 (3) *The numbers and rates of disciplinary pro-*
12 *ceedings, displayed (A) by offense or infraction com-*
13 *mitted, (B) by gender, rank, and race, and (C) by the*
14 *categories specified in paragraph (2).*

15 (4) *The retention rates, by gender, rank, and*
16 *race, with an analysis of factors influencing those*
17 *rates.*

18 (5) *The propensity of persons to enlist, displayed*
19 *by gender and race, with an analysis of the factors*
20 *influencing those propensities.*

21 (c) *SUBMISSION TO CONGRESS.—The Secretary shall*
22 *submit the report under this section for any fiscal year as*
23 *part of the annual Department of Defense posture statement*
24 *provided to Congress in connection with the Department*
25 *of Defense budget request for that fiscal year.*

1 (d) *INITIAL SUBMISSION.*—The first report under this
 2 section shall be submitted in connection with the Depart-
 3 ment of Defense budget request for fiscal year 1996 and
 4 shall include data, to the degree such data already exists,
 5 for fiscal years after fiscal year 1991.

6 **SEC. 529. PROGRAMS RELATED TO DESERT STORM MYS-**
 7 **TERY ILLNESS.**

8 (a) *OUTREACH PROGRAM TO PERSIAN GULF VETER-*
 9 *ANS AND FAMILIES.*—The Secretary of Defense shall insti-
 10 tute a comprehensive outreach program to inform members
 11 of the Armed Forces who served in the Southwest Asia thea-
 12 ter of operations during the Persian Gulf Conflict, and the
 13 families of such members, of illnesses that may result from
 14 such service. The program shall be carried out through both
 15 medical and command channels, as well as any other means
 16 the Secretary considers appropriate. Under the program,
 17 the Secretary shall—

18 (1) *inform such individuals regarding—*

19 (A) *common disease symptoms reported by*
 20 *Persian Gulf veterans that may be due to service*
 21 *in the Southwest Asia theater of operations;*

22 (B) *blood donation policy;*

23 (C) *available counseling and medical care*
 24 *for such members; and*

1 (D) possible health risks to children of Per-
2 sian Gulf veterans;

3 (2) inform such individuals of the procedures for
4 registering in either the Persian Gulf Veterans Health
5 Surveillance System of the Department of Defense or
6 the Persian Gulf War Health Registry of the Depart-
7 ment of Veterans Affairs; and

8 (3) encourage such members to report any symp-
9 toms they may have and to register in the appro-
10 priate health surveillance registry.

11 (b) INCENTIVES TO PERSIAN GULF VETERANS TO
12 REGISTER.—In order to encourage Persian Gulf veterans
13 to register any symptoms they may have in one of the exist-
14 ing health registries, the Secretary of Defense shall provide
15 the following:

16 (1) For any Persian Gulf veteran who is on ac-
17 tive duty and who registers with the Department of
18 Defense's Persian Gulf War Veterans Health Surveil-
19 lance System, a full medical evaluation and any re-
20 quired medical care.

21 (2) For any Persian Gulf War veteran who is,
22 as of the date of the enactment of this Act, a member
23 of a reserve component, opportunity to register at a
24 military medical facility in the Persian Gulf Veterans
25 Health Care Surveillance System and, in the case of

1 *a Reserve who registers in that registry, a full medi-*
 2 *cal evaluation by the Department of Defense. Depend-*
 3 *ing on the results of the evaluation and on eligibility*
 4 *status, reserve personnel may be provided medical*
 5 *care by the Department of Defense.*

6 *(3) For a Persian Gulf veteran who is not, as of*
 7 *the date of the enactment of this Act, on active duty*
 8 *or a member of a reserve component, assistance and*
 9 *information at a military medical facility on reg-*
 10 *istering with the Persian Gulf War Registry of the*
 11 *Department of Veterans Affairs and information re-*
 12 *lated to support services provided by the Department*
 13 *of Veterans Affairs.*

14 *(c) COMPATABILITY OF DEPARTMENT OF DEFENSE*
 15 *AND DEPARTMENT OF VETERANS AFFAIRS REGISTRIES.—*
 16 *The Secretary of Defense shall ensure that the Department*
 17 *of Defense Persian Gulf Veterans Health Surveillance Sys-*
 18 *tem register is compatible with the Persian Gulf War Reg-*
 19 *istry maintained by the Department of Veterans Affairs*
 20 *and that all information on individuals who register with*
 21 *the Department of Defense system is provided to the Depart-*
 22 *ment of Veterans Affairs for incorporation into the Persian*
 23 *Gulf War Registry.*

24 *(d) PRESUMPTIONS ON BEHALF OF SERVICE MEM-*
 25 *BER.—(1) A member of the Armed Forces who is a Persian*

1 Gulf veteran, who has symptoms of illness, and who the Sec-
2 retary concerned finds may have become ill as a result of
3 serving on active duty in the Southwest Asia theater of op-
4 erations during the Persian Gulf War shall be considered
5 for Department of Defense purposes to have become ill as
6 a result of serving in that theater of operations.

7 (2) A member of the Armed Forces who is a Persian
8 Gulf veteran and who reports being ill as a result of serving
9 on active duty in the Southwest Asia theater of operations
10 during the Persian Gulf War shall be considered for Depart-
11 ment of Defense purposes to have become ill as a result of
12 serving in that theater of operations until such time as the
13 weight of medical evidence establishes other cause or causes
14 of the member's illness.

15 (3) The Secretary concerned shall ensure that, for the
16 purposes of health care treatment by the Department of De-
17 fense, health care and personnel administration, and dis-
18 ability evaluation by the Department of Defense, the symp-
19 toms of any member of the Armed Forces covered by para-
20 graph (1) or (2) are examined in light of the member's serv-
21 ice in the Persian Gulf War and in light of the reported
22 symptoms of other Persian Gulf veterans. The Secretary
23 shall ensure that, in providing health care diagnosis and
24 treatment of the member, a broad range of potential causes
25 of the member's symptoms are considered and that the mem-

1 *ber's symptoms are considered collectively, as well as by*
 2 *type of symptom or medical speciality, and that treatment*
 3 *across medical specialties is coordinated appropriately.*

4 *(4) The Secretary of Defense shall ensure that the pre-*
 5 *sumptions of service connection and illness specified in*
 6 *paragraphs (1) and (2) are incorporated in appropriate*
 7 *service medical and personnel regulations and are widely*
 8 *disseminated throughout the Department of Defense.*

9 *(e) REVISION OF THE PHYSICAL EVALUATION BOARD*
 10 *CRITERIA.—(1) The Secretary of Defense, in consultation*
 11 *with the Secretary of Veterans Affairs and the Secretary*
 12 *of Health and Human Services, shall ensure that case defi-*
 13 *nitions of Persian Gulf related illnesses, as well as the Phys-*
 14 *ical Evaluation Board criteria used to set disability ratings*
 15 *for members no longer medically qualified for continuation*
 16 *on active duty, are established as soon as possible to permit*
 17 *accurate disability ratings related to a diagnosis of Persian*
 18 *Gulf illnesses.*

19 *(2) Until revised disability criteria can be imple-*
 20 *mented and members of the Armed Forces can be rated*
 21 *against those criteria, the Secretary of Defense shall en-*
 22 *sure—*

23 *(A) that any member of the Armed Forces on ac-*
 24 *tive duty who may be suffering from a Persian Gulf-*

1 *related illness is afforded continued military medical*
2 *care; and*

3 *(B) that any member of the Armed Forces on ac-*
4 *tive duty who is found by a Physical Evaluation*
5 *Board to be unfit for continuation on active duty as*
6 *a result of a Persian Gulf-related illness for which the*
7 *board has no rating criteria (or inadequate rating*
8 *criteria) for the illness or condition from which the*
9 *member suffers is placed on the temporary disability*
10 *retired list.*

11 *(f) REVIEW OF RECORDS AND RERATING OF PRE-*
12 *VIOUSLY DISCHARGED GULF WAR VETERANS.—(1) The*
13 *Secretary of Defense, in consultation with the Secretary of*
14 *Veterans Affairs, shall ensure that a review is made of the*
15 *health and personnel records of each Persian Gulf veteran*
16 *who before the date of the enactment of this Act was dis-*
17 *charged from active duty, or was medically retired, as a*
18 *result of a Physical Evaluation Board process.*

19 *(2) The review under paragraph (1) shall be carried*
20 *out to ensure that former Persian Gulf veterans who may*
21 *have been suffering from a Persian Gulf-related illness at*
22 *the time of discharge or retirement from active duty as a*
23 *result of the Physical Evaluation Board process are revalu-*
24 *ated in accordance with the criteria established in sub-*
25 *section (c)(1) and, if appropriate, are rerated.*

1 (g) *PERSIAN GULF ILLNESS MEDICAL REFERRAL*
2 *CENTERS.*—*The Secretary of Defense shall evaluate the fea-*
3 *sibility of establishing one or more medical referral centers*
4 *to provide uniform, coordinated medical care for Persian*
5 *Gulf veterans on active duty who are or may be suffering*
6 *from a Persian Gulf-related illness. The Secretary shall sub-*
7 *mit a report on such feasibility to the Committees on Armed*
8 *Services of the Senate and House of Representatives not*
9 *later than six months after the date of the enactment of this*
10 *Act.*

11 (h) *ANNUAL REPORT TO CONGRESS.*—(1) *The Sec-*
12 *retary of Defense shall submit to the Committees on Armed*
13 *Services of the Senate and House of Representatives an an-*
14 *nual report on—*

15 (A) *efforts taken and results achieved in notify-*
16 *ing members of the Armed Forces and their families*
17 *as part of the outreach program required by sub-*
18 *section (a);*

19 (B) *efforts taken to revise the Physical Evalua-*
20 *tion Board disability rating and interim efforts to*
21 *adjudicate cases before the revision of the criteria; and*

22 (C) *results of the review and rerating of pre-*
23 *viously separated servicemembers.*

1 (2) *The first report under paragraph (1) shall be sub-*
 2 *mitted not later than 120 days after the date of the enact-*
 3 *ment of this Act.*

4 (i) *PERSIAN GULF VETERAN.*—*For purposes of this*
 5 *section, a Persian Gulf veteran is an individual who served*
 6 *on active duty in the Armed Forces in the Southwest Asia*
 7 *theater of operations during the Persian Gulf Conflict.*

8 **SEC. 530. UPGRADE OF ARMED FORCES STAFF COLLEGE**
 9 **WARGAMING AND OTHER CAPABILITIES.**

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

12 (1) *The Congress and the Department of Defense*
 13 *have envisioned the Armed Forces Staff College as the*
 14 *premier educational institution for joint operational*
 15 *planning and warfighting.*

16 (2) *The mission of the college is to educate staff*
 17 *officers and other leaders in joint and combined oper-*
 18 *ational planning and warfighting in order to instill*
 19 *a primary commitment to joint teamwork, attitudes,*
 20 *and perspective.*

21 (3) *The intention of the Congress and the De-*
 22 *partment of Defense is that the college be a “hands-*
 23 *on” school, preparing officers for joint duty assign-*
 24 *ments through extensive use of case studies and war*
 25 *games that focus on the specifics of joint warfare and*

1 *involve theaters of war set in both developed and un-*
2 *derdeveloped regions.*

3 (4) *The inadequate wargaming capability at the*
4 *college does not allow for a hands-on approach, nor*
5 *does the current capability and associated facilities,*
6 *in particular, the antiquated and decaying library,*
7 *support an atmosphere in which students are able to*
8 *develop critical thinking skills and problem-solving*
9 *abilities as they pertain to joint operational planning*
10 *and warfighting.*

11 (5) *In order for the college to fulfill its mission*
12 *to educate officers in joint matters with a curriculum*
13 *that is hands-on from the first day of school until the*
14 *last, the college must be able to run war games and*
15 *practical exercises simultaneously whenever the cur-*
16 *riculum dictates. To meet this requirement, the college*
17 *must have its own wargaming facility.*

18 (6) *Neither the Joint Warfighting Center, which*
19 *Congress strongly supported in Public Law 103-160,*
20 *nor a proposed wargaming facility for the United*
21 *States Atlantic Command (both of which will be lo-*
22 *cated miles from the college), can fulfill the unique,*
23 *continuous, on-campus educational requirements of*
24 *the college.*

1 (7) *Off-site facilities cannot sustain the evolution*
2 *of the college to fulfill its potential as a research cen-*
3 *ter for joint operational excellence whose faculty and*
4 *advanced students achieve the highest levels of ability*
5 *in critical thinking and problem solving regarding*
6 *joint matters and, as a consequence, are capable of*
7 *using wargaming, simulation, and other analytical*
8 *techniques to develop and evaluate advanced*
9 *warfighting and campaign concepts and doctrine for*
10 *the future employment of joint forces.*

11 (8) *The Congress, in the joint statement of man-*
12 *agers to accompany the bill H.R. 2401 of the 103d*
13 *Congress—*

14 (A) *noted that there were “no current De-*
15 *partment of Defense plans to upgrade the*
16 *wargaming capability at the Armed Forces Staff*
17 *College”;*

18 (B) *urged “that this situation be corrected*
19 *and that the Department of Defense, particularly*
20 *the Chairman of the Joint Chiefs of Staff and the*
21 *Secretary of the Navy, develop plans for a*
22 *wargaming capability at AFSC comparable to*
23 *those at the Army, Navy, and Air Force profes-*
24 *sional military education schools”;* and

1 (C) stated that the conferees “expect the De-
2 partment of Defense budget for fiscal year 1995
3 to contain a request for funding to upgrade the
4 wargaming capability at AFSC.”.

5 (9) The Department of Defense budget request for
6 fiscal year 1995 did not contain a request for funding
7 to upgrade the Armed Forces Staff College wargaming
8 capability.

9 (b) *REQUIRED ACTIONS*.—The Secretary of Defense
10 shall—

11 (1) upgrade the wargaming capability at the
12 Armed Forces Staff College to make that capability,
13 at a minimum, comparable to the wargaming capa-
14 bility at the Army, Navy, and Air Force professional
15 military education schools;

16 (2) survey the other facilities and capabilities of
17 the college (in particular, the library and the class-
18 room instruction facilities) and upgrade them to
19 make them comparable to the facilities and capabili-
20 ties at the Army, Navy, and Air Force professional
21 military education schools;

22 (3) include a request for funding the upgrades
23 under paragraphs (1) and (2) in the Department of
24 Defense budget for fiscal year 1996; and

1 (4) *submit to the congressional defense commit-*
2 *tees, not later than January 15, 1995, a plan for exe-*
3 *cuting those upgrades.*

4 **SEC. 531. PROHIBITION ON IMPOSITION OF ADDITIONAL**
5 **CHARGES OR FEES FOR ATTENDANCE AT**
6 **CERTAIN ACADEMIES.**

7 (a) *PROHIBITION.*—*Except as provided in subsection*
8 *(b), no charge or fee for tuition, room, or board for attend-*
9 *ance at an academy named in subsection (c) may be im-*
10 *posed unless the charge or fee is specifically authorized by*
11 *a law enacted after the date of the enactment of this Act.*

12 (b) *EXCEPTION.*—*The prohibition specified in sub-*
13 *section (a) shall not apply with respect to any item or serv-*
14 *ice provided to cadets or midshipmen at an academy named*
15 *in subsection (c) for which a charge or fee is imposed as*
16 *of the date of the enactment of this Act. The Secretary of*
17 *Defense or the Secretary of Transportation, as the case shall*
18 *be, shall notify the Congress of any change made by an*
19 *academy in the amount of a charge or fee authorized under*
20 *this subsection.*

21 (c) *COVERED ACADEMIES.*—*This section applies to the*
22 *following:*

23 (1) *The United States Military Academy.*

24 (2) *The United States Naval Academy.*

25 (3) *The United States Air Force Academy.*

1 (4) *The United States Coast Guard Academy.*

2 (5) *The United States Merchant Marine Acad-*
3 *emy.*

4 **SEC. 532. AUTHORIZATION FOR INSTRUCTION OF CIVILIAN**
5 **STUDENTS AT FOREIGN LANGUAGE CENTER**
6 **OF THE DEFENSE LANGUAGE INSTITUTE.**

7 (a) *ADMISSION OF CIVILIANS AS STUDENTS.*—(1) *The*
8 *Secretary of the Army may enter into an agreement with*
9 *an accredited institution of higher education (or a consor-*
10 *tium of such institutions) under which students enrolled at*
11 *an institution of higher education that is a party to the*
12 *agreement may receive instruction at the Foreign Language*
13 *Center of the Defense Language Institute on a cost-reim-*
14 *bursable, space-available basis.*

15 (2) *The Secretary may also permit other persons who*
16 *would benefit from the instruction provided at the Center,*
17 *as determined by the Secretary, to receive instruction at*
18 *the Center on a cost-reimbursable, space-available basis.*

19 (b) *SELECTION AND ATTENDANCE.*—(1) *The Secretary*
20 *shall select the persons who will be permitted to receive in-*
21 *struction at the Center pursuant to subsection (a). In the*
22 *case of agreements under subsection (a)(1), the Secretary*
23 *shall consult with the other parties to the agreements to es-*
24 *tablish qualifications and methods of selection for persons*
25 *to receive instruction at the Center.*

1 (2) *Except as the Secretary determines necessary, a*
 2 *person who receives instruction at the Center pursuant to*
 3 *subsection (a) shall be subject to the same regulations gov-*
 4 *erning attendance, discipline, discharge, and dismissal as*
 5 *apply to other persons attending the Center.*

6 (c) *RETENTION OF FUNDS.*—*Amounts collected under*
 7 *subsection (a) to reimburse the Center for the costs of pro-*
 8 *viding instruction to students under subsection (a) shall be*
 9 *credited to funds available for compensation of instructors*
 10 *at the Center and to defray direct civilian student costs to*
 11 *the school.*

12 (d) *CENTER DEFINED.*—*For purposes of this section,*
 13 *the term “Center” means the Foreign Language Center of*
 14 *the Defense Language Institute.*

15 (e) *EXPIRATION OF AUTHORITY.*—*No student may be*
 16 *admitted to the Center under subsection (a) to commence*
 17 *classes beginning after September 30, 1997.*

18 **SEC. 533. SENSE OF CONGRESS CONCERNING APPRO-**
 19 **PRIATE DEPARTMENT OF DEFENSE FORCE**
 20 **STRUCTURE THROUGH 1997.**

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

23 (1) *The United States has committed itself to*
 24 *fight and win two Persian Gulf-type regional wars*
 25 *almost simultaneously. Both the Bush and Clinton*

1 *administrations have embraced the so-called “win/*
2 *win” strategy which requires sizing the military for*
3 *two major regional conflicts.*

4 *(2) The involvement of the United States in re-*
5 *lief efforts in Somalia, the continued involvement of*
6 *the United States in Bosnia, and the possible need for*
7 *military action in Korea reaffirm the importance of*
8 *a sufficient-sized military to deter aggression and en-*
9 *force America’s interests abroad.*

10 *(3) The United States military will be called*
11 *upon in the future to perform an increasing number*
12 *of humanitarian and relief missions, causing in-*
13 *creased strain on the resources of the Armed Forces.*

14 *(4) The United States military force structure*
15 *has shrunk dramatically since the Persian Gulf War*
16 *in 1991. Critical force enhancements which will not*
17 *be deployed for several years are needed to achieve de-*
18 *cisive victory in major regional conflicts.*

19 *(b) SENSE OF CONGRESS.—In light of the findings in*
20 *subsection (a), it is the sense of Congress that—*

21 *(1) through 1997 the United States should*
22 *have—*

23 *(A) not less than 520,000 personnel in the*
24 *active forces of the Army;*

1 (B) not less than 11 active aircraft carriers
2 and one reserve aircraft carrier in the Navy;

3 (C) not less than 20 active and reserve
4 fighter wings in the Air Force; and

5 (D) not less than 174,000 personnel in the
6 active forces of the Marine Corps;

7 (2) funding for national defense for fiscal years
8 1995 through 1997 should be established at a level suf-
9 ficient to support the force structure described in
10 paragraph (1) and to ensure that the United States
11 does not have a hollow force; and

12 (3) the force structure described in paragraph (1)
13 represents the minimum level which should be main-
14 tained, but the President should be willing to increase
15 defense spending to meet new or existing threats.

16 **SEC. 534. DISCHARGE OF MEMBERS WHO ARE PERMA-**
17 **NENTLY NONWORLDWIDE ASSIGNABLE.**

18 (a) *IN GENERAL.*—(1) Chapter 59 of title 10, United
19 States Code, is amended by adding at the end the following
20 new section:

21 **“§ 1177. Members who are permanently nonworldwide**
22 **assignable: mandatory discharge or re-**
23 **tirement; counseling**

24 “(a) *REQUIRED SEPARATION.*—A member of the
25 armed forces who is classified as permanently

1 *nonworldwide assignable due to a medical condition shall*
2 *(except as provided in subsection (c)) be separated unless*
3 *the Secretary concerned determines that the retention of*
4 *permanently nonworldwide assignable service members*
5 *would not adversely affect the ability of the service to carry*
6 *out its mission. Such separation shall be made on a date*
7 *determined by the Secretary concerned, which (except as*
8 *provided in subsection (b)(2)) shall be as soon as practicable*
9 *after the date on which the determination is made that the*
10 *member should be so classified and not later than the last*
11 *day of the twelfth month beginning after that date.*

12 “(b) *FORM OF SEPARATION.—(1) If a member to be*
13 *separated under this section is eligible to retire under any*
14 *provision of law or to be transferred to the Fleet Reserve*
15 *or Fleet Marine Corps Reserve, the member shall be so re-*
16 *tired or so transferred. Otherwise, the member shall be dis-*
17 *charged.*

18 “(2) *In the case of a member to be discharged under*
19 *this section who on the date on which the member is to be*
20 *discharged is within two years of qualifying for retirement*
21 *under any provision of law, or of qualifying for transfer to*
22 *the Fleet Reserve or Fleet Marine Corps Reserve under sec-*
23 *tion 6330 of this title, the member may, as determined by*
24 *the Secretary concerned, be retained on active duty until*
25 *the member is qualified for retirement or transfer to the*

1 *Fleet Reserve or Fleet Marine Corps Reserve, as the case*
 2 *may be, and then be so retired or transferred, unless the*
 3 *member is sooner retired or discharged under any other pro-*
 4 *vision of law.*

5 “(c) *EXCEPTIONS.*—*The Secretary concerned may*
 6 *waive subsection (a) with respect to an individual member*
 7 *of the armed forces under the jurisdiction of that Secretary*
 8 *if the Secretary determines that there are circumstances*
 9 *that warrant the retention of that member. Such cir-*
 10 *cumstances may include—*

11 “(1) *consideration that the medical condition*
 12 *making the member permanently nonworldwide as-*
 13 *signable was incurred in combat or otherwise as the*
 14 *result of an action of the member for which the mem-*
 15 *ber received a decoration or other recognition for per-*
 16 *sonal bravery;*

17 “(2) *consideration that the member has a specific*
 18 *proficiency or skill that is vital to the national secu-*
 19 *rity; and*

20 “(3) *any other circumstance that the Secretary*
 21 *considers to be for the good of the service.*

22 “(d) *COUNSELING ABOUT AVAILABLE MEDICAL*
 23 *CARE.*—*A member to be separated under this section shall*
 24 *be provided information, in writing, before such separation*
 25 *of the available medical care (through the Department of*

1 *Veterans Affairs and otherwise) to treat the member's condi-*
 2 *tion. Such information shall include identification of spe-*
 3 *cific medical locations near the member's home of record*
 4 *or point of discharge at which the member may seek nec-*
 5 *essary medical care.*

6 “(e) *SEPARATION TO BE CONSIDERED INVOLUN-*
 7 *TARY.—A separation under this section shall be considered*
 8 *to be an involuntary separation for purposes of any other*
 9 *provision of law.”.*

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

“1177. Members who are permanently nonworldwide assignable: mandatory dis-
charge or retirement; counseling.”.

12 (b) *EFFECTIVE DATE.—Section 1177 of title 10,*
 13 *United States Code, as added by subsection (a), shall apply*
 14 *with respect to members determined to be permanently*
 15 *nonworldwide assignable by reason of a medical condition*
 16 *before, on, or after the date of the enactment of this Act.*
 17 *In the case of such a determination made before the date*
 18 *of the enactment of this Act, the period for the separation*
 19 *of the member specified in subsection (a) of such section*
 20 *shall be treated as beginning on the date of the enactment*
 21 *of this Act.*

22 (c) *CONFORMING AMENDMENT.—Section 1174(a)(1) of*
 23 *title 10, United States Code, is amended by striking out*

1 “section 580” and inserting in lieu thereof “section 580,
2 1177,”.

3 **SEC. 535. MILITARY RECRUITING ON CAMPUS.**

4 (a) *DENIAL OF FUNDS.*—(1) No funds available to the
5 Department of Defense may be provided by grant or con-
6 tract to any educational institution that has a policy of
7 denying, or which effectively prevents, the Secretary of De-
8 fense from obtaining for military recruiting purposes—

9 (A) entry to campuses or access to students on
10 campuses; or

11 (B) access to directory information pertaining to
12 students.

13 (2) Students referred to in paragraph (1) are individ-
14 uals who are 17 years of age or older.

15 (b) *PROCEDURES FOR DETERMINATION.*—The Sec-
16 retary of Defense, in consultation with the Secretary of
17 Education, shall prescribe regulations that contain proce-
18 dures for determining if and when an educational institu-
19 tion has denied or prevented access to students or informa-
20 tion described in subsection (a).

21 (c) *DEFINITION.*—For purposes of this section, the
22 term “directory information” means, with respect to a stu-
23 dent, the student’s name, address, telephone listing, date
24 and place of birth, level of education, degrees received, and

1 *the most recent previous educational institution enrolled in*
 2 *by the student.*

3 **SEC. 536. SURVEY ON THE STATE OF RACE AND ETHNIC IS-**
 4 **SUES IN THE MILITARY.**

5 (a) *REQUIREMENT FOR SURVEY.*—*The Secretary of*
 6 *Defense, acting through the Armed Forces Survey on Race/*
 7 *Ethnic Issues, shall carry out a biennial survey to measure*
 8 *the state of racial and ethnic issues and discrimination*
 9 *among active-duty military personnel. The survey shall so-*
 10 *licit information on the race relations climate in the serv-*
 11 *ices, including—*

12 (1) *indicators of positive and negative trends of*
 13 *relations between all racial and ethnic groups; and*

14 (2) *the effectiveness of Department of Defense*
 15 *policies designed to improve race and ethnic relations;*
 16 *and*

17 (3) *the effectiveness of current complaints and*
 18 *investigations processes.*

19 (b) *REPORT TO CONGRESS.*—*The Secretary shall sub-*
 20 *mit to Congress the results from the first survey under sub-*
 21 *section (a) not later than February 15, 1995, and report*
 22 *the results of future surveys biennially, thereafter.*

1 **SEC. 537. REQUEST FOR POSTHUMOUS COMMISSIONING IN**
 2 **THE ARMY OF TWO AFRICAN AMERICANS DIS-**
 3 **CHARGED FROM WEST POINT DUE TO RACIAL**
 4 **PREJUDICE DURING POST-CIVIL WAR PE-**
 5 **RIOD.**

6 (a) *REQUEST.*—The President is authorized and re-
 7 quested to issue, or have issued, posthumous commissions
 8 in the grade of second lieutenant in the Regular Army—

9 (1) in the name of James Webster Smith of
 10 South Carolina, the first African American appointed
 11 to the United States Military Academy, who was ap-
 12 pointed to the Academy in 1870 and was subsequently
 13 discharged from the Corps of Cadets of the Academy
 14 and from the Army due to extreme racial prejudice;
 15 and

16 (2) in the name of Johnson Chesnut Whittaker of
 17 South Carolina, the third African American ap-
 18 pointed to the United States Military Academy, who
 19 was appointed to the Academy in 1876 and was sub-
 20 sequently discharged from the Corps of Cadets of the
 21 Academy and from the Army shortly before his grad-
 22 uation and commissioning as a second lieutenant due
 23 to extreme racial prejudice.

24 (b) *TREATMENT OF BENEFITS.*—The provisions of sec-
 25 tion 1523 of title 10, United States Code, apply in the case
 26 of a commission issued as requested in subsection (a).

1 **SEC. 538. DETAIL OF DEPARTMENT OF DEFENSE PERSON-**
 2 **NEL TO ASSIST IMMIGRATION AND NATU-**
 3 **RALIZATION SERVICE, BORDER PATROL AND**
 4 **CUSTOMS SERVICE.**

5 (a) *AUTHORITY OF SECRETARY OF DEFENSE.*—Sec-
 6 tion 374 of title 10, United States Code, is amended by add-
 7 ing at the end the following new subsection:

8 “(d)(1) During each fiscal year, the Secretary of De-
 9 fense may make Department of Defense personnel currently
 10 stationed in Europe available to assist—

11 “(A) at the request of the Attorney General, the
 12 Immigration and Naturalization Service and the
 13 United States Border Patrol in preventing the entry
 14 of terrorists, drug traffickers, and illegal aliens into
 15 the United States; and

16 “(B) at the request of the Secretary of the Treas-
 17 ury, the United States Customs Service in the inspec-
 18 tion of cargo, vehicles, and aircraft at points of entry
 19 into the United States.”.

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

1 ***TITLE VI—COMPENSATION AND***
 2 ***OTHER PERSONNEL BENEFITS***
 3 ***Subtitle A—Pay and Allowances***

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

5 (a) *WAIVER OF SECTION 1009 ADJUSTMENT.*—Any
 6 adjustment required by section 1009 of title 37, United
 7 States Code, in elements of compensation of members of the
 8 uniformed services to become effective during fiscal year
 9 1995 shall not be made.

10 (b) *INCREASE IN BASIC PAY, BAS, AND BAQ.*—Effec-
 11 tive on January 1, 1995, the rates of basic pay, basic allow-
 12 ance for subsistence, and basic allowance for quarters of
 13 members of the uniformed services are increased by 2.6 per-
 14 cent.

15 (c) *INCREASE IN CADET AND MIDSHIPMAN PAY.*—Ef-
 16 fective on January 1, 1995, section 203(c)(1) of title 37,
 17 United States Code, is amended by striking out “\$543.90”
 18 and inserting in lieu thereof “\$558.04”.

19 ***SEC. 602. COST-OF-LIVING ALLOWANCE FOR MEMBERS OF***
 20 ***THE UNIFORMED SERVICES ASSIGNED TO***
 21 ***HIGH COST AREAS IN THE CONTINENTAL***
 22 ***UNITED STATES.***

23 (a) *ALLOWANCE REQUIRED.*—(1) Chapter 7 of title 37
 24 is amended by inserting after section 403a the following
 25 new section:

1 **“§ 403b. Cost-of-living allowance in the continental**
2 **United States**

3 “(a) *MEMBERS ELIGIBLE.*—(1) *A member of the uni-*
4 *formed services who is assigned to a high cost area in the*
5 *continental United States is entitled to a cost-of-living al-*
6 *lowance under this section.*

7 “(2) *A member who is assigned to an unaccompanied*
8 *tour of duty outside the continental United States is enti-*
9 *tled to a cost-of-living allowance under this section if the*
10 *dependents of the member reside in a high cost area in the*
11 *continental United States.*

12 “(3) *A member who is assigned to duty in the con-*
13 *tinental United States and whose dependents, due to the*
14 *duty location or other circumstances, must reside in a high*
15 *cost area in the continental United States, may be paid*
16 *a cost-of-living allowance under this section based on the*
17 *area where the dependents reside if it would be inequitable*
18 *to base the allowance on the duty location of the member.*

19 “(b) *EXCEPTIONS OR CONDITIONS.*—(1) *A member of*
20 *the uniformed services who is otherwise entitled to a cost-*
21 *of-living allowance under this section is not entitled to the*
22 *allowance for the number of days during which travel is*
23 *authorized while changing permanent duty stations.*

24 “(2) *A member of a reserve component is not entitled*
25 *to a cost-of-living allowance under this section unless the*
26 *member is on active duty under a call or order that specifies*

1 *a tour of active duty of 140 days or more or states that*
2 *the active duty is in support of a contingency operation.*

3 “(c) *ANNUAL ALLOWANCE THRESHOLD.—Based on the*
4 *amount of funds available for a fiscal year to provide cost-*
5 *of-living allowances under this section, the Secretary of De-*
6 *fense shall establish annually an allowance threshold to rep-*
7 *resent the percentage by which the cost of living of an area*
8 *must exceed the national average cost of living in order to*
9 *qualify the area as a high cost area for payment of the cost-*
10 *of-living allowance to members of the uniformed services de-*
11 *scribed in subsection (a). However, the allowance threshold*
12 *for a fiscal year may not be less than 1.05 nor more than*
13 *1.08.*

14 “(d) *DETERMINATION OF NATIONAL AND AREA COST*
15 *OF LIVINGS.—(1) The Secretary of Defense shall establish*
16 *the cost-of-living allowance for a fiscal year by using the*
17 *Consumer Price Index (as determined by the Bureau of*
18 *Labor Statistics of the Department of Labor) or by using*
19 *a comparable index developed in the private sector to deter-*
20 *mine a national average cost of living and the cost of living*
21 *for various areas in the continental United States. To deter-*
22 *mine the cost of living of members of the uniformed services,*
23 *the Secretary shall consider nonhousing costs (such as*
24 *transportation, goods, and services) incurred by members*
25 *of the uniformed services and average income tax paid by*

1 *such members. The Secretary shall reduce the amounts de-*
 2 *termined to exclude cost savings attributable to military fa-*
 3 *cilities (such as commissary, military exchange, and mili-*
 4 *tary health care benefits) and any military subsistence al-*
 5 *lowance.*

6 “(e) *ALLOWANCE FACTOR.*—*The factor used in a par-*
 7 *ticular high cost area to calculate the amount of the cost-*
 8 *of-living allowance for a fiscal year for members of the uni-*
 9 *formed services described in subsection (a) shall be equal*
 10 *to the difference between—*

11 “(1) *the cost of living for the high cost area di-*
 12 *vided by the national average cost of living; and*

13 “(2) *the allowance threshold established under*
 14 *subsection (c) for that year.*

15 “(f) *AMOUNT OF ALLOWANCE.*—*The cost-of-living al-*
 16 *lowance of a member of the uniformed services described in*
 17 *subsection (a) who is covered by a particular high cost area*
 18 *is equal to the product of the basic pay of the member and*
 19 *the allowance factor for that high cost area determined*
 20 *under subsection (e). The Secretary shall adjust the amount*
 21 *determined to maintain after-tax purchasing power of the*
 22 *allowance.*

23 “(g) *DEFINITIONS.*—*In this section—*

24 “(1) *the term ‘high cost area’ means an area in*
 25 *the continental United States in which the cost of liv-*

1 *ing, with respect to a particular fiscal year, exceeds*
 2 *the national average cost of living by a percentage*
 3 *greater than the allowance threshold established for*
 4 *that fiscal year under subsection (c); and*

5 *“(2) the term ‘continental United States’ means*
 6 *the 48 contiguous States and the District of Colum-*
 7 *bia.”.*

8 *(2) The table of sections at the beginning of chapter*
 9 *7 of title 37, United States Code, is amended by inserting*
 10 *after the item relating to section 403a the following new*
 11 *item:*

“403b. Cost-of-living allowance in the continental United States.”.

12 *(b) APPLICATION OF AMENDMENT.—The Secretary of*
 13 *Defense may not provide a cost-of-living allowance under*
 14 *section 403b of title 37, United States Code, as added by*
 15 *subsection (a), before July 1, 1995.*

16 **SEC. 603. INCREASE IN SUBSISTENCE ALLOWANCE PAYABLE**
 17 **TO MEMBERS OF SENIOR RESERVE OFFICERS’**
 18 **TRAINING CORPS.**

19 *(a) INCREASE.—Section 209(a) of title 37, United*
 20 *States Code, is amended by striking out “\$100 a month”*
 21 *in the first sentence and inserting in lieu thereof “\$150 a*
 22 *month”.*

23 *(b) APPLICATION OF INCREASE.—(1) Except as pro-*
 24 *vided in paragraph (2), the amendments made by sub-*

1 *section (a) shall apply with respect to months beginning*
 2 *after August 31, 1995.*

3 *(2) Upon the approval of the Secretary of Defense, the*
 4 *Secretary of a military department may implement such*
 5 *amendments at an earlier date with respect to members of*
 6 *the Senior Reserve Officers' Training Corps under the juris-*
 7 *isdiction of the Secretary if funds are available for the month-*
 8 *ly subsistence allowances authorized by such amendments.*

9 ***Subtitle B—Bonuses and Special***
 10 ***and Incentive Pays***

11 ***SEC. 611. INCREASE IN AUTHORIZED INCENTIVE SPECIAL***
 12 ***PAY FOR CERTIFIED REGISTERED NURSE AN-***
 13 ***ESTHETISTS.***

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

17 ***SEC. 612. EXTENSION OF AUTHORITY FOR PAYMENT OF***
 18 ***AVIATION OFFICER RETENTION BONUS***

19 *Section 301b(a) of title 37, United States Code, is*
 20 *amended by striking out “September 30, 1994” and insert-*
 21 *ing in lieu thereof “September 30, 1995”.*

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

***SEC. 621. CHANGE IN PROVISION OF TRANSPORTATION IN-
CIDENT TO PERSONAL EMERGENCIES FOR
MEMBERS STATIONED OUTSIDE THE CON-
TINENTAL UNITED STATES.***

*Section 411d(b) of title 37, United States Code, is
amended—*

(1) in paragraph (1)—

*(A) in the matter preceding the subpara-
graphs, by striking “from the international air-
port” and all that follows through “or the inter-
national airport nearest” and inserting in lieu
thereof “from the location of the member or de-
pendents, at the time notification of the personal
emergency is received, or”; and*

*(B) in subparagraph (A), by striking “clos-
est to the international airport” and inserting in
lieu thereof “closest to the location”; and*

*(2) in paragraph (4), by striking “to the inter-
national airport” and all that follows through the pe-
riod and inserting in lieu thereof “to the location
from which the member or dependent departed or the
member’s duty station.”.*

1 **SEC. 622. CLARIFICATION OF TRAVEL AND TRANSPOR-**
2 **TATION ALLOWANCE OF FAMILY MEMBERS IN-**
3 **CIDENT TO THE SERIOUS ILLNESS OR INJURY**
4 **OF MEMBERS.**

5 (a) *ALLOWANCE IN CASES OF BRAIN DEATH.*—Sub-
6 section (a) of section 411h of title 37, United States Code,
7 is amended—

8 (1) in paragraph (1), by striking out “is nec-
9 essary for” and inserting in lieu thereof “may con-
10 tribute to”; and

11 (2) in paragraph (2), by striking out subpara-
12 graph (B) and inserting in lieu thereof the following
13 new subparagraph:

14 “(B) is seriously ill, seriously injured, or in a
15 situation of imminent death, whether or not electrical
16 brain activity still exists or brain death is declared;
17 and”.

18 (b) *DEFINITION OF HEALTH AND WELFARE.*—Sub-
19 section (b) of such section is amended by adding at the end
20 the following new paragraph:

21 “(3) In this section, the term ‘health and welfare’, with
22 respect to a member, includes a situation in which a deci-
23 sion must be made by family members regarding the termi-
24 nation of artificial life support being provided to the mem-
25 ber.”.

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

**SEC. 631. ELIMINATION OF DISPARITY BETWEEN EFFEC-
TIVE DATES FOR MILITARY AND CIVILIAN RE-
TIREE COST-OF-LIVING ADJUSTMENTS FOR
FISCAL YEAR 1995.**

(a) *IN GENERAL.*—The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(b) *DEFINITIONS.*—For the purposes of subsection (a):

(1) The term “fiscal year 1995 increase in military retired pay” means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(2) The term “retired pay” includes retainer pay.

(c) *LIMITATION.*—Subsection (a) shall be effective only if there is appropriated to the Department of Defense Military Retirement Fund (in an Act making appropriations for the Department of Defense for fiscal year 1995 that is enacted before March 1, 1995) such amount as is necessary to offset increased outlays to be made from that fund during

1 *fiscal year 1995 by reason of the provisions of subsection*
 2 *(a).*

3 *(d) AUTHORIZATION OF APPROPRIATIONS.—There is*
 4 *authorized to be appropriated for fiscal year 1995 to the*
 5 *Department of Defense Military Retirement Fund the sum*
 6 *of \$376,000,000 to offset increased outlays to be made from*
 7 *that fund during fiscal year 1995 by reason of the provi-*
 8 *sions of subsection (a).*

9 **SEC. 632. CLARIFICATION OF CALCULATION OF RETIRED**
 10 **PAY FOR OFFICERS WHO RETIRE IN A GRADE**
 11 **LOWER THAN THE GRADE HELD AT RETIRE-**
 12 **MENT.**

13 *(a) PREVENTION OF RETIRED PAY BASED ON GRADE*
 14 *HIGHER THAN RETIRED GRADE.—Section 1401a(f) of title*
 15 *10, United States Code, is amended—*

16 *(1) in the first sentence, by inserting “based on*
 17 *the grade in which the member is retired” after “at*
 18 *an earlier date”;*

19 *(2) in the second sentence, by inserting “, except*
 20 *that such computation may not be based on a rate of*
 21 *basic pay for a grade higher than the grade in which*
 22 *the member is retired” before the period at the end;*
 23 *and*

24 *(3) by striking out the third sentence.*

1 (b) *EFFECTIVE DATE.*—The amendments made by sub-
 2 section (a) shall apply with respect to the computation of
 3 the retired pay of a member of the armed forces who retires
 4 on or after the date of the enactment of this Act.

5 **SEC. 633. CREDITING OF RESERVE SERVICE OF ENLISTED**
 6 **MEMBERS FOR COMPUTATION OF RETIRED**
 7 **PAY.**

8 (a) *ARMY.*—(1) Section 3925 of title 10, United States
 9 Code, is amended—

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

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

14 (2) The table in section 3991(a)(1) of such title is
 15 amended by striking out “section 3925” in formula B under
 16 the column designated “Column 2” and inserting in lieu
 17 thereof “section 1405”.

18 (3) The table in section 3992 of such title is amended
 19 by striking out “section 3925” in formula A under the col-
 20 umn designated “Column 2” and inserting in lieu thereof
 21 “section 1405”.

22 (b) *NAVY AND MARINE CORPS.*—The table in section
 23 6333(a) of title 10, United States Code, is amended by strik-
 24 ing out “his years of active service in the armed forces”
 25 in formula C under the column designated “Column 2” and

1 *inserting in lieu thereof “the years of service that may be*
 2 *credited to him under section 1405.”.*

3 *(c) AIR FORCE.—(1) Section 8925 of title 10, United*
 4 *States Code, is amended—*

5 *(A) in subsection (a), by striking out “and of*
 6 *computing his retired pay under section 8991 of this*
 7 *title,”; and*

8 *(B) by striking out subsection (c).*

9 *(2) The table in section 8991(a)(1) of such title is*
 10 *amended by striking out “section 8925” in formula B under*
 11 *the column designated “Column 2” and inserting in lieu*
 12 *thereof “section 1405”.*

13 *(3) The table in section 8992 of such title is amended*
 14 *by striking out “section 8925” in formula A under the col-*
 15 *umn designated “Column 2” and inserting in lieu thereof*
 16 *“section 1405”.*

17 *(d) CONFORMING AMENDMENT.—Section 1405 of such*
 18 *title is amended by adding at the end the following new*
 19 *subsection:*

20 *“(c) EXCLUSION OF TIME REQUIRED TO BE MADE*
 21 *UP.—Time required to be made up by an enlisted member*
 22 *of the Army or Air Force under section 972 of this title*
 23 *may not be counted in determining years of service under*
 24 *subsection (a).”.*

1 (e) *EFFECTIVE DATE.*—This section shall apply to the
 2 computation of the retired or retainer pay of any enlisted
 3 member who retires or is transferred to the Fleet Reserve
 4 or the Fleet Marine Corps Reserve on or after the date of
 5 the enactment of this Act.

6 **SEC. 634. MINIMUM REQUIRED RESERVE SERVICE FOR ELI-**
 7 **GIBILITY FOR RETIRED PAY FOR**
 8 **NONREGULAR SERVICE DURING FORCE**
 9 **DRAWDOWN PERIOD.**

10 Section 1331 of title 10, United States Code, is amend-
 11 ed by adding at the end the following new subsection:

12 “(f) In the case of a person who completes the service
 13 requirements of subsection (a)(2) during the period begin-
 14 ning on the date of the enactment of this subsection and
 15 ending on September 30, 1999, the entitlement of that per-
 16 son, upon application, to retired pay under this section
 17 shall be determined, in the case of the requirement specified
 18 in subsection (a)(3), by substituting ‘the last six years’ for
 19 ‘the last eight years’.”

20 **SEC. 635. SBP PREMIUMS FOR RESERVE-COMPONENT**
 21 **CHILD-ONLY COVERAGE.**

22 (a) *DETERMINATION OF PREMIUMS.*—Subsection (b) of
 23 section 1452 of title 10, United States Code, is amended
 24 to read as follows:

25 “(b) *CHILD-ONLY ANNUITIES.*—

1 “(1) *REQUIRED REDUCTION IN RETIRED PAY.*—

2 *The retired pay of a participant in the Plan who is*
3 *providing child-only coverage (as described in para-*
4 *graph (4)) shall be reduced by an amount prescribed*
5 *under regulations by the Secretary of Defense.*

6 “(2) *NO REDUCTION WHEN NO CHILD.*—*There*
7 *shall be no reduction in retired pay under paragraph*
8 *(1) for any month during which the participant has*
9 *no eligible dependent child.*

10 “(3) *SPECIAL RULE FOR CERTAIN RCSBP PAR-*
11 *TICIPANTS.*—*In the case of a participant in the Plan*
12 *who is participating in the Plan under an election*
13 *under section 1448(a)(2)(B) of this title and who pro-*
14 *vided child-only coverage during a period before the*
15 *participant becomes entitled to receive retired pay,*
16 *the retired pay of the participant shall be reduced by*
17 *an amount prescribed under regulations by the Sec-*
18 *retary of Defense to reflect the coverage provided*
19 *under the Plan during the period before the partici-*
20 *pant became entitled to receive retired pay. A reduc-*
21 *tion under this paragraph is in addition to any re-*
22 *duction under paragraph (1) and is made without re-*
23 *gard to whether there is an eligible dependent child*
24 *during a month for which the reduction is made.*

1 “(4) *CHILD-ONLY COVERAGE DEFINED.*—For the
2 purposes of this subsection, a participant in the Plan
3 who is providing child-only coverage is a participant
4 who has a dependent child and who—

5 “(A) does not have an eligible spouse or
6 former spouse; or

7 “(B) has a spouse or former spouse but has
8 elected to provide an annuity for dependent chil-
9 dren only.”.

10 (b) *EFFECTIVE DATE.*—(1) Except as provided in
11 paragraph (2), the amendment made by subsection (a) ap-
12 plies to any election for child-only coverage under a reserve-
13 component annuity under the Survivor Benefit Plan,
14 whether made before, on, or after the date of the enactment
15 of this Act.

16 (2) Paragraph (1) does not apply in a case of an elec-
17 tion referred to in that paragraph that was made before
18 the date of the enactment of this Act if the participant was
19 informed, in writing, before the date of the enactment of
20 this Act that no reduction in the participant’s retired pay
21 for child-only coverage would be made during a period when
22 there was no eligible dependent child.

1 **SEC. 636. DISCONTINUATION OF INSURABLE INTEREST**

2 **COVERAGE UNDER SURVIVOR BENEFIT PLAN.**

3 *Paragraph (1) of section 1448(b) of title 10, United*
4 *States Code, is amended—*

5 *(1) by inserting “(A)” after “(1)”;* and

6 *(2) by adding at the end the following:*

7 *“(B) An election under subparagraph (A) for a bene-*
8 *ficiary who is not the former spouse of the person providing*
9 *the annuity may be terminated. Any such termination shall*
10 *be made by a participant by the submission to the Secretary*
11 *concerned of a request to discontinue participation in the*
12 *Plan, and such participation in the Plan shall be discon-*
13 *tinued effective on the first day of the first month following*
14 *the month in which the request is received by the Secretary*
15 *concerned. Effective on such date, the Secretary concerned*
16 *shall discontinue the reduction being made in such person’s*
17 *retired pay on account of participation in the Plan or, in*
18 *the case of a person who has been required to make deposits*
19 *in the Treasury on account of participation in the Plan,*
20 *such person may discontinue making such deposits effective*
21 *on such date.*

22 *“(C) A request under subparagraph (B) to discontinue*
23 *participation in the Plan shall be in such form and shall*
24 *contain such information as may be required under regula-*
25 *tions prescribed by the Secretary of Defense.*

1 “(D) The Secretary concerned shall furnish promptly
 2 to each person who submits a request under subparagraph
 3 (B) to discontinue participation in the Plan a written
 4 statement of the advantages and disadvantages of partici-
 5 pating in the Plan and the possible disadvantages of dis-
 6 continuing participation. A person may withdraw the re-
 7 quest to discontinue participation if withdrawn within 30
 8 days after having been submitted to the Secretary con-
 9 cerned.

10 “(E) Once participation is discontinued, benefits may
 11 not be paid in conjunction with the earlier participation
 12 in the Plan and premiums paid may not be refunded. Par-
 13 ticipation in the Plan may not later be resumed except
 14 through a qualified election under paragraph (5) of sub-
 15 section (a).”.

16 **Subtitle E—Other Matters**

17 **SEC. 641. AUTHORITY FOR SURVIVORS TO RECEIVE PAY-** 18 **MENT FOR ALL LEAVE ACCRUED BY DE-** 19 **CEASED MEMBERS.**

20 (a) REMOVAL OF 60-DAY LIMITATION.—Subsection (d)
 21 of section 501 of title 37, United States Code, is amended—

22 (1) in paragraph (1)—

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

24 (B) by striking out the last sentence and in-
 25 serting in lieu thereof the following: “The limita-

1 *tions contained in the second sentence of sub-*
 2 *section (b)(3), subsection (f), and the second sen-*
 3 *tence of subsection (g) on the number of days of*
 4 *leave for which payment may be made shall not*
 5 *apply with respect to payments made under this*
 6 *subsection.”; and*

7 *(2) by striking out paragraph (2).*

8 *(b) CONFORMING AMENDMENT.—Subsection (f) of such*
 9 *section is amended by striking out “, (d),” in the first sen-*
 10 *tence.*

11 ***TITLE VII—HEALTH CARE*** 12 ***PROVISIONS***

13 ***Subtitle A—Health Care Services***

14 ***SEC. 701. REVISION OF DEFINITION OF DEPENDENTS TO IN-*** 15 ***CLUDE YOUNG PEOPLE BEING ADOPTED BY*** 16 ***MEMBERS OR FORMER MEMBERS.***

17 *(a) ELIGIBILITY FOR HEALTH BENEFITS.—Section*
 18 *1072 of title 10, United States Code, is amended—*

19 *(1) in paragraph (2)(D), by striking out “, in-*
 20 *cluding an adopted child or stepchild,”; and*

21 *(2) by adding at the end the following new para-*
 22 *graph:*

23 *“(6) The term ‘child’ includes an adopted child,*
 24 *a stepchild, or an unmarried person placed in the*
 25 *home of a member or former member of a uniformed*

1 *service by a State licensed placement agency (recog-*
 2 *nized by the Secretary of Defense) in anticipation of*
 3 *the legal adoption of the person by the member or*
 4 *former member, who otherwise meets the requirements*
 5 *specified in paragraph (2)(D).”.*

6 *(b) CONFORMING AMENDMENT.—Section 401(b)(1)(B)*
 7 *of title 37, United States Code, is amended by striking out*
 8 *“placement agency for the purpose of adoption” and insert-*
 9 *ing in lieu thereof “State licensed placement agency (recog-*
 10 *nized by the Secretary of Defense) in anticipation of the*
 11 *legal adoption of the child by the member”.*

12 **SEC. 702. TREATMENT OF CERTAIN DEPENDENTS AS CHIL-**
 13 **DREN FOR PURPOSES OF CHAMPUS, DEPEND-**
 14 **ENTS’ DENTAL PROGRAM, AND CONTINUED**
 15 **HEALTH BENEFITS COVERAGE.**

16 *(a) CHAMPUS.—Section 1079(a) of title 10, United*
 17 *States Code, is amended in the first sentence by striking*
 18 *out “and children” and inserting in lieu thereof “, children,*
 19 *and dependents described in section 1072(2)(I) of this title”.*

20 *(b) DEPENDENTS’ DENTAL PROGRAM.—Section 1076a*
 21 *of such title is amended—*

22 *(1) in subsection (a)(1), by striking out “spouses*
 23 *and children (as described in section 1072(2)(D) of*
 24 *this title)” and inserting in lieu thereof “eligible de-*
 25 *pendents”;*

1 (2) in subsection (e), by striking out “spouse or
2 child” and inserting in lieu thereof “eligible depend-
3 ent”;

4 (3) in subsection (f), by striking out “spouse or
5 children” both places it appears and inserting in lieu
6 thereof “eligible dependents”; and

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

9 “(h) *ELIGIBLE DEPENDENT DEFINED.*—In this sec-
10 tion, the term ‘eligible dependent’ means a spouse, child,
11 or dependent described in section 1072(2)(I) of this title of
12 a member of the uniformed services who is on active duty
13 for a period of more than 30 days.”.

14 (c) *CONTINUED HEALTH BENEFITS COVERAGE.*—Sec-
15 tion 1078a of such title is amended—

16 (1) in subsection (b)(2)(A), by inserting before
17 the semicolon the following: “or ceases to meet the re-
18 quirements for being considered an unmarried de-
19 pendent under section 1072(2)(I) of this title”;

20 (2) in subsection (c)(3)—

21 (A) by striking out “child” both places it
22 appears and inserting in lieu thereof “depend-
23 ent”; and

1 (B) by striking out “child’s” each place it
2 appears and inserting in lieu thereof “depend-
3 ent’s”;

4 (3) in subsection (d)(2)(A)—

5 (A) by striking out “child” the first, second,
6 and fourth places it appears and inserting in
7 lieu thereof “dependent”; and

8 (B) by striking out “an unmarried depend-
9 ent child under section 1072(2)(D) of this title,”
10 and inserting in lieu thereof “a dependent under
11 subparagraph (D) or (I) of section 1072(2) of
12 this title;”;

13 (4) in subsection (d)(2)(B)—

14 (A) by striking out “child” and inserting in
15 lieu thereof “dependent”; and

16 (B) by striking out “child’s” and inserting
17 in lieu thereof “dependent’s”;

18 (5) in subsection (g)(1)(B), by striking out “an
19 unmarried dependent child under section 1072(2)(D)
20 of this title” and inserting in lieu thereof “a depend-
21 ent under subparagraph (D) or (I) of section 1072(2)
22 of this title”; and

23 (6) in subsection (g)(2), by striking out “child”
24 both places it appears and inserting in lieu thereof
25 “dependent”.

1 **SEC. 703. AUTHORIZATION FOR MEDICAL AND DENTAL**
2 **CARE OF ABUSED DEPENDENTS OF CERTAIN**
3 **MEMBERS.**

4 (a) *ADDITIONAL BASIS FOR CARE.*—Subsection (e) of
5 section 1076 of title 10, United States Code, is amended—

6 (1) *by striking out paragraph (1) and inserting*
7 *in lieu thereof the following new paragraph:*

8 “(1) Subject to paragraph (3), if an abused dependent
9 of a member of a uniformed service described in paragraph
10 (4) needs medical or dental care for an injury or illness
11 resulting from the abuse, the administering Secretary may,
12 upon request of the abused dependent, furnish medical or
13 dental care to the dependent for the treatment of such injury
14 or illness in facilities of the uniformed services.”; and

15 (2) *by adding at the end the following new para-*
16 *graph:*

17 “(4)(A) A member of a uniformed service referred to
18 in paragraph (1) is a member who—

19 “(i) receives a dishonorable or bad-conduct dis-
20 charge or is dismissed from a uniformed service as a
21 result of a court-martial conviction for a criminal of-
22 fense, under either military or civil law, involving
23 abuse of a dependent of the member; or

24 “(ii) is administratively discharged from a uni-
25 formed service as a result of such an offense.

1 “(B) Whether an offense involved abuse of a dependent
 2 of the member shall be determined in accordance with regu-
 3 lations prescribed by the administering Secretary for such
 4 uniformed service.”.

5 (b) *CONFORMING AMENDMENTS.*—Such subsection is
 6 further amended—

7 (1) in paragraph (2), by striking out “para-
 8 graph (1)(A)” and inserting in lieu thereof “para-
 9 graph (4)”;

10 (2) in paragraph (3)(C), by striking out “para-
 11 graph (1)(A)” and inserting in lieu thereof “para-
 12 graph (4)”.

13 **SEC. 704. ADDITIONAL AUTHORIZED HEALTH CARE SERV-**
 14 **ICE AVAILABLE THROUGH MILITARY HEALTH**
 15 **CARE SYSTEM.**

16 Section 1077(b)(2)(B) of title 10, United States Code,
 17 is amended by inserting after “artificial limbs” the follow-
 18 ing: “; voice prostheses,”.

1 ***Subtitle B—Changes to Existing***
 2 ***Laws Regarding Health Care***
 3 ***Management***

4 ***SEC. 711. EXPANDED USE OF PARTNERSHIP AND RESOURCE***
 5 ***SHARING PROGRAMS FOR IMPROVED COST-***
 6 ***EFFECTIVENESS.***

7 *Section 1096 of title 10, United States Code, is amend-*
 8 *ed by inserting at the end the following new subsections:*

9 *“(d) PAYMENTS BY NON-FEDERAL PARTIES.—An*
 10 *agreement entered into under subsection (a) may require*
 11 *a civilian health care provider that is a party to the agree-*
 12 *ment to make payments to a facility of the uniformed serv-*
 13 *ices in connection with resources specified in subsection (b)*
 14 *that are provided by the facility under the agreement.*
 15 *Amounts received by the facility under this subsection shall*
 16 *be credited to the appropriation supporting the mainte-*
 17 *nance and operation of the facility and shall not be taken*
 18 *into consideration in establishing the operating budget of*
 19 *the facility.*

20 *“(e) REIMBURSEMENT FOR LICENSE FEES.—In the*
 21 *case of an agreement entered into under subsection (a)*
 22 *under which personnel of the uniformed services who are*
 23 *assigned to a facility of the uniformed services will provide*
 24 *health care services at a facility of a civilian health care*
 25 *provider, the Secretary of Defense may reimburse the per-*

1 sonnel for any professional license fee that is required by
 2 the governmental jurisdiction in which the civilian health
 3 care facility is located and is paid by the personnel if the
 4 Secretary determines that such reimbursement is necessary
 5 to effectively implement the agreement. The amount of such
 6 reimbursement may not exceed \$500 per person.”.

7 **SEC. 712. IMPOSITION OF ENROLLMENT FEES FOR MAN-**
 8 **AGED CARE PLANS.**

9 Section 1097(c) of title 10, United States Code, is
 10 amended by adding at the end the following new sentence:
 11 “In the case of contracts for health care services under this
 12 section or health care plans offered under section 1099 of
 13 this title for which the Secretary permits covered bene-
 14 ficiaries who are covered by section 1086 of this title and
 15 who participate in such contracts or plans to pay an enroll-
 16 ment fee in lieu of meeting the deductible amount specified
 17 in section 1086(b) of this title, the Secretary may establish
 18 the same (or a lower) enrollment fee for covered beneficiaries
 19 described in section 1086(d)(1) of this title who also partici-
 20 pate in such contracts or plans.”.

21 **SEC. 713. STRENGTHENING MANAGED HEALTH CARE**
 22 **AUTHORITIES.**

23 (a) AMENDMENTS TO ALTERNATIVE HEALTH CARE
 24 DELIVERY CONTRACTS AUTHORITY.—Section 1097 of title
 25 10, United States Code, is amended—

1 (1) by redesignating subsection (c) (as amended
2 by section 712) as subsection (e); and

3 (2) by inserting after subsection (b) the following
4 new subsections:

5 “(c) *COORDINATION WITH FACILITIES OF THE UNI-*
6 *FORMED SERVICES.*—The Secretary of Defense may provide
7 for the coordination of health care services provided pursu-
8 ant to any contract or agreement under this section with
9 those services provided in medical treatment facilities of the
10 uniformed services. Subject to the availability of space and
11 facilities and the capabilities of the medical or dental staff,
12 the Secretary may not deny access to facilities of the uni-
13 formed services to covered beneficiaries based on enrollment
14 or declination of enrollment in any program established
15 under, or operating in connection with, any contract under
16 this section. However, the Secretary may, as an incentive
17 for enrollment, establish reasonable preferences for services
18 in facilities of the uniformed services for covered bene-
19 ficiaries enrolled in any program established under, or op-
20 erating in connection with, any contract under this section.

21 “(d) *COORDINATION WITH OTHER HEALTH CARE*
22 *PROGRAMS.*—In the case of a covered beneficiary who has
23 enrolled in a managed health care program not operated
24 under the authority of this chapter, the Secretary may con-
25 tract under this section with such other managed health

1 *care program for the purpose of coordinating the bene-*
 2 *ficiary's dual entitlements under such program and this*
 3 *chapter. A managed health care program with which ar-*
 4 *rangements may be made under this subsection includes*
 5 *any health maintenance organization, competitive medical*
 6 *plan, health care prepayment plan, or other managed care*
 7 *program recognized pursuant to regulations issued by the*
 8 *Secretary."*

9 (b) *AMENDMENTS TO THIRD PARTY COLLECTIONS*
 10 *PROGRAM AUTHORITY.—Section 1095 of title 10, United*
 11 *States Code, is amended—*

12 (1) *in subsection (b), by striking out "if that*
 13 *care" and all that follows through the period and in-*
 14 *serting in lieu thereof the following: "shall operate to*
 15 *prevent collection by the United States under sub-*
 16 *section (a) if that care is provided—*

17 *"(1) through a facility of the uniformed services;*

18 *"(2) directly or indirectly by a governmental en-*
 19 *tity;*

20 *"(3) to an individual who has no obligation to*
 21 *pay for that care or for whom no other person has a*
 22 *legal obligation to pay; or*

23 *"(4) by a provider with which the third party*
 24 *payer has no participation agreement."*

1 (2) in subsection (d), by inserting “and except as
2 provided in subsection (j),” after “(b),”;

3 (3) in subsection (h)(1), by adding at the end the
4 following new sentence: “Such term also includes enti-
5 ties described in subsection (j) under the terms and to
6 the extent provided in such subsection.”; and

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

9 “(j) The Secretary of Defense may enter into an agree-
10 ment with any health maintenance organization, competi-
11 tive medical plan, health care prepayment plan, or other
12 similar plan (pursuant to regulations issued by the Sec-
13 retary) providing for collection under this section from such
14 organization or plan for services provided to a covered bene-
15 ficiary who is an enrollee in such organization or plan.”.

16 **SEC. 714. DELAY IN DEADLINE FOR USE OF HEALTH MAIN-**
17 **TENANCE ORGANIZATION MODEL AS OPTION**
18 **FOR MILITARY HEALTH CARE.**

19 Section 731 of the National Defense Authorization Act
20 for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1696;
21 10 U.S.C. 1073 note) is amended—

22 (1) in subsection (a), by striking out “after the
23 date of the enactment of this Act” and inserting in
24 lieu thereof “after December 31, 1994”;

1 (2) in subsection (e), by striking out “February
2 1, 1994” and inserting in lieu thereof “December 31,
3 1994”; and

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

6 “(f) *MODIFICATION OF EXISTING CONTRACTS.*—In the
7 case of managed health care contracts in effect or in final
8 stages of acquisition as of December 31, 1994, the Secretary
9 may modify such contracts to incorporate the health benefit
10 option required under subsection (a).”.

11 **SEC. 715. LIMITATION ON REDUCTION IN NUMBER OF RE-**
12 **SERVE COMPONENT MEDICAL PERSONNEL.**

13 Section 518(a) of the National Defense Authorization
14 Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.
15 2407) is amended—

16 (1) by inserting before the period at the end the
17 following: “; unless the Secretary certifies to Congress
18 that the number of such personnel to be reduced in a
19 particular military department is excess to the cur-
20 rent and projected needs for personnel in the Selected
21 Reserve of that military department”; and

22 (2) by adding at the end the following new sen-
23 tence: “The assessment of current and projected per-
24 sonnel needs under this subsection shall be consistent
25 with the wartime requirements for Selected Reserve

1 *personnel identified in the final report on the com-*
 2 *prehensive study of the military medical care system*
 3 *prepared pursuant to section 733 of the National De-*
 4 *fense Authorization Act for Fiscal Years 1992 and*
 5 *1993 (Public Law 102–190; 10 U.S.C. 1071 note).”.*

6 ***Subtitle C—Other Matters***

7 ***SEC. 721. DELAY IN CLOSURE OF ARMY HOSPITAL AT***
 8 ***VICENZA, ITALY.***

9 *(a) CLOSURE DELAY.—During fiscal year 1995, the*
 10 *Secretary of the Army may not reduce the level of medical*
 11 *care services provided by the United States Army Hospital*
 12 *at Vicenza, Italy.*

13 *(b) REPORT ON HOSPITAL.—Not later than March 1,*
 14 *1995, the Secretary of Defense shall submit to Congress a*
 15 *report regarding the operation of the Army Hospital at*
 16 *Vicenza, Italy. The report shall contain the following:*

17 *(1) A description of the number and demo-*
 18 *graphic characteristics of members of the Armed*
 19 *Forces on active duty and covered beneficiaries under*
 20 *chapter 55 of title 10, United States Code, who typi-*
 21 *cally receive medical care services at the hospital, in-*
 22 *cluding those members and covered beneficiaries sta-*
 23 *tioned or residing at (or in the immediate vicinity of)*
 24 *Aviano Air Force Base and Camp Darby.*

1 (2) *An analysis of the projected costs or savings,*
 2 *including the cost of CHAMPUS benefits, resulting*
 3 *from the programmed closure of the hospital.*

4 (3) *A description of the differences in practice*
 5 *patterns between American and Italian doctors, such*
 6 *as differences in the normal lengths of stay for the*
 7 *most frequent inpatient admissions (including child-*
 8 *birth) and the availability of alternative methods of*
 9 *providing anesthesia during childbirth.*

10 (4) *An analysis of the feasibility of establishing*
 11 *a birthing center for the area and patients currently*
 12 *served by the hospital, to be staffed primarily by*
 13 *American nurse-midwives.*

14 (5) *A detailed plan for ensuring the availability*
 15 *of quality medical care, consistent with American*
 16 *medical practice patterns, for covered beneficiaries re-*
 17 *siding in Northern Italy.*

18 **SEC. 722. DEMONSTRATION PROGRAM FOR ADMISSION OF**
 19 **CIVILIANS AS PHYSICIAN ASSISTANT STU-**
 20 **DENTS AT ACADEMY OF HEALTH SCIENCES,**
 21 **FORT SAM HOUSTON, TEXAS.**

22 (a) *CIVILIAN ATTENDANCE.*—*The Secretary of the*
 23 *Army may enter into a reciprocal agreement with an ac-*
 24 *credited institution of higher education under which stu-*
 25 *dents of the institution may attend the didactic portion of*

1 *the physician assistant training program conducted by the*
2 *Army Medical Department at the Academy of Health*
3 *Sciences at Fort Sam Houston, Texas, in exchange for the*
4 *provision of such academic services by the institution as*
5 *the Secretary and the institution consider to be appropriate*
6 *to support the physician assistant training program. The*
7 *Secretary shall ensure that the Army Medical Department*
8 *does not incur any additional costs as a result of the agree-*
9 *ment than the Department would incur to obtain academic*
10 *services for the physician assistant training program in the*
11 *absence of the agreement.*

12 (b) *SELECTION OF STUDENTS.—(1) Subject to para-*
13 *graph (2), not more than 20 civilian students per year may*
14 *receive instruction at the Academy pursuant to the agree-*
15 *ment under subsection (a). In consultation with the institu-*
16 *tion of higher education that is a party to the agreement,*
17 *the Secretary shall establish qualifications and methods of*
18 *selection for civilian students to receive instruction at the*
19 *Academy. The qualifications established shall be comparable*
20 *to those generally required for admission to the physician*
21 *assistant training program at the Academy.*

22 (2) *The Secretary shall ensure that members of the*
23 *Armed Forces are not denied enrollment in the physician*
24 *assistant training program in order to permit the attend-*
25 *ance of civilian students. The maximum annual enrollment*

1 *for the program may not be increased solely for the purpose*
2 *of permitting civilian students to attend the program.*

3 *(c) RULES OF ATTENDANCE.—Except as the Secretary*
4 *determines necessary, a civilian student who receives in-*
5 *struction at the Academy pursuant to the agreement under*
6 *subsection (a) shall be subject to the same regulations gov-*
7 *erning attendance, discipline, discharge, and dismissal as*
8 *apply to military students attending the Academy.*

9 *(d) TERM AND TERMINATION OF AGREEMENT.—The*
10 *term of the agreement entered into under subsection (a) may*
11 *not extend beyond September 30, 1997. Either party to the*
12 *agreement may terminate the agreement at any time before*
13 *that date.*

14 *(e) REPORT.—For each year in which the agreement*
15 *under subsection (a) is in effect, the Secretary shall submit*
16 *to Congress a report specifying the number of civilian stu-*
17 *dents who received instruction at the Academy under the*
18 *agreement during the period covered by the report and*
19 *accessing the benefits to the United States of the agreement.*

20 *(f) ACADEMY DEFINED.—For purposes of this section,*
21 *the term “Academy” means the Academy of Health Sciences*
22 *of the Army Medical Department at Fort Sam Houston,*
23 *Texas.*

1 **SEC. 723. REPORT ON EXPANDED USE OF NONAVAILABILITY**
2 **OF HEALTH CARE STATEMENTS.**

3 (a) *REPORT REQUIRED.*—Not later than December 31,
4 1994, the Secretary of Defense shall submit to Congress a
5 report describing the plans (if any) of the Department of
6 Defense to use the authority provided in sections 1080(b)
7 and 1086(e) of title 10, United States Code, regarding mak-
8 ing a determination whether to issue a nonavailability of
9 health care statement. The report shall include an analysis
10 of the impact of such plans on—

11 (1) *the freedom of choice of covered beneficiaries*
12 *in selecting their health care providers;*

13 (2) *the access of covered beneficiaries to health*
14 *care services;*

15 (3) *the quality and continuity of health care*
16 *services;*

17 (4) *the clarity and understandability of the ap-*
18 *plicable requirements regarding issuance*
19 *nonavailability of health care statements; and*

20 (5) *the health care costs incurred by the United*
21 *States and covered beneficiaries.*

22 (b) *USE OF AUTHORITY.*—During the period begin-
23 ning on the date of the enactment of this Act and ending
24 90 days after the date the Secretary submits the report re-
25 quired by subsection (a), the Secretary may not—

1 (1) *expand the number or size of the geographi-*
 2 *cal areas in which the Secretary is currently using*
 3 *the authority provided by sections 1080(b) and*
 4 *1086(e) of title 10, United States Code; or*

5 (2) *implement or use such authority in a man-*
 6 *ner inconsistent with the manner in which such au-*
 7 *thority was implemented or used as of February 1,*
 8 *1994.*

9 **SEC. 724. SENSE OF CONGRESS ON CONTINUITY OF HEALTH**
 10 **CARE SERVICES FOR COVERED BENE-**
 11 **FICIARIES IN CERTAIN AREAS AFFECTED BY**
 12 **BASE CLOSURES.**

13 (a) *SENSE OF CONGRESS.—It is the sense of Congress*
 14 *that the Secretary of Defense should take all appropriate*
 15 *steps, including a limited continuation of services for man-*
 16 *aged health care currently provided to covered beneficiaries*
 17 *described in subsection (b) who are eligible for such services,*
 18 *to ensure the continuity of health care services for such bene-*
 19 *ficiaries during the procurement, transition, and initial*
 20 *implementation phases of the TRICARE managed care sup-*
 21 *port contract for Health Services Region Six of the Military*
 22 *Health Services System of Department of Defense.*

23 (b) *COVERED BENEFICIARIES DESCRIBED.—The cov-*
 24 *ered beneficiaries referred to in subsection (a) are covered*
 25 *beneficiaries under chapter 55, United States Code, who re-*

1 *side in areas adversely affected by the closure of England*
 2 *Air Force Base, Louisiana, Bergstrom Air Force Base,*
 3 *Texas, or Carswell Air Force Base, Texas, and for whom*
 4 *the Secretary of Defense established a contracted managed*
 5 *health care program, as required by section 9032 of the De-*
 6 *partment of Defense Appropriations Act, 1993 (P.L. 102-*
 7 *396; 106 Stat. 1907).*

8 **SEC. 725. ORAL TYPHOID VACCINE INVENTORY OF DEPART-**
 9 **MENT OF DEFENSE.**

10 (a) *NUMBER OF DOSES MAINTAINED IN INVENTORY.—*
 11 *The Secretary of Defense shall direct that the number of*
 12 *doses of oral typhoid vaccine maintained in inventory by*
 13 *the Department of Defense during a fiscal year is not less*
 14 *than the number of doses of parenteral injection typhoid*
 15 *vaccine maintained in inventory by the Department during*
 16 *that fiscal year.*

17 (b) *WAIVER.—The Secretary of Defense may waive the*
 18 *applicability of subsection (a) for a fiscal year if the Sec-*
 19 *retary determines that the waiver is necessary for reasons*
 20 *of national security and notifies Congress of the reasons for*
 21 *the waiver.*

1 **TITLE VIII—ACQUISITION POL-**
 2 **ICY, ACQUISITION MANAGE-**
 3 **MENT, AND RELATED MAT-**
 4 **TERS**

5 **Subtitle A—Acquisition Assistance**
 6 **Programs**

7 **SEC. 801. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
 8 **GRAMS.**

9 *Of the amount authorized to be appropriated in section*
 10 *301(5), \$12,000,000 shall be available for carrying out the*
 11 *provisions of chapter 142 of title 10, United States Code.*

12 **Subtitle B—Acquisition**
 13 **Improvement**

14 **PART I—GENERAL IMPROVEMENTS**

15 **SEC. 811. CONGRESSIONAL DEFENSE PROCUREMENT POL-**
 16 **ICY.**

17 *Section 2301 of title 10, United States Code, is amend-*
 18 *ed to read as follows:*

19 **“§ 2301. Congressional defense procurement policy**

20 *“(a) The Congress finds that in order to ensure na-*
 21 *tional defense preparedness; conserve fiscal resources; en-*
 22 *hance science and technology, research and development,*
 23 *and production capability; provide for continued develop-*
 24 *ment and preservation of an efficient and responsive defense*
 25 *industrial base; and ensure the financial and ethical integ-*

1 rity of defense procurement programs, it is in the interest
2 of the United States that property and services be acquired
3 for the Department of Defense in the most timely, economic,
4 and efficient manner consistent with achieving an optimum
5 balance among efficient processes, full and open access to
6 the procurement system, and sound implementation of so-
7 cioeconomic policies. It is therefore the policy of Congress
8 that—

9 “(1) full and open competitive procedures shall
10 be used by the Department of Defense in accordance
11 with the requirements of this chapter;

12 “(2) to the maximum extent practicable, the De-
13 partment of Defense shall acquire commercial items to
14 meet its needs and shall require prime contractors
15 and subcontractors, at all levels, which furnish other
16 than commercial items, to incorporate to the maxi-
17 mum extent practicable commercial items as compo-
18 nents of items being supplied to the Department;

19 “(3) when commercial items and components are
20 not available, practicable, or cost effective, the De-
21 partment of Defense shall acquire, and shall require
22 prime contractors and subcontractors to incorporate,
23 nondevelopmental items and components to the maxi-
24 mum extent practicable;

1 “(4) property and services for the Department of
2 Defense may be acquired by any kind of contract,
3 other than cost-plus-a-percentage-of-cost contracts, but
4 including multiyear contracts, that will promote the
5 interest of the United States and will provide for ap-
6 propriate allocation of risk between the Government
7 and the contractor with due regard to the nature of
8 the property or services to be acquired;

9 “(5) contracts, when appropriate, shall provide
10 incentives to contractors to improve productivity
11 through investment in capital facilities, equipment,
12 flexible manufacturing processes, and advanced and
13 dual-use technology;

14 “(6) contracts for advance procurement of com-
15 ponents, parts, and materials necessary for manufac-
16 ture or for logistics support of a weapon system
17 should, if practicable, be entered into in a manner to
18 achieve economic-lot purchases and more efficient pro-
19 duction rates;

20 “(7) procurement protests and disputes shall be
21 fairly and expeditiously resolved through uniform in-
22 terpretation of relevant laws and regulations;

23 “(8) the head of an agency shall use advance
24 procurement planning and market research and de-
25 velop contract requirements in such a manner as is

1 *necessary to obtain full and open competition with*
2 *due regard to the nature of the property or services*
3 *to be acquired; but may restrict competitions to sup-*
4 *pliers of commercial items to foster accomplishment of*
5 *the above objective; and*

6 *“(9) the head of an agency shall develop and*
7 *maintain an acquisition career management program*
8 *to ensure a professional acquisition work force in ac-*
9 *cordance with the requirements of chapter 87 of this*
10 *title.*

11 *“(b) Further, it is the policy of Congress that procure-*
12 *ment policies and procedures for the agencies named in sec-*
13 *tion 2303 of this title shall, in accordance with the require-*
14 *ments of this title—*

15 *“(1) be issued in accordance with and conform*
16 *to the requirements of sections 22 and 25 of the Office*
17 *of Federal Procurement Policy Act (41 U.S.C. 418b*
18 *and 421);*

19 *“(2) promote and implement the Congressional*
20 *policies in subsection (a) of this section and section*
21 *2 of the Office of Federal Procurement Policy Act (41*
22 *U.S.C. 401);*

23 *“(3) be implemented to support the requirements*
24 *of such agencies in time of war or national emergency*
25 *as well as in peacetime;*

1 “(4) promote responsiveness of the procurement
2 system to agency needs by—

3 “(A) simplifying and streamlining procure-
4 ment processes; and

5 “(B) providing incentives to encourage con-
6 tractors to take actions and make recommenda-
7 tions that would reduce the costs of property or
8 services to be acquired;

9 “(5) facilitate the acquisition of commercial
10 items and commercial components at or based on
11 commercial market prices, without requiring contrac-
12 tors to change their business practices; and

13 “(6) promote the acquisition and use of commer-
14 cial items, commercial components, and non-
15 developmental items by requiring descriptions of
16 agency requirements, whenever practicable, in terms
17 of functions to be performed or performance required.

18 “(c) Further, it is the policy of Congress that 20 per-
19 cent of the purchases and contracts entered into under this
20 chapter should be placed with small business concerns and
21 that 5 percent of the purchases and contracts entered into
22 under this chapter should be placed with concerns that are
23 small disadvantaged businesses.

24 “(d) It is also the policy of Congress that qualified
25 nonprofit agencies for the blind or severely handicapped (as

1 *defined in section 2410d(b) of this title) shall be afforded*
 2 *the maximum practicable opportunity to provide approved*
 3 *commodities and services (as defined in such section) as*
 4 *subcontractors and suppliers under contracts awarded by*
 5 *the Department of Defense.”.*

6 **SEC. 812. REPEAL OF REQUIREMENT RELATING TO PRO-**
 7 **DUCTION SPECIAL TOOLING AND PRODUC-**
 8 **TION SPECIAL TEST EQUIPMENT.**

9 *(a) REPEAL.—Section 2329 of title 10, United States*
 10 *Code, is repealed.*

11 *(b) CLERICAL AMENDMENT.—The table of sections at*
 12 *the beginning of chapter 137 of such title is amended by*
 13 *striking out the item related to section 2329.*

14 **SEC. 813. REPEAL OF VOUCHERING PROCEDURES SECTION.**

15 *(a) REPEAL.—Section 2355 of title 10, United States*
 16 *Code, is repealed.*

17 *(b) CLERICAL AMENDMENT.—The table of sections at*
 18 *the beginning of chapter 139 of such title is amended by*
 19 *striking out the item relating to section 2355.*

20 **SEC. 814. CLARIFICATION OF PROVISION RELATING TO**
 21 **QUALITY CONTROL OF CERTAIN SPARE**
 22 **PARTS.**

23 *The second sentence of subsection (a) of section 2383*
 24 *of title 10, United States Code, is amended to read as fol-*
 25 *lows: “In establishing the appropriate qualification require-*

1 ments, the Secretary of Defense shall use the Department
 2 of Defense qualification requirements that were used to
 3 qualify the original production part, unless the Secretary
 4 determines in writing—

5 “(A) that there are other requirements suffi-
 6 ciently similar to those requirements that should be
 7 used instead; or

8 “(B) that any or all such requirements are un-
 9 necessary.”.

10 **SEC. 815. CONTRACTOR GUARANTEES REGARDING WEAPON**
 11 **SYSTEMS.**

12 (a) *REPEAL OF REQUIREMENT FOR REPORT ON WAIV-*
 13 *ERS.*—Subsection (e) of section 2403 of title 10, United
 14 States Code, is amended—

15 (1) by striking out “(1)”; and

16 (2) by striking out paragraph (2).

17 (b) *PROVISIONS TO BE ADDRESSED BY REGULA-*
 18 *TIONS.*—Subsection (h) of such section is amended—

19 (1) by redesignating paragraph (2) as para-
 20 graph (3); and

21 (2) by inserting after paragraph (1) the follow-
 22 ing new paragraph (2):

23 “(2) The regulations shall include the following:

24 “(A) Guidelines for negotiating contractor guar-
 25 antees that are reasonable and cost effective, as deter-

1 *mined on the basis of the likelihood of defects and the*
 2 *estimated cost of correcting such defects.*

3 *“(B) Procedures for administering contractor*
 4 *guarantees.*

5 *“(C) Guidelines for determining the cases in*
 6 *which it may be appropriate to waive the require-*
 7 *ments of this section.”.*

8 ***PART II—MAJOR SYSTEMS STATUTES***

9 ***SEC. 821. WEAPON DEVELOPMENT AND PROCUREMENT***

10 ***SCHEDULES.***

11 *(a) DEADLINE AND PURPOSE.—Subsection (a) of sec-*
 12 *tion 2431 of title 10, United States Code, is amended—*

13 *(1) in the first sentence—*

14 *(A) by striking out “at the same time” and*
 15 *inserting in lieu thereof “not later than 45 days*
 16 *after”; and*

17 *(B) by striking out “a written report” and*
 18 *inserting in lieu thereof “budget justification*
 19 *documents”; and*

20 *(2) in the second and third sentences, by striking*
 21 *out “report” and inserting in lieu thereof “docu-*
 22 *ments”.*

23 *(b) ADDITIONAL MATTERS TO BE INCLUDED.—Sub-*
 24 *section (b) of such section is amended—*

1 (1) by striking out “include—” and inserting in
2 lieu thereof “include each of the following.”;

3 (2) by capitalizing the first word in each of
4 paragraphs (1), (2), and (3);

5 (3) by striking out the semicolon at the end of
6 paragraphs (1) and (2) and inserting in lieu thereof
7 a period;

8 (4) by striking out “; and” at the end of para-
9 graph (3) and inserting in lieu thereof a period; and

10 (5) by amending paragraph (4) to read as fol-
11 lows:

12 “(4)(A) The most efficient production rate, the
13 most efficient acquisition rate, and the minimum sus-
14 taining rate, consistent with the program priority es-
15 tablished for such weapon system by the Secretary
16 concerned.

17 “(B) In this paragraph:

18 “(i) The term ‘most efficient production
19 rate’ means the maximum rate for each budget
20 year at which the weapon system can be pro-
21 duced with existing or planned plant capacity
22 and tooling, with one shift a day running for
23 eight hours a day and five days a week.

24 “(ii) The term ‘minimum sustaining rate’
25 means the production rate for each budget year

1 that is necessary to keep production lines open
 2 while maintaining a base of responsive vendors
 3 and suppliers.”.

4 **SEC. 822. SELECTED ACQUISITION REPORT REQUIREMENT.**

5 (a) *DEFINITION OF PROCUREMENT UNIT COST.*—

6 (1) *DEFINITION.*—Paragraph (2) of section
 7 2432(a) of title 10, United States Code, is amended—

8 (A) in clause (A), by striking out “for a fis-
 9 cal year” and all that follows through “such pro-
 10 gram in such fiscal year”;

11 (B) in clause (B), by striking out “with
 12 such funds during such fiscal year.” and insert-
 13 ing in lieu thereof a period; and

14 (C) by striking out the last sentence.

15 (2) *CONFORMING AMENDMENTS.*—Section 2433
 16 of such title is amended—

17 (A) in subparagraph (B) of subsection
 18 (c)(1), by striking out “current” before “procure-
 19 ment unit cost”;

20 (B) in subsection (d), by striking out “cur-
 21 rent” before “procurement unit cost” each place
 22 it appears; and

23 (C) in subsection (e), by striking out “cur-
 24 rent” before “procurement unit cost” both places
 25 it appears.

1 (b) *EXCLUSION OF FIRM, FIXED-PRICE CONTRACTS.*—

2 Subsection (a) of section 2432 of such title is amended in
3 paragraph (3) by inserting before the period at the end the
4 following: “and that is not a firm, fixed price contract”.

5 (c) *DEFINITION OF FULL LIFE-CYCLE COST.*—Such

6 subsection is further amended in paragraph (4) by striking
7 out “has the meaning” and all that follows through the end
8 of the paragraph and inserting in lieu thereof the following:
9 “means all costs of development, procurement, military con-
10 struction, and operations and support, without regard to
11 funding source or management control.”.

12 (d) *NOTICE OF PROPOSED CHANGES IN SAR.*—Sub-

13 section (c) of such section is amended in paragraph (2) by
14 striking out the second sentence and inserting in lieu thereof
15 the following: “Whenever the Secretary of Defense proposes
16 to make changes in the content of a Selected Acquisition
17 Report, the Secretary shall submit a notice of the proposed
18 changes to such committees. The changes shall be considered
19 approved by the Secretary, and may be incorporated into
20 the report, only after the end of the 60-day period beginning
21 on the date on which the notice is received by those commit-
22 tees.”.

23 (e) *ELIMINATION OF CERTAIN SAR REQUIREMENTS.*—

24 Such subsection is further amended in paragraph (3) by
25 striking out subparagraph (C).

1 (f) *UNIFORM IMPLEMENTATION OF LIFE-CYCLE COST*
 2 *ANALYSIS.*—*Such subsection is further amended—*

3 (1) *by striking out paragraph (5); and*

4 (2) *by adding at the end of subparagraph (A) of*
 5 *paragraph (3) the following: “The Secretary of De-*
 6 *fense shall ensure that this subparagraph is imple-*
 7 *mented in a uniform manner, to the extent prac-*
 8 *ticable, throughout the Department of Defense.”.*

9 (g) *DEADLINE REVISION.*—*Subsection (f) of such sec-*
 10 *tion is amended by striking out “60 days” in the first sen-*
 11 *tence and inserting in lieu thereof “45 days”.*

12 (h) *ELIMINATION OF PRELIMINARY REPORT.*—*Such*
 13 *subsection is further amended by striking out the second*
 14 *sentence.*

15 (i) *TERMINOLOGY CORRECTIONS.*—*Such section is fur-*
 16 *ther amended as follows:*

17 (1) *Subsection (b)(3)(A) is amended by striking*
 18 *out “full-scale development or” in clause (i).*

19 (2) *Subsection (c)(3) is amended by striking out*
 20 *“full-scale engineering” in subparagraph (A) and in-*
 21 *serting in lieu thereof “engineering and manufactur-*
 22 *ing”.*

23 (3) *Subsection (h)(1) is amended by striking out*
 24 *“full-scale engineering” both places it appears and in-*

1 serting in lieu thereof “engineering and manufactur-
2 ing”.

3 **SEC. 823. UNIT COST REPORT REQUIREMENT.**

4 (a) *REVISION OF BASELINE REPORT DEFINITIONS.*—

5 (1) *REVISION.*—Section 2433(a) of title 10,
6 United States Code, is amended—

7 (A) in paragraph (2)—

8 (i) by striking out “Baseline Selected
9 Acquisition Report” and inserting in lieu
10 thereof “Baseline Estimate”; and

11 (ii) by striking out “Selected Acquisi-
12 tion Report in which” and all that follows
13 through the end of the paragraph and in-
14 serting in lieu thereof “cost estimate in-
15 cluded in the baseline description for the
16 program under section 2435 of this title.”;
17 and

18 (B) by striking out paragraph (4).

19 (2) *CONFORMING AMENDMENTS.*—Section 2433
20 of such title is further amended—

21 (A) in subsection (c)(1), by striking out
22 “Baseline Report” in subparagraphs (A) and
23 (B) and inserting in lieu thereof “Baseline Esti-
24 mate”; and

1 (B) in subsection (d), by striking out “Base-
 2 line Report” in paragraphs (1) and (2) and in-
 3 serting in lieu thereof “Baseline Estimate”.

4 (b) CONTENTS OF UNIT COST REPORT.—Section
 5 2433(b) of such title is amended in paragraph (3) by strik-
 6 ing out “Baseline Report was submitted.” and inserting in
 7 lieu thereof “contract was entered into.”.

8 (c) ELIMINATION OF CERTAIN UNIT COST REPORT RE-
 9 QUIREMENT.—Section 2433(c) of such title, as amended by
 10 subsection (a), is further amended—

11 (1) by striking out paragraph (2);

12 (2) by striking out “(1)” after “(c)”; and

13 (3) by redesignating subparagraphs (A), (B),
 14 and (C) as paragraphs (1), (2), and (3), respectively.

15 (d) CONSTANT BASE YEAR DOLLARS.—Section 2433(f)
 16 of such title is amended by striking out “include expected
 17 inflation” and inserting in lieu thereof “be stated in terms
 18 of constant base year dollars (as described in section 2430
 19 of this title)”.

20 (e) CONTENTS OF SAR.—Subparagraph (I) of section
 21 2433(g)(1) of such title is amended to read as follows:

22 “(I) The type of the Baseline Estimate that was
 23 included in the baseline description under section
 24 2435 of this title and the date of the Baseline Esti-
 25 mate.”.

1 **SEC. 824. REQUIREMENT FOR INDEPENDENT COST ESTI-**
2 **MATES AND MANPOWER ESTIMATES BEFORE**
3 **DEVELOPMENT OR PRODUCTION.**

4 (a) *CONTENT AND SUBMISSION OF ESTIMATES.*—Sec-
5 tion 2434 of title 10, United States Code, is amended by
6 striking out subsection (b) and inserting in lieu thereof the
7 following:

8 “(b) *REGULATIONS.*—The Secretary of Defense shall
9 prescribe regulations governing the content and submission
10 of the estimates required by subsection (a). The regulations
11 shall require—

12 “(1) that the independent estimate of the full
13 life-cycle cost of a program—

14 “(A) be prepared by an office or other en-
15 tity that is not directly responsible for carrying
16 out the development or acquisition of the pro-
17 gram; and

18 “(B) include all costs of development, pro-
19 curement, military construction, and operations
20 and support, without regard to funding source or
21 management control; and

22 “(2) that the manpower estimate include the
23 total personnel required—

24 “(A) to operate, maintain, and support the
25 program upon full operational deployment; and

1 “(B) to train personnel to carry out the ac-
2 tivities referred to in subparagraph (A).”.

3 (b) *TERMINOLOGY CORRECTION AND OTHER AMEND-*
4 *MENT.*—Subsection (a) of such section is amended—

5 (1) by striking out “full-scale engineering devel-
6 opment” and inserting in lieu thereof “engineering
7 and manufacturing development”; and

8 (2) by striking out “cost of the program, together
9 with” and inserting in lieu thereof “full life-cycle cost
10 of the program, and”.

11 **SEC. 825. BASELINE DESCRIPTION.**

12 (a) *IN GENERAL.*—Section 2435 of title 10, United
13 *States Code*, is amended to read as follows:

14 **“§2435. Baseline description**

15 “(a) *BASELINE DESCRIPTION REQUIREMENT.*—(1)
16 *The Secretary of a military department shall establish a*
17 *baseline description for each major defense acquisition pro-*
18 *gram under the jurisdiction of such Secretary.*

19 “(2) *The baseline shall include sufficient parameters*
20 *to describe the cost estimate (referred to as the ‘Baseline*
21 *Estimate’ in section 2433 of this title), schedule, and per-*
22 *formance of such major defense acquisition program.*

23 “(3) *No amount appropriated or otherwise made*
24 *available to the Department of Defense for carrying out a*
25 *major defense acquisition program may be obligated with-*

1 out an approved baseline description unless such obligation
2 is specifically approved by the Under Secretary of Defense
3 for Acquisition and Technology.

4 “(4) A baseline description for a major defense acqui-
5 sition program shall be established—

6 “(A) before the program enters engineering and
7 manufacturing development; and

8 “(B) before the program enters production and
9 deployment.

10 “(b) REGULATIONS.—The Secretary of Defense shall
11 prescribe regulations governing—

12 “(1) the content of baseline descriptions;

13 “(2) the submission of reports on deviations of a
14 program from the baseline description by the program
15 manager to the Secretary of the military department
16 concerned and the Under Secretary of Defense for Ac-
17 quisition and Technology;

18 “(3) procedures for review of such deviation re-
19 ports within the Department of Defense; and

20 “(4) procedures for submission to, and approval
21 by, the Secretary of Defense of revised baseline de-
22 scriptions.”.

23 (b) CLERICAL AMENDMENT.—The table of sections at
24 the beginning of chapter 144 of such title is amended by

1 *amending the item relating to section 2435 to read as fol-*
 2 *lows:*

“2435. Baseline description.”.

3 **SEC. 826. REPEAL OF REQUIREMENT FOR COMPETITIVE**
 4 **PROTOTYPING IN MAJOR PROGRAMS.**

5 (a) *REPEAL.*—Section 2438 of title 10, United States
 6 Code, is repealed.

7 (b) *CLERICAL AMENDMENT.*—The table of sections at
 8 the beginning of chapter 144 of such title is amended by
 9 striking out the item relating to section 2438.

10 **SEC. 827. REPEAL OF REQUIREMENT FOR COMPETITIVE AL-**
 11 **TERNATIVE SOURCES IN MAJOR PROGRAMS.**

12 (a) *REPEAL.*—Section 2439 of title 10, United States
 13 Code, is repealed.

14 (b) *CLERICAL AMENDMENT.*—The table of sections at
 15 the beginning of chapter 144 of such title is amended by
 16 striking out the item relating to section 2439.

17 **PART III—TESTING STATUTES**

18 **SEC. 831. AUTHORIZATION OF LESS THAN FULL-UP TEST-**
 19 **ING.**

20 Section 2366(c) of title 10, United States Code, is
 21 amended—

22 (1) by redesignating paragraph (2) as para-
 23 graph (4);

24 (2) by designating the second sentence of para-
 25 graph (1) as paragraph (3) and in that paragraph by

1 striking out “such certification” and inserting in lieu
 2 thereof “certification under paragraph (1) or (2)”;
 3 and

4 (3) by inserting before paragraph (3) (as so des-
 5 ignated) the following new paragraph:

6 “(2) In the case of a covered system (or covered product
 7 improvement program for a covered system), the Secretary
 8 may waive the application of the survivability and lethality
 9 tests of this section to such system or program and instead
 10 allow testing of the system or program in combat by firing
 11 munitions likely to be encountered in combat at compo-
 12 nents, subsystems, and subassemblies, together with per-
 13 forming design analyses, modeling and simulation, and
 14 analysis of combat data, if the Secretary certifies to Con-
 15 gress that the survivability and lethality testing of such sys-
 16 tem or program otherwise required by this section would
 17 be unreasonably expensive and impracticable.”.

18 **SEC. 832. LIMITATION ON QUANTITIES TO BE PROCURED**

19 **FOR LOW-RATE INITIAL PRODUCTION.**

20 Section 2400(a) of title 10, United States Code, is
 21 amended—

22 (1) in paragraph (2)—

23 (A) by striking out “paragraph (1)” and
 24 inserting in lieu thereof “this section”; and

1 (B) by striking out “full-scale engineering
2 development” and inserting in lieu thereof “engi-
3 neering and manufacturing development”;

4 (2) by redesignating paragraph (4) as para-
5 graph (5) and in that paragraph by inserting after
6 the first sentence the following: “If the quantity ex-
7 ceeds 10 percent of the total number of articles to be
8 produced, as determined at the milestone II decision
9 with respect to that system, the Secretary shall in-
10 clude in the statement the reasons for such quantity.”;
11 and

12 (3) by inserting after paragraph (3) the follow-
13 ing new paragraph (4):

14 “(4) The quantity of articles of a major system that
15 may be procured for low-rate initial production may not
16 be less than one operationally configured production unit
17 unless another quantity is established at the milestone II
18 decision.”.

19 **SEC. 833. OPERATIONAL TEST AND EVALUATION OF DE-**
20 **FENSE ACQUISITION PROGRAMS.**

21 (a) *AUTHORITY TO USE DIFFERENT PROCEDURES.*—
22 Section 2399(b) of title 10, United States Code, is amend-
23 ed—

24 (1) by redesignating paragraph (5) as para-
25 graph (6); and

1 (2) by inserting after paragraph (4) the follow-
 2 ing new paragraph (5):

3 “(5) The Secretary of Defense may, for a particular
 4 major defense acquisition program, prescribe and apply
 5 operational test and evaluation procedures other than those
 6 provided under subsection (a) and paragraphs (1) through
 7 (3) of this subsection if the Secretary transmits to Congress,
 8 before the Milestone II decision is made with respect to that
 9 program—

10 “(A) a certification that such testing would be
 11 unreasonably expensive and impracticable; and

12 “(B) a description of the actions taken to ensure
 13 that the system will be operationally effective and
 14 suitable when the system meets initial operational ca-
 15 pability requirements.”.

16 (b) *CROSS REFERENCE CORRECTIONS.*—Section 2399
 17 of such title is further amended—

18 (1) in subsection (b)(6) (as redesignated by sub-
 19 section (a)(1)) and subsection (c)(1), by striking out
 20 “section 138(a)(2)(B)” and inserting in lieu thereof
 21 “section 139(a)(2)(B)”; and

22 (2) in subsection (h)(1), by striking out “section
 23 138(a)(2)(A)” and inserting in lieu thereof “section
 24 139(a)(2)(A)”.

1 **PART IV—CIVIL RESERVE AIR FLEET**

2 **SEC. 841. DEFINITION OF CONTRACTOR.**

3 *Section 9511(8) of title 10, United States Code, is*
 4 *amended—*

5 (1) *by striking out “or” at the end of clause (A);*
 6 *and*

7 (2) *by inserting before the period at the end the*
 8 *following: “; or (C) who owns or controls, or will own*
 9 *or control, new or existing aircraft and who, by con-*
 10 *tract, commits some or all of such aircraft to the Civil*
 11 *Reserve Air Fleet”.*

12 **SEC. 842. CONSOLIDATION OF PROVISIONS RELATING TO**
 13 **CONTRACTUAL COMMITMENT OF AIRCRAFT.**

14 *Chapter 931 of title 10, United States Code, is amend-*
 15 *ed—*

16 (1) *in subsection (a) of section 9512, by inserting*
 17 *“AUTHORITY TO CONTRACT.—” after “(a)”;*

18 (2) *in subsection (c) of section 9512, by striking*
 19 *out “(c)” and inserting in lieu thereof “(d) AUTHOR-*
 20 *ITY TO CONTRACT AND PAY DIRECTLY.—”;*

21 (3) *in subsection (b) of section 9512, by striking*
 22 *out “(b)” and inserting in lieu thereof “(c) TERMS*
 23 *AND REQUIRED REPAYMENT.—”;*

24 (4) *by redesignating subsection (a) of section*
 25 *9513 as subsection (b) and transferring such sub-*

1 *section (as so redesignated) to section 9512 and in-*
 2 *serting such subsection after subsection (a);*

3 *(5) by redesignating subsection (b) of section*
 4 *9513 as subsection (e) and transferring such sub-*
 5 *section (as so redesignated) to the end of section 9512;*

6 *(6) in subsection (b) of section 9512, as redesign-*
 7 *ated and transferred to such section by paragraph*
 8 *(4)—*

9 *(A) by striking out “under section 9512 of*
 10 *this title” and inserting in lieu thereof “entered*
 11 *into under this section”, and*

12 *(B) by inserting “CONTRACT REQUIRE-*
 13 *MENTS.—” after “(b)”;*

14 *(7) in subsection (c) of section 9512, as redesign-*
 15 *ated by paragraph (3), by striking out “the terms*
 16 *required by section 9513 of this title and”;*

17 *(8) in subsection (e) of section 9512, as redesign-*
 18 *ated and transferred to such section by paragraph*
 19 *(5)—*

20 *(A) by striking out “under section 9512 of*
 21 *this title” and inserting in lieu thereof “entered*
 22 *into under this section”, and*

23 *(B) by inserting “COMMITMENT TO CIVIL*
 24 *RESERVE AIR FLEET.—” after “(e)”;* and

25 *(9) by striking out the heading of section 9513.*

1 **SEC. 843. USE OF MILITARY INSTALLATIONS BY CONTRAC-**
 2 **TORS.**

3 (a) *AUTHORITY.*—Chapter 931 of title 10, United
 4 States Code, as amended by section 842, is further amended
 5 by adding at the end the following new section 9513:

6 **“§9513. Use of military installations by Civil Reserve**
 7 **Air Fleet contractors**

8 “(a) *CONTRACT AUTHORITY.*—(1) The Secretary of the
 9 Air Force—

10 “(A) may, by contract entered into with any
 11 contractor, authorize such contractor to use one or
 12 more Air Force installations designated by the Sec-
 13 retary; and

14 “(B) with the consent of the Secretary of another
 15 military department, may, by contract entered into
 16 with any contractor, authorize the contractor to use
 17 one or more installations, designated by the Secretary
 18 of the Air Force, that is under the jurisdiction of the
 19 Secretary of such other military department.

20 “(2) The Secretary of the Air Force may include in
 21 the contract such terms and conditions as the Secretary de-
 22 termines appropriate to promote the national defense or to
 23 protect the interests of the United States.

24 “(b) *PURPOSES OF USE.*—A contract entered into
 25 under subsection (a) may authorize use of a designated in-
 26 stallation as a weather alternate, a technical stop not in-

1 *volving the enplaning or deplaning of passengers or cargo,*
 2 *or, in the case of an installation within the United States,*
 3 *for other commercial purposes. Notwithstanding any other*
 4 *provision of the law, the Secretary may establish different*
 5 *levels and types of uses for different installations and may*
 6 *provide in contracts under subsection (a) for different levels*
 7 *and types of uses by different contractors.*

8 “(c) *HOLD HARMLESS REQUIREMENT.*—A contract
 9 *entered into under subsection (a) shall provide that the con-*
 10 *tractor agrees to indemnify and hold harmless the Air Force*
 11 *(and any other armed force having jurisdiction over any*
 12 *installation covered by the contract) from all actions, suits,*
 13 *or claims of any sort resulting from, relating to, or arising*
 14 *out of any activities conducted, or services or supplies fur-*
 15 *nished, in connection with the contract.*

16 “(d) *RESERVATION OF RIGHT TO EXCLUDE CONTRAC-*
 17 *TOR.*—A contract entered into under subsection (a) shall
 18 *provide that the Secretary concerned may, without provid-*
 19 *ing prior notice, deny access to an installation designated*
 20 *under the contract when the Secretary determines that it*
 21 *is necessary to do so in order to meet military exigencies.”.*

22 (b) *CLERICAL AMENDMENT.*—The table of sections at
 23 *the beginning of such chapter is amended by striking out*
 24 *the item relating to section 9513 and inserting in lieu there-*
 25 *of the following:*

“9513. Use of military installations by Civil Reserve Air Fleet contractors.”.

1 **PART V—MISCELLANEOUS**

2 **SEC. 851. REGULATIONS ON PROCUREMENT, PRODUCTION,**
 3 **WAREHOUSING, AND SUPPLY DISTRIBUTION**
 4 **FUNCTIONS.**

5 (a) *IN GENERAL.*—Section 2202 of title 10, United
 6 States Code, is amended to read as follows:

7 **“§ 2202. Regulations on procurement, production,**
 8 **warehousing, and supply distribution**
 9 **functions**

10 “The Secretary of Defense shall prescribe regulations
 11 governing the performance within the Department of De-
 12 fense of the procurement, production, warehousing, and
 13 supply distribution functions, and related functions, of the
 14 Department of Defense.”.

15 (b) *CLERICAL AMENDMENT.*—The table of sections at
 16 the beginning of chapter 131 of such title is amended by
 17 striking out the item related to section 2202 and inserting
 18 in lieu thereof the following:

“2202. Regulations on procurement, production, warehousing, and supply dis-
 tribution functions.”.

19 **SEC. 852. REPEAL OF REQUIREMENTS REGARDING PROD-**
 20 **UCT EVALUATION ACTIVITIES.**

21 (a) *REPEAL.*—Section 2369 of title 10, United States
 22 Code, is repealed.

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
 2 *the beginning of chapter 139 of such title is amended by*
 3 *striking out the item related to section 2369.*

4 ***SEC. 853. CODIFICATION AND REVISION OF LIMITATION ON***
 5 ***LEASE OF VESSELS, AIRCRAFT, AND VEHI-***
 6 ***CLES.***

7 (a) *LIMITATION.*—(1) *Chapter 141 of title 10, United*
 8 *States Code, is amended by inserting after section 2401 the*
 9 *following new section:*

10 ***“§ 2401a. Lease of vessels, aircraft, and vehicles***

11 *“The Secretary of Defense or the Secretary of a mili-*
 12 *tary department may not enter into any contract with a*
 13 *term of 18 months or more, or extend or renew any contract*
 14 *for a term of 18 months or more, for any vessel, aircraft,*
 15 *or vehicle, through a lease, charter, or similar agreement,*
 16 *unless the Secretary has considered all costs of such contract*
 17 *(including estimated termination liability) and has deter-*
 18 *mined in writing that the contract is in the best interest*
 19 *of the Government.”.*

20 (2) *The table of sections at the beginning of such chap-*
 21 *ter is amended by inserting after the item relating to section*
 22 *2401 the following new item:*

“2401a. Lease of vessels, aircraft, and vehicles.”.

23 (b) *REPEAL OF SUPERSEDED PROVISION.*—*Section*
 24 *9081 of Public Law 101–165 (103 Stat. 1147; 10 U.S.C.*
 25 *2401 note) is repealed.*

1 **SEC. 854. REPEAL OF APPLICATION OF PUBLIC CONTRACTS**

2 **ACT TO CERTAIN NAVAL VESSEL CONTRACTS.**

3 (a) *REPEAL.*—Section 7299 of title 10, United States
4 Code, is repealed.

5 (b) *CLERICAL AMENDMENT.*—The table of sections at
6 the beginning of chapter 633 of such title is amended by
7 striking out the item relating to section 7299.

8 **SEC. 855. CONSOLIDATION OF LIMITATIONS ON PROCURE-**

9 **MENT OF GOODS OTHER THAN AMERICAN**

10 **GOODS.**

11 Section 2534 of title 10, United States Code, is amend-
12 ed—

13 (1) by striking out subsections (a) through (f);

14 and

15 (2) by inserting after the section heading the fol-
16 lowing:

17 “(a) *LIMITATION ON CERTAIN PROCUREMENTS.*—The
18 Secretary of Defense may procure the following items only
19 if they are manufactured by an entity that is part of the
20 national technology and industrial base (as defined in sec-
21 tion 2491(1) of this title):

22 “(1) *BUSES.*—Multipassenger motor vehicles
23 (buses).

24 “(2) *CHEMICAL WEAPONS ANTIDOTE.*—Chemical
25 weapons antidote contained in automatic injectors (or
26 components for such injectors), but only if the com-

1 pany that manufactures the item not only manufac-
2 tures it in the United States but also meets the follow-
3 ing requirements:

4 “(A) The company is an existing producer
5 under the industrial preparedness program at
6 the time the contract is awarded.

7 “(B) The company has received all required
8 regulatory approvals.

9 “(C) The company has the plant, equip-
10 ment, and personnel to perform the contract in
11 existence in the United States at the time the
12 contract is awarded.

13 “(3) VALVES AND MACHINE TOOLS.—(A) Items
14 in the following categories:

15 “(i) Powered and non-powered valves in
16 Federal Supply Classes 4810 and 4820 used in
17 piping for naval surface ships and submarines.

18 “(ii) Machine tools in the Federal Supply
19 Classes for metal-working machinery numbered
20 3405, 3408, 3410 through 3419, 3426, 3433,
21 3438, 3441 through 3443, 3445, 3446, 3448,
22 3449, 3460, and 3461.

23 “(B) Contracts for the procurement of items de-
24 scribed in subparagraph (A) include contracts—

1 “(i) for the use of such items in any prop-
2 erty under the control of the Department of De-
3 fense, including Government-owned, contractor-
4 operated facilities; and

5 “(ii) entered into by contractors on behalf of
6 the Department of Defense for the purposes of
7 providing such items to other contractors as Gov-
8 ernment-furnished equipment.

9 “(C) In any case in which a contract for items
10 described in subparagraph (A) includes the procure-
11 ment of more than one Federal Supply Class of ma-
12 chine tools or machine tools and accessories, each sup-
13 ply class shall be evaluated separately for purposes of
14 determining whether the limitation in this subsection
15 applies.

16 “(D) This paragraph is effective through fiscal
17 year 1996.

18 “(4) AIR CIRCUIT BREAKERS.—Air circuit break-
19 ers for naval vessels.

20 “(5) SONOBUOYS.—Sonobuoys.

21 “(6) BALL BEARINGS AND ROLLER BEARINGS.—
22 Ball bearings and roller bearings, in accordance with
23 subpart 225.71 of part 225 of the Defense Federal Ac-
24 quisition Regulation Supplement, as in effect on Oc-

1 tober 23, 1992. This paragraph is effective through
2 fiscal year 1995.

3 “(b) *EXCEPTIONS.*—The Secretary of Defense may
4 waive the limitation in subsection (a) with respect to the
5 procurement of an item listed in that subsection if the Sec-
6 retary determines that any of the following apply:

7 “(1) Application of the limitation would cause
8 unreasonable costs or delays to be incurred.

9 “(2) United States producers of the item would
10 not be jeopardized by competition from a foreign
11 country and that country does not discriminate
12 against defense items produced in the United States
13 to a greater degree than the United States discrimi-
14 nates against defense items produced in that country.

15 “(3) Application of the limitation would impede
16 cooperative programs entered into between the De-
17 partment of Defense and a foreign country and that
18 country does not discriminate against defense items
19 produced in the United States to a greater degree
20 than the United States discriminates against defense
21 items produced in that country.

22 “(4) Satisfactory quality items manufactured by
23 an entity that is part of the national technology and
24 industrial base (as defined in section 2491(1) of this
25 title) are not available.

1 “(5) *Application of the limitation would result*
 2 *in the existence of only one source for the item that*
 3 *is an entity that is part of the national technology*
 4 *and industrial base (as defined in section 2491(1) of*
 5 *this title).*

6 “(6) *The procurement is for an amount less than*
 7 *the simplified acquisition threshold and simplified*
 8 *purchase procedures are being used.*

9 “(7) *Application of the limitation is not in the*
 10 *national security interests of the United States.*

11 “(8) *Application of the limitation would ad-*
 12 *versely affect a United States company.*

13 “(c) *PRINCIPLE OF CONSTRUCTION WITH FUTURE*
 14 *LAWS.—A provision of law may not be construed as modi-*
 15 *fying or superseding the provisions of this section, or as*
 16 *requiring funds to be limited, or made available, by the Sec-*
 17 *retary of Defense to a particular domestic source by con-*
 18 *tract, unless that provision of law—*

19 “(1) *specifically refers to this section;*

20 “(2) *specifically states that such provision of law*
 21 *modifies or supersedes the provisions of this section;*
 22 *and*

23 “(3) *specifically identifies the particular domes-*
 24 *tic source involved and states that the contract to be*

5 *Section 2386 of title 10, United States Code, is amend-*
6 *ed by striking out paragraphs (3) and (4) and inserting*
7 *in lieu thereof the following:*

9 “(4) Releases for past infringement of patents or
10 copyrights or for unauthorized use of technical data
11 or computer software.”.

(a) *IN GENERAL.*—Subchapter II of chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

20 “(a) *REVIEW.*—The Secretary of Defense shall conduct
21 a review of any proposed acquisition of a business concern
22 that is a critical United States defense supplier with respect
23 to which the Attorney General or the Federal Trade Com-
24 mission receives notice under the antitrust laws. In con-
25 ducting such review, the Secretary shall assess the likely ef-

1 *fect of the proposed acquisition (if carried out) on the policy*
 2 *objectives for the national technology and industrial base*
 3 *(as set forth in section 2501(a) of this title) and on such*
 4 *other considerations relating to national security as the*
 5 *Secretary considers appropriate.*

6 “(b) *COMMUNICATION OF VIEWS OF SECRETARY.*—In
 7 *any case in which the Secretary determines, as the result*
 8 *of a review and assessment under subsection (a), that a pro-*
 9 *posed acquisition is likely to have an appreciable effect*
 10 *(whether positive or negative) on the policy objectives for*
 11 *the national technology and industrial base or on other con-*
 12 *siderations relevant to national security (as determined by*
 13 *the Secretary), the Secretary shall immediately commu-*
 14 *nicate that determination, in writing, to the Attorney Gen-*
 15 *eral and the Federal Trade Commission. The Secretary*
 16 *shall include in such communication the Secretary’s evalua-*
 17 *tion concerning the proposed acquisition.*

18 “(c) *DEFINITION.*—In this section, the term ‘critical
 19 *United States defense supplier’ means a company organized*
 20 *under the laws of the United States that is—*

21 “(1) *a contractor or critical subcontractor for a*
 22 *major system, as defined in section 2302(9) of this*
 23 *title;*

24 “(2) *a contractor for a contract awarded to a*
 25 *particular source pursuant to paragraph (3) of sec-*

1 *tion 2304(c) of this title for the reasons described in*
 2 *clause (A) of that paragraph; or*

3 *“(3) in such other category as the Secretary of*
 4 *Defense may prescribe by regulation as being critical*
 5 *to the national technology and industrial base.”.*

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

“2508. Antitrust cases with national security implications: Secretary of Defense review.”.

9 ***SEC. 858. EXTENSION OF TEST PROGRAM FOR NEGOTIA-***
 10 ***TION OF COMPREHENSIVE SMALL BUSINESS***
 11 ***SUBCONTRACTING PLANS.***

12 *Section 834(e) of the National Defense Authorization*
 13 *Act for Fiscal Years 1990 and 1991 (Public Law 101–189;*
 14 *15 U.S.C. 637 note) is amended by striking out “September*
 15 *30, 1994.” in the second sentence and inserting in lieu*
 16 *thereof “September 30, 1997.”.*

17 ***Subtitle C—Other Matters***

18 ***SEC. 871. ENVIRONMENTAL CONSEQUENCE ANALYSIS OF***
 19 ***MAJOR DEFENSE ACQUISITION PROGRAMS.***

20 *(a) ANALYSIS.—Before development under a major de-*
 21 *fense acquisition program begins, the Secretary of Defense*
 22 *shall analyze the life-cycle environmental costs of such pro-*
 23 *gram.*

1 (b) *GUIDANCE.*—The Secretary of Defense shall issue
2 guidance, to apply uniformly throughout the Department
3 of Defense, regarding—

4 (1) *how to ensure timely compliance with the*
5 *National Environmental Policy Act of 1969 (42*
6 *U.S.C. 4321 et seq.) with respect to major defense ac-*
7 *quisition programs (as defined in section 2430 of title*
8 *10, United States Code); and*

9 (2) *how to analyze the life-cycle environmental*
10 *costs for such major defense acquisition program.*

11 (c) *DATA BASE FOR NEPA DOCUMENTATION.*—The
12 Secretary of Defense shall establish and maintain a data
13 base for documents prepared by the Department of Defense
14 in complying with the National Environmental Policy Act
15 of 1969 with respect to major defense acquisition programs.
16 Any such document relating to a major defense acquisition
17 program shall be maintained in the data base for 5 years
18 after commencement of low-rate initial production of the
19 program.

20 **SEC. 872. AWARD OF CONTRACTS AND GRANTS ON THE**
21 **BASIS OF COMPETITION.**

22 (a) *POLICY.*—Section 2301 of title 10, United States
23 Code (as amended by section 811) is further amended by
24 adding at the end the following new subsection:

1 “(e)(1) It is the policy of Congress that the Department
2 of Defense should not be required by legislation to award
3 a new contract or grant to a specific non-Federal Govern-
4 ment entity (a practice commonly known as earmarking)
5 for basic research, exploratory development, advanced tech-
6 nology development, and manufacturing technology activi-
7 ties. It is further the policy of Congress that any program,
8 project, or technology identified in legislation be procured
9 through competitive procedures, and that any such pro-
10 gram, project, or technology not be so narrowly described
11 in legislation that only one institution qualifies for com-
12 petition.

13 “(2) A provision of law may not be construed as re-
14 quiring the Department of Defense to award a new contract
15 or grant to a specific non-Federal Government entity unless
16 that provision of law—

17 “(A) specifically refers to this subsection;

18 “(B) specifically identifies the particular non-
19 Federal Government entity to be awarded the contract
20 or grant; and

21 “(C) sets forth the national defense purpose to be
22 fulfilled by requiring the department to award a new
23 contract or grant to the specified non-Federal Govern-
24 ment entity.

25 “(3) For purposes of this subsection—

1 “(A) a contract is a new contract unless the
2 work provided for in the contract is a continuation
3 of the work provided for in a preceding contract; and

4 “(B) a grant is a new grant unless the work
5 funded by the grant is substantially a continuation of
6 the work for which funding is provided in a preceding
7 grant.”.

8 **SEC. 873. SHIPBUILDING CLAIMS.**

9 (a) INCREASE IN TIME PERIOD DURING WHICH AD-
10 JUSTMENTS TO SHIPBUILDING CLAIMS MAY BE MADE.—

11 Section 2405 of title 10, United States Code, is amended—

12 (1) in subsection (a), by striking out “18
13 months” and inserting in lieu thereof “six years”;
14 and

15 (2) by striking out subsection (c).

16 (b) EFFECTIVE DATE.—The amendments made by sub-
17 section (a) shall apply only with respect to contracts entered
18 into after the date of the enactment of this Act.

19 **SEC. 874. DEMONSTRATION PROJECT ON PURCHASE OF**
20 **FIRE, SECURITY, POLICE, PUBLIC WORKS,**
21 **AND UTILITY SERVICES FROM LOCAL GOV-**
22 **ERNMENT AGENCIES.**

23 (a) DEMONSTRATION PROJECT.—The Secretary of De-
24 fense shall conduct a demonstration project, beginning Octo-
25 ber 1, 1994, at Monterey, California, under which any fire-

1 *fighting, security-guard, police, public works, utility, or*
 2 *other municipal services needed for operation of any De-*
 3 *partment of Defense asset in Monterey County, California,*
 4 *may be purchased from government agencies located within*
 5 *the county of Monterey. The purchase of such services for*
 6 *the demonstration project may be made notwithstanding*
 7 *section 2465 of title 10, United States Code.*

8 (b) *EVALUATION OF PROJECT.*—Not later than Decem-
 9 *ber 31, 1995, the Secretary of Defense shall submit to Con-*
 10 *gress a report evaluating the results of the project and mak-*
 11 *ing any recommendations the Secretary considers appro-*
 12 *priate, including recommendations on whether the purchase*
 13 *authorities used in conducting the project could be used to*
 14 *provide similar services at other locations.*

15 **SEC. 875. DEFENSE ACQUISITION PILOT PROGRAM.**

16 (a) *DESIGNATIONS.*—Pursuant to section 809(b) of the
 17 *National Defense Authorization Act for Fiscal Year 1991*
 18 *(Public Law 101–510; 104 Stat. 1485, 1593; 10 U.S.C.*
 19 *2430 note), as amended by section 811 of the National De-*
 20 *fense Authorization Act for Fiscal Year 1993 (Public Law*
 21 *102–484; 106 Stat. 2315, 2450), the following defense acqui-*
 22 *sition programs are authorized to be designated for partici-*
 23 *pation in the Defense Acquisition Pilot Program:*

24 (1) *FIRE SUPPORT COMBINED ARMS TACTICAL*
 25 *TRAINER (FSCATT).*—All contracts directly relating to

1 *the procurement of a training simulation system, in-*
2 *cluding related hardware, software, and subsystems,*
3 *to perform collective training of field artillery gun-*
4 *nery teams, with development of software as required*
5 *to generate the training exercises.*

6 (2) *JOINT DIRECT ATTACK MUNITION (JDAM I).*—
7 *All contracts directly relating to the development and*
8 *procurement of a strap-on guidance kit, using an*
9 *inertially guided, Global Positioning System updated*
10 *guidance kit to enhance the delivery accuracy of 1000*
11 *and 2000 pound bombs in inventory.*

12 (3) *COMMERCIAL-DERIVATIVE AIRCRAFT (CDA).*—
13 (A) *All contracts related to acquisition or upgrading*
14 *of commercial-derivative aircraft for use in future Air*
15 *Force airlift, tanker, and airborne warning and con-*
16 *trol system requirements.*

17 (B) *For purposes of this paragraph, the term*
18 *“commercial-derivative aircraft” means any of the*
19 *following:*

20 (i) *Any aircraft that is of a type customar-*
21 *ily used in the course of normal business oper-*
22 *ations for other than Federal Government pur-*
23 *poses, that has been issued a type certificate by*
24 *the Administrator of the Federal Aviation Ad-*
25 *ministration, and—*

1 (I) that has been sold or leased for use
2 in the commercial marketplace; or

3 (II) that has been offered for sale or
4 lease for use in the commercial marketplace.

5 (ii) Any aircraft that, but for—

6 (I) modifications of a type customarily
7 available in the commercial marketplace; or

8 (II) minor modifications made to meet
9 Federal Government requirements;

10 would satisfy the criteria in clause (i).

11 (b) *AUTHORIZATION FOR WAIVERS.*—With respect to
12 the programs described in subsection (a), the Secretary of
13 Defense is authorized to waive or limit the applicability
14 of the following provisions of law:

15 (1) Section 2306(b) of title 10, United States
16 Code (relating to prohibition against contingent fees).

17 (2) Section 2320 of such title (relating to re-
18 quirements pertaining to technical data).

19 (3) Section 2321 of such title (relating to valida-
20 tion of proprietary data restrictions).

21 (4) Section 2324 of such title (relating to re-
22 quirement for the disclosure of the identity of suppli-
23 ers and sources of supplies).

1 (5) *Section 2393(d) of such title (relating to pro-*
2 *hibition against doing business with certain offerors*
3 *or contractors).*

4 (6) *Section 2402 of such title (relating to prohi-*
5 *bition on limitation of subcontractor direct sales).*

6 (7) *Section 2408(a) of such title (relating to pro-*
7 *hibition on certain involvement with persons con-*
8 *victed of defense contract-related felonies).*

9 (8) *Section 2410b of such title (relating to con-*
10 *tractor inventory accounting system standards).*

11 (9) *Section 843 of Public Law 103–160 (107*
12 *Stat. 1720) (relating to reports on defense contractors*
13 *dealings with terrorist countries).*

14 (c) *CONDUCT OF DEFENSE ACQUISITION PROGRAMS.—*
15 *In the case of each defense acquisition program designated*
16 *under subsection (a) for participation in the Defense Acqui-*
17 *sition Pilot Program, the Secretary of Defense shall—*

18 (1) *develop guidelines and procedures for carry-*
19 *ing out the program and the criteria to be used in*
20 *measuring the success of the program;*

21 (2) *evaluate the potential costs and benefits*
22 *which may be derived from the innovative procure-*
23 *ment methods and procedures tested under the pro-*
24 *gram; and*

1 (3) *develop the methods to be used to analyze the*
2 *results of the program.*

3 (d) *RULE OF CONSTRUCTION.—Nothing in the amend-*
4 *ments made by this section shall be construed as authoriz-*
5 *ing the appropriation or obligation of funds for the pro-*
6 *grams designated as defense acquisition pilot programs*
7 *under subsection (a).*

8 **SEC. 876. PREFERENCE FOR LOCAL RESIDENTS.**

9 (a) *PREFERENCE ALLOWED.—In entering into con-*
10 *tracts with private entities for services to be performed at*
11 *a military installation that is affected by closure or align-*
12 *ment under a base closure law, the Secretary of Defense*
13 *may give preference, consistent with Federal, State, and*
14 *local laws and regulations, to entities that plan to hire, to*
15 *the maximum extent practicable, residents of the vicinity*
16 *of such military installation. Contracts for which the pref-*
17 *erence may be given include contracts to carry out environ-*
18 *mental restoration activities or construction work at such*
19 *military installations.*

20 (b) *DEFINITION.—In this section, the term “base clo-*
21 *sure law” means the following:*

22 (1) *The provisions of title II of the Defense Au-*
23 *thorization Amendments and Base Closure and Re-*
24 *alignment Act (Public Law 100–526; 10 U.S.C. 2687*
25 *note).*

1 (2) *The Defense Base Closure and Realignment*
 2 *Act of 1990 (part A of title XXIX of Public Law 101–*
 3 *510; 10 U.S.C. 2687 note).*

4 (c) *APPLICABILITY.*—Any preference given under sub-
 5 section (a) shall apply only with respect to contracts entered
 6 into after the date of the enactment of this Act.

7 (d) *TERMINATION.*—This section shall cease to be effec-
 8 tive on September 30, 1997.

9 ***TITLE IX—DEPARTMENT OF DE-***
 10 ***FENSE ORGANIZATION AND***
 11 ***MANGAGEMENT***

12 ***SEC. 901. REVISION OF NATIONAL GUARD BUREAU CHAR-***
 13 ***TER.***

14 (a) *IN GENERAL.*—(1) Subtitle A of title 10, United
 15 States Code, is amended by inserting after chapter 11 the
 16 following new chapter:

17 ***“CHAPTER 12—NATIONAL GUARD BUREAU***

 “291. National Guard Bureau.

 “292. Chief of the National Guard Bureau: appointment; adviser on National
 Guard matters; grade.

 “293. Functions of National Guard Bureau: charter from Secretaries of the Army
 and Air Force.

 “294. Chief of National Guard Bureau: annual report.

 “295. Vice Chief of the National Guard Bureau.

 “296. Other senior National Guard Bureau officers.

 “297. Definition.

18 ***§ 291. National Guard Bureau***

19 “(a) *NATIONAL GUARD BUREAU.*—There is in the De-
 20 partment of Defense the National Guard Bureau, which is

1 *a joint bureau of the Department of the Army and the De-*
 2 *partment of the Air Force.*

3 “(b) *PURPOSES.*—*The National Guard Bureau is the*
 4 *channel of communications on all matters pertaining to the*
 5 *National Guard, the Army National Guard of the United*
 6 *States, and the Air National Guard of the United States*
 7 *between (1) the Department of the Army and Department*
 8 *of the Air Force, and (2) the several States.*

9 **“§ 292. Chief of the National Guard Bureau: appoint-**
 10 **ment; adviser on National Guard matters;**
 11 **grade**

12 “(a) *APPOINTMENT.*—*There is a Chief of the National*
 13 *Guard Bureau, who is responsible for the organization and*
 14 *operations of the National Guard Bureau. The Chief of the*
 15 *National Guard Bureau is appointed by the President, by*
 16 *and with the advice and consent of the Senate. Such ap-*
 17 *pointment shall be made from officers of the Army National*
 18 *Guard of the United States or the Air National Guard of*
 19 *the United States who—*

20 “(1) *are recommended for such appointment by*
 21 *their respective Governors or, in the case of the Dis-*
 22 *trict of Columbia, the commanding general of the Dis-*
 23 *trict of Columbia National Guard;*

1 “(2) have had at least 10 years of federally rec-
 2 ognized commissioned service in an active status in
 3 the National Guard; and

4 “(3) are in a grade above the grade of brigadier
 5 general.

6 “(b) *TERM OF OFFICE.*—An officer appointed as Chief
 7 of the National Guard Bureau serves at the pleasure of the
 8 President for a term of four years. An officer may not hold
 9 that office after becoming 64 years of age. An officer may
 10 be reappointed as Chief of the National Guard Bureau.

11 “(c) *ADVISER ON NATIONAL GUARD MATTERS.*—The
 12 Chief of the National Guard Bureau is the principal adviser
 13 to the Secretary of the Army and the Chief of Staff of the
 14 Army, and to the Secretary of the Air Force and the Chief
 15 of Staff of the Air Force, on matters relating to the National
 16 Guard, the Army National Guard of the United States, and
 17 the Air National Guard of the United States.

18 “(d) *GRADE.*—The Chief of the National Guard Bu-
 19 reau shall be appointed to serve in a grade above major
 20 general.

21 **“§293. Functions of National Guard Bureau: charter**
 22 **from Secretaries of the Army and Air**
 23 **Force**

24 “The Secretary of the Army and the Secretary of the
 25 Air Force shall jointly develop and prescribe a charter for

1 *the National Guard Bureau. The charter shall cover the fol-*
2 *lowing matters:*

3 “(1) *Allocating unit structure, strength author-*
4 *izations, and other resources to the Army National*
5 *Guard of the United States and the Air National*
6 *Guard of the United States.*

7 “(2) *Prescribing the training discipline and*
8 *training requirements for the Army National Guard*
9 *and the Air National Guard and the allocation of*
10 *Federal funds for the training of the Army National*
11 *Guard and the Air National Guard.*

12 “(3) *Ensuring that units and members of the*
13 *Army National Guard and the Air National Guard*
14 *are trained by the States in accordance with ap-*
15 *proved programs and policies of, and guidance from,*
16 *the Chief, the Secretary of the Army, and the Sec-*
17 *retary of the Air Force.*

18 “(4) *Monitoring and assisting the States in the*
19 *organization, maintenance, and operation of National*
20 *Guard units so as to provide well-trained and well-*
21 *equipped units capable of augmenting the active*
22 *forces in time of war or national emergency.*

23 “(5) *Planning and administering the budget for*
24 *the Army National Guard of the United States and*
25 *the Air National Guard of the United States.*

1 “(6) *Supervising the acquisition and supply of,*
2 *and accountability of the States for, Federal property*
3 *issued to the National Guard through the property*
4 *and fiscal officers designated, detailed, or appointed*
5 *under section 708 of title 32.*

6 “(7) *Granting and withdrawing, in accordance*
7 *with applicable laws and regulations, Federal rec-*
8 *ognition of (A) National Guard units, and (B) offi-*
9 *cers of the National Guard.*

10 “(8) *Establishing policies and programs for the*
11 *employment and use of National Guard technicians*
12 *under section 709 of title 32.*

13 “(9) *Supervising and administering the Active*
14 *Guard and Reserve program as it pertains to the Na-*
15 *tional Guard.*

16 “(10) *Issuing directives, regulations, and publi-*
17 *cations consistent with approved policies of the Army*
18 *and Air Force, as appropriate.*

19 “(11) *Facilitating and supporting the training*
20 *of members and units of the National Guard to meet*
21 *State requirements.*

22 “(12) *Such other functions as the Secretaries*
23 *may prescribe.*

1 **“§ 294. Chief of National Guard Bureau: annual re-**
 2 **port**

3 “(a) *ANNUAL REPORT.*—*The Chief of the National*
 4 *Guard Bureau shall submit to the Secretary of Defense an*
 5 *annual report on the state of the National Guard and the*
 6 *ability of the National Guard to meet its missions. The re-*
 7 *port shall be prepared in conjunction with the Secretary*
 8 *of the Army and the Secretary of the Air Force and may*
 9 *be submitted in classified and unclassified versions.*

10 “(b) *SUBMISSION OF REPORT TO CONGRESS.*—*The*
 11 *Secretary of Defense shall transmit the annual report of the*
 12 *Chief of the National Guard Bureau to Congress, together*
 13 *with such comments on the report as the Secretary considers*
 14 *appropriate. The report shall be transmitted at the same*
 15 *time each year that the annual report of the Secretary*
 16 *under section 113(c) of this title is submitted to Congress.*

17 **“§ 295. Vice Chief of the National Guard Bureau**

18 “(a) *APPOINTMENT.*—(1) *There is a Vice Chief of the*
 19 *National Guard Bureau, selected by the Secretary of De-*
 20 *fense from officers of the Army National Guard of the Unit-*
 21 *ed States or the Air National Guard of the United States*
 22 *who—*

23 “(A) *are recommended for such appointment by*
 24 *their respective Governors or, in the case of the Dis-*
 25 *trict of Columbia, the commanding general of the Dis-*
 26 *trict of Columbia National Guard;*

1 “(B) have had at least 10 years of federally rec-
2 ognized commissioned service in an active status in
3 the National Guard; and

4 “(C) are in a grade above the grade of colonel.

5 “(2) The Chief and Vice Chief of the National Guard
6 Bureau may not both be members of the Army or of the
7 Air Force.

8 “(3)(A) Except as provided in subparagraph (B), an
9 officer appointed as Vice Chief of the National Guard Bu-
10 reau serves for a term of four years, but may be removed
11 from office at any time for cause.

12 “(B) The term of the Vice Chief of the National Guard
13 Bureau shall end upon the appointment of a Chief of the
14 National Guard Bureau who is a member of the same
15 armed force as the Vice Chief.

16 “(4) The Secretary of Defense may waive the restric-
17 tions in paragraph (2) and the provisions of paragraph
18 (3)(B) for a limited period of time to provide for the orderly
19 transition of officers appointed to serve in the positions of
20 Chief and Vice Chief of the National Guard Bureau.

21 “(b) DUTIES.—The Vice Chief of the National Guard
22 Bureau performs such duties as may be prescribed by the
23 Chief of the National Guard Bureau.

1 “(c) *GRADE.*—*The Vice Chief of the National Guard*
 2 *Bureau shall be appointed to serve in a grade above briga-*
 3 *dier general.*

4 “(d) *FUNCTIONS AS ACTING CHIEF.*—*When there is a*
 5 *vacancy in the office of the Chief of the National Guard*
 6 *Bureau or in the absence or disability of the Chief, the Vice*
 7 *Chief of the National Guard Bureau acts as Chief and per-*
 8 *forms the duties of the Chief until a successor is appointed*
 9 *or the absence or disability ceases.*

10 “(e) *SUCCESSION AFTER CHIEF AND VICE CHIEF.*—
 11 *When there is a vacancy in the offices of both Chief and*
 12 *Vice Chief of the National Guard Bureau or in the absence*
 13 *or disability of both the Chief and Vice Chief of the National*
 14 *Guard Bureau, or when there is a vacancy in one such office*
 15 *and in the absence or disability of the officer holding the*
 16 *other, the senior officer of the Army National Guard of the*
 17 *United States or the Air National Guard of the United*
 18 *States on duty with the National Guard Bureau shall per-*
 19 *form the duties of the Chief until a successor to the Chief*
 20 *or Vice Chief is appointed or the absence or disability of*
 21 *the Chief or Vice Chief ceases, as the case may be.*

22 **“§ 296. Other senior National Guard Bureau officers**

23 “(a) *ADDITIONAL GENERAL OFFICERS.*—(1) *In addi-*
 24 *tion to the Chief and Vice Chief of the National Guard Bu-*

1 *reau, there shall be assigned to the National Guard Bu-*
2 *reau—*

3 “(A) *two general officers selected by the Sec-*
4 *retary of the Army from officers of the Army National*
5 *Guard of the United States who have been nominated*
6 *by their respective Governors or, in the case of the*
7 *District of Columbia, the commanding general of the*
8 *District of Columbia National Guard, the senior of*
9 *whom while so serving shall hold the grade of major*
10 *general and serve as Director, Army National Guard,*
11 *with the other serving as Deputy Director, Army Na-*
12 *tional Guard; and*

13 “(B) *two general officers selected by the Sec-*
14 *retary of the Air Force from officers of the Air Na-*
15 *tional Guard of the United States who have been*
16 *nominated by their respective Governors or, in the*
17 *case of the District of Columbia, the commanding*
18 *general of the District of Columbia National Guard,*
19 *the senior of whom while so serving shall hold the*
20 *grade of major general and serve as Director, Air Na-*
21 *tional Guard, with the other serving as Deputy Direc-*
22 *tor, Air National Guard.*

23 “(2) *The officers so selected shall assist the Chief of*
24 *the National Guard Bureau in carrying out the functions*

1 *of the National Guard Bureau as they relate to their respec-*
 2 *tive branches.*

3 “(b) *OTHER OFFICERS.*—There are in the National
 4 *Guard Bureau a legal counsel, a comptroller, and an in-*
 5 *spector general, each of whom shall be appointed by the*
 6 *Chief of the National Guard Bureau. They shall perform*
 7 *such duties as the Chief may prescribe.*

8 **“§297. Definition**

9 *“In this chapter, the term ‘State’ includes the District*
 10 *of Columbia, the Commonwealth of Puerto Rico, and Guam*
 11 *and the Virgin Islands.”.*

12 (2) *The table of chapters at the beginning of subtitle*
 13 *A of title 10, United States Code, and at the beginning of*
 14 *part I of such subtitle, are each amended by inserting after*
 15 *the item relating to chapter 11 the following:*

 “12. *National Guard Bureau* 291”.

16 (b) *CONFORMING REPEAL.*—(1) *Section 3040 of title*
 17 *10, United States Code, is repealed.*

18 (2) *The table of sections at the beginning of chapter*
 19 *305 of such title is amended by striking out the item relat-*
 20 *ing to section 3040.*

21 (c) *CONFORMING AMENDMENT.*—*The text of section*
 22 *108 of title 32, United States Code, is amended to read as*
 23 *follows:*

24 *“If, within a time fixed by the President, a State fails*
 25 *to comply with a requirement of this title, or a regulation*

1 *prescribed under this title, the National Guard of that State*
 2 *is barred, in whole or in part, as the President may pre-*
 3 *scribe, from receiving money or any other aid, benefit, or*
 4 *privilege authorized by law.”.*

5 (d) *EFFECTIVE DATE.*—*The amendments made by this*
 6 *section shall take effect at the end of the 90-day period be-*
 7 *ginning on the date of the enactment of this Act.*

8 **SEC. 902. ARMY RESERVE COMMAND.**

9 (a) *IN GENERAL.*—(1) *Chapter 307 of title 10, United*
 10 *States Code, is amended by adding at the end the following*
 11 *new section:*

12 **“§ 3083. Army Reserve Command**

13 “(a) *ESTABLISHMENT OF COMMAND.*—*There is in the*
 14 *Army a United States Army Reserve Command, which*
 15 *shall be maintained as a separate command of the Army.*
 16 *The Army Reserve Command shall be established and main-*
 17 *tained by the Secretary of the Army with the advice and*
 18 *assistance of the Chief of Staff of the Army.*

19 “(b) *SUPERVISION BY CHIEF OF STAFF.*—*The Sec-*
 20 *retary of the Army shall provide for the Chief of Staff of*
 21 *the Army to exercise supervision over the Army Reserve*
 22 *Command and to perform all other responsibilities and*
 23 *functions with respect to such command as are specified or*
 24 *authorized in subsections (c), (d), and (e) of section 3033*
 25 *of this title.*

1 “(c) *COMMANDER.*—Unless otherwise directed by the
2 Secretary, the Chief of the Army Reserve shall be the com-
3 mander of the Army Reserve Command. The commander
4 of the Army Reserve Command reports directly to the Chief
5 of Staff of the Army.

6 “(d) *ASSIGNMENT OF FORCES.*—The Secretary of the
7 Army shall assign to the Army Reserve Command all forces
8 of the Army Reserve.

9 “(e) *FUNCTIONS OF CHIEF OF STAFF.*—The Chief of
10 Staff of the Army, acting through the active component
11 command structure, shall—

12 “(1) be responsible for establishing standards,
13 evaluating units, validating units, and providing
14 training assistance for the Army Reserve in the areas
15 of unit training, readiness, and mobilization;

16 “(2) establish procedures for the evaluation of re-
17 serve component units by active component units for
18 the purpose of determining whether, or to what extent,
19 they meet the standards established under paragraph
20 (1);

21 “(3) establish policies for acceptance of
22 premobilization readiness evaluation results where
23 appropriate during a mobilization in order to mini-
24 mize the time required to certify reserve units as

1 *ready for combat operations and to avoid unnecessary*
2 *duplicative training;*

3 “(4) *validate and certify the readiness of reserve*
4 *component units after they are mobilized; and*

5 “(5) *establish training doctrine (with associated*
6 *tasks, conditions, and standards) for individual and*
7 *unit training and standards, control of certification,*
8 *and validation for all courses, instructors, and stu-*
9 *dents for the Army Reserve.*

10 “(f) *RESPONSIBILITY.—The commander of the Army*
11 *Reserve Command is responsible for meeting the standards*
12 *and complying with the evaluation, certification, and vali-*
13 *dation requirements established by the Chief of Staff pursu-*
14 *ant to paragraphs (1) and (2) of subsection (e).”.*

15 “(2) *The table of sections at the beginning of such chap-*
16 *ter is amended by adding at the end the following new item:*

“3083. Army Reserve Command.”.

17 “(b) *CONFORMING REPEAL.—Section 903 of Public Law*
18 *101–510 (10 U.S.C. 3074 note) is repealed.*

19 “(c) *IMPLEMENTATION REPORT.—Not later than 90*
20 *days after the date of the enactment of this Act, the Sec-*
21 *retary of the Army shall submit to the Committees on*
22 *Armed Services of the Senate and House of Representatives*
23 *a report on the plans of the Secretary for implementing*
24 *of section 3082 of title 10, United States Code, as added*
25 *by subsection (a).*

1 (d) *SCHEDULE FOR IMPLEMENTATION.*—Implementa-
 2 tion of section 3082 of title 10, United States Code, as added
 3 by subsection (a), shall begin not later than 90 days after
 4 the date of the enactment of this Act and shall be completed
 5 not later than one year after such date.

6 **SEC. 903. ASSIGNMENT OF RESERVE FORCES TO COMBAT-**
 7 **ANT COMMANDS.**

8 Section 162 of title 10, United States Code, is amended
 9 by adding at the end the following new subsections:

10 “(c) *ASSIGNMENT OF RESERVE FORCES.*—(1) Except
 11 as provided in subsection (d), reserve component forces shall
 12 be subject to paragraphs (1) and (2) of subsection (a) only
 13 after being called or ordered to active duty (other than for
 14 training) in accordance with chapter 39 and sections 3013,
 15 5013, and 8013 of this title, as applicable.

16 “(2) The Secretary of each military department, in ac-
 17 cordance with directives issued by the Secretary of Defense,
 18 shall allocate reserve component units under the Secretary’s
 19 jurisdiction to the combatant command or commands to
 20 which it is expected that they may be assigned after being
 21 called or ordered to active duty (other than for training).

22 “(3) The commanders of the combatant commands to
 23 which a reserve component unit may be assigned after being
 24 called or ordered to active duty (other than for training)
 25 shall establish standards in the areas of (A) joint training,

1 *and (B) readiness to carry out missions assigned to the*
 2 *commanders. The Secretaries of the military departments,*
 3 *in accordance with their responsibilities under chapters*
 4 *303, 503, and 803 of this title, shall prepare reserve compo-*
 5 *nent units to meet the standards established by the com-*
 6 *manders of the combatant commands.*

7 “(4) *As directed by the Secretary of Defense, and not-*
 8 *withstanding paragraphs (1), (2), and (3), reserve compo-*
 9 *nent special operations units and personnel designated*
 10 *under section 167(b) of this title may be treated in the same*
 11 *manner as active forces under paragraph (1) of subsection*
 12 *(a).*

13 “(d) *AUTHORITY OF GOVERNORS OVER NATIONAL*
 14 *GUARD.—Nothing in this section shall be construed to limit*
 15 *or otherwise modify the authorities reserved to the Gov-*
 16 *ernors of the several States over forces of the National*
 17 *Guard when those forces are not in Federal service.*

18 “(e) *DEFINITION.—In this section, the term ‘forces’ re-*
 19 *fers to military units and personnel that the Secretary of*
 20 *a military department has determined, in accordance with*
 21 *the Secretary’s responsibilities under chapter 303, 505, or*
 22 *803 of this title, as applicable, to be prepared for the effec-*
 23 *tive prosecution of war, in accordance with section 3062,*
 24 *5062, 5063, or 8062 of this title and, therefore, capable of*

1 *carrying out missions assigned to the commander of a com-*
2 *batant command.”.*

3 ***SEC. 904. BUDGET SUPPORT FOR RESERVE ELEMENTS OF***
4 ***SPECIAL OPERATIONS COMMAND.***

5 *Section 167 of title 10, United States Code, is amended*
6 *by adding at the end the following new subsection:*

7 *“(k) BUDGET SUPPORT FOR RESERVE ELEMENTS.—*
8 *The budget proposal for the special operations command*
9 *that is submitted to the Secretary of Defense for any fiscal*
10 *year may not, without the concurrence of the Secretary of*
11 *the military department concerned, propose to eliminate,*
12 *or to significantly reduce the level of funding for, a reserve*
13 *component special operations unit. The budget proposal for*
14 *a military department that is submitted to the Secretary*
15 *of Defense for any fiscal year may not, without the concur-*
16 *rence of the commander of the special operations command,*
17 *propose funding for special operations forces in the military*
18 *personnel budget for a reserve component in that military*
19 *department that has the effect of proposing to eliminate,*
20 *or to significantly reduce the level of funding for, a reserve*
21 *component special operations unit.”.*

1 **SEC. 905. 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) *Section 135 of title 10, United*
 5 *States Code, is amended—*

6 (A) *in subsection (a), by striking out “Comptrol-*
 7 *ler of the Department of Defense” and inserting in*
 8 *lieu thereof “Under Secretary of Defense (Comptrol-*
 9 *ler)”*; and

10 (B) *in subsections (b), (c), (d), and (e), by strik-*
 11 *ing out “Comptroller” each place it appears and in-*
 12 *serting in lieu thereof “Under Secretary of Defense*
 13 *(Comptroller)”*.

14 (2) *The heading for such section is amended to read*
 15 *as follows:*

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

17 (3) *The item relating to such section in the table of*
 18 *sections at the beginning of chapter 4 of such title is amend-*
 19 *ed to read as follows:*

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

20 (b) *CONFORMING AMENDMENTS TO TITLE 10, UNITED*
 21 *STATES CODE.*—(1) *Section 131(b)(4) of title 10, United*
 22 *States Code, is amended by striking out “Comptroller” and*
 23 *inserting in lieu thereof “Under Secretary of Defense*
 24 *(Comptroller)”*.

1 (2) *Section 138(d) of such title is amended by striking*
 2 *out “and Comptroller”.*

3 (c) *CONFORMING AMENDMENT TO TITLE 5, UNITED*
 4 *STATES CODE.—Section 5314 of title 5, United States*
 5 *Code, is amended by striking out “Comptroller of the De-*
 6 *partment of Defense” and inserting in lieu thereof “Under*
 7 *Secretary of Defense (Comptroller).”.*

8 (d) *REFERENCES IN OTHER LAWS.—Any reference to*
 9 *the Comptroller of the Department of Defense in any provi-*
 10 *sion of law other than title 10, United States Code, or in*
 11 *any rule, regulation, or other paper of the United States*
 12 *shall be treated as referring to the Under Secretary of De-*
 13 *fense (Comptroller).*

14 **SEC. 906. RECLARIFICATION OF INDEPENDENT STATUS OF**
 15 **DIRECTOR OF OPERATIONAL TEST AND EVAL-**
 16 **UATION.**

17 *Section 139(c) of title 10, United States Code, is*
 18 *amended by inserting after “(c)” the following: “Within the*
 19 *Office of the Secretary of Defense, the Director reports to*
 20 *the Under Secretary of Defense (Comptroller).”.*

21 **TITLE X—GENERAL PROVISIONS**

22 **Subtitle A—Financial Matters**

23 **SEC. 1001. TRANSFER AUTHORITY.**

24 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*
 25 *Upon determination by the Secretary of Defense that such*

1 *action is necessary in the national interest, the Secretary*
2 *may transfer amounts of authorizations made available to*
3 *the Department of Defense in this division for fiscal year*
4 *1995 between any such authorizations for that fiscal year*
5 *(or any subdivisions thereof). Amounts of authorizations so*
6 *transferred shall be merged with and be available for the*
7 *same purposes as the authorization to which transferred.*

8 (2) *The total amount of authorizations that the Sec-*
9 *retary of Defense may transfer under the authority of this*
10 *section may not exceed \$2,000,000,000.*

11 (b) *LIMITATIONS.—The authority provided by this sec-*
12 *tion to transfer authorizations—*

13 (1) *may only be used to provide authority for*
14 *items that have a higher priority than the items from*
15 *which authority is transferred; and*

16 (2) *may not be used to provide authority for an*
17 *item that has been denied authorization by Congress.*

18 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
19 *fer made from one account to another under the authority*
20 *of this section shall be deemed to increase the amount au-*
21 *thorized for the account to which the amount is transferred*
22 *by an amount equal to the amount transferred.*

23 (d) *NOTICE TO CONGRESS.—The Secretary of Defense*
24 *shall promptly notify Congress of transfers made under the*
25 *authority of this section.*

1 **SEC. 1002. CLARIFICATION OF SCOPE OF AUTHORIZATIONS.**

2 *No funds are authorized to be appropriated under this*
3 *Act for the Department of Justice.*

4 **SEC. 1003. INCORPORATION OF CLASSIFIED ANNEX.**

5 (a) *STATUS OF CLASSIFIED ANNEX.*—*The Classified*
6 *Annex prepared by the Committee on Armed Services of the*
7 *House of Representatives to accompany the bill H.R. 4301*
8 *of the One Hundred Third Congress and transmitted to the*
9 *President is hereby incorporated into this Act.*

10 (b) *CONSTRUCTION WITH OTHER PROVISIONS OF*
11 *ACT.*—*The amounts specified in the Classified Annex are*
12 *not in addition to amounts authorized to be appropriated*
13 *by other provisions of this Act.*

14 (c) *LIMITATION ON USE OF FUNDS.*—*Funds appro-*
15 *priated pursuant to an authorization contained in this Act*
16 *that are made available for a program, project, or activity*
17 *referred to in the Classified Annex may only be expended*
18 *for such program, project, or activity in accordance with*
19 *such terms, conditions, limitations, restrictions, and re-*
20 *quirements as are set out for that program, project, or activ-*
21 *ity in the Classified Annex.*

22 (d) *DISTRIBUTION OF CLASSIFIED ANNEX.*—*The*
23 *President shall provide for appropriate distribution of the*
24 *Classified Annex, or of appropriate portions of the annex,*
25 *within the executive branch of the Government.*

1 **SEC. 1004. DATE FOR SUBMISSION OF FUTURE-YEARS MIS-**
 2 **SION BUDGET.**

3 *Section 222(a) of title 10, United States Code, is*
 4 *amended by striking out “at the same time that” in the*
 5 *second sentence and inserting in lieu thereof “within 30*
 6 *days after the date on which”.*

7 **SEC. 1005. IDENTIFICATION AND REPORTING OF UNAU-**
 8 **THORIZED APPROPRIATIONS.**

9 *(a) IN GENERAL.—(1) Chapter 9 of title 10, United*
 10 *States Code, is amended by inserting after section 222 the*
 11 *following new section:*

12 **“§223. Identification of unauthorized appropriations**

13 *“(a) IDENTIFICATION.—(1) Upon the enactment of a*
 14 *law making a defense appropriation, the Secretary of De-*
 15 *fense shall determine, with respect to each defense appro-*
 16 *priation provided in that law—*

17 *“(A) whether any part of such appropriation*
 18 *provides funds for an unauthorized program element*
 19 *(as defined in subsection (c)); and*

20 *“(B) if there are funds provided as part of any*
 21 *such appropriation for an unauthorized program ele-*
 22 *ment, the total amount of funds provided under that*
 23 *appropriation for all such unauthorized program ele-*
 24 *ments.*

25 *“(2) A determination under paragraph (1) shall be*
 26 *made with respect to a defense appropriation for a fiscal*

1 *year immediately upon enactment of the law making that*
 2 *appropriation. However, if as of the enactment of such law*
 3 *there has not been enacted a law specifically authorizing*
 4 *appropriations for that fiscal year for the purposes named*
 5 *in section 114(a) of this title, such determination shall be*
 6 *made immediately after enactment of such an authorization*
 7 *law.*

8 “(3) *Not later than 30 days after the enactment of such*
 9 *an appropriation or authorization law (whichever is en-*
 10 *acted later), the Secretary shall submit to Congress a report*
 11 *identifying—*

12 “(A) *any unauthorized program element; and*

13 “(B) *any amount determined under paragraph*
 14 *(1)(B).*

15 “(b) *COMPTROLLER GENERAL REVIEW AND RE-*
 16 *PORT.—(1) The Comptroller General shall promptly review*
 17 *each report of the Secretary under subsection (a). The*
 18 *Comptroller General shall submit a report to Congress if*
 19 *the Comptroller General determines—*

20 “(A) *that the law with respect to which the Sec-*
 21 *retary submitted a report provides appropriations for*
 22 *an unauthorized program element in addition to*
 23 *those identified in the report of the Secretary; or*

1 “(B) that a program element identified in that
2 report as an unauthorized program element is not un-
3 authorized.

4 “(2) A report under paragraph (1)—

5 “(A) shall identify those defense appropriations,
6 and program elements under appropriations, with re-
7 spect to which the Comptroller General made deter-
8 minations under subparagraphs (A) and (B), respec-
9 tively, of such paragraph; and

10 “(B) shall include such comments and rec-
11 ommendations as the Comptroller General considers
12 appropriate.

13 “(3) Such a report shall be submitted not later than
14 30 days after the date on which the report of the Secretary
15 under subsection (a) is received by Congress.

16 “(c) DEFINITIONS.—In this section:

17 “(1) The term ‘defense appropriation’ means an
18 amount appropriated or otherwise made available by
19 Congress in an appropriation law for one of the pur-
20 poses stated in section 114(a) of this title.

21 “(2) The term ‘unauthorized program element’
22 means a program element of a program, project, or
23 activity of the Department of Defense (as identified in
24 budget documents of the Department of Defense or in
25 congressional budget documents) for which an amount

1 *is provided under a defense appropriation (whether or*
 2 *not specified in the appropriation Act concerned) in*
 3 *an amount greater than the amount authorized by*
 4 *law to be appropriated for such program element*
 5 *(whether or not such authorized amount is specified*
 6 *by law), determined by taking into consideration stat-*
 7 *utory language, legislative history, and budget docu-*
 8 *ments submitted to Congress by the Department of*
 9 *Defense.”.*

10 *(2) The table of sections at the beginning of such chap-*
 11 *ter is amended by adding at the end the following new item:*
 “223. Identification of unauthorized appropriations.”.

12 *(b) EFFECTIVE DATE.—Section 223 of title 10, United*
 13 *States Code, as added by subsection (a), shall apply with*
 14 *respect to amounts appropriated for fiscal years after fiscal*
 15 *year 1994.*

16 ***Subtitle B—Counter-Drug Activities***

17 ***SEC. 1011. DEPARTMENT OF DEFENSE SUPPORT FOR***
 18 ***COUNTER-DRUG ACTIVITIES OF OTHER AGEN-***
 19 ***CIES.***

20 *(a) EXTENSION OF SUPPORT AUTHORIZATION.—Sec-*
 21 *tion 1004(a) of the National Defense Authorization Act for*
 22 *Fiscal Year 1991 (10 U.S.C. 374 note) is amended by strik-*
 23 *ing out “through 1995” and inserting in lieu thereof*
 24 *“through 1997”.*

1 (b) *FUNDING OF SUPPORT ACTIVITIES*.—Of the
 2 amount authorized to be appropriated for fiscal year 1995
 3 under section 301 for operation and maintenance with re-
 4 spect to drug interdiction and counter-drug activities,
 5 \$40,000,000 shall be available to the Secretary of Defense
 6 for the purposes of carrying out section 1004 of the National
 7 Defense Authorization Act for Fiscal Year 1991 (10 U.S.C.
 8 374 note).

9 ***Subtitle C—Contingency Operations***

10 ***SEC. 1021. FUNDING FOR CONTINGENCY OPERATIONS.***

11 (a) *RESTRICTION*.—Section 127a of title 10, United
 12 States Code, is amended—

13 (1) by striking out paragraph (3) of subsection
 14 (b);

15 (2) by transferring subsection (d) to the end of
 16 the section and redesignating that subsection as sub-
 17 section (j);

18 (3) by inserting after subsection (c) the following
 19 new subsection (d):

1 “(d) *LIMITATION ON SOURCE OF FUNDS FOR CONTIN-*
2 *GENCY OPERATIONS.*—*The Secretary of Defense may not*
3 *use amounts in an operation and maintenance operating*
4 *forces account (known as a budget activity 1 account) in*
5 *fully reimbursing the Defense Business Operations Fund*
6 *under a plan referred to in subsection (c).’’;*

7 (4) *by redesignating subsections (f), (g), and (h)*
8 *as subsections (g), (h), and (i), respectively; and*

9 (5) *by inserting after subsection (e) the following*
10 *new subsection (f):*

11 “(f) *RESTRICTION.*—(1) *When an operating unit of the*
12 *armed forces is assigned to carry out an operational mis-*
13 *sion for which funds were not specifically provided in the*
14 *budget for the then-current fiscal year, otherwise applicable*
15 *funding procedures described in paragraph (2) may not be*
16 *waived unless the operational mission is designated as a*
17 *National Contingency Operation under subsection (a).*

18 “(2) *Paragraph (1) applies to a provision of law or*
19 *a Government accounting practice that requires (or that has*
20 *the effect of requiring) that when an operating unit of the*
21 *armed forces receives support services from a support unit*
22 *of the armed forces that operates through the Defense Busi-*
23 *ness Operations Fund (or a successor fund), that operating*
24 *unit shall reimburse that support unit (or that fund) for*

1 *the costs incurred by the support unit (or the fund) in pro-*
 2 *viding such support.”.*

3 (b) *EXTENSION OF USES OF APPROPRIATED FUND.*—
 4 *Subsection (e) of such section is amended—*

5 (1) *in the subsection heading, by striking out*
 6 *“INCREMENTAL PERSONNEL COSTS ACCOUNT” and*
 7 *inserting in lieu thereof “NATIONAL CONTINGENCY*
 8 *OPERATION NON-DBOF COSTS FUND”;*

9 (2) *in the first sentence, by striking out “Person-*
 10 *nel” and inserting in lieu thereof “Non-DBOF Costs”;*
 11 *and*

12 (3) *in the second sentence, by inserting before the*
 13 *period the following: “and for other costs attributable*
 14 *to a National Contingency Operation for which funds*
 15 *cannot be provided through the Defense Business Op-*
 16 *erations Fund (or a successor fund), and for no other*
 17 *purpose”.*

18 **SEC. 1022. EXTENSION OF AUTHORITY TO ENTER INTO CER-**
 19 **TAIN COOPERATIVE AGREEMENT AUTHORI-**
 20 **TIES TO INCLUDE THE UNITED NATIONS AND**
 21 **REGIONAL ORGANIZATIONS OF WHICH THE**
 22 **UNITED STATES IS A MEMBER.**

23 (a) *LOGISTICS AGREEMENTS.*—*Section 2341 of title*
 24 *10, United States Code, is amended—*

1 (1) *by striking out “and” the first place it ap-*
 2 *pears in paragraph (1) and inserting in lieu thereof*
 3 *a comma, and*

4 (2) *by inserting after “from North Atlantic sub-*
 5 *sidary bodies” the following: “, and from the United*
 6 *Nations Organization or any regional international*
 7 *organization of which the United States is a mem-*
 8 *ber”.*

9 (b) *CROSS-SERVICING AGREEMENTS.—Section*
 10 *2342(a) of such title is amended—*

11 (1) *in paragraph (1)—*

12 (A) *by striking out “or” at the end of sub-*
 13 *paragraph (B);*

14 (B) *by redesignating subparagraph (C) as*
 15 *subparagraph (D); and*

16 (C) *by inserting after subparagraph (B) the*
 17 *following new subparagraph (C):*

18 “(C) *the United Nations Organization or any re-*
 19 *gional international organization of which the United*
 20 *States is a member; or”; and*

21 (2) *in paragraph (2), by striking out “subsidi-*
 22 *ary body” both places it appears and inserting in*
 23 *lieu thereof “organization”.*

24 (c) *METHOD OF PAYMENT FOR ACQUISITIONS AND*
 25 *TRANSFERS.—Section 2344(b)(4) of such title is amended*

1 *by adding at the end the following new sentence: “The pricing*
2 *principles set forth in paragraphs (1) and (2) shall also*
3 *apply to agreements under this subchapter with the United*
4 *Nations Organization or any regional international organi-*
5 *zation of which the United States is a member.”.*

6 (d) *DEFINITIONS.—Section 2350 of such title is*
7 *amended—*

8 (1) *in paragraph (1)—*

9 (A) *by inserting “(including airlift)” after*
10 *“transportation”;*

11 (B) *by inserting “calibration services,” after*
12 *“maintenance services,”; and*

13 (C) *by adding at the end the following new*
14 *sentence: “Such term includes temporary use of*
15 *general purpose vehicles and other items of mili-*
16 *tary equipment not designated as part of the*
17 *United States Munitions List pursuant to sec-*
18 *tion 38(a)(1) of the Arms Export Control Act.”;*
19 *and*

20 (2) *by adding at the end the following new para-*
21 *graph:*

22 “(4) *The term ‘transfer’ means loaning, or other-*
23 *wise temporarily providing, logistic support, supplies,*
24 *and services under the terms of a cross-servicing*
25 *agreement.”.*

1 (e) *EFFECTIVE DATE.*—The amendments made by this
 2 section shall apply with regard to any acquisition or trans-
 3 fer of logistic support, supplies, and services under the au-
 4 thority of subchapter I of chapter 138 of title 10, United
 5 States Code, that is initiated after the date of the enactment
 6 of this Act.

7 **SEC. 1023. OVERSEAS HUMANITARIAN, DISASTER, AND**
 8 **CIVIC AID.**

9 (a) *OHDACA PROGRAMS.*—For purposes of section
 10 301 and other provisions of this Act, programs of the De-
 11 partment of Defense designated as Overseas Human-
 12 itarian, Disaster, and Civic Aid (OHDACA) programs are
 13 the programs provided by sections 401, 402, 2547, and 2551
 14 of title 10, United States Code, by section 2219 of title 10,
 15 United States Code, as added by section 1024, and by sec-
 16 tion 1025.

17 (b) *LIMITATION.*—Not more than one-half of the
 18 amount authorized to be appropriated in section 301 for
 19 those programs may be obligated until—

20 (1) the regulations required to be prescribed by
 21 subsection (a) of section 1504 of the National Defense
 22 Authorization Act for Fiscal Year 1994 (Public Law
 23 103–160; 107 Stat. 1839) have been prescribed; and

24 (2) the report required to be submitted by sub-
 25 section (d) of that section has been submitted.

1 **SEC. 1024. DISASTER RELIEF.**

2 (a) *IN GENERAL.*—Chapter 131 of title 10, United
3 States Code, is amended by adding at the end the following
4 new section:

5 **“§2219. Disaster relief; Defense Emergency Response**
6 **Fund**

7 “(a) *DOMESTIC DISASTER RELIEF.*—The Defense
8 Emergency Response Fund (established by title V of Public
9 Law 101–165 (103 Stat. 1126)) is available only for assist-
10 ance in the case of disasters occurring in the United States.

11 “(b) *OVERSEAS DISASTER RELIEF.*—The Secretary of
12 Defense shall carry out such foreign disaster assistance as
13 the President may direct the Secretary to provide. Whenever
14 the Secretary of Defense is directed to provide disaster relief
15 assistance in the case of a natural or manmade disaster
16 occurring outside the United States, the Secretary shall des-
17 ignate the activity of the Department of Defense to provide
18 that assistance to be a National Contingency Operation
19 under section 127a of this title.

20 “(c) *ORGANIZING POLICIES AND PROGRAMS.*—
21 Amounts appropriated for any fiscal year for Overseas
22 Humanitarian, Disaster, and Civic Aid (OHDACA) pro-
23 grams of the Department of Defense shall be available for
24 organizing general policies and programs for disaster relief
25 programs for disasters occurring outside the United
26 States.”.

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

“2219. Disaster relief; Defense Emergency Response Fund.”.

4 **SEC. 1025. HUMANITARIAN ASSISTANCE PROGRAM FOR**
 5 **CLEARING LANDMINES.**

6 (a) *PROGRAM.*—The Secretary of Defense shall carry
 7 out a program to assist other nations in clearing landmines
 8 for humanitarian purposes. Such assistance may be pro-
 9 vided in the form of financial assistance, in-kind or person-
 10 nel assistance, or both.

11 (b) *LIMITATION ON ACTIONS OF UNITED STATES PER-*
 12 *SONNEL.*—The Secretary of Defense shall ensure that Unit-
 13 ed States military personnel are not engaged in the physical
 14 lifting or destroying of landmines except in support of
 15 United States military operations.

16 (c) *SOURCE OF FUNDS.*—Of the funds authorized to
 17 be appropriated by section 301 for Overseas Humanitarian,
 18 Disaster, and Civic Aid (OHDACA) programs of the De-
 19 partment of Defense, such sums as determined by the Sec-
 20 retary of Defense shall be available for the program under
 21 subsection (a) and may be used for—

22 (1) activities to support the clearing of land-
 23 mines for humanitarian purposes, including activities
 24 relating to the furnishing of education, training, tech-
 25 nical assistance, equipment, and technology; and

1 (2) *contributions to nongovernmental organiza-*
 2 *tions that have experience in landmine clearance to*
 3 *support activities described in paragraph (1).*

4 ***Subtitle D—Other Matters***

5 ***SEC. 1031. ANNUAL REPORT ON DENIAL, REVOCATION, AND***
 6 ***SUSPENSION OF SECURITY CLEARANCES.***

7 (a) *IN GENERAL.*—*The Secretary of Defense shall sub-*
 8 *mit to Congress, not later than 90 days after the close of*
 9 *each of fiscal years 1995 through 2000, a report concerning*
 10 *the denial, revocation, or suspension of security clearances*
 11 *for Department of Defense military and civilian personnel,*
 12 *and for Department of Defense contractor employees, for*
 13 *that fiscal year.*

14 (b) *MATTER TO BE INCLUDED IN REPORT.*—*The Sec-*
 15 *retary shall include in each such report the following infor-*
 16 *mation with respect to the fiscal year preceding the fiscal*
 17 *year during which the report is submitted (shown sepa-*
 18 *rately for members of the Armed Forces, civilian officers*
 19 *and employees of the Department of Defense, and employees*
 20 *of contractors of the Department of Defense):*

21 (1) *The number of denials, revocations, and sus-*
 22 *pensions of a security clearance, including clearance*
 23 *for special access programs and for sensitive compart-*
 24 *mented information.*

1 (2) *For cases involving the denial of a security*
2 *clearance, the average time period from the date of the*
3 *initial determination and notification to the individ-*
4 *ual concerned of the denial of the clearance to the date*
5 *of the final determination of the denial, as well as the*
6 *shortest and longest time period in such cases.*

7 (3) *For cases involving the suspension of a secu-*
8 *rity clearance, the average time period from the date*
9 *of the initial determination and notification to the*
10 *individual concerned of the suspension of the clear-*
11 *ance to the date of the final determination of the sus-*
12 *pension, as well as the shortest and longest time pe-*
13 *riod of such cases.*

14 (4) *The number of cases in which a security*
15 *clearance was suspended in which the resolution of*
16 *the matter was the restoration of the security clear-*
17 *ance, and the average period of time for such suspen-*
18 *sions.*

19 (5) *The number of cases in which an individual*
20 *who had a security clearance denied or revoked re-*
21 *mained employed with the employing contractor or*
22 *agency, or remained a member of the Armed Forces,*
23 *for three months, for six months, and for twelve*
24 *months after the date of the final determination to*
25 *deny or revoke the clearance.*

1 (6) *The number of cases in which an individual*
 2 *who had a security clearance suspended, and in*
 3 *which no final determination had been made, re-*
 4 *mained employed with the employing contractor or*
 5 *agency, or remained a member of the Armed Forces,*
 6 *for three months, for six months, and for twelve*
 7 *months after the date of the suspension.*

8 (7) *The number of cases in which an appeal was*
 9 *made from a final determination to deny or revoke a*
 10 *security clearance and, of those, the number in which*
 11 *the appeal resulted in the granting or restoration of*
 12 *the security clearance.*

13 **SEC. 1032. COMMISSION ON ROLES AND MISSIONS OF THE**
 14 **ARMED FORCES.**

15 (a) *SIZE OF COMMISSION.*—Section 952(b)(1) of the
 16 *National Defense Authorization Act for Fiscal Year 1994*
 17 *(107 Stat. 1738) is amended by striking out “seven mem-*
 18 *bers” and inserting in lieu thereof “ten members”.*

19 (b) *CONFORMING AMENDMENT.*—Section 956(b)(1) of
 20 *such Act (107 Stat. 1740) is amended by striking out “Four*
 21 *members” and inserting in lieu thereof “Six members”.*

22 (c) *DEADLINE FOR APPOINTMENT OF ADDITIONAL*
 23 *MEMBERS OF COMMISSION.*—*The additional members of*
 24 *the Commission on Roles and Missions of the Armed Forces*
 25 *authorized by the amendment made by subsection (a) shall*

1 *be appointed by the Secretary of Defense within 45 days*
 2 *after the date of the enactment of this Act.*

3 **SEC. 1033. PROHIBITION ON AUTHORIZATION OF PAYMENT**
 4 **OF COSTS UNDER DEFENSE CONTRACTS FOR**
 5 **RESTRUCTURING COSTS OF A MERGER OR**
 6 **ACQUISITION.**

7 *On and after May 4, 1994, the Secretary of Defense*
 8 *may not authorize payment of any restructuring costs asso-*
 9 *ciated with a merger or acquisition that are incurred by*
 10 *a contractor under contract with the Department of De-*
 11 *fense.*

12 **SEC. 1034. TRANSFER OF CERTAIN B-17G AIRCRAFT.**

13 *The Secretary of the Air Force shall transfer all right,*
 14 *title, and interest of the Air Force in a B-17G aircraft,*
 15 *serial number 44-83684, to the organization known as*
 16 *Planes of Fame, Chino, California.*

17 **SEC. 1035. USS INDIANAPOLIS (CA-35): GALLANTRY, SAC-**
 18 **RIFICE AND A DECISIVE MISSION TO END WW**
 19 **II.**

20 *(a) The Congress finds that—*

21 *(1) the USS INDIANAPOLIS served the people*
 22 *of the United States with valor and distinction*
 23 *throughout World War Two in action against enemy*
 24 *forces in the Pacific Theater of operations from 7 De-*
 25 *cember 1941 to 29 July 1945,*

1 (2) the fast and powerful heavy cruiser with its
2 courageous and capable crew, compiled an impressive
3 combat record during her victorious forays across the
4 battle-torn reaches of the Pacific, receiving in the
5 process ten hard-earned Battle Stars from the Aleu-
6 tians to Okinawa,

7 (3) this mighty ship repeatedly proved herself a
8 swift, hard-hitting weapon of our Pacific Fleet, ren-
9 dering invaluable service in anti-shipping, shore bom-
10 bardments, anti-air and invasion support roles, serv-
11 ing with honor and great distinction as Fifth Fleet
12 Flagship under Adm. Raymond Spruance, USN, and
13 Third Fleet Flagship under Adm. William F. Halsey,
14 USN,

15 (4) this gallant ship, owing to her superior speed
16 and record of accomplishment, transported the world's
17 first operational atomic bomb to the Island of Tinian,
18 accomplishing her mission at a record average speed
19 of 29 knots,

20 (5) following the accomplishment of her mission,
21 the INDIANAPOLIS departed Tinian for Guam. And
22 from Guam she embarked for the Leyte Gulf where she
23 would join with the fleet assembling for the invasion
24 of Japan. And at 0014 hours on 30 July 1945, the

1 *USS INDIANAPOLIS was sunk by enemy torpedo*
2 *action,*

3 *(6) of her crew of 1,198 officers and men, ap-*
4 *proximately 900 survived the initial torpedo attack.*
5 *And, owing to the fact that her communication abil-*
6 *ity had been destroyed in the attack, INDIANAP-*
7 *OLIS' sinking was not discovered for 5 fateful days,*
8 *during which the survivors suffered incessant shark*
9 *attacks, starvation, desperate thirst, and exposure.*
10 *Only 319 were rescued, and*

11 *(7) from her participation in the earliest offen-*
12 *sive actions in the Pacific in World War II to becom-*
13 *ing the last capital ship lost in that conflict, the USS*
14 *INDIANAPOLIS, and her crew left an indelible im-*
15 *print on our nation's struggle to eventual victory.*
16 *And this selfless and outstanding performance of duty*
17 *reflects great credit upon the ship and her crew, thus*
18 *upholding the very highest traditions of the United*
19 *States Naval Service.*

20 *(b) Therefore, the Congress of the United States, acting*
21 *on behalf of the grateful people of the United States, hereby*
22 *recognizes the invaluable contributions of the USS INDI-*
23 *ANAPOLIS to the ending of WW II. And on the occasion*
24 *of the 50th Anniversary of her tragic sinking, and the dedi-*
25 *cation of her National Memorial in Indianapolis on July*

1 30th, 1995, the Congress hereby commends this gallant ship
2 and her crew for selfless and heroic service to the United
3 States of America.

4 **SEC. 1036. SENSE OF CONGRESS CONCERNING COMMENDA-**
5 **TION OF INDIVIDUALS EXPOSED TO MUS-**
6 **TARD AGENTS DURING WORLD WAR II TEST-**
7 **ING ACTIVITIES.**

8 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
9 that the Secretary of Defense should issue to each individual
10 described in subsection (b) a commendation in honorary
11 recognition of the individual's special service, loyalty, and
12 contribution to the United States.

13 (b) *COVERED INDIVIDUALS.*—Individuals referred to
14 in subsection (a) are those individuals who, as members of
15 the Armed Forces or employees of the Department of War
16 during World War II, were exposed (without their knowl-
17 edge or consent) to mustard agents in connection with test-
18 ing performed by the Department of War during that war.

19 (c) *NOTIFICATION OF EXPOSURE.*—The Secretary of
20 Defense shall notify each surviving individual described in
21 subsection (b) of—

22 (1) the exposure described in subsection (a);

23 (2) the possible health effects of the exposure that
24 are known to the Secretary; and

1 (3) the likely options available to the individual
2 for medical treatment for any adverse health effects
3 resulting from the exposure.

4 (d) *FURNISHING OF INFORMATION TO SECRETARY OF*
5 *VETERANS AFFAIRS.*—The Secretary of Defense shall pro-
6 vide to the Secretary of Veterans Affairs any information
7 of the Department of Defense regarding the exposure de-
8 scribed in subsection (a), including the names of the indi-
9 viduals described in subsection (b).

10 ***SEC. 1037. SENSE OF CONGRESS CONCERNING ELIGIBILITY***
11 ***FOR ARMED FORCES EXPEDITIONARY MEDAL***
12 ***BASED UPON SERVICE IN EL SALVADOR.***

13 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
14 that, for the purpose of determining eligibility of members
15 and former members of the Armed Forces for the Armed
16 Forces Expeditionary Medal, the country of El Salvador
17 during the period beginning on January 1, 1981, and end-
18 ing on February 1, 1992, should be treated as having been
19 designated as an area and a period of time in which mem-
20 bers of the Armed Forces participated in operations in sig-
21 nificant numbers and otherwise met the general require-
22 ments for the award of that medal.

23 (b) *INDIVIDUAL DETERMINATION.*—The Secretary of
24 the military department concerned should determine wheth-
25 er individual members or former members of the Armed

1 *Forces who served in El Salvador during the period begin-*
2 *ning on January 1, 1981, and ending on February 1, 1992,*
3 *meet the individual service requirements for award of the*
4 *Armed Forces Expeditionary Medal as established in appli-*
5 *cable regulations. Such determinations should be made as*
6 *expeditiously as possible after the date of the enactment of*
7 *this Act.*

8 ***SEC. 1038. MILITARY-TO-MILITARY CONTACT PROGRAM.***

9 (a) *AUTHORIZATION.*—Of amounts appropriated pur-
10 *suant to section 301(5) for Defense-wide activities,*
11 *\$45,800,000 shall be available to continue efforts that were*
12 *initiated by the commander of a United States unified com-*
13 *mand and approved by the chairman of the Joint Chiefs*
14 *of Staff for military-to-military contacts and comparable*
15 *activities that are designed to assist the military forces of*
16 *other countries in understanding the appropriate role of*
17 *military forces in a democratic society.*

18 (b) *REPORT TO CONGRESS.*—Not more than
19 *\$10,000,000 of the funds authorized by subsection (a) may*
20 *be obligated until the Secretary of Defense submits to Con-*
21 *gress a report describing in detail how the military-to-mili-*
22 *tary contact program will be executed during fiscal year*
23 *1995.*

1 **SEC. 1039. LIMITATION ON OBLIGATION OF FUNDS FOR**
2 **OVERSEAS BASING ACTIVITIES.**

3 (a) *LIMITATION.*—The total amount authorized to be
4 appropriated to the Department of Defense for operation
5 and maintenance and for military construction (including
6 construction and improvement of military family housing)
7 that is obligated to conduct overseas basing activities dur-
8 ing fiscal year 1995 may not exceed \$8,181,000,000, except
9 to the extent provided by the Secretary of Defense under
10 subsection (b).

11 (b) *EXCEPTION.*—The Secretary of Defense may in-
12 crease the amount of the limitation under subsection (a)
13 by such amount as the Secretary determines to be necessary
14 in the national interest, except that such increase may not
15 exceed \$400,000,000. The Secretary may not make any such
16 increase until the Secretary notifies the Congress of the Sec-
17 retary's intent to make such an increase and a period of
18 15 days elapses after the day on which the notification is
19 received by the Congress.

20 (c) *ALLOCATIONS OF SAVINGS.*—Any amounts appro-
21 priated to the Department of Defense for fiscal year 1995
22 for the purposes covered by subsection (a) that are not avail-
23 able to be used for those purposes by reason of the limitation
24 in that subsection shall be allocated by the Secretary of De-
25 fense for operation and maintenance and for military con-

1 *struction activities of the Department of Defense at military*
 2 *installations and facilities located inside the United States.*

3 (d) *DEFINITION.—In this section, the term “overseas*
 4 *basing activities” has the meaning given such term in sec-*
 5 *tion 1401(d)(2) of the National Defense Authorization Act*
 6 *for Fiscal Year 1994 (Public Law 103–160; 107 Stat.*
 7 *1825), except that such term does not include activities of*
 8 *the Department of Defense for which funds are provided*
 9 *through appropriations for Military Personnel.*

10 ***SEC. 1040. TRANSPORTATION OF CHEMICAL MUNITIONS.***

11 (a) *PROHIBITION OF TRANSPORTATION ACROSS STATE*
 12 *LINES.—The Secretary of Defense may not transport any*
 13 *chemical munition that constitutes part of the chemical*
 14 *weapons stockpile out of the State in which that munition*
 15 *is located on the date of the enactment of this Act and, in*
 16 *the case of any such chemical munition not located in a*
 17 *State on the date of the enactment of this Act, may not*
 18 *transport any such munition into a State.*

19 (b) *TRANSPORTATION OF CHEMICAL MUNITIONS NOT*
 20 *IN CHEMICAL WEAPONS STOCKPILE.—If it is considered*
 21 *necessary, the Secretary of Defense may transport to the*
 22 *nearest chemical munitions stockpile storage facility that*
 23 *has necessary permits for receiving and storing such items*
 24 *any chemical munitions that are discovered or otherwise*
 25 *come within the control of the Department of Defense and*

1 *that do not constitute part of the chemical weapons stock-*
2 *pile, if the transportation of those munitions to that facility*
3 *can be accomplished while protecting public health and*
4 *safety.*

5 **SEC. 1041. FINDINGS AND SENSE OF CONGRESS CONCERN-**
6 **ING THE NORTH ATLANTIC TREATY ORGANI-**
7 **ZATION.**

8 (a) *FINDINGS.—The Congress makes the following*
9 *findings:*

10 (1) *The North Atlantic Treaty Organization has*
11 *served as a bulwark of peace, security, and democracy*
12 *for the United States and the members of the alliance*
13 *since 1949.*

14 (2) *The unswerving resolve of the member states*
15 *of the North Atlantic Treaty Organization to mutual*
16 *defense against the threat of communist aggression*
17 *was central to the demise of the Warsaw Pact.*

18 (3) *The North Atlantic Treaty Organization is*
19 *the most successful international security organiza-*
20 *tion in history, and is well suited to help marshal our*
21 *cooperative political, diplomatic, economic, and hu-*
22 *manitarian efforts, buttressed by credible military ca-*
23 *pability aimed at deterring conflict, and thus contrib-*
24 *uting to international peace and security.*

1 (4) *The threat of instability in Eastern and*
2 *Central Europe, as well as in the Southern and East-*
3 *ern Mediterranean, continues to pose a fundamental*
4 *challenge to the interests of the member states of the*
5 *North Atlantic Treaty Organization.*

6 (5) *North Atlantic Treaty Organization assets*
7 *have been deployed in recent years for more than the*
8 *territorial defense of alliance members; and the Rome*
9 *Summit of October 1991 adopted a new strategic con-*
10 *cept for the North Atlantic Treaty Organization that*
11 *entertained the possibility of operations beyond the*
12 *alliance's self-defense area.*

13 (6) *In Oslo in July 1992, and in Brussels in De-*
14 *cember 1992, the alliance embraced the deployment of*
15 *North Atlantic Treaty Organization forces to peace-*
16 *keeping operations under the auspices of the United*
17 *Nations or the Conference on Security and Coopera-*
18 *tion in Europe.*

19 (7) *The North Atlantic Treaty Organization*
20 *should attempt to cooperate with and seek a mandate*
21 *from international organizations such as the United*
22 *Nations when considering responses to out of area cri-*
23 *ses.*

24 (8) *Not all members of the international commu-*
25 *nity share a commonality of interests that would en-*

1 *sure timely action by the United Nations Security*
2 *Council.*

3 *(9) The security interests of the member coun-*
4 *tries of the North Atlantic Treaty Organization must*
5 *not be held hostage to indecision at the United Na-*
6 *tions or a veto by a permanent member of the Secu-*
7 *rity Council.*

8 *(b) SENSE OF CONGRESS.—It is the sense of the Con-*
9 *gress that—*

10 *(1) it should be the policy of the United States*
11 *that the North Atlantic Treaty Organization retains*
12 *the right of autonomy of action regarding missions in*
13 *addition to collective defense should the United Na-*
14 *tions Security Council or the Conference on Security*
15 *and Cooperation in Europe fail to act;*

16 *(2) while it is desirable to work with other inter-*
17 *national organizations and arrangements where fea-*
18 *sible in dealing with threats to the peace, the North*
19 *Atlantic Treaty Organization is not an auxiliary to*
20 *the United Nations or other organization; and*

21 *(3) ultimately the member states of the North At-*
22 *lantic Treaty Organization reserve the right to act in*
23 *defense of their vital interests independent of decisions*
24 *by any international organization or arrangement.*

1 **SEC. 1042. REPORT ON STATUS OF DEFENSE RANDOM DRUG**
2 **TESTING PROGRAM.**

3 *Not later than six months after the date of the enact-*
4 *ment of this Act, the Secretary of Defense shall submit a*
5 *report to Congress describing the policy and procedures*
6 *under which the Armed Forces conduct random drug testing*
7 *of members of the Armed Forces, the frequency of such test-*
8 *ing, and the number of members annually required to sub-*
9 *mit to such testing. The report shall describe any changes*
10 *that were made or proposed to be made to such policy or*
11 *procedures or to the frequency of such testing during the*
12 *one-year period ending on the date of the enactment of this*
13 *Act.*

14 **SEC. 1043. REDUCTION OF UNITED STATES MILITARY**
15 **FORCES IN EUROPE.**

16 *(a) END STRENGTH REDUCTIONS FOR MILITARY PER-*
17 *SONNEL IN EUROPE.—Notwithstanding section 1002(c)(1)*
18 *of the National Defense Authorization Act, 1985 (22 U.S.C.*
19 *1928 note), but subject to subsection (d), for each of fiscal*
20 *years 1996, 1997, 1998, and 1999, the Secretary of Defense*
21 *shall reduce the end strength level of members of the Armed*
22 *Forces of the United States assigned to permanent duty*
23 *ashore in European member nations of the North Atlantic*
24 *Treaty Organization in accordance with subsection (b).*

25 *(b) REDUCTION FORMULA.—*

1 (1) *APPLICATION OF FORMULA.*—For each per-
2 centage point that the allied contribution level deter-
3 mined under paragraph (2) is below the goal specified
4 in subsection (c) as of the end of a fiscal year, the
5 Secretary of Defense shall reduce the end strength
6 level of members of the Armed Forces of the United
7 States assigned to permanent duty ashore in Euro-
8 pean member nations of NATO by 1,000 for the next
9 fiscal year. The reduction shall be made from the end
10 strength level in effect, pursuant to section 1002(c)(1)
11 of the National Defense Authorization Act, 1985 (22
12 U.S.C. 1928 note), and subsection (a) of this section
13 (if applicable), for the fiscal year in which the allied
14 contribution level is below the goal specified in sub-
15 section (c).

16 (2) *ALLIED CONTRIBUTION LEVEL.*—To deter-
17 mine the allied contribution level with respect to a
18 fiscal year, the Secretary of Defense shall calculate the
19 aggregate amount of nonpersonnel costs for United
20 States military installations in European member
21 nations of NATO that are assumed during that fiscal
22 year by such nations, except that the Secretary may
23 consider only those cash and in-kind contributions by
24 such nations that replace expenditures that would
25 otherwise be made by the Secretary using funds ap-

1 *propriated or otherwise made available in defense ap-*
2 *propriations Acts.*

3 (c) *ANNUAL GOALS FOR FORCE REDUCTION.*—*In con-*
4 *tinuing efforts to enter into revised host-nation agreements*
5 *as described in section 1301(e) of National Defense Author-*
6 *ization Act for Fiscal Year 1993 (Public Law 102–484; 106*
7 *Stat. 2545) and section 1401(c) of the National Defense Au-*
8 *thorization Act for Fiscal Year 1994 (Public Law 103–160;*
9 *107 Stat. 1824), the President is urged to seek to have Euro-*
10 *pean member nations of NATO assume an increased share*
11 *of the nonpersonnel costs of United States military installa-*
12 *tions in those nations in accordance with the following*
13 *timetable:*

14 (1) *By September 30, 1995, 18.75 percent of such*
15 *costs should be assumed by those nations.*

16 (2) *By September 30, 1996, 37.5 percent of such*
17 *costs should be assumed by those nations.*

18 (3) *By September 30, 1997, 56.25 percent of such*
19 *costs should be assumed by those nations.*

20 (4) *By September 30, 1998, 75 percent of such*
21 *costs should be assumed by those nations.*

22 (d) *EXCEPTIONS.*—

23 (1) *MINIMUM END STRENGTH AUTHORITY.*—*Not-*
24 *withstanding reductions required pursuant to sub-*
25 *section (a), the Secretary of Defense may maintain*

1 *an end strength of at least 25,000 members of the*
2 *Armed Forces of the United States assigned to perma-*
3 *nent duty ashore in European member nations of*
4 *NATO.*

5 (2) *WAIVER AUTHORITY.—The President may*
6 *waive operation of this section if the President de-*
7 *clares an emergency and immediately informs the*
8 *Congress of the waiver and the reasons for the waiver.*

9 (e) *ALLOCATION OF FORCE REDUCTIONS.—To the ex-*
10 *tent that there is a reduction in end strength level for any*
11 *of the Armed Forces in European member nations of NATO*
12 *in a fiscal year pursuant to subsection (a)—*

13 (1) *half of the reduction shall be used to make*
14 *a corresponding reduction in the authorized end*
15 *strength level for active duty personnel for such*
16 *Armed Force for that fiscal year; and*

17 (2) *half of the reduction shall be used to make*
18 *a corresponding increase in permanent assignments*
19 *or deployments of forces in the United States or other*
20 *nations (other than European member nations of*
21 *NATO) for each such Armed Force for that fiscal*
22 *year, as determined by the Secretary of Defense.*

23 (f) *NONPERSONNEL COSTS DEFINED.—For purposes of*
24 *this section, the term “nonpersonnel costs”, with respect to*
25 *United States military installations in European member*

1 *nations of NATO, means costs for those installations other*
2 *than costs paid from military personnel accounts.*

3 **SEC. 1044. REPORT ON MILITARY READINESS IMPLICA-**
4 **TIONS OF BOSNIA PEACEKEEPING DEPLOY-**
5 **MENT.**

6 *(a) REPORT.—(1) The Secretary of Defense shall sub-*
7 *mit to the congressional defense committees a report assess-*
8 *ing the implications for United States military readiness*
9 *of the participation of United States ground combat forces*
10 *in peacekeeping operations within Bosnia-Herzegovina.*

11 *(2) The report shall be submitted not later than 90*
12 *days after the date of the enactment of this Act or 30 days*
13 *following the deployment of United States ground forces to*
14 *Bosnia-Herzegovina, whichever occurs sooner.*

15 *(b) MATTERS TO BE INCLUDED.—The report under*
16 *subsection (a) shall include the following:*

17 *(1) An estimate of the total number of forces re-*
18 *quired to carry out such an operation, including*
19 *forces required for a rotation base.*

20 *(2) An estimate of the expected duration of such*
21 *an operation.*

22 *(3) An estimate of the cost of such an operation,*
23 *together with an explanation of how the Secretary*
24 *proposes to provide funds for such an operation and*

1 *an assessment of how such proposed funding plan*
2 *would affect overall military readiness.*

3 *(4) An assessment of the effect such an operation*
4 *would have on the ability of the United States Armed*
5 *Forces to execute successfully the two nearly-simulta-*
6 *neous major regional conflict strategy articulated in*
7 *the Bottom-Up Review.*

8 *(5) An assessment of how readily forces partici-*
9 *pating in such an operation could be redeployed to a*
10 *major regional conflict, including an analysis of the*
11 *availability of strategic lift, the likely condition of*
12 *equipment, and the extent of retraining necessary to*
13 *facilitate such a redeployment.*

14 *(6) An assessment of the effect such an operation*
15 *would have on the general combat readiness and*
16 *deployability of combat units designated to be part of*
17 *the contingency force, including the extent to which*
18 *contingency force combat units would support the ini-*
19 *tial deployment and subsequent rotations.*

20 *(7) An assessment of the effect such an operation*
21 *would have on the general combat readiness and*
22 *deployability of combat units not designated to be*
23 *part of the contingency force, including the extent to*
24 *which non-contingency force combat units would sup-*
25 *port the initial deployment and subsequent rotations.*

1 (8) *For the initial deployment and subsequent*
2 *rotations, an assessment of the number and type of*
3 *combat support and combat service support units re-*
4 *quired from active forces, including how many of such*
5 *units are designated to support the deployment of the*
6 *contingency force.*

7 (9) *An assessment of the degree to which such an*
8 *operation would require the use of reserve component*
9 *units and personnel and the use and timing of invol-*
10 *untary Selected Reserve call-up authority as provided*
11 *by section 673b of title 10, United States Code.*

12 (10) *An assessment of the anticipated cost of*
13 *equipment refurbishment resulting from such an oper-*
14 *ation.*

15 (11) *An assessment of how the increased oper-*
16 *ational tempo associated with such an operation*
17 *would affect the mission capable readiness rates and*
18 *overall health of both strategic and theater airlift as-*
19 *sets.*

20 (c) *DEFINITIONS.—For purposes of this section:*

21 (1) *The term “contingency force” includes—*

22 (A) *the set of four or five Army divisions*
23 *that is designated as the Army contingency force*
24 *by the Secretary of the Army, as well as Army*
25 *active duty and reserve component combat, com-*

1 *bat support, and combat service support units*
 2 *designated to respond to a regional conflict with-*
 3 *in the first 75 days of such conflict; and*

4 *(B) Air Force, Navy, and Marine Corps ac-*
 5 *tive duty and reserve component combat, combat*
 6 *support, and combat service support units des-*
 7 *ignated to respond to a regional conflict within*
 8 *the first 75 days of such conflict.*

9 *(2) The term “Bottom-Up Review” means the*
 10 *October 1993 Department of Defense report entitled*
 11 *“Report on the Bottom-Up Review”.*

12 *(d) CLASSIFICATION OF REPORT.—The report required*
 13 *by subsection (a) shall be submitted in unclassified form*
 14 *and, if necessary, in classified form.*

15 **SEC. 1045. REPORT ON LESSONS LEARNED FROM UNITED**
 16 **STATES ACTIVITIES IN SOMALIA.**

17 *(a) REPORT.—The Secretary of Defense shall submit*
 18 *to Congress a report on the lessons learned from the United*
 19 *States participation in United Nations activities in Soma-*
 20 *lia.*

21 *(b) MATTERS TO BE INCLUDED.—The report shall—*
 22 *(1) specifically describe the availability of intel-*
 23 *ligence on forces of other nations and of indigenous*
 24 *forces operating in Somalia before, during, and after*
 25 *the insertion of United States forces; and*

1 (2) *set forth a complete review of any intelligence*
2 *failures, any equipment failures, and any equipment*
3 *unavailability in the theater.*

4 (c) *SUBMISSION OF REPORT.*—*The report shall be sub-*
5 *mitted not later than 180 days after the date of the enact-*
6 *ment of this Act.*

7 **SEC. 1046. SENSE OF CONGRESS CONCERNING SAFE, SE-**
8 **CURE DISMANTLEMENT OF SOVIET NUCLEAR**
9 **ARSENAL.**

10 (a) *FINDINGS.*—*Congress makes the following findings:*

11 (1) *It is a pressing national security challenge*
12 *for the United States to expedite the safe, secure dis-*
13 *mantlement of the nuclear arsenal of the former So-*
14 *viet Union.*

15 (2) *In particular, it is essential to expedite the*
16 *return of strategic nuclear warheads from Ukraine,*
17 *Belarus, and Kazakhstan and to expedite the safe, se-*
18 *cure dismantlement of the nuclear delivery vehicles of*
19 *Ukraine, Belarus, and Kazakhstan.*

20 (3) *Leakage of nuclear materials and technology,*
21 *and the continuing threat of emigration of scientists*
22 *and technicians from the former Soviet nuclear weap-*
23 *ons complex, pose a grave threat to United States na-*
24 *tional security and to international stability.*

1 (4) Congress has authorized so-called “Nunn-
2 Lugar” funds to enable the Department of Defense to
3 carry out cooperative activities with states of the
4 former Soviet Union to address these threats.

5 (b) *SENSE OF CONGRESS.*—It is the sense of Congress
6 that—

7 (1) the Secretary of Defense and and the Sec-
8 retary of State should continue to give their serious
9 attention to carrying out a coordinated strategy for
10 addressing this urgent national security issue;

11 (2) the United States should expedite the avail-
12 ability and effective application of so-called “Nunn-
13 Lugar” funds;

14 (3) when possible, the United States should work
15 with local contractors in Ukraine, Belarus,
16 Kazakhstan, and Russia to expedite effective use of
17 such funds; and

18 (4) efforts should be made to make the Science
19 and Technology Centers in Moscow and Kiev, de-
20 signed to slow the emigration of scientists and techni-
21 cians from the former Soviet weapons complex, fully
22 operational on an expedited basis.

1 **SEC. 1047. COORDINATION OF MILITARY-TO-MILITARY CON-**
2 **TACT PROGRAMS.**

3 (a) *LIMITATION.*—None of the amount authorized in
4 this Act for Cooperative Threat Reduction programs may
5 be obligated for a military-to-military contact program
6 until the Secretary of Defense and the Secretary of State
7 submit to Congress a joint report on the coordination of
8 military-to-military contact programs under their respec-
9 tive jurisdictions.

10 (b) *COVERED PROGRAMS.*—Programs to be covered in
11 the report under subsection (a) are the following:

12 (1) *Military-to-military contact programs to be*
13 *carried out using funds authorized in this Act for Co-*
14 *operative Threat Reduction programs.*

15 (2) *Military-to-military contact programs au-*
16 *thorized under other provisions of this Act.*

17 (3) *Military-to-military contact programs au-*
18 *thorized under chapter 5 of part II of the Foreign As-*
19 *sistance Act of 1961.*

20 (c) *MATTERS TO BE INCLUDED.*—The report shall in-
21 clude discussion of how those programs are carried out to
22 maximize their effect in enhancing United States foreign
23 policy objectives and how they are carried out to maximize
24 their cost-efficiency.

1 **SEC. 1048. EXTENSION OF SEMIANNUAL REPORT ON COOP-**
 2 **ERATIVE THREAT REDUCTION PROGRAMS.**

3 *Section 1207 of the Cooperative Threat Reduction Act*
 4 *of 1993 (title XII of Public Law 103–60; 107 Stat. 1782)*
 5 *is amended—*

6 *(1) by striking out “Not later than April 30,*
 7 *1994, and not later than October 30, 1994,” and in-*
 8 *serting in lieu thereof “Not later than April 30 and*
 9 *not later than October 30 of each year,”;*

10 *(2) by striking out “under this title” and insert-*
 11 *ing in lieu thereof “under programs described in sec-*
 12 *tion 1203(b)”;* and

13 *(3) in paragraph (3), by striking out “this title”*
 14 *and inserting in lieu thereof “the programs described*
 15 *in section 1203(b)”.*

16 **SEC. 1049. LIMITATION ON COOPERATIVE THREAT REDUC-**
 17 **TION PROGRAM RELATING TO OFFENSIVE BI-**
 18 **OLOGICAL WEAPONS PROGRAM OF RUSSIA.**

19 *None of the amount authorized to be appropriated by*
 20 *this Act for Cooperative Threat Reduction programs may*
 21 *be obligated until the President certifies to Congress that*
 22 *Russia has terminated its offensive biological weapons pro-*
 23 *gram.*

1 **SEC. 1050. PROHIBITION ON USE OF DEPARTMENT OF DE-**
 2 **FENSE FUNDS FOR UNITED STATES SHARE**
 3 **OF COSTS OF UNITED NATIONS PEACEKEEP-**
 4 **ING OPERATIONS.**

5 *No funds authorized to be appropriated by this Act*
 6 *may be transferred or obligated for the payment of the as-*
 7 *essed share of the United States for costs of United Nations*
 8 *peacekeeping operations or for any arrearages derived*
 9 *therefrom.*

10 **SEC. 1051. ASSISTANCE TO FAMILY MEMBERS OF KOREAN**
 11 **CONFLICT POW/MIAS WHO REMAIN UNAC-**
 12 **COUNTED FOR.**

13 *(a) SINGLE POINT OF CONTACT.—The Secretary of De-*
 14 *fense shall designate an official of the Department of De-*
 15 *fense to serve as a single point of contact within the depart-*
 16 *ment for the immediate family members (or their designees)*
 17 *of any unaccounted-for Korean Conflict POW/MIA.*

18 *(b) UNACCOUNTED-FOR KOREAN CONFLICT POW/MIA*
 19 *DEFINED.—For purposes of this section, the term “unac-*
 20 *counted-for Korean Conflict POW/MIA” means a member*
 21 *of the Armed Forces or civilian employee of the United*
 22 *States who, as a result of service during the Korean Con-*
 23 *flict, was at any time classified as a prisoner of war or*
 24 *missing-in-action or otherwise as unaccounted for and*
 25 *whose person or remains have not been returned to United*
 26 *States control and who remains unaccounted for.*

1 (c) *FUNCTIONS.*—The official designated under sub-
2 section (a) shall serve as a liaison between the family mem-
3 bers of unaccounted-for Korean Conflict POW/MIAs and the
4 Department of Defense and other Federal departments and
5 agencies that may hold information that may relate to un-
6 accounted-for Korean Conflict POW/MIAs. The functions of
7 that official shall include assisting family members—

8 (1) with procedures the family may follow in
9 their search for information about the unaccounted-
10 for Korean Conflict POW/MIA;

11 (2) in learning where they might locate informa-
12 tion about the unaccounted-for Korean Conflict POW/
13 MIA; and

14 (3) in learning how and where to identify classi-
15 fied records that contain pertinent information and
16 that will be declassified.

17 (d) *ASSISTANCE IN OBTAINING DECLASSIFICATION.*—
18 The official designated under subsection (a) shall seek to
19 obtain the rapid declassification of any relevant classified
20 records that are identified.

21 (e) *REPOSITORY.*—The official designated under sub-
22 section (a) shall provide for a centralized repository for all
23 documents relating to unaccounted-for Korean Conflict
24 POW/MIAs that are located as a result of the official's ef-
25 forts.

1 **SEC. 1052. REPORT ASSESSING THE REGIONAL SECURITY**
2 **CONSEQUENCES OF UNITED STATES MILI-**
3 **TARY COOPERATION PROGRAMS.**

4 (a) *REPORT.*—On or before the date of the submission
5 to Congress of the next annual report of the Secretary of
6 Defense submitted after the date of the enactment of this
7 Act, the Secretary of Defense shall submit to Congress a re-
8 port assessing the national security consequences of United
9 States military cooperation programs. The report shall be
10 organized into separate sections for each region of the world
11 (as defined by the Secretary) in which there is a significant
12 degree of internal political instability or possibility of
13 changes in the external policies of countries with which the
14 United States has significant military cooperation relation-
15 ships.

16 (b) *MATTERS TO BE INCLUDED.*—Each regional sec-
17 tion of the report required under subsection (a) shall include
18 the following:

19 (1) *A description of cooperative military rela-*
20 *tionships in effect between the United States and the*
21 *countries of the region.*

22 (2) *A description of how these activities are in-*
23 *tended to improve regional security.*

24 (3) *An assessment of the risks associated with en-*
25 *gaging in military cooperation programs with coun-*
26 *tries in the region should the government of any of*

1 *such country change its political orientation in a*
 2 *manner hostile to United States interests.*

3 (4) *An analysis of the effect on regional security*
 4 *of possible multilateral actions to reduce the military*
 5 *capability of governments and military forces in the*
 6 *region that could pose a future threat to United*
 7 *States interests.*

8 (c) *CLASSIFIED AND UNCLASSIFIED FORM OF RE-*
 9 *PORT.—The report under subsection (a) shall be submitted*
 10 *in unclassified form and, to the extent necessary, in classi-*
 11 *fied form.*

12 **SEC. 1053. STUDY ON USE OF LOW-ENRICHED URANIUM TO**
 13 **FUEL NAVAL REACTORS.**

14 *Not later than June 1, 1995, the Secretary of Defense*
 15 *and the Secretary of Energy shall jointly submit to the Con-*
 16 *gress a report on the costs, advantages, and disadvantages*
 17 *of using low-enriched uranium to fuel naval reactors. The*
 18 *report shall include the following:*

19 (1) *An examination of the implications of using*
 20 *low-enriched uranium to fuel naval reactors for cur-*
 21 *rent and future United States nuclear-powered naval*
 22 *vessels.*

23 (2) *An assessment of the effects of such use on—*
 24 (A) *the factors of operating performance,*
 25 *ship displacement, and reactor core life, includ-*

1 *ing the full range of plausible trade-offs between*
 2 *such factors;*

3 *(B) construction and operating costs; and*

4 *(C) naval fuel cycle impacts.*

5 *(3) An assessment of the effect on United States*
 6 *nuclear nonproliferation policies if such use were es-*
 7 *tablished, under the leadership of the United States,*
 8 *as the future global norm.*

9 *(4) An assessment of the relative complexity, ef-*
 10 *fectiveness, and risks of safeguards as applied to low-*
 11 *enriched uranium and highly-enriched uranium*
 12 *naval fuel cycles under the President's proposal for a*
 13 *global cutoff in the production of fissile material or*
 14 *outside of safeguards.*

15 *(5) An assessment of the potential Federal budget*
 16 *savings that would result from such use.*

17 **SEC. 1054. SENSE OF CONGRESS CONCERNING NUCLEAR**
 18 **NONPROLIFERATION TREATY REVIEW CON-**
 19 **FERENCE.**

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

22 *(1) The Treaty on the Non-Proliferation of Nuclear*
 23 *Weapons, signed at Washington, D.C., London, and Mos-*
 24 *cow on July 1, 1968, is the centerpiece of global efforts to*
 25 *prevent the spread of nuclear weapons.*

1 (2) *The United States has demonstrated longstand-*
2 *ing support for that treaty and related efforts to prevent*
3 *the spread of nuclear weapons.*

4 (3) *President Clinton has declared that preventing*
5 *the spread of nuclear weapons is one of the highest prior-*
6 *ities of his Administration.*

7 (4) *In April 1995, the parties to the Treaty on the*
8 *Non-Proliferation of Nuclear Weapons will convene a Re-*
9 *view Conference in New York City to discuss the indefinite*
10 *extension of the treaty.*

11 (5) *The policy of the President is to seek at the Re-*
12 *view Conference the indefinite and unconditional extension*
13 *of that treaty.*

14 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
15 *that—*

16 (1) *the President has the full support of Congress*
17 *in seeking the indefinite and unconditional extension*
18 *of the Treaty on the Non-Proliferation of Nuclear*
19 *Weapons;*

20 (2) *the President should as soon as possible fill*
21 *those positions at the United States Arms Control and*
22 *Disarmament Agency and other departments and*
23 *agencies with responsibility for nonproliferation and*
24 *the 1995 Review Conference for the Treaty on the*
25 *Non-Proliferation of Nuclear Weapons;*

1 (3) the President, when formulating and imple-
 2 menting other elements of nonproliferation policy of
 3 the United States (including United States counter
 4 proliferation doctrine, the nuclear Posture Review,
 5 and nuclear testing policy), should take into account
 6 the objectives of the United States at the 1995 Review
 7 Conference for the Treaty on the Non-Proliferation of
 8 Nuclear Weapons; and

9 (4) the President and the President's senior na-
 10 tional security advisers should dedicate themselves to
 11 ensuring the indefinite and unconditional extension of
 12 the Treaty on the Non-Proliferation of Nuclear Weap-
 13 ons at the 1995 Review Conference for that treaty.

14 **SEC. 1055. ASSISTANCE FOR PUBLIC PARTICIPATION IN DE-**
 15 **FENSE ENVIRONMENTAL RESTORATION AC-**
 16 **TIVITIES.**

17 (a) *ESTABLISHMENT OF RESTORATION ADVISORY*
 18 *BOARDS.*—Section 2705 of title 10, United States Code, is
 19 amended by adding after subsection (c) the following new
 20 subsection:

21 “(d) *RESTORATION ADVISORY BOARD.*—In lieu of es-
 22 tablishing a technical review committee under subsection
 23 (c), the Secretary may permit the establishment of a res-
 24 toration advisory board in connection with any installation
 25 (or group of nearby installations) where the Secretary is

1 *planning or implementing environmental remediation ac-*
 2 *tivities. The Secretary shall prescribe regulations regarding*
 3 *the duties, composition, and establishment of, and the pay-*
 4 *ment of routine administrative expenses of, restoration ad-*
 5 *visory boards to be established pursuant to this subsection.”.*

6 (b) ASSISTANCE FOR CITIZEN PARTICIPATION ON
 7 TECHNICAL REVIEW BOARDS AND RESTORATION ADVISORY
 8 BOARDS.—Such section is further amended by adding after
 9 subsection (d) (as added by subsection (a)) the following
 10 new subsection:

11 “(e) ASSISTANCE FOR CITIZEN PARTICIPATION.—(1)
 12 Using such amounts as may be made available under para-
 13 graph (3), and pursuant to regulations prescribed by the
 14 Secretary for this purpose, the Secretary shall provide funds
 15 to facilitate the participation of private individuals on
 16 technical review committees and restoration advisory
 17 boards for the purpose of ensuring public input into the
 18 planning and implementation of environmental remedi-
 19 ation activities at installations where such committees and
 20 boards are in operation.

21 “(2) Funds provided under this subsection may be used
 22 only—

23 “(A) to obtain technical assistance in interpret-
 24 ing scientific and engineering issues with regard to
 25 the nature of environmental hazards at an installa-

1 *tion and the remedial activities proposed or conducted*
 2 *at the installation; and*

3 *“(B) to assist such members and affected citizens*
 4 *to more effectively participate in the environmental*
 5 *restoration process at the installation.*

6 *“(3) To provide funds under this subsection for a fiscal*
 7 *year, there shall be available an amount up to 1/4 of one*
 8 *percent of the appropriated funds (but not to exceed*
 9 *\$7,500,000 for fiscal year 1995) available to the Secretary*
 10 *for that year for environmental restoration through—*

11 *“(A) the Defense Environmental Restoration Ac-*
 12 *count; and*

13 *“(B) with respect to defense facilities to be closed*
 14 *or realigned, the Department of Defense Base Closure*
 15 *Account 1990.”.*

16 *(c) INVOLVEMENT OF COMMITTEES AND BOARDS IN*
 17 *DEFENSE ENVIRONMENTAL RESTORATION PROGRAM.—*
 18 *Such section is further amended by adding after subsection*
 19 *(e) (as added by subsection (b)) the following new sub-*
 20 *section:*

21 *“(f) INVOLVEMENT IN DEFENSE ENVIRONMENTAL RES-*
 22 *TORATION PROGRAM.—Consistent with regulations pre-*
 23 *scribed by the Secretary, the Secretary shall consult with,*
 24 *and seek the advice of, the technical review committee or*

1 *restoration advisory board established for an installation*
2 *(if any) on the following issues:*

3 “(1) *Identifying environmental remediation ac-*
4 *tivities and projects at the installation.*

5 “(2) *Tracking progress on these activities and*
6 *projects.*

7 “(3) *Collecting information regarding remedi-*
8 *ation priorities for the installation.*

9 “(4) *Addressing land use, level of remediation,*
10 *acceptable risk, and waste management and tech-*
11 *nology development issues related to remediation at*
12 *the installation.*

13 “(5) *Developing remediation strategies.”.*

14 (d) *REPORT ON EFFECT OF IMPLEMENTATION.*—Not
15 *later than December 1, 1994, the Secretary of Defense shall*
16 *submit a report to Congress describing the manner in which*
17 *the Secretary will implement the amendments made by this*
18 *section. The report shall include—*

19 (1) *an estimate of the total amount of funds to*
20 *be provided to technical review committees and res-*
21 *toration advisory boards under subsection (e) of sec-*
22 *tion 2705 of title 10, United States Code (as added*
23 *by subsection (b)), during the five-fiscal year period*
24 *beginning on October 1, 1994, and the cost to be in-*

1 *curred by the Secretary during such period to carry*
2 *out such amendments;*

3 *(2) an analysis of whether the establishment of*
4 *restoration advisory boards under subsection (d) of*
5 *such section (as added by subsection (a)) could delay*
6 *or disrupt defense environmental restoration activi-*
7 *ties; and*

8 *(3) an analysis of whether the funding mecha-*
9 *nism provided in subsection (e)(3) of such section (as*
10 *added by subsection (b)) could result in funding*
11 *shortfalls for defense environmental restoration activi-*
12 *ties.*

13 *(e) CONDITION ON IMPLEMENTATION.—Until the Sec-*
14 *retary of Defense submits the report required by subsection*
15 *(d), the Secretary may not obligate or expend any of the*
16 *funds made available under subsection (e)(3) of section*
17 *2705 of title 10, United States Code (as added by subsection*
18 *(b)) to provide funds to technical review committees and*
19 *restoration advisory boards.*

20 *(f) TIME FOR REGULATIONS.—Not later than March*
21 *1, 1995, the Secretary of Defense shall prescribe the regula-*
22 *tions required by the amendments made by this section.*

1 **SEC. 1056. AUTHORIZATION TO EXCHANGE CERTAIN ITEMS**
2 **FOR TRANSPORTATION SERVICES.**

3 *Paragraph (1) of section 2572(b) of title 10, United*
4 *States Code, is amended by inserting “transportation,”*
5 *after “salvage,”.*

6 **SEC. 1057. AUTHORIZATION FOR INDUSTRIAL FACILITIES**
7 **OF THE ARMED FORCES TO SELL ARTICLES**
8 **AND SERVICES TO PERSONS OUTSIDE DE-**
9 **PARTMENT OF DEFENSE.**

10 *(a) ARMY SALES AUTHORITY.—(1) Section 4543 of*
11 *title 10, United States Code, is amended to read as follows:*

12 **“§4543. Army industrial facilities: sales of manufac-**
13 **tured articles or services outside Depart-**
14 **ment of Defense**

15 *“(a) AUTHORITY To SELL OUTSIDE DOD.—(1) Sub-*
16 *ject to paragraph (2), the Secretary of the Army may sell*
17 *to eligible persons outside the Department of Defense arti-*
18 *cles and services produced by a working-capital funded*
19 *Army industrial facility, including a Department of the*
20 *Army arsenal.*

21 *“(2) The Secretary may not exercise the authority pro-*
22 *vided by this section until after the Secretary certifies to*
23 *Congress that a cost accounting system has been devel-*
24 *oped—*

1 “(A) to keep track of the costs associated with
2 making sales of articles and services under this sec-
3 tion; and

4 “(B) to ensure that expenditures made and reve-
5 nues generated in such sales are not intermingled
6 with funds authorized and appropriated for the mili-
7 tary mission of the industrial facilities involved.

8 “(b) *ELIGIBLE PURCHASERS*.—Under such regulations
9 as the Secretary may prescribe, the following persons shall
10 be eligible to purchase articles and services under this sec-
11 tion:

12 “(1) State and local governments.

13 “(2) Citizens of the United States and persons
14 lawfully admitted for permanent residence in the
15 United States.

16 “(3) Business entities that conduct a significant
17 level of their research, development, engineering, and
18 manufacturing activities in the United States and the
19 majority ownership or control of which is by United
20 States citizens.

21 “(c) *CONDITIONS ON SALES*.—The Secretary may
22 make a sale under this section only if—

23 “(1) the purchaser agrees to hold harmless and
24 indemnify the United States, except in cases of willful
25 conduct or extreme negligence, from any claim for

1 *damages or injury to any person or property arising*
2 *out of the articles or services purchased;*

3 “(2) *the Secretary determines that the requested*
4 *articles or services can be substantially performed by*
5 *the Army industrial facility concerned with only inci-*
6 *dental subcontracting and that performance is in the*
7 *public interest;*

8 “(3) *the Secretary determines that the sale of the*
9 *requested articles or services will not interfere with*
10 *the military mission of the Army industrial facility*
11 *concerned; and*

12 “(4) *the sale of the goods and services is made*
13 *on the basis that it will not interfere with perform-*
14 *ance of work by the Army industrial facility con-*
15 *cerned for the Department of Defense.*

16 “(d) *METHODS OF SALE.—(1) The Secretary shall per-*
17 *mit a purchaser of articles or services under this section*
18 *to use advance incremental funding to pay for the articles*
19 *or services.*

20 “(2) *In the sale of articles and services under this sec-*
21 *tion, the Secretary shall—*

22 “(A) *charge the purchaser, at a minimum, the*
23 *variable costs, capital improvement costs, and equip-*
24 *ment depreciation costs that are associated with the*
25 *articles or services sold;*

1 “(B) enter into a firm, fixed-price contract or, if
 2 agreed by the purchaser, a cost reimbursement con-
 3 tract for the sale; and

4 “(C) develop and maintain (from sources other
 5 than appropriated funds) working capital to be avail-
 6 able for paying design costs, planning costs, procure-
 7 ment costs, and other costs associated with the articles
 8 or services sold.

9 “(e) *DEPOSIT OF PROCEEDS.*—Proceeds from sales of
 10 articles and services under this section shall be deposited
 11 into the Defense Business Operations Fund.

12 “(f) *RELATIONSHIP TO ARMS EXPORT CONTROL*
 13 *ACT.*—Nothing in this section shall be construed to affect
 14 the application of the export controls provided for in section
 15 38 of the Arms Export Control Act (22 U.S.C. 2778) to
 16 items which incorporate or are produced through the use
 17 of an article sold under this section.

18 “(g) *DEFINITIONS.*—In this section:

19 “(1) the term ‘advance incremental funding’,
 20 with respect to a sale of articles of services, means a
 21 series of partial payments for the articles or services
 22 that includes—

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

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

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

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

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

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

15 *(2) Section 2208(i) of such title is amended by striking*
16 *out “that manufactures large caliber cannons, gun mounts,*
17 *recoil mechanisms, ammunition, munitions, or components*
18 *thereof”.*

19 *(b) NAVY SALES AUTHORITY.—(1) Chapter 645 of title*
20 *10, United States Code, is amended by adding at the end*
21 *the following new section:*

1 **“§ 7525. Navy industrial facilities: sales of manufac-**
2 **tured articles or services outside Depart-**
3 **ment of Defense**

4 “(a) *AUTHORITY TO SELL OUTSIDE DOD.*—(1) *Sub-*
5 *ject to paragraph (2) the Secretary of the Navy may sell*
6 *to eligible persons outside the Department of Defense arti-*
7 *cles and services produced by a working-capital funded*
8 *Navy industrial facility.*

9 “(2) *The Secretary may not exercise the authority pro-*
10 *vided by this section until after the Secretary certifies to*
11 *Congress that a cost accounting system has been devel-*
12 *oped—*

13 “(A) *to keep track of the costs associated*
14 *with making sales of articles and services under*
15 *this section; and*

16 “(B) *to ensure that expenditures made and*
17 *revenues generated in such sales are not inter-*
18 *mingled with funds authorized and appropriated*
19 *for the military mission of the industrial facili-*
20 *ties involved.*

21 “(b) *ELIGIBLE PURCHASERS.*—*Under such regulations*
22 *as the Secretary may prescribed, the following persons shall*
23 *be eligible to purchase articles and services under this sec-*
24 *tion:*

25 “(1) *State and local governments.*

1 “(2) *Citizens of the United States and persons*
2 *lawfully admitted for permanent residence in the*
3 *United States.*

4 “(3) *Business entities that conduct a significant*
5 *level of their research, development, engineering, and*
6 *manufacturing activities in the United States and the*
7 *majority ownership or control of which is by United*
8 *States citizens.*

9 “(c) *CONDITIONS ON SALES.—The Secretary may*
10 *make a sale under this section only if—*

11 “(1) *the purchaser agrees to hold harmless and*
12 *indemnify the United States, except in cases of willful*
13 *conduct or extreme negligence, from any claim for*
14 *damages or injury to any person or property arising*
15 *out of the articles or services purchased;*

16 “(2) *the Secretary determines that the requested*
17 *articles or services can be substantially performed by*
18 *the Navy industrial facility concerned with only inci-*
19 *dental subcontracting and that performance is in the*
20 *public interest;*

21 “(3) *the Secretary determines that the sale of the*
22 *requested articles or services will not interfere with*
23 *the military mission of the Navy industrial facility*
24 *concerned; and*

1 “(4) the sale of the goods and services is made
2 on the basis that it will not interfere with perform-
3 ance of work by the Navy industrial facility con-
4 cerned for the Department of Defense.

5 “(d) *METHODS OF SALE.*—(1) The Secretary shall per-
6 mit a purchaser of articles or services under this section
7 to use advance incremental funding to pay for the articles
8 or services.

9 “(2) In the sale of articles and services under this sec-
10 tion, the Secretary shall—

11 “(A) charge the purchaser, at a minimum, the
12 variable costs, capital improvement costs, and equip-
13 ment depreciation costs that are associated with the
14 articles or services sold;

15 “(B) enter into a firm, fixed-price contract or, if
16 agreed by the purchaser, a cost reimbursement con-
17 tract for the sale; and

18 “(C) development and maintain (from sources
19 other than appropriated funds) working capital to be
20 available for paying design costs, planning costs, pro-
21 curement costs, and other costs associated with the ar-
22 ticles or services sold.

23 “(e) *DEPOSIT OF PROCEEDS.*—Proceeds from sales of
24 articles and services under this section shall be deposited
25 into the Defense Business Operations Fund.

1 “(f) *RELATIONSHIP TO ARMS EXPORT CONTROL*
2 *ACT.*—Nothing in this section shall be construed to affect
3 the application of the export controls provided for in section
4 38 of the Arms Export Control Act (22 U.S.C. 2778) to
5 items which incorporate or are produced through the use
6 of an article sold under this section.

7 “(g) *DEFINITIONS.*—In this section:

8 “(1) The term ‘advance incremental funding’,
9 with respect to a sale of articles or services, means a
10 series of partial payments for the articles or services
11 that includes—

12 “(A) one or more partial payments before
13 the commencement of work or the incurring of
14 costs in connection with the production of the ar-
15 ticles or the performance of the services, as the
16 case may be; and

17 “(B) subsequent progress payments that re-
18 sult in full payment being completed as the re-
19 quired work is being completed.

20 “(2) The term ‘variable costs’, with respect to
21 sales of articles or services, means the costs that are
22 expected to fluctuate directly with the volume of sales
23 and—

1 “(A) *in the case of articles, the volume of*
 2 *production necessary to satisfy the sales orders;*
 3 *or*

4 “(B) *in the case of services, the extent of the*
 5 *services sold.*”.

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

*“7525. Navy industrial facilities: sales of manufactured articles or services outside
 Department of Defense.”.*

8 (c) *AIR FORCE SALES AUTHORITY.—(1) Chapter 933*
 9 *of title 10, United States Code, is amended by adding at*
 10 *the end the following new section:*

11 **“§9541. Air Force industrial facilities: sales of manu-**
 12 **factured articles or services outside De-**
 13 **partment of Defense**

14 “(a) *AUTHORITY TO SELL OUTSIDE DOD.—Subject to*
 15 *paragraph (2), the Secretary of the Air Force may sell to*
 16 *eligible persons outside the Department of Defense articles*
 17 *and services produced by a working-capital funded Air*
 18 *Force industrial facility.*

19 “(2) *The Secretary may not exercise the authority pro-*
 20 *vided by this section until after the Secretary certifies to*
 21 *Congress that a cost accounting system has been devel-*
 22 *oped—*

1 “(A) to keep track of the costs associated with
2 making sales of articles and services under this sec-
3 tion; and

4 “(B) to ensure that expenditures made and reve-
5 nues generated in such sales are not intermingled
6 with funds authorized and appropriated for the mili-
7 tary mission of the industrial facilities involved.

8 “(b) *ELIGIBLE PURCHASERS*.—Under such regulations
9 as the Secretary may prescribe, the following persons shall
10 be eligible to purchase articles and services under this sec-
11 tion:

12 “(1) State and local governments.

13 “(2) Citizens of the United States and persons
14 lawfully admitted for permanent residence in the
15 United States.

16 “(3) Business entities that conduct a significant
17 level of their research, development, engineering, and
18 manufacturing activities in the United States and the
19 majority ownership or control of which is by United
20 States citizens.

21 “(c) *CONDITIONS ON SALES*.—The Secretary may
22 make a sale under this section only if—

23 “(1) the purchaser agrees to hold harmless and
24 indemnify the United States, except in cases of willful
25 conduct or extreme negligence, from any claim for

1 *damages or injury to any person or property arising*
2 *out of the articles or services purchased;*

3 “(2) *the Secretary determines that the requested*
4 *articles or services can be substantially performed by*
5 *the Air Force industrial facility concerned with only*
6 *incidental subcontracting and that performance is in*
7 *the public interest;*

8 “(3) *the Secretary determines that the sale of the*
9 *requested articles or services will not interfere with*
10 *the military mission of the Air Force industrial facil-*
11 *ity concerned; and*

12 “(4) *the sale of the goods and services is made*
13 *on the basis that it will not interfere with perform-*
14 *ance of work by the Air Force industrial facility con-*
15 *cerned for the Department of Defense.*

16 “(d) *METHODS OF SALE.—(1) The Secretary shall per-*
17 *mit a purchaser of articles or services under this section*
18 *to use advance incremental funding to pay for the articles*
19 *or services.*

20 “(2) *In the sale of articles and services under this sec-*
21 *tion, the Secretary shall—*

22 “(A) *charge the purchaser, at a minimum, the*
23 *variable costs, capital improvement costs, and equip-*
24 *ment depreciation costs that are associated with the*
25 *articles or services sold;*

1 “(B) enter into a firm, fixed-price contract or, if
 2 agreed by the purchaser, a cost reimbursement con-
 3 tract for the sale; and

4 “(C) develop and maintain (from sources other
 5 than appropriated funds) working capital to be avail-
 6 able for paying design costs, planning costs, procure-
 7 ment costs, and other costs associated with the articles
 8 or services sold.

9 “(e) *DEPOSIT OF PROCEEDS.*—Proceeds from sales of
 10 articles and services under this section shall be deposited
 11 into the Defense Business Operations Fund.

12 “(f) *RELATIONSHIP TO ARMS EXPORT CONTROL*
 13 *ACT.*—Nothing in this section shall be construed to affect
 14 the application of the export controls provided for in section
 15 38 of the Arms Export Control Act (22 U.S.C. 2778) to
 16 items which incorporate or are produced through the use
 17 of an article sold under this section.

18 “(g) *DEFINITIONS.*—In this section:

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

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

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

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

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

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

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

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

*“9541. Air Force industrial facilities: sales of manufactured articles or services
 outside Department of Defense.”.*

17 *(d) CONTROL EFFECT OF SALES AUTHORITY ON BASE*
 18 *CLOSURE PROCESS.—Section 2903 of the Defense Base Clo-*
 19 *sure and Realignment Act of 1990 (part A of title XXIX*
 20 *of Public Law 101–510; 10 U.S.C. 2687 note) is amended—*

21 *(1) in subsection (c)(2)—*

22 *(A) by inserting after the first sentence the*
 23 *following new sentence: “The Secretary shall also*
 24 *include a certification that the authorities pro-*

1 *vided in sections 4543, 7525, and 9541 of title*
2 *10, United States Code, for the sale outside the*
3 *Department of Defense of articles and services*
4 *produced by working-capital funded industrial*
5 *facilities (and any sales, workloads, revenues, or*
6 *other information resulting from the use or*
7 *availability of such authorities) were not consid-*
8 *ered in preparing the list of recommendations re-*
9 *ferred to in paragraph (1).”; and*

10 *(B) by striking out “preceding sentence”*
11 *and inserting in lieu thereof “preceding sen-*
12 *tences”; and*

13 *(2) in subsection (d)(3), by inserting after the*
14 *first sentence the following new sentence: “The Com-*
15 *mission shall also include in its report a certification*
16 *that the authorities provided in sections 4543, 7525,*
17 *and 9541 of title 10, United States Code, for the sale*
18 *outside the Department of Defense of articles and*
19 *services produced by working-capital funded indus-*
20 *trial facilities (and any sales, workloads, revenues, or*
21 *other information resulting from the use or availabil-*
22 *ity of such authorities) were not considered in making*
23 *its recommendations for closures and realignments of*
24 *military installations.”.*

1 (e) *EFFECTIVE DATE.*—The amendments made by sub-
2 sections (a), (b), and (c) shall take effect on June 1, 1995.

3 **SEC. 1058. SENSE OF THE CONGRESS CONCERNING THE**
4 **NORTH KOREAN NUCLEAR WEAPONS DEVEL-**
5 **OPMENT PROGRAM.**

6 (a) *FINDINGS.*—The Congress finds that—

7 (1) *between 1950 and 1953, the United States led*
8 *a military coalition that successfully repelled an in-*
9 *vasion of the Republic of Korea by the Communist re-*
10 *gime in North Korea, at a cost of more than 54,000*
11 *American lives;*

12 (2) *the United States and the Republic of Korea*
13 *ratified a Mutual Security Treaty in 1954 that com-*
14 *mits the United States to helping the Republic of*
15 *Korea defend itself against external aggression;*

16 (3) *approximately 37,000 United States military*
17 *personnel are presently stationed in the Republic of*
18 *Korea;*

19 (4) *the United States and the Republic of Korea*
20 *have conducted joint military exercises, code named*
21 *“Team Spirit”, regularly since 1976;*

22 (5) *the Communist regime in North Korea has*
23 *built up an armed force nearly twice the size of that*
24 *in the Republic of Korea and has never renounced the*
25 *active and ongoing use of force, terrorism, and subver-*

1 *sion in its attempts to subdue and subjugate the Re-*
2 *public of Korea;*

3 *(6) although the North Korean regime signed the*
4 *Treaty on the Non-Proliferation of Nuclear Weapons*
5 *in 1985, it has never permitted the unfettered inter-*
6 *national inspection of its nuclear facilities that is re-*
7 *quired of all signatories of that Treaty;*

8 *(7) the Secretary of Defense has stated publicly*
9 *that efforts by the North Korean regime to develop*
10 *enough plutonium to permit the manufacture of 10 to*
11 *12 nuclear weapons per year, and to develop the bal-*
12 *listic missile capacity of delivering these and other*
13 *weapons over a wide area, represent a grave threat to*
14 *the security of the Korean peninsula and the entire*
15 *world;*

16 *(8) the North Korean regime continues to resist*
17 *efforts by the United States to reduce tensions on the*
18 *Korean peninsula;*

19 *(9) efforts in recent years by the United States*
20 *to reduce tensions on the Korean peninsula have in-*
21 *cluded the withdrawal of all nuclear weapons from*
22 *the territory of the Republic of Korea and a reduction*
23 *in the number of United States military personnel*
24 *stationed there, the postponement of the 1994 "Team*
25 *Spirit" exercises, the establishment of direct diplo-*

1 *matic contacts with the North Korean regime, and the*
2 *offer of expanded diplomatic and economic contacts*
3 *with North Korea;*

4 *(10) weapons-grade plutonium can be extracted*
5 *from the fuel rods in the type of nuclear facilities*
6 *North Korea is known to possess;*

7 *(11) international inspectors must be permitted*
8 *to examine all spent fuel rods removed from North*
9 *Korea's principal nuclear reactor at Yongbyon and to*
10 *carry out tests necessary to ensure compliance with*
11 *the 1992 safeguards agreement; and*

12 *(12) the diplomatic impasse concerning the*
13 *North Korean nuclear program has clearly reached a*
14 *critical juncture, the unsatisfactory resolution of*
15 *which would place the international nonproliferation*
16 *regime in jeopardy and threaten the peace and secu-*
17 *rity of the Korean peninsula, the Northeast Asia re-*
18 *gion, and, by extension, the rest of the world.*

19 *(b) SENSE OF THE CONGRESS.—It is the sense of the*
20 *Congress that—*

21 *(1) the North Korean regime should take an ini-*
22 *tial step toward cooperation with the international*
23 *nonproliferation regime by permitting the unfettered*
24 *international inspection of the removal and eventual*
25 *disposal of all spent fuel rods from the Yongbyon nu-*

1 *clear complex, followed by a comprehensive inspection*
 2 *process as required by the Treaty on the Non-Pro-*
 3 *liferation of Nuclear Weapons:*

4 *(2) an unsatisfactory resolution of the inspection*
 5 *controversy at Yongbyon that allows for anything less*
 6 *than unfettered international inspection of facilities*
 7 *in that complex should prompt the Government of the*
 8 *United States to take such action as would indicate*
 9 *the severity with which it views this provocation*
 10 *against international norms; and*

11 *(3) such action should include, but not nec-*
 12 *essarily be limited to, the seeking of international*
 13 *sanctions against the North Korean regime and the*
 14 *rescheduling of the “Team Spirit” exercises for 1994.*

15 **SEC. 1059. CONGRESSIONAL ACTION ON NEGOTIATION OF**
 16 **LIMITATIONS ON NUCLEAR WEAPONS TEST-**
 17 **ING.**

18 *(a) FINDINGS.—The Congress finds the following:*

19 *(1) On January 25, 1994, the United States*
 20 *joined with 37 other nations to begin negotiations for*
 21 *a comprehensive treaty to ban permanently all nu-*
 22 *clear weapons testing.*

23 *(2) On March 14, 1994, the President decided to*
 24 *extend the current United States nuclear testing mor-*
 25 *atorium at least through September 1995.*

1 (3) *The United States is seeking to extend indefi-*
2 *nitely the Non-Proliferation Treaty at the April 1995*
3 *NPT Extension Conference.*

4 (4) *Conclusion of a comprehensive test ban trea-*
5 *ty could contribute toward successful negotiations to*
6 *extend the Non-Proliferation Treaty.*

7 (5) *Agreements to eliminate nuclear testing and*
8 *control the spread of nuclear weapons could contrib-*
9 *ute to the national security of the United States, its*
10 *allies, and other nations around the world.*

11 (b) *CONGRESSIONAL ACTION.—In view of the findings*
12 *set forth in subsection (a), the Congress—*

13 (1) *applauds the President for maintaining the*
14 *United States nuclear testing moratorium and for*
15 *taking a leadership role toward negotiation of a com-*
16 *prehensive test ban treaty;*

17 (2) *encourages all nuclear powers to refrain from*
18 *conducting nuclear explosions, prior to conclusion of*
19 *a comprehensive test ban treaty; and*

20 (3) *urges the Conference on Disarmament to*
21 *make all possible progress toward a comprehensive*
22 *test ban treaty by the end of 1994.*

1 **SEC. 1060. SENSE OF CONGRESS AND REPORT ON READI-**
2 **NESS OF MILITARY FORCES OF THE REPUB-**
3 **LIC OF KOREA.**

4 (a) *FINDINGS.*—*The Congress finds the following:*

5 (1) *Under existing treaties and security arrange-*
6 *ments between the United States and the Republic of*
7 *Korea, responsibility for the defense of the territory of*
8 *the Republic of Korea is allocated so that the Republic*
9 *of Korea has primary responsibility for the ground*
10 *defense of its territory and the United States has pri-*
11 *mary responsibility for air and sea defense of the Ko-*
12 *rean peninsula and for reinforcement.*

13 (2) *The Force Improvement Program of the Re-*
14 *public of Korea has not addressed critical shortfalls in*
15 *its ground force capability which continue to exist*
16 *even though the Republic of Korea spends approxi-*
17 *mately \$12,000,000,000 annually on defense while the*
18 *Democratic People's Republic of Korea spends ap-*
19 *proximately \$4,000,000,000 annually on defense. The*
20 *Republic of Korea has diverted substantial defense re-*
21 *sources to procuring submarines, destroyers, advanced*
22 *aircraft, and other military systems that are mar-*
23 *ginal to its primary ground defense responsibility.*

24 (3) *The defense acquisition decisions of the Re-*
25 *public of Korea have had the effect of not allowing the*
26 *Republic of Korea to attain self-sufficiency in its*

1 *ground defense responsibility. As a result, there exists*
2 *an undue burden on the United States for the ground*
3 *defense of the Korean peninsula.*

4 *(4) The lack of intelligence capability to forecast*
5 *the military intentions of the Democratic People's Re-*
6 *public of Korea represents a major deficiency of the*
7 *combined United States-Republic of Korea military*
8 *force.*

9 *(5) A short-warning attack by the Democratic*
10 *People's Republic of Korea would cause major losses*
11 *to the combined United States-Republic of Korea*
12 *ground force.*

13 *(b) SENSE OF CONGRESS.—It is the sense of the Con-*
14 *gress that the President should urge the Republic of Korea*
15 *to improve its military ground forces with emphasis on*
16 *counterartillery capabilities, defense against ballistic mis-*
17 *siles and weapons of mass destruction, combined United*
18 *States-Republic of Korea logistics capabilities, combined*
19 *United States-Republic of Korea medical support, and com-*
20 *bined United States-Republic of Korea strategic and tac-*
21 *tical intelligence capabilities.*

22 *(c) REPORT.—Not later than December 1, 1994, the*
23 *Secretary of Defense shall submit to the Committees on*
24 *Armed Services of the Senate and House of Representatives*
25 *a report, in classified form, on—*

1 (1) *the readiness of the military forces of the Re-*
 2 *public of Korea to defeat an attack by the military*
 3 *forces of the Democratic People's Republic of Korea;*
 4 *and*

5 (2) *the adequacy of the defense acquisition strat-*
 6 *egy of the Republic of Korea to meet its primary*
 7 *ground defense mission.*

8 **TITLE XI—DEFENSE CONVER-**
 9 **SION, REINVESTMENT, AND**
 10 **TRANSITION ASSISTANCE**

11 **SEC. 1101. SHORT TITLE.**

12 *This title may be cited as the “Defense Conversion, Re-*
 13 *investment, and Transition Assistance Amendments of*
 14 *1994”.*

15 **SEC. 1102. FUNDING OF DEFENSE CONVERSION, REINVEST-**
 16 **MENT, AND TRANSITION ASSISTANCE PRO-**
 17 **GRAMS FOR FISCAL YEAR 1995.**

18 (a) *FUNDING.*—*Of the amounts authorized to be ap-*
 19 *propriated pursuant to this Act for the Department of De-*
 20 *fense for fiscal year 1995, the sum of \$3,256,400,000 shall*
 21 *be available from the sources specified in subsection (b) for*
 22 *defense conversion, reinvestment, and transition assistance*
 23 *programs.*

1 (b) *SOURCES OF FUNDS.*—The amount set forth in
2 subsection (a) shall be derived from the following sources
3 in amounts as follows:

4 (1) \$15,000,000 of the amounts authorized to be
5 appropriated pursuant to title I.

6 (2) \$2,375,000,000 of the amounts authorized to
7 be appropriated pursuant to title II.

8 (3) \$866,400,000 of the amounts authorized to be
9 appropriated pursuant to title III.

10 (c) *DEFINITION.*—For purposes of this section, the
11 term “defense conversion, reinvestment, and transition as-
12 sistance programs” includes the following programs and ac-
13 tivities of the Department of Defense:

14 (1) The programs and activities authorized by
15 the Defense Conversion, Reinvestment, and Transition
16 Assistance Act of 1992 (division D of Public Law
17 102–484; 106 Stat. 2658) and the amendments made
18 by that Act.

19 (2) The programs and activities authorized by
20 the Defense Conversion, Reinvestment, and Transition
21 Assistance Amendments of 1993 (title XIII of Public
22 Law 103–160; 107 Stat. 1783) and the amendments
23 made by that Act.

24 (3) The programs and activities authorized by
25 this title and the amendments made by this title.

1 ***Subtitle A—Defense Technology and***
2 ***Industrial Base, Defense Rein-***
3 ***vestment, and Defense Conver-***
4 ***sion***

5 ***SEC. 1111. FUNDING OF DEFENSE TECHNOLOGY REINVEST-***
6 ***MENT PROGRAMS FOR FISCAL YEAR 1995.***

7 (a) *FUNDS AVAILABLE.*—Of the amount authorized to
8 be appropriated under section 201 for Defense-wide activi-
9 ties and specified in section 1102(b) as a source of funds
10 for defense conversion, reinvestment, and transition assist-
11 ance programs, \$771,600,000 shall be available for activi-
12 ties described in the defense reinvestment program element
13 of the budget of the Department of Defense for fiscal year
14 1995.

15 (b) *ALLOCATION OF FUNDS.*—The funds made avail-
16 able under subsection (a) shall be allocated as follows:

17 (1) \$295,600,000 shall be available for defense
18 dual-use critical technology partnerships under sec-
19 tion 2511 of title 10, United States Code.

20 (2) \$80,000,000 shall be available for commer-
21 cial-military integration partnerships under section
22 2512 of such title.

23 (3) \$80,000,000 shall be available for defense re-
24 gional technology alliances under section 2513 of such
25 title.

1 (4) \$30,000,000 shall be available for defense ad-
2 vanced manufacturing technology partnerships under
3 section 2522 of such title.

4 (5) \$45,000,000 shall be available for support of
5 manufacturing extension programs under section
6 2523 of such title.

7 (6) \$65,000,000 shall be available for the defense
8 dual-use extension program under section 2524 of
9 such title, of which—

10 (A) \$15,000,000 shall be used for assistance
11 pursuant to subsection (c)(3) of such section; and

12 (B) \$50,000,000 shall be available to cover
13 the costs (as defined in section 502(5) of the Fed-
14 eral Credit Reform Act of 1990 (2 U.S.C.
15 661a(5))) of loan guarantees issued pursuant to
16 subsection (b)(3) of such section.

17 (7) \$24,000,000 shall be available for defense
18 manufacturing engineering education grants under
19 section 2196 of such title.

20 (8) \$30,000,000 shall be available for the ad-
21 vanced materials synthesis and processing partner-
22 ship program.

23 (9) \$35,000,000 shall be available for the agile
24 manufacturing/enterprise integration program.

(c) AVAILABILITY OF FUNDS FOR FISCAL YEAR 1994
TECHNOLOGY REINVESTMENT PROJECTS.—Funds allocated
under paragraphs (1) through (7) of subsection (b) to the
defense reinvestment programs described in such para-
graphs may also be used to make awards to technology rein-
vestment projects that were solicited under such programs
in fiscal year 1994.

(a) *DEFINITION OF ELIGIBLE ENTITIES.*—Section 2491 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (9) through (15)
as paragraphs (10) through (16), respectively; and
(2) by inserting after paragraph (8) the follow-
ing new paragraph:

1 “(9) The term ‘eligible entity’ means an eligible
2 firm or a labor organization (as defined in section
3 2(5) of the National Labor Relations Act (29 U.S.C.
4 152(5))).”.

5 (b) CONFORMING AMENDMENTS.—(1) Section 2511 of
6 title 10, United States Code, is amended—

7 (A) in subsection (b)—

8 (i) by striking out “eligible firms” both
9 places it appears and inserting in lieu thereof
10 “eligible entities”; and

11 (ii) by striking out “such firms” and insert-
12 ing in lieu thereof “such eligible entities”; and

13 (B) in subsection (f)(6), by striking out “eligible
14 firms” and inserting in lieu thereof “eligible entities”.

15 (2) Section 2512 of such title is amended—

16 (A) in subsection (a)—

17 (i) by striking out “eligible firms” and in-
18 serting in lieu thereof “eligible entities”; and

19 (ii) by striking out “such firms” and insert-
20 ing in lieu thereof “such eligible entities”; and

21 (B) in subsection (e)(6), by striking out “eligible
22 firms” and inserting in lieu thereof “eligible entities”.

23 (3) Section 2513 of such title is amended—

1 (A) in subsection (c)(1)(A)(i), by inserting before
2 the semicolon the following: “or other eligible entities
3 operating in such region”;

4 (B) in subsection (e), by striking out “eligible
5 firms” both places it appears and inserting in lieu
6 thereof “eligible entities”; and

7 (C) in subsection (f)—

8 (i) by striking out “eligible firms” and in-
9 serting in lieu thereof “eligible entities”; and

10 (ii) by striking out “such firms” and insert-
11 ing in lieu thereof “such eligible entities”.

12 (4) Section 2522(b) of such title is amended—

13 (A) by striking out “eligible firms” both places
14 it appears and inserting in lieu thereof “eligible enti-
15 ties”; and

16 (B) by striking out “such firms” and inserting
17 in lieu thereof “such eligible entities”.

18 **SEC. 1113. ADDITIONAL CRITERIA FOR LOAN GUARANTEES**

19 **UNDER THE DEFENSE DUAL-USE ASSISTANCE**

20 **EXTENSION PROGRAM.**

21 Section 2524(f) of title 10, United States Code, is
22 amended—

23 (1) by redesignating paragraph (10) as para-
24 graph (11); and

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

3 “(10) In the case of loan guarantees under sub-
 4 section (b)(3), the extent to which the loans to be
 5 guaranteed would support the retention of defense
 6 workers whose employment would otherwise be perma-
 7 nently or temporarily terminated as a result of reduc-
 8 tions in expenditures by the United States for defense,
 9 the termination or cancellation of a defense contract,
 10 the failure to proceed with an approved major weap-
 11 on system, the merger or consolidation of the oper-
 12 ations of a defense contractor, or the closure or re-
 13 alignment of a military installation.”.

14 **SEC. 1114. FINANCIAL COMMITMENT REQUIREMENTS FOR**
 15 **SMALL BUSINESS CONCERNS FOR PARTICIPA-**
 16 **TION IN TECHNOLOGY REINVESTMENT**
 17 **PROJECTS.**

18 (a) *DEFENSE DUAL-USE CRITICAL TECHNOLOGY*
 19 *PARTNERSHIPS.*—Section 2511(c) of title 10, United States
 20 Code, is amended by adding at the end the following new
 21 paragraph:

22 “(3) The Secretary shall consider a partnership pro-
 23 posal submitted by a small business concern without regard
 24 to the ability of the small business concern to immediately
 25 meet its share of the anticipated partnership costs. Upon

1 *the selection of a partnership proposal submitted by a small*
 2 *business concern, the Secretary shall extend to the small*
 3 *business concern a period of not less than 90 days within*
 4 *which to arrange to meet its financial commitment require-*
 5 *ments under the partnership from sources other than a per-*
 6 *son of a foreign country. If the Secretary determines upon*
 7 *the expiration of that period that the small business concern*
 8 *will be unable to meet its share of the anticipated partner-*
 9 *ship costs, the Secretary may revoke the selection of the*
 10 *partnership proposal submitted by the small business con-*
 11 *cern.”.*

12 *(b) COMMERCIAL-MILITARY INTEGRATION PARTNER-*
 13 *SHIPS.—Section 2512(c)(3) of such title is amended by add-*
 14 *ing at the end the following new subparagraph:*

15 *“(C) The Secretary shall consider a partnership pro-*
 16 *posal submitted by a small business concern without regard*
 17 *to the ability of the small business concern to immediately*
 18 *meet its share of the anticipated partnership costs. Upon*
 19 *the selection of a partnership proposal submitted by a small*
 20 *business concern, the Secretary shall extend to the small*
 21 *business concern a period of not less than 90 days within*
 22 *which to arrange to meet its financial commitment require-*
 23 *ments under the partnership from sources other than a per-*
 24 *son of a foreign country. If the Secretary determines upon*
 25 *the expiration of that period that the small business concern*

1 *will be unable to meet its share of the anticipated partner-*
 2 *ship costs, the Secretary may revoke the selection of the*
 3 *partnership proposal submitted by the small business con-*
 4 *cern.”.*

5 (c) *REGIONAL TECHNOLOGY ALLIANCES ASSISTANCE*
 6 *PROGRAM.—Section 2513(e) of such title is amended by*
 7 *adding at the end the following new paragraph:*

8 “(4) *The Secretary shall consider a proposal for a re-*
 9 *gional technology alliance that is submitted by a small busi-*
 10 *ness concern without regard to the ability of the small busi-*
 11 *ness concern to immediately meet its share of the antici-*
 12 *pated costs of the alliance. Upon the selection of a proposal*
 13 *submitted by a small business concern, the Secretary shall*
 14 *extend to the small business concern a period of not less*
 15 *than 90 days within which to arrange to meet its financial*
 16 *commitment requirements under the regional technology al-*
 17 *liance from sources other than a person of a foreign country.*
 18 *If the Secretary determines upon the expiration of that pe-*
 19 *riod that the small business concern will be unable to meet*
 20 *its share of the anticipated costs, the Secretary may revoke*
 21 *the selection of the proposal submitted by the small business*
 22 *concern.”.*

23 (d) *MANUFACTURING EXTENSION PROGRAMS.—Sec-*
 24 *tion 2523(b)(3) of such title is amended by adding at the*
 25 *end the following new subparagraph:*

1 “(E) The Secretary shall consider a proposal for a
 2 manufacturing extension program that is submitted by a
 3 small business concern without regard to the ability of the
 4 small business concern to immediately meet its share of the
 5 anticipated costs of the program. Upon the selection of a
 6 proposal submitted by a small business concern, the Sec-
 7 retary shall extend to the small business concern a period
 8 of not less than 90 days within which to arrange to meet
 9 its financial commitment requirements under the manufac-
 10 turing extension program from sources other than a person
 11 of a foreign country. If the Secretary determines upon the
 12 expiration of that period that the small business concern
 13 will be unable to meet its share of the anticipated costs,
 14 the Secretary may revoke the selection of the partnership
 15 proposal submitted by the small business concern.”.

16 (e) DEFENSE DUAL-USE ASSISTANCE EXTENSION
 17 PROGRAM.—Section 2524(d) of such title is amended by
 18 adding at the end the following new paragraph:

19 “(3) The Secretary shall consider a program proposal
 20 submitted by a small business concern without regard to
 21 the ability of the small business concern to immediately
 22 meet its share of the anticipated partnership costs. Upon
 23 the selection of a proposal submitted by a small business
 24 concern, the Secretary shall extend to the small business
 25 concern a period of not less than 90 days within which to

1 *arrange to meet its financial commitment requirements*
 2 *under the program from sources other than a person of a*
 3 *foreign country. If the Secretary determines upon the expi-*
 4 *ration of that period that the small business concern will*
 5 *be unable to meet its share of the anticipated program costs,*
 6 *the Secretary may revoke the selection of the program pro-*
 7 *posal submitted by the small business concern.”.*

8 (f) *DEFINITION OF PERSON OF A FOREIGN COUN-*
 9 *TRY.—Section 2491 of such title, as amended by section*
 10 *1112(a) of this Act, is further amended by adding at the*
 11 *end the following new paragraph:*

12 “(17) The term ‘person of a foreign country’ has
 13 the meaning given such term in section 3502(d) of the
 14 Primary Dealers Act of 1988 (22 U.S.C. 5342(d)).”.

15 **SEC. 1115. CONDITIONS ON FUNDING OF DEFENSE TECH-**
 16 **NOLOGY REINVESTMENT PROJECTS.**

17 (a) *BENEFITS TO UNITED STATES ECONOMY.—In pro-*
 18 *viding for the establishment or financial support of partner-*
 19 *ships and other cooperative arrangements under chapter*
 20 *148 of title 10, United States Code, using funds made avail-*
 21 *able under section 1111(a), the Secretary of Defense shall*
 22 *ensure that the principal economic benefits of, and the job*
 23 *creation resulting from, such arrangements accrue to the*
 24 *economy of the United States.*

1 (b) *USE OF COMPETITIVE SELECTION PROCEDURES.*—
 2 Funds made available under subsection (a) of section 1111
 3 for defense reinvestment programs described in subsection
 4 (b) of such section shall only be provided to projects selected
 5 using competitive procedures pursuant to a solicitation in-
 6 corporating cost-sharing requirements for the non-Federal
 7 Government participants in the projects.

8 ***Subtitle B—Community Adjustment***
 9 ***and Assistance Programs***

10 ***SEC. 1121. FUNDS FOR ADJUSTMENT AND DIVERSIFICA-***
 11 ***TION ASSISTANCE FOR STATES AND LOCAL***
 12 ***GOVERNMENTS FROM OFFICE OF ECONOMIC***
 13 ***ADJUSTMENT.***

14 Of the amount made available pursuant to section
 15 1102(a), \$54,100,000 shall be available to provide commu-
 16 nity adjustment and economic diversification assistance
 17 under section 2391(b) of title 10, United States Code.

18 ***SEC. 1122. STUDIES AND PLANS FOR MARKET DIVERSIFICA-***
 19 ***TION.***

20 (a) *FORM OF COMMUNITY ADJUSTMENT AND ECO-*
 21 *NOMIC DIVERSIFICATION.*—Section 2391(d) of title 10,
 22 United States Code, is amended by adding at the end the
 23 following new paragraph:

24 “(3) The terms ‘community adjustment’ and
 25 ‘economic diversification’ include the development of

1 *feasibility studies and business plans for market di-*
 2 *versification by businesses and labor organizations lo-*
 3 *cated in a community adversely affected by an action*
 4 *described in clause (A), (B), (C), or (E) of subsection*
 5 *(b)(1).”.*

6 (b) *FUNDING FOR FISCAL YEAR 1995.—Of the amount*
 7 *made available under section 1121, \$10,000,000 shall be*
 8 *available only to provide community adjustment and eco-*
 9 *nomic diversification assistance under section 2391(b) of*
 10 *title 10, United States Code, for the purpose of developing*
 11 *feasibility studies and business plans for market diversifica-*
 12 *tion by businesses and labor organizations located in com-*
 13 *munities adversely affected by an action described in clause*
 14 *(A), (B), (C), or (E) of paragraph (1) of such section. The*
 15 *funds provided to a particular State or local government*
 16 *under this subsection in fiscal year 1995 may not exceed*
 17 *\$50,000.*

18 **SEC. 1123. ADVANCE COMMUNITY ADJUSTMENT AND ECO-**
 19 **NOMIC DIVERSIFICATION PLANNING.**

20 (a) *ASSISTANCE AUTHORIZED.—Section 2391(b) of*
 21 *title 10, United States Code, is amended—*

22 (1) *by redesignating paragraphs (5), (6), and (7)*
 23 *as paragraphs (6), (7), and (8), respectively; and*

24 (2) *by inserting after paragraph (4) the follow-*
 25 *ing new paragraph:*

1 “(5) *The Secretary of Defense may also make grants,*
2 *conclude cooperative agreements, and supplement other*
3 *Federal funds in order to assist a State or local government*
4 *in planning community adjustments and economic diver-*
5 *sification even though the State or local government is not*
6 *currently eligible for assistance under paragraph (1) if the*
7 *Secretary determines that a substantial portion of the eco-*
8 *nomie activity or population of the geographic area to be*
9 *subject to the advance planning is dependent on defense ex-*
10 *penditures.”.*

11 (b) *CONFORMING AMENDMENTS.—Paragraph (8) of*
12 *such section, as redesignated by subsection (a)(1), is amend-*
13 *ed by striking out “paragraph (6)” both places it appears*
14 *and inserting in lieu thereof “paragraph (7)”.*

15 (c) *FUNDING FOR FISCAL YEAR 1995.—Of the amount*
16 *made available under section 1121, \$5,000,000 shall be*
17 *available only to provide advance adjustment planning*
18 *under paragraph (5) of section 2391(b) of title 10, United*
19 *States Code, as added by subsection (a)(2). The funds pro-*
20 *vided to a particular State or local government under such*
21 *paragraph in fiscal year 1995 may not exceed \$1,000,000.*

1 ***Subtitle C—Personnel Adjustment,***
 2 ***Education, and Training Programs***

3 ***SEC. 1131. CONTINUATION OF TEACHER AND TEACHER'S***
 4 ***AIDE PLACEMENT PROGRAMS.***

5 *Of the amount made available pursuant to section*
 6 *1102(a), \$65,000,000 shall be available for the teacher and*
 7 *teacher's aide placement programs authorized by sections*
 8 *1151, 1598, and 2410j of title 10, United States Code.*

9 ***SEC. 1132. PROGRAMS TO PLACE SEPARATED MEMBERS***
 10 ***AND TERMINATED DEFENSE EMPLOYEES IN***
 11 ***EMPLOYMENT POSITIONS AS PUBLIC SAFETY***
 12 ***OFFICERS.***

13 *(a) SEPARATED MEMBERS.—Section 1152 of title 10,*
 14 *United States Code, is amended—*

15 *(1) in subsection (a)—*

16 *(A) by striking out “law enforcement offi-*
 17 *cers” and inserting in lieu thereof “public safety*
 18 *officers”; and*

19 *(B) by inserting “or fire departments” after*
 20 *“agencies”;*

21 *(2) in subsection (b)(1)(B), by inserting “or fire*
 22 *fighting,” after “police”;*

23 *(3) in subsection (d)(1)—*

1 (A) by striking out “law enforcement offi-
2 cers” and inserting in lieu thereof “public safety
3 officers”;

4 (B) by inserting “and fire departments”
5 after “law enforcement agencies”;

6 (C) by striking out “with these agencies”;
7 and

8 (D) by striking out “a law enforcement
9 agency” and inserting in lieu thereof “the agency
10 or department”;

11 (4) in subsection (d)(2)—

12 (A) by striking out “law enforcement offi-
13 cer” and inserting in lieu thereof “public safety
14 officer”;

15 (B) by inserting “or fire department” after
16 “law enforcement agency” the first place it ap-
17 pears; and

18 (C) by striking out “law enforcement agen-
19 cy” the second place it appears and inserting in
20 lieu thereof “agency or department”;

21 (5) in subsection (d)(4)—

22 (A) by inserting “or fire department” after
23 “law enforcement agency” the first place it ap-
24 pears; and

1 (B) by inserting “or department” after “the
2 agency”;

3 (6) in subsection (d)(5)—

4 (A) by inserting “or fire department” after
5 “law enforcement agency” the first place it ap-
6 pears; and

7 (B) by striking out “law enforcement agen-
8 cy” the second place it appears and inserting in
9 lieu thereof “agency or department”;

10 (7) in subsection (e)(1), by inserting “and fire
11 departments” after “law enforcement agencies”; and

12 (8) in subsection (f)—

13 (A) by redesignating paragraph (2) as
14 paragraph (3);

15 (B) by inserting after paragraph (1) the fol-
16 lowing new paragraph:

17 “(2) The term ‘public safety officer’ means a law
18 enforcement officer or a firefighter.”; and

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

21 “(4) The term ‘firefighter’ includes a public em-
22 ployee member of a rescue squad or ambulance crew.”.

23 (b) *TERMINATED EMPLOYEES.*—Chapter 81 of title 10,
24 United States Code, is amended by adding at the end the
25 following new section:

1 **“§ 1598a. Assistance to terminated employees to obtain**
2 **employment as public safety officers**

3 “(a) *PLACEMENT PROGRAM.*—The Secretary of De-
4 *fense may establish a program to assist eligible civilian em-*
5 *ployees of the Department of Defense after the termination*
6 *of their employment to obtain employment as public safety*
7 *officers with State and local law enforcement agencies or*
8 *fire departments.*

9 “(b) *ELIGIBLE EMPLOYEES.*—(1) A civilian employee
10 *of the Department of Defense shall be eligible for selection*
11 *by the Secretary of Defense to participate in the placement*
12 *program authorized by subsection (a) if the employee—*

13 “(A) *during the five-year period beginning Octo-*
14 *ber 1, 1994, is terminated from such employment as*
15 *a result of reductions in defense spending or the clo-*
16 *sure or realignment of a military installation, as de-*
17 *termined by the Secretary of Defense; or*

18 “(B) *has occupational training or experience re-*
19 *lated to law enforcement or fire fighting or satisfies*
20 *such other criteria for selection as the Secretary of*
21 *Defense may prescribe.*

22 “(2) *The Secretary of Defense may accept an applica-*
23 *tion from a civilian employee referred to in paragraph (1)*
24 *who was terminated during the period beginning on October*
25 *1, 1990, and ending on October 1, 1994, if the employee*

1 *otherwise satisfies the eligibility criteria specified in that*
2 *paragraph.*

3 “(c) *SELECTION OF PARTICIPANTS.*—(1) *The Secretary*
4 *of Defense shall select civilian employees to participate in*
5 *the placement program on the basis of applications submit-*
6 *ted to the Secretary not later than one year after the date*
7 *the employees receive a notice of termination. An applica-*
8 *tion shall be in such form and contain such information*
9 *as the Secretary may require.*

10 “(2) *The Secretary may not select a civilian employee*
11 *to participate in the program unless the Secretary has suffi-*
12 *cient appropriations for the placement program available*
13 *at the time of the selection to satisfy the obligations to be*
14 *incurred by the United States under the program with re-*
15 *spect to that participant.*

16 “(d) *PLACEMENT OF PARTICIPANTS AS PUBLIC SAFE-*
17 *TY OFFICERS.*—*Subsections (d), (e), and (f) of section 1152*
18 *of this title shall apply with respect to the placement pro-*
19 *gram authorized by this section.”.*

20 “(c) *CLERICAL AMENDMENTS.*—(1) *The heading of sec-*
21 *tion 1152 of title 10, United States Code, is amended to*
22 *read as follows:*

1 **“§ 1152. Assistance to separated members to obtain**
 2 **employment as public safety officers”.**

3 (2) *The table of sections at the beginning of chapter*
 4 *58 of such title is amended by striking out the item relating*
 5 *to section 1152 and inserting in lieu thereof the following*
 6 *new item:*

“1152. Assistance to separated members to obtain employment as public safety of-
ficers.”.

7 (3) *The table of sections at the beginning of chapter*
 8 *81 of such title is amended by adding at the end the follow-*
 9 *ing new item:*

“1598a. Assistance to terminated employees to obtain employment as public safety
officers.”.

10 (d) *FUNDING FOR FISCAL YEAR 1995.—Of the amount*
 11 *made available pursuant to section 1102(a), \$25,000,000*
 12 *shall be available for the public safety officer placement pro-*
 13 *grams authorized by sections 1152 and 1598a of title 10,*
 14 *United States Code.*

15 **SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEM-**
 16 **BERS AND TERMINATED DEFENSE EMPLOY-**
 17 **EES IN TEACHING POSITIONS AS BILINGUAL**
 18 **MATH AND SCIENCE TEACHERS.**

19 (a) *COOPERATIVE ARRANGEMENTS.—During fiscal*
 20 *year 1995, the Secretary of Defense shall carry out a pilot*
 21 *program to establish cooperative arrangements between the*
 22 *Department of Defense and a consortium of two or more*
 23 *entities described in subsection (b) for the purpose of assist-*

1 *ing bilingual members of the Armed Forces after their sepa-*
2 *ration from active duty, and bilingual civilian employees*
3 *of the Department of Defense after the termination of their*
4 *employment, to obtain certification and employment as bi-*
5 *lingual elementary or secondary school teachers in mathe-*
6 *matics or science.*

7 **(b) ELIGIBLE ENTITIES.**—*The entities with which the*
8 *Secretary of Defense may enter into a cooperative arrange-*
9 *ment under the pilot program are as follows:*

10 **(1)** *Local governments of States that contain*
11 *military installations and a high concentration of*
12 *residents of Hispanic descent.*

13 **(2)** *A consortium of two or more Hispanic-serv-*
14 *ing institutions of higher education (as defined in sec-*
15 *tion 316(b)(1) of the Higher Education Act of 1965*
16 *(20 U.S.C. 1059c(b)(1))) that have a solid back-*
17 *ground, expertise, and experience in operating bilin-*
18 *gual teacher training programs in mathematics and*
19 *science with an emphasis in English as a second lan-*
20 *guage.*

21 **(c) ELIGIBLE MEMBERS AND EMPLOYEES.**—*(1) A*
22 *member of the Armed Forces shall be eligible to participate*
23 *in a cooperative arrangement established under the pilot*
24 *program if the member—*

1 (A) during the seven-year period beginning on
2 October 1, 1992, is discharged or released from active
3 duty after six or more years of continuous active duty
4 immediately before the discharge or release;

5 (B) has received a baccalaureate or advanced de-
6 gree from an accredited institution of higher edu-
7 cation;

8 (C) is bilingual; and

9 (D) satisfies such other criteria for selection as
10 the Secretary of Defense may prescribe.

11 (2) A civilian employee of the Department of Defense
12 shall be eligible to participate in a cooperative arrangement
13 established under the pilot program if the employee—

14 (A) during the five-year period beginning Octo-
15 ber 1, 1992, is terminated from such employment as
16 a result of reductions in defense spending or the clo-
17 sure or realignment of a military installation, as de-
18 termined by the Secretary of Defense;

19 (B) has received a baccalaureate or advanced de-
20 gree from an accredited institution of higher edu-
21 cation;

22 (C) is bilingual; and

23 (D) satisfies such other criteria for selection as
24 the Secretary of Defense may prescribe.

1 (d) *STIPEND FOR PARTICIPANTS.*—A member of the
 2 Armed Forces or a civilian employee of the Department of
 3 Defense who participates in a cooperative arrangement es-
 4 tablished under the pilot program shall be eligible to receive
 5 an educational stipend in the same amount as provided
 6 under paragraph (1) of subsection (g) of section 1151 of
 7 title 10, United States Code, subject to the conditions speci-
 8 fied in paragraphs (2) and (3) of such subsection and sec-
 9 tion 1598(e)(2) of such title.

10 (e) *ADMINISTRATIVE COSTS.*—The Secretary of De-
 11 fense shall cover the reasonable management costs of the
 12 pilot program incurred by the non-Federal entities partici-
 13 pating in the cooperative arrangements established under
 14 the pilot program.

15 (f) *DEFINITIONS.*—For purposes of this section:

16 (1) The term “bilingual” means the ability to
 17 communicate in both the English and Spanish lan-
 18 guages.

19 (2) The term “State” includes the District of Co-
 20 lumbia, American Samoa, the Federated States of Mi-
 21 cronesia, Guam, the Republic of the Marshall Islands,
 22 the Commonwealth of the Northern Mariana Islands,
 23 the Commonwealth of Puerto Rico, Palau, and the
 24 Virgin Islands.

1 (g) *FUNDING FOR FISCAL YEAR 1995.*—Of the amount
 2 made available pursuant to section 1102(a), \$3,000,000
 3 shall be available to the Secretary of Defense to carry out
 4 this section.

5 **SEC. 1134. DEMONSTRATION PROJECT TO ASSIST SEPA-**
 6 **RATED MEMBERS AND TERMINATED DE-**
 7 **FENSE WORKERS TO BECOME BUSINESS OWN-**
 8 **ERS.**

9 (a) *BUSINESS OWNERSHIP DEMONSTRATION*
 10 *PROJECT.*—During fiscal year 1995, the Secretary of De-
 11 fense may carry out a demonstration project in not more
 12 than two eligible communities to assist separated members
 13 of the Armed Forces and terminated defense workers de-
 14 scribed in subsection (c) who reside in the community to
 15 own their own businesses. The Secretary shall carry out the
 16 demonstration project in consultation with the Secretary of
 17 Commerce.

18 (b) *ELIGIBLE COMMUNITIES.*—To be eligible for selec-
 19 tion by the Secretary of Defense as a site for the demonstra-
 20 tion project, a community shall be required to meet two of
 21 the following conditions:

22 (1) *The local economy is heavily dependent on a*
 23 *defense contractor that is in the process of terminat-*
 24 *ing a major defense contract (or having such contract*

1 *terminated by the Department of Defense) or closing*
2 *a major facility.*

3 *(2) The local economy may be adversely affected*
4 *by changes in the use of a national laboratory pre-*
5 *viously needed for the testing of nuclear weapons.*

6 *(3) The local economy would be adversely af-*
7 *ected by the closing of two or more military installa-*
8 *tions.*

9 *(c) MEMBERS AND DEFENSE WORKERS TO BE AS-*
10 *SISTED.—The purpose of the demonstration project is to as-*
11 *sist the following persons to own their own businesses:*

12 *(1) Members of the Armed Forces who are dis-*
13 *charged or released from active duty.*

14 *(2) Civilian employees of the Department of De-*
15 *fense who are terminated from such employment as a*
16 *result of reductions in defense spending or the closure*
17 *or realignment of a military installation, as deter-*
18 *mined by the Secretary of Defense.*

19 *(3) Employees of defense contractors who are ter-*
20 *minated or laid off (or receive a notice of termination*
21 *or layoff) as a result of the completion or termination*
22 *of a defense contract or program or reductions in de-*
23 *fense spending, as determined by the Secretary of De-*
24 *fense.*

1 (d) *ACTIVITIES UNDER DEMONSTRATION PROJECT.*—
 2 Under the demonstration project, the Secretary of Defense
 3 shall—

4 (1) *develop a business plan to establish a facility*
 5 *in each community in which the demonstration*
 6 *project is conducted to assist persons described in sub-*
 7 *section (c) to own their own businesses;*

8 (2) *conduct a market study to identify markets*
 9 *for the facility;*

10 (3) *develop innovative approaches to capital for-*
 11 *mation for the facility and persons described in sub-*
 12 *section (c);*

13 (4) *conduct a skills assessment study to deter-*
 14 *mine the number and type of employees needed to op-*
 15 *erate the facility; and*

16 (5) *analyze the potential to use persons described*
 17 *in subsection (c) as employees of the facility.*

18 **SEC. 1135. DEMONSTRATION PROJECT TO PROMOTE SHIP**
 19 **RECYCLING AS A METHOD TO ASSIST SEPA-**
 20 **RATED MEMBERS AND TERMINATED DE-**
 21 **FENSE WORKERS.**

22 (a) *SHIP RECYCLING DEMONSTRATION PROJECT.*—
 23 The Secretary of Defense may carry out a demonstration
 24 project in not more than three eligible locations to assist
 25 separated members of the Armed Forces and terminated de-

1 *fense workers described in subsection (c) to obtain employ-*
2 *ment by participating in the establishment and operation*
3 *of ship recycling facilities.*

4 (b) *ELIGIBLE LOCATIONS.*—A location shall be eligible
5 *for selection by the Secretary of Defense as a site for the*
6 *demonstration project if the location contains one or more*
7 *military installations that have been selected for closure or*
8 *realignment pursuant to a base closure law and such instal-*
9 *lations include naval and port facilities. Competitive proce-*
10 *dures shall be used in the selection of locations in which*
11 *to conduct the demonstration project.*

12 (c) *MEMBERS AND DEFENSE WORKERS TO BE AS-*
13 *SISTED.*—The purpose of the demonstration project is to
14 *promote the establishment and operation of ship recycling*
15 *facilities that will provide employment for the following*
16 *persons:*

17 (1) *Members of the Armed Forces who are dis-*
18 *charged or released from active duty.*

19 (2) *Civilian employees of the Department of De-*
20 *fense who are terminated from such employment as a*
21 *result of reductions in defense spending or the closure*
22 *or realignment of a military installation, as deter-*
23 *mined by the Secretary of Defense.*

24 (3) *Employees of defense contractors who are ter-*
25 *minated or laid off (or receive a notice of termination*

1 or layoff) as a result of the completion or termination
2 of a defense contract or program or reductions in de-
3 fense spending, as determined by the Secretary of De-
4 fense.

5 (d) ASSISTANCE AUTHORIZED.—To carry out the dem-
6 onstration project in an eligible location selected by the Sec-
7 retary, the Secretary may make grants to, and enter into
8 contracts and cooperative agreements with, State govern-
9 ments, local governments, private entities, nonprofit organi-
10 zations, and institutions of higher education operating in
11 that location.

12 (e) ACTIVITIES SUPPORTED.—An entity (or group of
13 such entities) receiving assistance under the demonstration
14 project shall use the assistance to perform, or support the
15 performance of, any of the following:

16 (1) Develop a business plan to establish a ship
17 recycling facility for military and commercial ships
18 currently in service and projected for future scrap-
19 ping.

20 (2) In consultation with the private sector, con-
21 duct a market study of—

22 (A) the existing private sector capacity to
23 perform ship recycling;

24 (B) the utilization of existing ship recycling
25 capacity;

1 (C) the regional impact on markets for
2 scrap generated from ship recycling;

3 (D) the environmental remediation require-
4 ments associated with ship recycling;

5 (E) the ability to incorporate the private
6 sector into the ship recycling facilities established
7 pursuant to the demonstration; and

8 (F) such other issues related to ship recy-
9 cling as the Secretary considers appropriate.

10 (3) Conduct a skills assessment study to deter-
11 mine the number and type of employees needed to op-
12 erate a ship recycling facility.

13 (4) Develop plans for the cost effective environ-
14 mental remediation of ships to be recycled at the fa-
15 cility.

16 (5) Demonstrate the feasibility of a ship recy-
17 cling facility to become financially self-sustaining or
18 project a reasonable timetable for the completion of
19 the demonstration project, in which case the entity
20 shall develop training, skills enhancement, and career
21 placement programs to assist employees involved in
22 ship recycling to secure new occupations and careers.

23 (6) Support regional ship recycling start-up ac-
24 tivities.

1 (7) *Analyze the potential to use persons described*
 2 *in subsection (c) as employees at a ship recycling fa-*
 3 *cility.*

4 (f) *TRANSFER OF EXCESS NAVAL VESSELS.—The Sec-*
 5 *retary of Defense may allocate among the ship recycling*
 6 *facilities established under the demonstration project excess*
 7 *naval vessels of the United States for recycling.*

8 (g) *FUNDING FOR FISCAL YEAR 1995.—Of the amount*
 9 *made available pursuant to section 1102(a), \$15,000,000*
 10 *shall be available to the Secretary of Defense to carry out*
 11 *the demonstration project.*

12 **SEC. 1136. ADMINISTRATION AND FUNDING OF DEFENSE**
 13 **DIVERSIFICATION PROGRAM AND DEFENSE**
 14 **CONVERSION ADJUSTMENT PROGRAM UNDER**
 15 **JOB TRAINING PARTNERSHIP ACT.**

16 (a) *DEFENSE DIVERSIFICATION PROGRAM.—Section*
 17 *325A of the Job Training Partnership Act (29 U.S.C.*
 18 *1662d-1) is amended—*

19 (1) *in subsection (a), by striking out “From the*
 20 *amount” and all that follows through “Labor,” and*
 21 *inserting in lieu thereof “From funds made available*
 22 *to carry out this section, the Secretary, in consulta-*
 23 *tion with the Secretary of Defense,”;*

1 (2) in subsections (c), (d), (e), (i), (k)(2), (l), and
 2 (m), by striking out “Secretary of Defense” each place
 3 it appears and inserting in lieu thereof “Secretary”;

4 (3) in subsection (d)(1)(A), by striking out “in
 5 consultation with the Secretary of Labor,”;

6 (4) in the heading of subsection (e), by striking
 7 out “BY SECRETARY OF DEFENSE”;

8 (5) in subsection (k)(1), by striking out “Sec-
 9 retary of Defense, in consultation with the Secretary
 10 of Labor,” and inserting in lieu thereof “Secretary, in
 11 consultation with the Secretary of Defense,”; and

12 (6) in subsection (n), by striking out “Secretary
 13 of Defense, in consultation with the Secretary of
 14 Labor,” and inserting in lieu thereof “Secretary, in
 15 consultation with the Secretary of Defense,”.

16 (b) DEFENSE CONVERSION ADJUSTMENT PROGRAM.—
 17 Section 325(a) of the Job Training Partnership Act (29
 18 U.S.C. 1662d(a)) is amended by striking out “From the
 19 amount appropriated pursuant to section 4203 of the De-
 20 fense Economic Adjustment, Diversification, Conversion,
 21 and Stabilization Act of 1990,” and inserting in lieu there-
 22 of “From funds made available to carry out this section,”.

1 **SEC. 1137. EXPANSION OF PERSONNEL ADJUSTMENT, EDU-**
 2 **CATION, AND TRAINING PROGRAMS TO IN-**
 3 **CLUDE COAST GUARD.**

4 (a) *PRESEPARATION COUNSELING.*—As soon as pos-
 5 sible after the date of the enactment of this Act, the Sec-
 6 retary of Transportation shall implement the requirements
 7 of section 1142 of title 10, United States Code, for the Coast
 8 Guard.

9 (b) *EMPLOYMENT ASSISTANCE, JOB TRAINING ASSIST-*
 10 *ANCE, AND OTHER TRANSITIONAL ASSISTANCE.*—Section
 11 1144 of title 10, United States Code, is amended—

12 (1) in subsection (a)(1)—

13 (A) by inserting “, the Secretary of Trans-
 14 portation,” after “Secretary of Defense”; and

15 (B) by striking out “of a military depart-
 16 ment” and inserting in lieu thereof “concerned”;

17 (2) in subsection (a)(2), by inserting “, the Sec-
 18 retary of Transportation,” after “Secretary of De-
 19 fense”;

20 (3) in subsection (b)(4), by striking out “Depart-
 21 ment of Defense is” and inserting in lieu thereof “De-
 22 partment of Defense and the Department of Transpor-
 23 tation are”;

24 (4) in subsection (c), by inserting “and the Sec-
 25 retary of Transportation” after “Secretary of De-
 26 fense”; and

1 (5) in subsection (d)(2), by inserting “and the
2 Department of Transportation” after “Department of
3 Defense”.

4 (c) *TEACHER AND TEACHER’S AIDE PLACEMENT PRO-*
5 *GRAM.*—Section 1151 of such title is amended—

6 (1) in subsection (a), by inserting “, and the
7 Secretary of Transportation with respect to the Coast
8 Guard,” after “Secretary of Defense”;

9 (2) in subsection (b), by inserting “and the Sec-
10 retary of Transportation” after “Secretary of De-
11 fense” in the matter preceding the paragraphs;

12 (3) in subsection (c)(1)—

13 (A) by striking out “by the Secretary of De-
14 fense” in the matter preceding the subpara-
15 graphs; and

16 (B) in subparagraph (C), by inserting “of
17 Defense, or the Secretary of Transportation with
18 respect to the Coast Guard,” after “Secretary”;

19 (4) in subsection (c)(4), by striking out “Sec-
20 retary” and inserting in lieu thereof “Secretaries”;

21 (5) in subsection (d), by inserting “and the Sec-
22 retary of Transportation” after “Secretary of De-
23 fense”;

24 (6) in subsection (e)(1)—

1 (A) by inserting “, and the Secretary of
2 Transportation with respect to the Coast
3 Guard,” after “Secretary of Defense”;

4 (B) by striking out “subsection (c)(3), the
5 Secretary” and inserting in lieu thereof “sub-
6 section (c)(4), the Secretaries”; and

7 (C) by striking out “Secretary may” and
8 inserting in lieu thereof “Secretaries may”;

9 (7) in subsection (e)(2), by striking out “Sec-
10 retary” the first two places it appears and inserting
11 in lieu thereof “Secretaries”;

12 (8) in subsection (e)(3)—

13 (A) by inserting “of Defense, and the Sec-
14 retary of Transportation with respect to the
15 Coast Guard,” after “The Secretary”; and

16 (B) by inserting “involved” after “unless
17 the Secretary”;

18 (9) in subsection (e)(4), by striking out “Sec-
19 retary” both places it appears and inserting in lieu
20 thereof “Secretaries”;

21 (10) in subsection (f)—

22 (A) by inserting “, or the Secretary of
23 Transportation with respect to the Coast
24 Guard,” after “Secretary of Defense” in the mat-
25 ter preceding the paragraphs; and

1 (B) in paragraph (1), by inserting “in-
2 volved” after “the Secretary”;

3 (11) in subsection (g)(1), by inserting “, and the
4 Secretary of Transportation with respect to the Coast
5 Guard,” after “Secretary of Defense” in the matter
6 preceding the subparagraphs;

7 (12) in subsection (h)—

8 (A) in paragraph (1), by inserting “and the
9 Secretary of Transportation” after “Secretary of
10 Defense”; and

11 (B) by inserting “involved” after “Sec-
12 retary” each place it appears in paragraphs (2)
13 through (6);

14 (13) in subsection (h)(7)—

15 (A) in subparagraph (A)—

16 (i) by inserting “of Defense, and the
17 Secretary of Transportation with respect to
18 the Coast Guard,” after “the Secretary” in
19 the first sentence; and

20 (ii) by inserting “involved” after “The
21 Secretary” in the second sentence; and

22 (B) in subparagraph (C), by inserting “in-
23 volved” after “The Secretary”;

24 (14) in subsection (i)—

1 (A) in paragraph (1), by inserting “, or the
2 Secretary of Transportation with respect to the
3 Coast Guard,” after “Secretary of Defense”; and

4 (B) in paragraph (2), by striking out “Sec-
5 retary” both places it appears and inserting in
6 lieu thereof “Secretaries”; and

7 (15) in subsection (j)—

8 (A) in paragraph (1)(F), by inserting “, or
9 the Secretary of Transportation with respect to
10 the Coast Guard” after “Secretary of Defense”;
11 and

12 (B) in paragraph (2), by inserting “in-
13 volved” after “Secretary” both places it appears.

14 (d) *PUBLIC SAFETY OFFICER PLACEMENT PRO-*
15 *GRAM.*—Section 1152 of such title, as amended by section
16 1132(a), is further amended—

17 (1) in subsection (a), by inserting “, and the
18 Secretary of Transportation with respect to the Coast
19 Guard,” after “Secretary of Defense”;

20 (2) in subsection (b)(1)(B), by inserting “, or the
21 Secretary of Transportation with respect to the Coast
22 Guard,” after “Secretary of Defense”;

23 (3) in subsection (c)(1)—

1 (A) by inserting “, and the Secretary of
2 Transportation with respect to the Coast
3 Guard,” after “Secretary of Defense”;

4 (B) by striking out “to the Secretary” and
5 inserting in lieu thereof “to the Secretaries”; and

6 (C) by striking out “Secretary may” and
7 inserting in lieu thereof “Secretaries may”;

8 (4) in subsection (c)(2)—

9 (A) by inserting “of Defense, and the Sec-
10 retary of Transportation with respect to the
11 Coast Guard,” after “The Secretary”; and

12 (B) by inserting “involved” after “unless
13 the Secretary”;

14 (5) in subsection (d)—

15 (A) in paragraph (1) by inserting “and the
16 Secretary of Transportation” after “Secretary of
17 Defense”; and

18 (B) by inserting “involved” after “Sec-
19 retary” each place it appears in paragraphs (2)
20 through (5); and

21 (6) in subsection (e)—

22 (A) in paragraph (1), by inserting “, and
23 the Secretary of Transportation with respect to
24 the Coast Guard,” after “the Secretary of De-
25 fense”; and

1 (B) in paragraph (2), by inserting “in-
2 volved” after “The Secretary”.

3 (e) *HEALTH CARE PLACEMENT PROGRAM*.—Section
4 1153 of such title is amended—

5 (1) in subsection (a), by inserting “, and the
6 Secretary of Transportation with respect to the Coast
7 Guard,” after “Secretary of Defense”;

8 (2) in subsection (b)(1)—

9 (A) by striking out “by the Secretary of De-
10 fense” in the matter preceding the subpara-
11 graphs; and

12 (B) in subparagraph (C), by inserting “of
13 Defense, or the Secretary of Transportation with
14 respect to the Coast Guard,” after “Secretary”;

15 (3) in subsection (c)(1)—

16 (A) by inserting “, and the Secretary of
17 Transportation with respect to the Coast
18 Guard,” after “Secretary of Defense”;

19 (B) by striking out “to the Secretary” and
20 inserting in lieu thereof “to the Secretaries”; and

21 (C) by striking out “Secretary may” and
22 inserting in lieu thereof “Secretaries may”;

23 (4) in subsection (c)(2)—

1 (A) by inserting “of Defense, and the Sec-
 2 retary of Transportation with respect to the
 3 Coast Guard,” after “The Secretary”; and

4 (B) by inserting “involved” after “unless
 5 the Secretary”;

6 (5) in subsection (c)(3), by striking out “Sec-
 7 retary” both places it appears and inserting in lieu
 8 thereof “Secretaries”;

9 (6) in subsection (d)—

10 (A) in paragraph (1) by inserting “and the
 11 Secretary of Transportation” after “Secretary of
 12 Defense”; and

13 (B) by inserting “involved” after “Sec-
 14 retary” each place it appears in paragraphs (2)
 15 through (5); and

16 (7) in subsection (e)—

17 (A) in paragraph (1), by inserting “, and
 18 the Secretary of Transportation with respect to
 19 the Coast Guard,” after “the Secretary of De-
 20 fense”; and

21 (B) in paragraph (2), by inserting “in-
 22 volved” after “The Secretary”.

23 (f) UPWARD BOUND.—Section 4466 of the Defense
 24 Conversion, Reinvestment, and Transition Assistance Act
 25 of 1992 (division D of Public Law 102–484; 10 U.S.C. 1143

1 *note) is amended by adding at the end the following new*
 2 *subsection:*

3 “(h) *APPLICATION TO COAST GUARD.*—*The Secretary*
 4 *of Transportation may implement the provisions of this sec-*
 5 *tion for the Coast Guard in the same manner and to the*
 6 *same extent as such section applies to the Department of*
 7 *Defense.”.*

8 (g) *SERVICE MEMBERS OCCUPATIONAL CONVERSION*
 9 *AND TRAINING.*—(1) *Section 4483(1) of the Service Mem-*
 10 *bers Occupational Conversion and Training Act of 1992*
 11 *(subtitle G of title XLIV of Public Law 102–484; 10 U.S.C.*
 12 *1143 note) is amended by inserting before the period the*
 13 *following: “and the Secretary of Transportation with re-*
 14 *spect to the Coast Guard”.*

15 (2) *As soon as possible after the date of the enactment*
 16 *of this Act, the Secretary of Transportation shall implement*
 17 *the requirements of the Service Members Occupational Con-*
 18 *version and Training Act of 1992 (subtitle G of title XLIV*
 19 *of Public Law 102–484; 10 U.S.C. 1143 note) for the Coast*
 20 *Guard.*

21 (h) *LIMITATIONS ON FUNDING.*—*Funds appropriated*
 22 *or otherwise made available to the Department of Defense,*
 23 *the Department of Education, the Department of Labor, or*
 24 *the Department of Veterans Affairs may not be used to*

1 *carry out subsection (a) or the amendments made by this*
2 *section.*

3 **SEC. 1138. ASSISTANCE FOR CERTAIN WORKERS DIS-**
4 **LOCATED DUE TO REDUCTIONS BY THE UNIT-**
5 **ED STATES IN THE EXPORT OF DEFENSE AR-**
6 **TICLES AND SERVICES.**

7 *(a) ASSISTANCE UNDER THE DEFENSE CONVERSION*
8 *ADJUSTMENT PROGRAM.—Section 325 of the Job Training*
9 *Partnership Act (29 U.S.C. 1662d) is amended—*

10 *(1) in subsection (a), by striking out “or by clo-*
11 *sures of United States military facilities” each place*
12 *it appears and inserting in lieu thereof “; by closures*
13 *of United States military facilities, or by reductions*
14 *in the export of defense articles and defense services*
15 *as a result of United States policy, including reduc-*
16 *tions in the amount of defense articles and defense*
17 *services under agreements to provide such articles or*
18 *services or through termination or completion of any*
19 *such agreements”;*

20 *(2) in subsection (d), by striking out “or by the*
21 *closure of United States military installations” and*
22 *inserting in lieu thereof “; by closures of United*
23 *States military facilities, or by reductions in the ex-*
24 *port of defense articles and defense services as a result*
25 *of United States policy, including reductions in the*

1 *amount of defense articles and defense services under*
2 *agreements to provide such articles or services or*
3 *through termination or completion of any such agree-*
4 *ments”; and*

5 *(3) by adding at the end the following new sub-*
6 *section:*

7 “(f) *DEFINITION.—For purposes of this section, the*
8 *term ‘defense articles and defense services’ means defense*
9 *articles, defense services, or design and construction services*
10 *under the Arms Export Control Act, including defense arti-*
11 *cles and defense services licensed or approved for export*
12 *under section 38 of that Act.’.”*

13 (b) *ASSISTANCE UNDER THE DEFENSE DIVERSIFICA-*
14 *TION PROGRAM.—Section 325A of the Job Training Part-*
15 *nership Act (29 U.S.C. 1662d–1) is amended—*

16 *(1) in subsection (b)(3)(A), by striking out “or*
17 *the closure or realignment of a military installation”*
18 *and inserting in lieu thereof “; the closure or realign-*
19 *ment of a military installation, or reductions in the*
20 *export of defense articles and defense services as a re-*
21 *sult of United States policy, including reductions in*
22 *the amount of defense articles and defense services*
23 *under agreements to provide such articles or services*
24 *or through termination or completion of any such*
25 *agreements”;*

1 (2) in subsection (k)(1), by striking out “or by
 2 the closure of United States military installations”
 3 and inserting in lieu thereof “, the closure of United
 4 States military installations, or reductions in the ex-
 5 port of defense articles and defense services as a result
 6 of United States policy, including reductions in the
 7 amount of defense articles and defense services under
 8 agreements to provide such articles or services or
 9 through termination or completion of any such agree-
 10 ments”; and

11 (3) in subsection (o), by adding at the end the
 12 following new paragraph:

13 “(3) *DEFENSE ARTICLES AND DEFENSE SERV-*
 14 *ICES.—The term ‘defense articles and defense services’*
 15 *means defense articles, defense services, or design and*
 16 *construction services under the Arms Export Control*
 17 *Act, including defense articles and defense services li-*
 18 *censed or approved for export under section 38 of that*
 19 *Act.’”.*

20 ***Subtitle D—ARMS Initiative***

21 ***SEC. 1141. EXTENSION OF ARMAMENT RETOOLING AND*** 22 ***MANUFACTURING SUPPORT INITIATIVE.***

23 Section 193(a) of the Armament Retooling and Manu-
 24 facturing Support Act of 1992 (subtitle H of title I of Public
 25 Law 102–484; 10 U.S.C. 2501 note) is amended by striking

1 out “fiscal years 1993 and 1994” and inserting in lieu
 2 thereof “fiscal years 1993 through 1995”.

3 **SEC. 1142. LOAN GUARANTEES UNDER ARMAMENT RETOOL-**
 4 **ING AND MANUFACTURING SUPPORT INITIA-**
 5 **TIVE.**

6 Section 193 of the Armament Retooling and Manufac-
 7 turing Support Act of 1992 (subtitle H of title I of Public
 8 Law 102–484; 10 U.S.C. 2501 note) is amended by adding
 9 at the end the following new subsection:

10 “(d) *LOAN GUARANTEES TO SUPPORT ARMS INITIA-*
 11 *TIVE.*—(1) Subject to the availability of appropriations for
 12 this purpose, the Secretary of the Army may support the
 13 purposes of the ARMS Initiative by conducting a program
 14 to issue guarantees during fiscal year 1995 against the risk
 15 of nonpayment arising out of loans provided to businesses
 16 establishing commercial activities on inactive and active
 17 ammunition manufacturing facilities of the Department of
 18 the Army. During fiscal year 1995, the subsidy cost of loan
 19 guarantees issued under the loan guarantee program may
 20 not exceed \$43,000,000.

21 “(2) Applications for guarantees under the loan guar-
 22 antee program shall be submitted to the Secretary of the
 23 Army. The maximum amount of loan principal that the
 24 Secretary may guarantee under loan guarantee program
 25 with respect to any loan may not exceed \$20,000,000. Any

1 *such loan shall provide for repayment over a period not*
 2 *to exceed 10 years.*

3 “(3) *The Secretary of the Army may enter into a coop-*
 4 *erative agreement with an appropriate Federal agency,*
 5 *under which such agency will process applications submit-*
 6 *ted under paragraph (2) and otherwise operate the loan*
 7 *guarantee program on behalf of the Secretary of the Army.*
 8 *From funds made available for the loan guarantee program,*
 9 *the Secretary of the Army may transfer to such agency pur-*
 10 *suant to the agreement such sums as may be necessary for*
 11 *such agency to carry out its activities under the loan guar-*
 12 *antee program.”.*

13 ***Subtitle E—Other Matters***

14 ***SEC. 1151. CHANGES IN NOTICE REQUIREMENTS UPON*** 15 ***PENDING OR ACTUAL TERMINATION OF DE-*** 16 ***FENSE PROGRAMS.***

17 (a) *TIME FOR NOTICE REQUIREMENT AFTER SUBMIS-*
 18 *SION OF BUDGET.*—Subsection (a) of section 4471 of the
 19 *Defense Conversion, Reinvestment, and Transition Assist-*
 20 *ance Act of 1992 (division D of Public Law 102–484; 106*
 21 *Stat. 2753; 10 U.S.C. 2501 note) is amended—*

22 (1) *by striking out “As soon as reasonably prac-*
 23 *ticable” and inserting in lieu thereof “Not later than*
 24 *30 days”; and*

1 (2) by striking out “and not more than 180 days
2 after such date,”.

3 (b) *TIME FOR NOTICE REQUIREMENT AFTER ENACT-*
4 *MENT OF APPROPRIATIONS ACT.*—Subsection (b) of such
5 section is amended—

6 (1) by striking out “as soon as reasonably prac-
7 ticable” and inserting in lieu thereof “not later than
8 30 days”; and

9 (2) by striking out “and not more than 180 days
10 after such date,”.

11 (c) *TIME FOR NOTICE REQUIREMENT ON WITH-*
12 *DRAWAL OF NOTIFICATION.*—Subsection (f) of such section
13 is amended—

14 (1) by striking out “as soon as reasonably prac-
15 ticable” and inserting in lieu thereof “not later than
16 30 days”; and

17 (2) by striking out “and not more than 45 days
18 after such date,”.

19 **SEC. 1152. PLAN FOR DEPLOYMENT OF DEFENSE ENVIRON-**
20 **MENTAL TECHNOLOGIES FOR DREDGING OF**
21 **DUAL-USE PORTS.**

22 (a) *ESTABLISHMENT.*—The Secretary of Defense shall
23 establish a plan for the Department of Defense to encourage
24 the further development and deployment of existing defense

1 *environmental technologies in support of the dredging re-*
2 *quirements of dual-use ports, including—*

- 3 (1) *the environmentally secure containment and*
4 *management of contaminated dredged materials; and*
5 (2) *the decontamination of dredged materials.*

6 (b) *MATTERS TO BE INCLUDED.—The plan to be es-*
7 *tablished pursuant to subsection (a) shall include the follow-*
8 *ing:*

- 9 (1) *A description of defense reinvestment and de-*
10 *fense conversion programs under chapter 148 of title*
11 *10, United States Code, that are available to facilitate*
12 *the deployment of defense environmental technologies*
13 *in support of the dredging requirements of dual-use*
14 *ports.*

- 15 (2) *A description of existing defense environ-*
16 *mental technologies and processes that are available*
17 *to support the objectives of the plan to be established*
18 *pursuant to subsection (a).*

- 19 (3) *Recommendations for strategies to deploy*
20 *such technologies and processes to ports of various*
21 *sizes, including—*

- 22 (A) *ports with projects requiring more than*
23 *5,000,000 cubic yards of sediment to be dredged*
24 *annually;*

1 (B) ports with projects requiring more than
2 1,000,000 cubic yards of sediment to be dredged
3 annually;

4 (C) ports that have been affected by, or are
5 likely to be affected by, the closure of one or more
6 major military installations and that, as a re-
7 sult thereof, require substantial environmental
8 remediation; and

9 (D) military port installations that have ex-
10 perienced significant delays in advancing dredg-
11 ing projects because of environmental compliance
12 or dredged material disposal problems.

13 (4) After consultation with the heads of other ap-
14 propriate Federal agencies, an assessment of other
15 available technologies and processes that may be used
16 in support of the plan to be established pursuant to
17 subsection (a).

18 (5) An assessment of the potential benefits and
19 methods of transfer of technologies and processes for
20 use in connection with dredging processes in commer-
21 cial ports and waterways.

22 (c) REPORT.—Not later than 180 days after the date
23 of the enactment of this Act, the Secretary of Defense shall
24 transmit to Congress a report containing the plan to be es-
25 tablished pursuant to subsection (a).

1 **SEC. 1153. PILOT PROGRAM TO DEVELOP AND DEM-**
2 **ONSTRATE ENVIRONMENTAL REMEDIATION**
3 **TECHNOLOGIES.**

4 (a) COOPERATIVE AGREEMENT FOR PILOT PRO-
5 GRAM.—(1) The Secretary of Defense may enter into a coop-
6 erative agreement with an institution of higher education
7 for the purpose of facilitating the development and dem-
8 onstration of new methods and technologies for more effec-
9 tive and expedient environmental remediation at military
10 installations by engaging in a pilot demonstration project
11 as provided in subsection (b).

12 (2) If the Secretary enters into a cooperative agreement
13 under paragraph (1), the agreement shall authorize the in-
14 stitution of higher education to enter into partnerships or
15 other relationships with private and public entities for pur-
16 poses of conducting activities under the cooperative agree-
17 ment.

18 (b) PILOT PROJECT AT DEFENSE LANDFILL.—(1) If
19 the Secretary enters into a cooperative agreement under
20 subsection (a)(1), the agreement shall authorize the institu-
21 tion of higher education to participate in a cooperative
22 pilot demonstration project at a Government landfill de-
23 scribed in paragraph (2) if such demonstration project can
24 be carried out in a manner that is consistent with all other
25 actions at such landfill that the Secretary is legally required
26 to undertake. The institution of higher education may en-

1 *gage in such project on a long-term basis to address the*
2 *broader issues of environmental remediation and conversion*
3 *of facilities of the Department of Defense.*

4 *(2) The Government landfill referred to in paragraph*
5 *(1) is a Government landfill that—*

6 *(A) is listed on the National Priorities List pur-*
7 *suant to section 105(a)(8)(B) of the Comprehensive*
8 *Environmental Response, Compensation, and Liabil-*
9 *ity Act of 1980 (42 U.S.C. 9605(a)(8)(B)); and*

10 *(B) is located on a military installation to be*
11 *closed pursuant to a base closure law.*

12 *(c) FUNDING.—(1) There is authorized to be appro-*
13 *priated to the Secretary of Defense for fiscal year 1995*
14 *\$4,000,000 for the establishment of the cooperative agree-*
15 *ment and the activities necessary to conduct the pilot*
16 *project.*

17 *(2) The amount authorized in section 201 for the joint*
18 *Department of Defense and Department of Energy muni-*
19 *tions technology development program for fiscal year 1995*
20 *is hereby reduced by \$4,000,000.*

1 **TITLE** **XII—COOPERATIVE**
 2 **THREAT** **REDUCTION,**
 3 **COUNTERPROLIFERATION,**
 4 **AND RELATED MATTERS**
 5 **Subtitle A—Cooperative Threat**
 6 **Reduction**

7 **SEC. 1201. REPORT ON ACCOUNTING FOR UNITED STATES**
 8 **ASSISTANCE.**

9 (a) *REQUIRED REPORT.*—Of the amount authorized to
 10 be appropriated in section 301 for Cooperative Threat Re-
 11 duction programs, not more than 10 percent may be obli-
 12 gated until the Secretary of Defense submits to Congress a
 13 report on the efforts made by the United States Government
 14 (including the use of audits, examinations, and on-site in-
 15 spections) to ensure that United States assistance provided
 16 under the Cooperative Threat Reduction program in fiscal
 17 year 1994 and prior years is fully accounted for and is
 18 being used for its intended purposes.

19 (b) *INFORMATION TO BE INCLUDED.*—The report—

20 (1) shall include—

21 (A) a listing of United States Cooperative
 22 Threat Reduction assistance provided as of the
 23 time the report is submitted;

24 (B) a description of the whereabouts and
 25 conditions of the aid; and

1 (C) a determination of whether the aid in
 2 question has been used for its intended purpose;
 3 and

4 (2) shall describe the activities planned in fiscal
 5 year 1995 to ensure that United States assistance
 6 provided that fiscal year is fully accounted for and is
 7 used for its intended purpose.

8 (c) COMPTROLLER GENERAL ASSESSMENT.—Not later
 9 than 30 days after the date on which the report described
 10 in subsection (a) is submitted to Congress, the Comptroller
 11 General of the United States shall submit to Congress a re-
 12 port giving the Comptroller General's assessing the Sec-
 13 retary's report and making any recommendations the
 14 Comptroller General considers appropriate.

15 **SEC. 1202. REPORT ON CONTROL AND ACCOUNTABILITY OF**
 16 **MATERIAL RELATING TO WEAPONS OF MASS**
 17 **DESTRUCTION.**

18 The Secretary of Defense shall submit to Congress a
 19 report on progress being made in each state of the former
 20 Soviet Union that is a recipient of assistance under Cooper-
 21 ative Threat Reduction programs toward the development
 22 of an effective system of control and accountability for ma-
 23 terial related to weapons of mass destruction in that coun-
 24 try. Under such a system, officials of the United States and
 25 of the recipient country should have an accurate accounting

1 *of the weapons of mass destruction in that country and the*
2 *fissile and chemical materials from those weapons. The re-*
3 *port shall be submitted not later than three months after*
4 *the date of the enactment of this Act.*

5 **SEC. 1203. COOPERATIVE THREAT REDUCTION.**

6 (a) *FUNDING REPORT TO CONGRESS.*—The Secretary
7 of Defense shall submit to Congress a report as described
8 in subsection (b) on funding for programs of cooperative
9 threat reduction with states of the former Soviet Union. The
10 report shall be submitted at the time of the transmission
11 to Congress of the budget justification materials for the
12 funding request in the fiscal year 1996 budget for such coop-
13 erative threat reduction programs.

14 (b) *MATTERS TO BE INCLUDED IN ANNUAL RE-*
15 *PORT.*—The Secretary of Defense shall include in the report
16 under subsection (a) the following:

17 (1) *An estimate of the total amount that will be*
18 *required to be expended by the United States in order*
19 *to achieve the objectives of cooperative threat reduc-*
20 *tion programs.*

21 (2) *A multiyear plan for the use of amounts and*
22 *other resources provided by the United States for co-*
23 *operative threat reduction programs and to provide*
24 *guidance for preparation of annual budget submis-*
25 *sions.*

1 (c) *SUBSEQUENT REVISIONS TO REPORT.*—The Sec-
 2 retary of Defense shall submit an updated version of the
 3 report under subsection (a) for any fiscal year after fiscal
 4 year 1996 for which the budget of the President proposes
 5 that funds be appropriated to the Department of Defense
 6 for cooperative threat reduction programs.

7 (d) *FISCAL YEAR 1995 LIMITATION.*—Of the amount
 8 authorized in this Act for cooperative threat reduction pro-
 9 grams, the sum of \$50,000,000 may not be obligated until
 10 the President certifies to Congress that the United States
 11 is making a concerted effort to ensure that allies of the Unit-
 12 ed States are increasing their levels of support for activities
 13 that will aid in accomplishing the objectives of the coopera-
 14 tive threat reduction programs.

15 (e) *COOPERATIVE THREAT REDUCTION PROGRAMS.*—
 16 For purposes of this section, cooperative threat reduction
 17 programs are those programs described in section 1203(b)
 18 of the National Defense Authorization Act for Fiscal Year
 19 1994 (Public Law 103–160; 107 Stat. 1778).

20 **SEC. 1204. LIMITATIONS ON COOPERATIVE THREAT REDUC-**
 21 **TION PROGRAM.**

22 Of the amount authorized to be appropriated in section
 23 301(21) for Former Soviet Union Threat Reduction pro-
 24 grams—

1 (1) *none of such amounts may be obligated for*
 2 *environmental restoration or for housing of former or*
 3 *retired military personnel of the Soviet Union;*

4 (2) *not more than \$60,000,000 may be obligated*
 5 *for the demilitarization of defense industries and the*
 6 *conversion of military technologies and capabilities*
 7 *into civilian activities;*

8 (3) *not more than \$200,000,000 may be obligated*
 9 *for Weapons Dismantlement, Destruction, and*
 10 *Denuclearization;*

11 (4) *not more than \$60,000,000 may be obligated*
 12 *for Safety and Security, Transportation, and Storage;*

13 (5) *not more than \$40,000,000 may be obligated*
 14 *for Nonproliferation;*

15 (6) *not more than \$20,000,000 may be obligated*
 16 *for Defense and Military-to-Military Contacts; and*

17 (7) *not more than \$20,000,000 may be obligated*
 18 *for Research, Support, and Overhead.*

19 ***Subtitle B—Counterproliferation***
 20 ***Activities***

21 ***SEC. 1211. EXTENSION AND REVISION OF COUNTER-***
 22 ***PROLIFERATION AUTHORITIES.***

23 (a) *EXTENSION OF INTERNATIONAL NONPROLIFERA-*
 24 *TION AUTHORITIES.—Section 1505 of the National Defense*

1 *Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a)*

2 *is amended—*

3 *(1) in subsection (a), by striking out “during fis-*
4 *cal year 1994”; and*

5 *(2) in subsection (e), by striking out “of fiscal*
6 *year 1994” and inserting in lieu thereof “of a fiscal*
7 *year”.*

8 *(b) ADDITIONAL NONPROLIFERATION AUTHORITIES.—*
9 *Subsection (b) of such section is amended—*

10 *(1) in paragraph (1)—*

11 *(A) by striking out “the International*
12 *Atomic Energy Agency (IAEA)” and inserting*
13 *in lieu thereof “international organizations”;*

14 *(B) by striking out “nuclear”;*

15 *(C) by striking out “aggressive” and insert-*
16 *ing in lieu thereof “effective”; and*

17 *(D) by striking out “the Treaty on” and all*
18 *that follows in such paragraph and inserting in*
19 *lieu thereof “international agreements on non-*
20 *proliferation.”;*

21 *(2) in paragraph (2), by striking out “the On-*
22 *Site Inspection Agency” and inserting in lieu thereof*
23 *“the Department of Defense”;*

24 *(3) in paragraph (4), by striking out “nuclear*
25 *proliferation” and all that follows in such paragraph*

1 and inserting in lieu thereof “proliferation of nuclear,
2 biological, and chemical weapons, their delivery sys-
3 tems, related technologies, and other weapons.”; and

4 (4) by adding at the end the following new para-
5 graph:

6 “(5) Activities supporting the dismantlement
7 and destruction of nuclear, biological, and chemical
8 weapons, their delivery systems, related technologies,
9 and other weapons.”.

10 (c) *REPEAL OF FUNDING LIMITATIONS.*—Subsection
11 (d) of such section is amended—

12 (1) by striking out paragraphs (1) and (3); and

13 (2) by striking out “(2)”.

14 (d) *CROSS REFERENCE AMENDMENT.*—Subsection
15 (e)(2) of such section is amended by striking out “and under
16 subsection (d)(4)”.

17 **SEC. 1212. STUDIES RELATING TO UNITED STATES**
18 **COUNTERPROLIFERATION POLICY.**

19 (a) *EXTENSION OF AUTHORITY.*—Subsection (a) of sec-
20 tion 1603 of the National Defense Authorization Act for Fis-
21 cal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843) is amend-
22 ed by striking out “During fiscal year 1994, the Secretary”
23 and inserting in lieu thereof “The Secretary”;

24 (b) *REPEAL OF REPORTING REQUIREMENT.*—Such
25 section is further amended—

- 1 (1) by striking out subsections (d) and (e); and
2 (2) by redesignating subsection (f) as subsection
3 (d).

4 **SEC. 1213. FISCAL YEAR 1995 AMOUNT.**

5 (a) *FISCAL YEAR 1995 AMOUNT.*—Of the total amount
6 authorized to be appropriated in section 301 for Defense-
7 wide activities, \$30,159,000 is available for the purposes
8 of conducting counterproliferation activities.

9 (b) *RESTRICTION.*—None of the amount specified in
10 subsection (a) may be obligated until 15 days after the date
11 on which the Secretary of Defense submits to the congres-
12 sional committees named in section 1607(1) of Public Law
13 103–160 a report setting forth—

14 (1) a description of all of the activities within
15 the Department of Defense that are being carried out
16 or are to be carried out for the purposes stated in sec-
17 tion 1603 of the National Defense Authorization Act
18 for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat.
19 1843);

20 (2) the plan for coordinating and integrating
21 those activities within the Department of Defense;

22 (3) the plan for coordinating and integrating
23 those activities with those of other Federal agencies;
24 and

1 (4) *the sources of the funds to be used for such*
 2 *purposes.*

3 **SEC. 1214. LIMITATION ON FUNDS FOR STUDIES PENDING**
 4 **RECEIPT OF PREVIOUSLY REQUIRED REPORT.**

5 (a) *LIMITATION.*—*Of the total amount specified in sec-*
 6 *tion 1213(a) for counterproliferation activities for fiscal*
 7 *year 1995, \$2,000,000 shall be withheld from obligation*
 8 *until the report described in subsection (b) has been submit-*
 9 *ted to Congress.*

10 (b) *REPORT.*—*The report referred to in subsection (a)*
 11 *is the report required to be submitted to Congress not later*
 12 *than May 30, 1994, pursuant to section 1422 of the Na-*
 13 *tional Defense Authorization Act for Fiscal Year 1994 (Pub-*
 14 *lic Law 103–160; 107 Stat. 1829).*

15 **TITLE XIII—RESERVE OFFICER**
 16 **PERSONNEL MANAGEMENT**
 17 **ACT (ROPMA)**

18 **SEC. 1301. SHORT TITLE.**

19 *This title may be cited as the “Reserve Officer Person-*
 20 *nel Management Act”.*

21 **SEC. 1302. REFERENCES TO TITLE 10, UNITED STATES**
 22 **CODE.**

23 *Except as otherwise expressly provided, whenever in*
 24 *this title an amendment or repeal is expressed in terms of*
 25 *an amendment to, or repeal of, a section or other provision,*

1 *the reference shall be considered to be made to a section or*
 2 *other provision of title 10, United States Code.*

3 ***Subtitle A—Reserve Officer***
 4 ***Personnel Management***

5 ***PART I—REVISED AND STANDARDIZED RESERVE***
 6 ***OFFICER PERSONNEL SYSTEM***

7 ***SEC. 1311. PROMOTION AND RETENTION OF RESERVE OFFI-***
 8 ***CERS.***

9 *Title 10, United States Code, is amended by adding*
 10 *at the end the following new subtitle:*

11 ***“Subtitle E—Reserve Components***

“PART I—ORGANIZATION AND ADMINISTRATION

<i>“Chap.</i>	<i>Sec.</i>
<i>“1001. Definitions</i>	<i>10001</i>
<i>“1003. Reserve Components Generally</i>	<i>10101</i>
<i>“1005. Elements of Reserve Components</i>	<i>10141</i>
<i>“1007. Administration of Reserve Components</i>	<i>10201</i>
<i>“1009. Reserve Forces Policy Boards and Committees</i>	<i>10301</i>
<i>“1011. National Guard Bureau</i>	<i>10501</i>
<i>“1013. Budget Information and Annual Reports to Congress</i>	<i>10541</i>

“PART II—PERSONNEL GENERALLY

<i>“1201. Authorized Strengths and Distribution in Grade</i>	<i>12001</i>
<i>“1203. Enlisted Members</i>	<i>12101</i>
<i>“1205. Appointment of Reserve Officers</i>	<i>12201</i>
<i>“1207. Warrant Officers</i>	<i>12241</i>
<i>“1209. Active Duty</i>	<i>12301</i>
<i>“1211. National Guard Members in Federal Service</i>	<i>12401</i>
<i>“1213. Special Appointments, Assignments, Details, and Duties</i>	<i>12501</i>
<i>“1215. Miscellaneous Prohibitions and Penalties [No present sections]</i>	
<i>“1217. Miscellaneous Rights and Benefits</i>	<i>12601</i>
<i>“1219. Standards and Procedures for Retention and Promotion</i>	<i>12641</i>
<i>“1221. Separation</i>	<i>12681</i>
<i>“1223. Retired Pay for Non-Regular Service</i>	<i>12731</i>
<i>“1225. Retired Grade</i>	<i>12771</i>

“PART III—PROMOTION AND RETENTION OF OFFICERS ON THE
 RESERVE ACTIVE-STATUS LIST

<i>“1401. Applicability and Reserve Active-Status Lists</i>	<i>14001</i>
<i>“1403. Selection Boards</i>	<i>14101</i>

"1405. Promotions	14301
"1407. Failure of Selection for Promotion and Involuntary Separation	14501
"1409. Continuation of Officers on the Reserve-Active Status List and Selective Early Removal	14701
"1411. Additional Provisions Relating to Involuntary Separation	14901

*"PART IV—TRAINING FOR RESERVE COMPONENTS AND
EDUCATIONAL ASSISTANCE PROGRAMS*

"1601. Training Generally	[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"PART V—SERVICE, SUPPLY, AND PROCUREMENT

"1801. Issue of Serviceable Material to Reserve Components	[No present sections]
"1803. Facilities for Reserve Components	18231
"1805. Miscellaneous Provisions	18501

1 "PART III—PROMOTION AND RETENTION OF

2 OFFICERS ON THE RESERVE ACTIVE-STATUS LIST

"Chap.	Sec.
"1401. Applicability and Reserve Active-Status Lists	14001
"1403. Selection Boards	14101
"1405. Promotions	14301
"1407. Failure of Selection for Promotion and Involuntary Separation	14501
"1409. Continuation of Officers on the Reserve Active-Status List and Se- lective Early Removal	14701
"1411. Additional Provisions Relating to Involuntary Separation	14901

3 "CHAPTER 1401—APPLICABILITY AND RESERVE

4 ACTIVE-STATUS LISTS

"Sec.
"14001. Applicability of this part.
"14002. Reserve active-status lists: requirement for each armed force.
"14003. Reserve active-status lists: position of officers on the list.
"14004. Reserve active-status lists: eligibility for Reserve promotion.
"14005. Competitive categories.
"14006. Determination of years in grade.

5 "§ 14001. Applicability of this part

6 "This chapter and chapters 1403 through 1411 of this
7 title apply, as appropriate, to all reserve officers of the

1 Army, Navy, Air Force, and Marine Corps except warrant
2 officers.

3 **“§ 14002. Reserve active-status lists: requirement for**
4 **each armed force**

5 “(a) The Secretary of each military department shall
6 maintain a single list, to be known as the reserve active-
7 status list, for each armed force under the Secretary’s juris-
8 diction. That list shall include the names of all reserve offi-
9 cers of that armed force who are in an active status other
10 than those on an active-duty list described in section 620
11 of this title or warrant officers (including commissioned
12 warrant officers).

13 “(b) The reserve active-status list for the Army shall
14 include officers in the Army Reserve and the Army National
15 Guard of the United States. The reserve active-status list
16 for the Air Force shall include officers in the Air Force Re-
17 serve and the Air National Guard of the United States. The
18 Secretary of the Navy shall maintain separate lists for the
19 Naval Reserve and the Marine Corps Reserve.

20 **“§ 14003. Reserve active-status: position of officers on**
21 **the list**

22 “(a) POSITION ON LIST.—Officers shall be carried on
23 the reserve active-status list of the armed force of which they
24 are members in the order of seniority of the grade in which
25 they are serving in an active status. Officers serving in the

1 *same grade shall be carried in the order of their rank in*
 2 *that grade.*

3 “(b) *EFFECT ON POSITION HELD BY REASON OF TEM-*
 4 *PORARY APPOINTMENT OR ASSIGNMENT.*—An officer whose
 5 *position on the reserve active-status list results from service*
 6 *under a temporary appointment or in a grade held by rea-*
 7 *son of assignment to a position has, when that appointment*
 8 *or assignment ends, the grade and position on that list that*
 9 *the officer would have held if the officer had not received*
 10 *that appointment or assignment.*

11 **“§ 14004. Reserve active-status lists: eligibility for**
 12 **Reserve promotion**

13 “Except as otherwise provided by law, an officer must
 14 *be on a reserve active-status list to be eligible under chapter*
 15 *1405 of this title for consideration for selection for pro-*
 16 *motion or for promotion.*

17 **“§ 14005. Competitive categories**

18 “Each officer whose name appears on a reserve active-
 19 *status list shall be placed in a competitive category. The*
 20 *competitive categories for each armed force shall be specified*
 21 *by the Secretary of the military department concerned*
 22 *under regulations prescribed by the Secretary of Defense.*
 23 *Officers in the same competitive category shall compete*
 24 *among themselves for promotion.*

1 **“§ 14006. Determination of years in grade**

2 *“For the purpose of chapters 1403 through 1411 of this*
 3 *title, an officer’s years of service in a grade are computed*
 4 *from the officer’s date of rank in grade as determined under*
 5 *section 741(d) of this title.*

6 **“CHAPTER 1403—SELECTION BOARDS**

“Sec.

“14101. Convening of selection boards.

“14102. Selection boards: appointment and composition.

“14103. Oath of members.

“14104. Confidentiality of board proceedings.

“14105. Notice of convening of selection board.

“14106. Communication with board by officers under consideration.

“14107. Information furnished by the Secretary concerned to promotion boards.

“14108. Recommendations by promotion boards.

“14109. Reports of promotion boards: in general.

“14110. Reports of promotion boards: review by Secretary.

“14111. Reports of selection boards: transmittal to President.

“14112. Dissemination of names of officers selected.

7 **“§ 14101. Convening of selection boards**

8 *“(a) PROMOTION BOARDS.—(1) Whenever the needs of*
 9 *the Army, Navy, Air Force, or Marine Corps require, the*
 10 *Secretary concerned shall convene a selection board to rec-*
 11 *ommend for promotion to the next higher grade, under*
 12 *chapter 1405 of this title, officers on the reserve active-status*
 13 *list of that armed force in a permanent grade from first*
 14 *lieutenant through brigadier general or, in the case of the*
 15 *Naval Reserve, lieutenant (junior grade) through rear ad-*
 16 *miral (lower half). A selection board convened under this*
 17 *subsection shall be known as a ‘promotion board’.*

18 *“(2) A promotion board convened to recommend re-*
 19 *serve officers of the Army or reserve officers of the Air Force*

1 *for promotion (A) to fill a position vacancy under section*
 2 *14315 of this title, or (B) to the grade of brigadier general*
 3 *or major general, shall (except in the case of a board con-*
 4 *vened to consider officers as provided in section 14301(e)*
 5 *of this title) be known as a ‘vacancy promotion board’. Any*
 6 *other promotion board convened under this subsection shall*
 7 *be known as a ‘mandatory promotion board’.*

8 “(b) *CONTINUATION BOARDS.*—Whenever the needs of
 9 the Army, Navy, Air Force, or Marine Corps require, the
 10 Secretary concerned may convene a selection board to rec-
 11 ommend officers of that armed force—

12 “(1) *for continuation on the reserve active-status*
 13 *list under section 14701 of this title;*

14 “(2) *for selective early removal from the reserve*
 15 *active-status list under section 14704 of this title; or*

16 “(3) *for selective early retirement under section*
 17 *14705 of this title.*

18 *A selection board convened under this subsection shall be*
 19 *known as a ‘continuation board’.*

20 **“§ 14102. Selection boards: appointment and composi-**
 21 **tion**

22 “(a) *APPOINTMENT.*—Members of selection boards con-
 23 vened under section 14101 of this title shall be appointed
 24 by the Secretary of the military department concerned in
 25 accordance with this section. Promotion boards and special

1 *selection boards shall consist of five or more officers. Con-*
2 *tinuation boards shall consist of three or more officers. All*
3 *of the officers of any such selection board shall be of the*
4 *same armed force as the officers under consideration by the*
5 *board.*

6 “(b) *COMPOSITION.*—At least one-half of the members
7 of such a selection board shall be reserve officers, to include
8 at least one reserve officer from each reserve component from
9 which officers are to be considered by the board. Each mem-
10 ber of a selection board must hold a permanent grade higher
11 than the grade of the officers under consideration by the
12 board, and no member of a board may hold a grade below
13 major or lieutenant commander.

14 “(c) *REPRESENTATION OF COMPETITIVE CAT-*
15 *EGORIES.*—(1) Except as provided in paragraph (2), a se-
16 lection board shall include at least one officer from each
17 competitive category of officers to be considered by the
18 board.

19 “(2) A selection board need not include an officer from
20 a competitive category to be considered by the board if there
21 is no officer of that competitive category on the reserve ac-
22 tive-status list or the active-duty list in a permanent grade
23 higher than the grade of the officers to be considered by the
24 board and otherwise eligible to serve on the board. However,
25 in such a case, the Secretary of the military department

1 *concerned, in his discretion, may appoint as a member of*
2 *the board a retired officer of that competitive category who*
3 *is in the same armed force as the officers under consider-*
4 *ation by the board who holds a higher grade than the grade*
5 *of the officers under consideration.*

6 “(d) *PROHIBITION OF SERVICE ON CONSECUTIVE PRO-*
7 *MOTION BOARDS.—No officer may be a member of two suc-*
8 *cessive promotion boards convened under section 14101(a)*
9 *of this title for the consideration of officers of the same com-*
10 *petitive category and grade if the second of the two boards*
11 *is to consider any officer who was considered and not rec-*
12 *ommended for promotion to the next higher grade by the*
13 *first of the two boards.*

14 **“§ 14103. Oath of members**

15 “*Each member of a selection board convened under sec-*
16 *tion 14101 of this title shall take an oath to perform the*
17 *duties of a member of the board without prejudice or parti-*
18 *ality, having in view both the special fitness of officers and*
19 *the efficiency of the member’s armed force.*

20 **“§ 14104. Confidentiality of board proceedings**

21 “*Except as otherwise authorized or required by law,*
22 *the proceedings of a selection board convened under section*
23 *14101 of this title may not be disclosed to any person not*
24 *a member of the board.*

1 **“§ 14105. Notice of convening of promotion board**

2 “(a) *REQUIRED NOTICE.*—At least 30 days before a
3 promotion board is convened under section 14101(a) of this
4 title to consider officers in a grade and competitive category
5 for promotion to the next higher grade, the Secretary con-
6 cerned shall either (1) notify in writing the officers eligible
7 for consideration by the board for promotion regarding the
8 convening of the board, or (2) issue a general written notice
9 to the armed force concerned regarding the convening of the
10 board.

11 “(b) *CONTENT OF NOTICE.*—A notice under subsection
12 (a) shall include the date on which the board is to convene
13 and (except in the case of a vacancy promotion board) the
14 name and date of rank of the junior officer, and of the sen-
15 ior officer, in the promotion zone as of the date of the notice.

16 **“§ 14106. Communication with board by officers under**
17 **consideration**

18 “Subject to regulations prescribed by the Secretary of
19 the military department concerned, an officer eligible for
20 consideration by a promotion board convened under section
21 14101(a) of this title who is in the promotion zone or above
22 the promotion zone, or who is to be considered by a vacancy
23 promotion board, may send a written communication to the
24 board calling attention to any matter concerning the officer
25 which the officer considers important to the officer’s case.
26 Any such communication shall be sent so as to arrive not

1 *later than the date on which the board convenes. The board*
 2 *shall give consideration to any timely communication*
 3 *under this section.*

4 ***“§ 14107. Information furnished by the Secretary con-***
 5 ***cerned to promotion boards***

6 *“(a) INTEGRITY OF THE PROMOTION SELECTION*
 7 *BOARD PROCESS.—(1) The Secretary of Defense shall pre-*
 8 *scribe regulations governing information furnished to selec-*
 9 *tion boards convened under section 14101(a) of this title.*
 10 *Those regulations shall apply uniformly among the mili-*
 11 *tary departments. Any regulations prescribed by the Sec-*
 12 *retary of a military department to supplement those regula-*
 13 *tions may not take effect without the approval of the Sec-*
 14 *retary of Defense in writing.*

15 *“(2) No information concerning a particular eligible*
 16 *officer may be furnished to a selection board except for the*
 17 *following:*

18 *“(A) Information that is in the officer’s official*
 19 *military personnel file and that is provided to the se-*
 20 *lection board in accordance with the regulations pre-*
 21 *scribed by the Secretary of Defense pursuant to para-*
 22 *graph (1).*

23 *“(B) Other information that is determined by*
 24 *the Secretary of the military department concerned,*
 25 *after review by that Secretary in accordance with*

1 standards and procedures set out in the regulations
2 prescribed by the Secretary of Defense pursuant to
3 paragraph (1), to be substantiated, relevant informa-
4 tion that could reasonably and materially affect the
5 deliberations of the promotion board.

6 “(C) Subject to such limitations as may be pre-
7 scribed in those regulations, information commu-
8 nicated to the board by the officer in accordance with
9 this section, section 14106 of this title (including any
10 comment on information referred to in subparagraph
11 (A) regarding that officer), or other applicable law.

12 “(D) A factual summary of the information de-
13 scribed in subparagraphs (A), (B), and (C) that, in
14 accordance with the regulations prescribed pursuant
15 to paragraph (1) is prepared by administrative per-
16 sonnel for the purpose of facilitating the work of the
17 selection board.

18 “(3) Information provided to a promotion board in ac-
19 cordance with paragraph (2) shall be made available to all
20 members of the board and shall be made a part of the record
21 of the board. Communication of such information shall be
22 in a written form or in the form of an audio or video re-
23 cording. If a communication is in the form of an audio
24 or video recording, a written transcription of the recording

1 *shall also be made a part of the record of the promotion*
2 *board.*

3 “(4) Paragraphs (2) and (3) do not apply to the fur-
4 *nishing of appropriate administrative processing informa-*
5 *tion to the promotion board by an administrative staff des-*
6 *ignated to assist the board, but only to the extent that oral*
7 *communications are necessary to facilitate the work of the*
8 *board.*

9 “(5) Information furnished to a promotion board that
10 *is described in subparagraph (B), (C), or (D) of paragraph*
11 *(2) may not be furnished to a later promotion board un-*
12 *less—*

13 “(A) *the information has been properly placed in*
14 *the official military personnel file of the officer con-*
15 *cerned; or*

16 “(B) *the information is provided to the later se-*
17 *lection board in accordance with paragraph (2).*

18 “(6)(A) *Before information described in paragraph*
19 *(2)(B) regarding an eligible officer is furnished to a selec-*
20 *tion board, the Secretary of the military department con-*
21 *cerned shall ensure—*

22 “(i) *that such information is made available to*
23 *such officer; and*

1 “(ii) that the officer is afforded a reasonable op-
2 portunity to submit comments on that information to
3 the promotion board.

4 “(B) If an officer cannot be given access to the infor-
5 mation referred to in subparagraph (A) because of its classi-
6 fication status, the officer shall, to the maximum extent
7 practicable, be furnished an appropriate summary of the
8 information.

9 “(b) INFORMATION TO BE FURNISHED.—The Sec-
10 retary of the military department concerned shall furnish
11 to a promotion board convened under section 14101(a) of
12 this title the following:

13 “(1) In the case of a mandatory promotion
14 board, the maximum number (as determined in ac-
15 cordance with section 14307 of this title) of officers in
16 each competitive category under consideration that
17 the board is authorized to recommend for promotion
18 to the next higher grade.

19 “(2) The name of each officer in each competitive
20 category under consideration who is to be considered
21 by the board for promotion.

22 “(3) The pertinent records (as determined by the
23 Secretary) of each officer whose name is furnished to
24 the board.

1 “(4) *Information or guidelines relating to the*
2 *needs of the armed force concerned for officers having*
3 *particular skills, including (except in the case of a*
4 *vacancy promotion board) guidelines or information*
5 *relating to either a minimum number or a maximum*
6 *number of officers with particular skills within a*
7 *competitive category.*

8 “(5) *Such other information or guidelines as the*
9 *Secretary concerned may determine to be necessary to*
10 *enable the board to perform its functions.*

11 “(c) *LIMITATION ON MODIFYING FURNISHED INFOR-*
12 *MATION.—Information or guidelines furnished to a selection*
13 *board under subsection (a) may not be modified, with-*
14 *drawn, or supplemented after the board submits its report*
15 *to the Secretary of the military department concerned pur-*
16 *suant to section 14109(a) of this title. However, in the case*
17 *of a report returned to a board pursuant to section 14110(a)*
18 *of this title for further proceedings because of a determina-*
19 *tion by the Secretary of the military department concerned*
20 *that the board acted contrary to law, regulation, or guide-*
21 *lines, the Secretary may modify, withdraw, or supplement*
22 *such information or guidelines as part of a written expla-*
23 *nation to the board as provided in that section.*

24 “(d) *OFFICERS IN HEALTH-PROFESSIONS COMPETI-*
25 *TIVE CATEGORIES.—The Secretary of each military depart-*

1 *ment, under uniform regulations prescribed by the Sec-*
 2 *retary of Defense, shall include in guidelines furnished to*
 3 *a promotion board convened under section 14101(a) of this*
 4 *title that is considering officers in a health-professions com-*
 5 *petitive category for promotion to a grade below colonel or,*
 6 *in the case of officers of the Naval Reserve, captain, a direc-*
 7 *tion that the board give consideration to an officer's clinical*
 8 *proficiency and skill as a health professional to at least as*
 9 *great an extent as the board gives to the officer's adminis-*
 10 *trative and management skills.*

11 ***“§ 14108. Recommendations by promotion boards***

12 *“(a) RECOMMENDATION OF BEST QUALIFIED OFFI-*
 13 *CERS.—A promotion board convened under section*
 14 *14101(a) of this title shall recommend for promotion to the*
 15 *next higher grade those officers considered by the board*
 16 *whom the board considers best qualified for promotion with-*
 17 *in each competitive category considered by the board or, in*
 18 *the case of a vacancy promotion board, among those officers*
 19 *considered to fill a vacancy. In determining those officers*
 20 *who are best qualified for promotion, the board shall give*
 21 *due consideration to the needs of the armed force concerned*
 22 *for officers with particular skills (as noted in the guidelines*
 23 *or information furnished the board under sections 14107*
 24 *of this title).*

1 “(b) *MAJORITY REQUIRED.*—A promotion board con-
 2 vened under section 14101(a) of this title may not rec-
 3 ommend an officer for promotion unless—

4 “(1) the officer receives the recommendation of a
 5 majority of the members of the board; and

6 “(2) a majority of the members of the board
 7 finds that the officer is fully qualified for promotion.

8 “(c) *BOARD RECOMMENDATION REQUIRED FOR PRO-*
 9 *MOTION.*—Except as otherwise provided by law, an officer
 10 on the reserve active-status list may not be promoted to a
 11 higher grade under chapter 1405 of this title unless the offi-
 12 cer is considered and recommended for promotion to that
 13 grade by a promotion board convened under section
 14 14101(a) of this title (or by a special selection board con-
 15 vened under section 14502 of this title).

16 “(d) *DISCLOSURE OF BOARD RECOMMENDATIONS.*—
 17 The recommendations of a promotion board may be dis-
 18 closed only in accordance with regulations prescribed by the
 19 Secretary of Defense. Those recommendations may not be
 20 disclosed to a person not a member of the board (or a mem-
 21 ber of the administrative staff designated by the Secretary
 22 concerned to assist the board) until the written report of
 23 the recommendations of the board, required by section
 24 14109 of this title, is signed by each member of the board.

1 “(e) *PROHIBITION OF COERCION AND UNAUTHORIZED*
 2 *INFLUENCE OF ACTIONS OF BOARD MEMBERS.*—The Sec-
 3 retary convening a promotion board under section 14101(a)
 4 of this title, and an officer or other official exercising au-
 5 thority over any member of a selection board, may not—

6 “(1) *censure, reprimand, or admonish the selec-*
 7 *tion board or any member of the board with respect*
 8 *to the recommendations of the board or the exercise of*
 9 *any lawful function within the authorized discretion*
 10 *of the board; or*

11 “(2) *attempt to coerce or, by any unauthorized*
 12 *means, influence any action of a promotion board or*
 13 *any member of a promotion board in the formulation*
 14 *of the board’s recommendations.*

15 **“§ 14109. Reports of promotion boards: in general**

16 “(a) *REPORT OF OFFICERS RECOMMENDED FOR PRO-*
 17 *MOTION.*—Each promotion board convened under section
 18 14101(a) of this title shall submit to the Secretary of the
 19 military department concerned a report in writing contain-
 20 ing a list of the names of the officers recommended by the
 21 board for promotion. The report shall be signed by each
 22 member of the board.

23 “(b) *CERTIFICATION.*—Each report under subsection
 24 (a) shall include a certification—

1 “(1) that the board has carefully considered the
2 record of each officer whose name was furnished to the
3 board; and

4 “(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

13 “(c) *SHOW-CAUSE RECOMMENDATIONS.*—(1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

20 “(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

1 **“§ 14110. Reports of promotion boards: review by Sec-**
2 **retary**

3 “(a) *REVIEW OF REPORT.*—Upon receipt of the report
4 of a promotion board submitted under section 14109(a) of
5 this title, the Secretary of the military department con-
6 cerned shall review the report to determine whether the
7 board has acted contrary to law or regulation or to guide-
8 lines furnished the board under section 14107(a) of this
9 title. Following that review, unless the Secretary concerned
10 makes a determination as described in subsection (b), the
11 Secretary shall submit the report as required by section
12 14111 of this title.

13 “(b) *RETURN OF REPORT FOR FURTHER PROCEED-*
14 *INGS.*—If, on the basis of a review of the report under sub-
15 section (a), the Secretary of the military department con-
16 cerned determines that the board acted contrary to law or
17 regulation or to guidelines furnished the board under sec-
18 tion 14107(a) of this title, the Secretary shall return the
19 report, together with a written explanation of the basis for
20 such determination, to the board for further proceedings.
21 Upon receipt of a report returned by the Secretary con-
22 cerned under this subsection, the selection board (or a subse-
23 quent selection board convened under section 14101(a) of
24 this title for the same grade and competitive category) shall
25 conduct such proceedings as may be necessary in order to
26 revise the report to be consistent with law, regulation, and

1 *such guidelines and shall resubmit the report, as revised,*
 2 *to the Secretary in accordance with section 14109 of this*
 3 *title.*

4 ***“§14111. Reports of selection boards: transmittal to***
 5 ***President***

6 *“(a) TRANSMITTAL TO PRESIDENT.—The Secretary*
 7 *concerned, after final review of the report of a selection*
 8 *board under section 14110 of this title, shall submit the re-*
 9 *port with the Secretary’s recommendations, to the Secretary*
 10 *of Defense for transmittal by the Secretary to the President*
 11 *for approval or disapproval. If the authority of the Presi-*
 12 *dent to approve or disapprove the report of a promotion*
 13 *board is delegated to the Secretary of Defense, that author-*
 14 *ity may not be redelegated except to an official in the Office*
 15 *of the Secretary of Defense.*

16 *“(b) REMOVAL OF NAME FROM BOARD REPORT.—The*
 17 *name of an officer recommended for promotion by a selec-*
 18 *tion board may be removed from the report of the selection*
 19 *board only by the President.*

20 *“(c) RECOMMENDATIONS FOR REMOVAL OF SELECTED*
 21 *OFFICERS FROM REPORT.—If the Secretary of a military*
 22 *department or the Secretary of Defense makes a rec-*
 23 *ommendation under this section that the name of an officer*
 24 *be removed from the report of a promotion board and the*
 25 *recommendation is accompanied by information that was*

1 *not presented to that promotion board, that information*
 2 *shall be made available to that officer. The officer shall then*
 3 *be afforded a reasonable opportunity to submit comments*
 4 *on that information to the officials making the rec-*
 5 *ommendation and the officials reviewing the recommenda-*
 6 *tion. If an eligible officer cannot be given access to such*
 7 *information because of its classification status, the officer*
 8 *shall, to the maximum extent practicable, be provided with*
 9 *an appropriate summary of the information.*

10 ***“§ 14112. Dissemination of names of officers selected***

11 *“Upon approval by the President of the report of a*
 12 *promotion board, the names of the officers recommended for*
 13 *promotion by the promotion board (other than any name*
 14 *removed by the President) may be disseminated to the*
 15 *armed force concerned. If those names have not been sooner*
 16 *disseminated, those names (other than the name of any offi-*
 17 *cer whose promotion the Senate failed to confirm) shall be*
 18 *promptly disseminated to the armed force concerned upon*
 19 *confirmation by the Senate.*

20 ***“CHAPTER 1405—PROMOTIONS***

“Sec.

“14301. Eligibility for consideration for promotion: general rules.

“14302. Promotion zones.

“14303. Eligibility for consideration for promotion: minimum years of service in grade.

“14304. Eligibility for consideration for promotion: maximum years of service in grade.

“14305. Establishment of promotion zones: mandatory consideration for promotion.

“14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system.

“14307. Numbers of officers to be recommended for promotion.

“14308. Promotions: how made.

“14309. Acceptance of promotion: oath of office.

“14310. Removal of officers from a list of officers recommended for promotion.

“14311. Delay of promotion: involuntary.

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“14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half).

“14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; state adjutants general.

“14315. Position vacancy promotions: Army and Air Force officers.

“14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion.

“14317. Officers in transition to and from the active-status list or active-duty list.

1 **“§ 14301. Eligibility for consideration for promotion:**

2 **general rules**

3 “(a) *ONE-YEAR RULE.*—An officer is eligible under
4 this chapter for consideration for promotion by a promotion
5 board convened under section 14101(a) of this title only if—

6 “(1) the officer is on the reserve active-status list
7 of the Army, Navy, Air Force, or Marine Corps; and

8 “(2) during the one-year period ending on the
9 date of the convening of the promotion board the offi-
10 cer has continuously performed service on either the
11 reserve active-status list or the active-duty list (or on
12 a combination of both lists).

13 “(b) *REQUIREMENT FOR CONSIDERATION OF ALL OF-*
14 *FICERS IN AND ABOVE THE ZONE.*—Whenever a promotion
15 board (other than a vacancy promotion board) is convened
16 under section 14101(a) of this title for consideration of offi-
17 cers in a competitive category who are eligible under this
18 chapter for consideration for promotion to the next higher

1 *grade, each officer in the promotion zone, and each officer*
 2 *above the promotion zone, for that grade and competitive*
 3 *category shall be considered for promotion.*

4 “(c) *PREVIOUSLY SELECTED OFFICERS NOT ELIGIBLE*
 5 *TO BE CONSIDERED.*—A promotion board convened under
 6 *section 14101(a) of this title may not consider for pro-*
 7 *motion to the next higher grade—*

8 “(1) *an officer whose name is on a promotion*
 9 *list for that grade as a result of recommendation for*
 10 *promotion to that grade by an earlier selection board*
 11 *convened under that section or section 14502 of this*
 12 *title or under chapter 36 of this title;*

13 “(2) *an officer who has been approved for Fed-*
 14 *eral recognition by a board convened under section*
 15 *307 of title 32 and nominated by the President for*
 16 *promotion to the next higher grade as a reserve of the*
 17 *Army or of the Air Force as the case may be; or*

18 “(3) *an officer who has been nominated by the*
 19 *President for promotion to the next higher grade*
 20 *under any other provision of law.*

21 “(d) *OFFICERS BELOW THE ZONE.*—The Secretary of
 22 *the military department concerned may, by regulation, pre-*
 23 *scribe procedures to limit the officers to be considered by*
 24 *a selection board from below the promotion zone to those*
 25 *officers who are determined to be exceptionally well quali-*

1 *fied for promotion. The regulations shall include criteria*
2 *for determining which officers below the promotion zone are*
3 *exceptionally well qualified for promotion.*

4 “(e) *RESERVE OFFICERS OF THE ARMY; CONSIDER-*
5 *ATION FOR BRIGADIER GENERAL AND MAJOR GENERAL.—*
6 *In the case of officers of the Army, if the Secretary of the*
7 *Army determines that vacancies are authorized or antici-*
8 *pated in the reserve grades of major general or brigadier*
9 *general for officers who are on the reserve active-status list*
10 *and who are not assigned to units organized to serve as*
11 *a unit and the Secretary convenes a mandatory promotion*
12 *board under section 14101(a) of this title to consider officers*
13 *for promotion to fill such vacancies, the Secretary may*
14 *limit the officers to be considered by that board to those*
15 *determined to be exceptionally well qualified for promotion*
16 *under such criteria and procedures as the Secretary may*
17 *by regulation prescribe.*

18 “(f) *CERTAIN RESERVE OFFICERS OF THE AIR*
19 *FORCE.—A reserve officer of the Air Force who (1) is in*
20 *the Air National Guard of the United States and holds the*
21 *grade of lieutenant colonel, colonel, or brigadier general, or*
22 *(2) is in the Air Force Reserve and holds the grade of colonel*
23 *or brigadier general, is not eligible for consideration for*
24 *promotion by a mandatory promotion board convened*
25 *under section 14101(a) of this title.*

1 “(g) *NONCONSIDERATION OF OFFICERS SCHEDULED*
 2 *FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.*—The
 3 *Secretary of the military department concerned may, by*
 4 *regulation, provide for the exclusion from consideration for*
 5 *promotion by a promotion board of any officer otherwise*
 6 *eligible to be considered by the board who has an established*
 7 *date for removal from the reserve active-status list that is*
 8 *not more than 90 days after the date on which the selection*
 9 *board for which the officer would otherwise be eligible is*
 10 *to be convened.*

11 **“§ 14302. Promotion zones**

12 “(a) *PROMOTION ZONES GENERALLY.*—For purposes
 13 *of this chapter, a promotion zone is an eligibility category*
 14 *for the consideration of officers by a mandatory promotion*
 15 *board. A promotion zone consists of those officers on the*
 16 *reserve active-status list who are in the same grade and*
 17 *competitive category and who meet the requirements of both*
 18 *paragraphs (1) and (2) or the requirements of paragraph*
 19 *(3), as follows:*

20 “(1)(A) *In the case of officers in grades below*
 21 *colonel, for reserve officers of the Army, Air Force,*
 22 *and Marine Corps, or captain, for officers of the*
 23 *Naval Reserve, those who have neither (i) failed of se-*
 24 *lection for promotion to the next higher grade, nor*

1 (ii) been removed from a list of officers recommended
2 for promotion to that grade.

3 “(B) In the case of officers in the grade of colonel
4 or brigadier general, for reserve officers of the Army
5 and Marine Corps, or in the grade of captain or rear
6 admiral (lower half), for reserve officers of the Navy,
7 those who have neither (i) been recommended for pro-
8 motion to the next higher grade when considered in
9 the promotion zone, nor (ii) been removed from a list
10 of officers recommended for promotion to that grade.

11 “(2) Those officers who are senior to the officer
12 designated by the Secretary of the military depart-
13 ment concerned to be the junior officer in the pro-
14 motion zone eligible for consideration for promotion
15 to the next higher grade and the officer so designated.

16 “(3) Those officers who—

17 “(A) have been selected from below the zone
18 for promotion to the next higher grade or by a
19 vacancy promotion board, but whose names were
20 removed from the list of officers recommended for
21 promotion to that next higher grade resulting
22 from that selection;

23 “(B) have not failed of selection for pro-
24 motion to that next higher grade; and

1 “(C) are senior to the officer designated by
2 the Secretary of the military department con-
3 cerned to be the junior officer in the promotion
4 zone eligible for consideration for promotion to
5 that next higher grade and the officer so
6 designated.

7 “(b) OFFICERS ABOVE THE ZONE.—Officers on the re-
8 serve active-status list are considered to be above the pro-
9 motion zone for a grade and competitive category if they—

10 “(1) are eligible for consideration for promotion
11 to the next higher grade;

12 “(2) are in the same grade as those officers in
13 the promotion zone for that competitive category; and

14 “(3) are senior to the senior officer in the pro-
15 motion zone for that competitive category.

16 “(c) OFFICERS BELOW THE ZONE.—Officers on the re-
17 serve active-status list are considered to be below the pro-
18 motion zone for a grade and competitive category if they—

19 “(1) are eligible for consideration for promotion
20 to the next higher grade;

21 “(2) are in the same grade as those officers in
22 the promotion zone for that competitive category; and

23 “(3) are junior to the junior officer in the pro-
24 motion zone for that competitive category.

1 **“§ 14303. Eligibility for consideration for promotion:**
2 ***minimum years of service in grade***

3 “(a) *OFFICERS IN PAY GRADES O-1 AND O-2.—An*
4 *officer who is on the reserve active-status list of the Army,*
5 *Navy, Air Force, or Marine Corps and holds a permanent*
6 *appointment in the grade of second lieutenant or first lieu-*
7 *tenant as a reserve officer of the Army, Air Force, or Marine*
8 *Corps, or in the grade of ensign or lieutenant (junior grade)*
9 *as a reserve officer of the Navy, may not be promoted to*
10 *the next higher grade, or granted Federal recognition in*
11 *that grade, until the officer has completed the following*
12 *years of service in grade:*

13 “(1) *Eighteen months, in the case of an officer*
14 *holding a permanent appointment in the grade of sec-*
15 *ond lieutenant or ensign.*

16 “(2) *Two years, in the case of an officer holding*
17 *a permanent appointment in the grade of first lieu-*
18 *tenant or lieutenant (junior grade).*

19 “(b) *OFFICERS IN PAY GRADES O-3 AND ABOVE.—*
20 *Subject to subsection (d), an officer who is on the reserve*
21 *active-status list of the Army, Air Force, or Marine Corps*
22 *and holds a permanent appointment in a grade above first*
23 *lieutenant, or who is on the reserve active-status list of the*
24 *Navy in a grade above lieutenant (junior grade), may not*
25 *be considered for selection for promotion to the next higher*
26 *grade, or examined for Federal recognition in the next high-*

1 *er grade, until the officer has completed the following years*
2 *of service in grade:*

3 “(1) *Three years, in the case of an officer of the*
4 *Army, Air Force, or Marine Corps holding a perma-*
5 *nent appointment in the grade of captain, major, or*
6 *lieutenant colonel or in the case of a reserve officer*
7 *of the Navy holding a permanent appointment in*
8 *the grade of lieutenant, lieutenant commander, or*
9 *commander.*

10 “(2) *One year, in the case of an officer of the*
11 *Army, Air Force, or Marine Corps holding a perma-*
12 *nent appointment in the grade of colonel or brigadier*
13 *general or in the case of a reserve officer of the Navy*
14 *holding a permanent appointment in the grade of*
15 *captain or rear admiral (lower half).*

16 *This subsection does not apply to an adjutant general or*
17 *assistant adjutant general of a State or to an appointment*
18 *in a higher grade which is based upon a specific provision*
19 *of law.*

20 “(c) *AUTHORITY TO LENGTHEN MINIMUM PERIOD IN*
21 *GRADE.—The Secretary concerned may prescribe a period*
22 *of service in grade for eligibility for promotion, in the case*
23 *of officers to whom subsection (a) applies, or for eligibility*
24 *for consideration for promotion, in the case of officers to*

1 *whom subsection (b) applies, that is longer than the appli-*
 2 *cable period specified in that subsection.*

3 “(d) *WAIVERS TO ENSURE TWO BELOW-THE-ZONE*
 4 *CONSIDERATIONS.*—*Subject to section 14307(b) of this title,*
 5 *the Secretary of the military department concerned may*
 6 *waive subsection (b) to the extent necessary to ensure that*
 7 *officers described in paragraph (1) of that subsection have*
 8 *at least two opportunities for consideration for promotion*
 9 *to the next higher grade as officers below the promotion*
 10 *zone.*

11 **“§14304. Eligibility for consideration for promotion:**
 12 ***maximum years of service in grade***

13 “(a) *CONSIDERATION FOR PROMOTION WITHIN SPECI-*
 14 *FIED TIMES.*—(1) *Officers described in paragraph (3) shall*
 15 *be placed in the promotion zone for that officer’s grade and*
 16 *competitive category, and shall be considered for promotion*
 17 *to the next higher grade by a promotion board convened*
 18 *under section 14101(a) of this title, far enough in advance*
 19 *of completing the years of service in grade specified in the*
 20 *following table so that, if the officer is recommended for pro-*
 21 *motion, the promotion may be effective on or before the date*
 22 *on which the officer will complete those years of service.*

<i>“Current Grade</i>	<i>Maximum years of service in grade</i>
<i>“First lieutenant or Lieutenant (junior grade)</i>	<i>5 years</i>
<i>“Captain or Navy Lieutenant</i>	<i>7 years</i>
<i>“Major or Lieutenant commander</i>	<i>7 years</i>

1 “(2) Paragraph (1) is subject to subsections (a), (b),
2 and (c) of section 14301 of this title and applies without
3 regard to vacancies.

4 “(3) Paragraph (1) applies to an officer who is on the
5 reserve active-status list of the Army, Navy, Air Force, or
6 Marine Corps and who holds a permanent appointment in
7 the grade of first lieutenant, captain, or major as a reserve
8 of the Army, Air Force, or Marine Corps, or to an officer
9 on the reserve active-status list of the Navy in the grade
10 of lieutenant (junior grade), lieutenant, or lieutenant com-
11 mander as a reserve of the Navy, and who, while holding
12 that appointment, has not been considered by a selection
13 board convened under section 14101(a) or 14502 of this title
14 for promotion to the next higher grade.

15 “(b) PROMOTION DATE.—An officer holding a perma-
16 nent grade specified in the table in subsection (a) who is
17 recommended for promotion to the next higher grade by a
18 selection board the first time the officer is considered for
19 promotion while in or above the promotion zone and who
20 is placed on an approved promotion list established under
21 section 14308(a) of this title shall (if not promoted sooner
22 or removed from that list by the President or by reason of
23 declination) be promoted, without regard to the existence
24 of a vacancy, on the date on which the officer completes
25 the maximum years of service in grade specified in sub-

1 *section (a). The preceding sentence is subject to the limita-*
 2 *tions of section 12011 of this title.*

3 “(c) *WAIVER AUTHORITY FOR NAVY AND MARINE*
 4 *CORPS RUNNING MATE SYSTEM.*—If the Secretary of the
 5 Navy establishes promotion zones for officers on the reserve
 6 active-status list of the Navy or the Marine Corps Reserve
 7 in accordance with a running mate system under section
 8 14306 of this title, the Secretary may waive the require-
 9 ments of subsection (a) to the extent the Secretary considers
 10 necessary in any case in which the years of service for pro-
 11 motion, or for consideration for promotion, within those
 12 zones will exceed the maximum years of service in grade
 13 specified in subsection (a).

14 **“§ 14305. Establishment of promotion zones: manda-**
 15 **tory consideration for promotion**

16 “(a) *ESTABLISHMENT OF ZONE.*—Before convening a
 17 mandatory promotion board under section 14101(a) of this
 18 title, the Secretary of the military department concerned
 19 shall establish a promotion zone for officers serving in each
 20 grade and competitive category to be considered by the
 21 board.

22 “(b) *NUMBER IN THE ZONE.*—The Secretary concerned
 23 shall determine the number of officers in the promotion zone
 24 for officers serving in any grade and competitive category
 25 from among officers who are eligible for promotion in that

1 *grade and competitive category under the provisions of sec-*
2 *tions 14303 and 14304 of this title and who are otherwise*
3 *eligible for promotion.*

4 “(c) *FACTORS IN DETERMINING NUMBER IN THE*
5 *ZONE.*—*The Secretary’s determination under subsection (b)*
6 *shall be made on the basis of an estimate of the following:*

7 “(1) *The number of officers needed in that com-*
8 *petitive category in the next higher grade in each of*
9 *the next five years.*

10 “(2) *In the case of a promotion zone for officers*
11 *to be promoted to a grade to which the maximum*
12 *years of in grade criteria established in section 14304*
13 *of this title apply, the number of officers in that com-*
14 *petitive category who are required to be considered for*
15 *selection for promotion to the next higher grade under*
16 *that section.*

17 “(3) *The number of officers that should be placed*
18 *in the promotion zone in each of the next five years*
19 *to provide to officers in those years relatively similar*
20 *opportunities for promotion.*

21 **“§ 14306. Establishment of promotion zones: Naval Re-**
22 **serve and Marine Corps Reserve running**
23 **mate system**

24 “(a) *AUTHORITY OF SECRETARY OF THE NAVY.*—*The*
25 *Secretary of the Navy may by regulation implement section*

1 14305 of this title by requiring that the promotion zone for
2 consideration of officers on the reserve active-status list of
3 the Navy or the Marine Corps for promotion to the next
4 higher grade be determined in accordance with a running
5 mate system as provided in subsection (b).

6 “(b) ASSIGNMENT OF RUNNING MATES.—An officer to
7 whom a running mate system applies shall be assigned as
8 a running mate an officer of the same grade on the active-
9 duty list of the same armed force. The officer on the reserve
10 active-status list is in the promotion zone and is eligible
11 for consideration for promotion to the next higher grade by
12 a selection board convened under section 14101(a) of this
13 title when that officer’s running mate is in or above the
14 promotion zone established for that officer’s grade under
15 chapter 36 of this title.

16 “(c) CONSIDERATION OF OFFICERS BELOW THE ZONE
17 UNDER A RUNNING MATE SYSTEM.—If the Secretary of the
18 Navy authorizes the selection of officers for promotion from
19 below the promotion zone in accordance with section 14307
20 of this title, the number of officers to be considered from
21 below the zone may be established through the application
22 of the running mate system or otherwise as the Secretary
23 determines to be appropriate to meet the needs of the Navy
24 or Marine Corps.

1 **“§ 14307. Number of officers to be recommended for**
2 **promotion**

3 “(a) DETERMINATION OF MAXIMUM NUMBER.—Before
4 convening a promotion board under section 14101(a) of this
5 title for a grade and competitive category (other than a va-
6 cancy promotion board), the Secretary of the military de-
7 partment concerned, under regulations prescribed by the
8 Secretary of Defense, shall determine the maximum number
9 of officers in that grade and competitive category that the
10 board may recommend for promotion. The Secretary shall
11 make the determination under the preceding sentence of the
12 maximum number that may be recommended with a view
13 to having on the reserve active-status list a sufficient num-
14 ber of officers in each grade and competitive category to
15 meet the needs of the armed force concerned for officers on
16 that list. In order to make that determination, the Secretary
17 shall determine (1) the number of positions needed to ac-
18 complish mission objectives which require officers of such
19 competitive category in the grade to which the board will
20 recommend officers for promotion, (2) the estimated number
21 of officers needed to fill vacancies in such positions during
22 the period in which it is anticipated that officers selected
23 for promotion will be promoted, (3) the number of officers
24 authorized by the Secretary of the military department con-
25 cerned to serve on the reserve active-status list in the grade
26 and competitive category under consideration, and (4) any

1 *statutory limitation on the number of officers in any grade*
2 *or category (or combination thereof) authorized to be on the*
3 *reserve active-status list.*

4 “(b) *BELOW-THE-ZONE SELECTIONS.*—(1) *The Sec-*
5 *retary of the military department concerned may, when the*
6 *needs of the armed force concerned require, authorize the*
7 *consideration of officers in the grade of captain, major, or*
8 *lieutenant colonel on the reserve active-status list of the*
9 *Army or Air Force, in a grade above first lieutenant on*
10 *the reserve active-status list of the Marine Corps, or in a*
11 *grade above lieutenant (junior grade) on the reserve active-*
12 *status list of the Navy, for promotion to the next higher*
13 *grade from below the promotion zone.*

14 “(2) *When selection from below the promotion zone is*
15 *authorized, the Secretary shall establish the number of offi-*
16 *cers that may be recommended for promotion from below*
17 *the promotion zone in each competitive category to be con-*
18 *sidered. That number may not exceed the number equal to*
19 *10 percent of the maximum number of officers that the*
20 *board is authorized to recommend for promotion in such*
21 *competitive category, except that the Secretary of Defense*
22 *may authorize a greater number, not to exceed 15 percent*
23 *of the total number of officers that the board is authorized*
24 *to recommend for promotion, if the Secretary of Defense de-*
25 *termines that the needs of the armed force concerned so re-*

1 quire. If the maximum number determined under this para-
 2 graph is less than one, the board may recommend one officer
 3 for promotion from below the promotion zone.

4 “(3) The number of officers recommended for pro-
 5 motion from below the promotion zone does not increase the
 6 maximum number of officers that the board is authorized
 7 to recommend for promotion under subsection (a).

8 **“§ 14308. Promotions: how made**

9 “(a) PROMOTION LIST.—When the report of a selection
 10 board convened under section 14101(a) or 14502 of this title
 11 is approved by the President, the Secretary of the military
 12 department concerned shall place the names of all officers
 13 selected for promotion within a competitive category on a
 14 single list for that competitive category, to be known as a
 15 promotion list, in the order of seniority of those officers on
 16 the reserve active-status list.

17 “(b) PROMOTION; HOW MADE; ORDER.—(1) Officers
 18 on a promotion list for a competitive category shall be pro-
 19 moted in the manner specified in section 12203 of this title.

20 “(2) Officers on a promotion list for a competitive cat-
 21 egory shall be promoted to the next higher grade in accord-
 22 ance with regulations prescribed by the Secretary of the
 23 military department concerned. Except as provided in sec-
 24 tion 14311, 14312, or 14502(e) of this title or in subsection
 25 (d) or (e), promotions shall be made in the order in which

1 *the names of officers appear on the promotion list and after*
2 *officers previously selected for promotion in that competi-*
3 *tive category have been promoted.*

4 “(3) *Officers to be promoted to the grade of first lieu-*
5 *tenant or lieutenant (junior grade) shall be promoted in*
6 *accordance with regulations prescribed by the Secretary of*
7 *the military department concerned.*

8 “(c) *DATE OF RANK.*—(1) *The date of rank of an offi-*
9 *cer appointed to a higher grade under this section is deter-*
10 *mined under section 741(d)(2) of this title.*

11 “(2) *Except as specifically authorized by law, a reserve*
12 *officer is not entitled to additional pay or allowances if the*
13 *effective date of the officer’s promotion is adjusted to reflect*
14 *a date earlier than the actual date of the officer’s promotion.*

15 “(d) *OFFICERS WITH RUNNING MATES.*—*An officer to*
16 *whom a running mate system applies under section 14306*
17 *of this title and who is selected for promotion is eligible*
18 *for promotion to the grade for which selected when the offi-*
19 *cer who is that officer’s running mate becomes eligible for*
20 *promotion under chapter 36 of this title. The effective date*
21 *of the promotion of that officer shall be the same as that*
22 *of the officer’s running mate in the grade to which the run-*
23 *ning mate is promoted.*

24 “(e) *ARMY RESERVE AND AIR FORCE RESERVE PRO-*
25 *MOTIONS TO FILL VACANCIES.*—*Subject to this section and*

1 *to section 14311(e) of this title, and under regulations pre-*
2 *scribed by the Secretary of the military department con-*
3 *cerned—*

4 “(1) *an officer in the Army Reserve or the Air*
5 *Force Reserve who is on a promotion list as a result*
6 *of selection for promotion by a mandatory promotion*
7 *board convened under section 14101(a) of this title or*
8 *a board convened under section 14502 or chapter 36*
9 *of this title may be promoted at any time to fill a va-*
10 *cancy in a position to which the officer is assigned;*
11 *and*

12 “(2) *an officer in the Army Reserve or the Air*
13 *Force Reserve who is on a promotion list as a result*
14 *of selection for promotion by a vacancy promotion*
15 *board convened under section 14101(a) of this title*
16 *may be promoted at any time to fill the vacancy for*
17 *which the officer was selected.*

18 “(f) *EFFECTIVE DATE OF PROMOTION AFTER FED-*
19 *ERAL RECOGNITION.—The effective date of a promotion of*
20 *a reserve commissioned officer of the Army or the Air Force*
21 *who is extended Federal recognition in the next higher grade*
22 *in the Army National Guard or the Air National Guard*
23 *under section 307 or 310 of title 32 shall be the date on*
24 *which such Federal recognition in that grade is so extended.*

1 “(g) *ARMY AND AIR FORCE GENERAL OFFICER PRO-*
 2 *MOTIONS.*—A reserve officer of the Army who is on a pro-
 3 motion list for promotion to the grade of brigadier general
 4 or major general as a result of selection by a vacancy pro-
 5 motion board may be promoted to that grade only to fill
 6 a vacancy in that grade in a unit of the Army Reserve
 7 that is organized to serve as a unit and that has attained
 8 the strength prescribed by the Secretary of the Army. A re-
 9 serve officer of the Air Force who is on a promotion list
 10 for promotion to the grade of brigadier general or major
 11 general as a result of selection by a vacancy promotion
 12 board may be promoted to that grade only to fill a vacancy
 13 in the Air Force Reserve in that grade.

14 **“§ 14309. Acceptance of promotion; oath of office**

15 “(a) *ACCEPTANCE.*—An officer who is appointed to a
 16 higher grade under this chapter shall be considered to have
 17 accepted the appointment on the date on which the appoint-
 18 ment is made unless the officer expressly declines the ap-
 19 pointment or is granted a delay of promotion under section
 20 14312 of this title.

21 “(b) *OATH.*—An officer who has served continuously
 22 since taking the oath of office prescribed in section 3331
 23 of title 5 is not required to take a new oath upon appoint-
 24 ment to a higher grade under this chapter.

1 **“§ 14310. Removal of officers from a list of officers rec-**
2 **ommended for promotion**

3 “(a) *REMOVAL BY PRESIDENT.*—The President may
4 remove the name of any officer from a promotion list at
5 any time before the date on which the officer is promoted.

6 “(b) *REMOVAL FOR WITHHOLDING OF SENATE ADVICE*
7 *AND CONSENT.*—If the Senate does not give its advice and
8 consent to the appointment to the next higher grade of an
9 officer whose name is on a list of officers approved by the
10 President for promotion (except in the case of promotions
11 to a reserve grade to which appointments may be made by
12 the President alone), the name of that officer shall be re-
13 moved from the list.

14 “(c) *CONTINUED ELIGIBILITY FOR PROMOTION.*—An
15 officer whose name is removed from a list under subsection
16 (a) or (b) continues to be eligible for consideration for pro-
17 motion. If that officer is recommended for promotion by the
18 next selection board convened for that officer’s grade and
19 competitive category and the officer is promoted, the Sec-
20 retary of the military department concerned may, upon the
21 promotion, grant the officer the same date of rank, the same
22 effective date for the pay and allowances of the grade to
23 which promoted, and the same position on the reserve ac-
24 tive-status list, as the officer would have had if the officer’s
25 name had not been removed from the list.

1 **“§ 14311. Delay of promotion: involuntary**

2 “(a) *DELAY DURING INVESTIGATIONS AND PROCEED-*
3 *INGS.—(1) Under regulations prescribed by the Secretary*
4 *of the military department concerned, the appointment of*
5 *an officer to a higher grade may be delayed if any of the*
6 *following applies before the date on which the appointment*
7 *would otherwise be made:*

8 “(A) *Sworn charges against the officer have been*
9 *received by an officer exercising general court-martial*
10 *jurisdiction over the officer and the charges have not*
11 *been disposed of.*

12 “(B) *An investigation is being conducted to de-*
13 *termine whether disciplinary action of any kind*
14 *should be brought against the officer.*

15 “(C) *A board of officers has been convened under*
16 *section 14903 of this title to review the record of the*
17 *officer.*

18 “(D) *A criminal proceeding in a Federal or*
19 *State court of competent jurisdiction is pending*
20 *against the officer.*

21 “(2) *If disciplinary action is not taken against the of-*
22 *ficer, if the charges against the officer are withdrawn or*
23 *dismissed, if the officer is not separated by the Secretary*
24 *of the military department concerned as the result of having*
25 *been required to show cause for retention, or if the officer*
26 *is acquitted of the charges, as the case may be, then (unless*

1 *action to delay the officer's appointment to the higher grade*
2 *has been taken under subsection (b)) the officer shall be re-*
3 *tained on the promotion list, list of officers found qualified*
4 *for Federal recognition, or list of officers nominated by the*
5 *President to the Senate for appointment in a higher reserve*
6 *grade and shall, upon promotion to the next higher grade,*
7 *have the same date of rank, the same effective date for the*
8 *pay and allowances of the grade to which promoted, and*
9 *the same position on the reserve active-status list as the offi-*
10 *cer would have had if no delay had intervened, unless the*
11 *Secretary concerned determines that the officer was un-*
12 *qualified for promotion for any part of the delay. If the*
13 *Secretary makes such a determination, the Secretary may*
14 *adjust such date of rank, effective date of pay and allow-*
15 *ances, and position on the reserve active-status list as the*
16 *Secretary considers appropriate under the circumstances.*

17 “(b) *DELAY FOR LACK OF QUALIFICATIONS.*—Under
18 *regulations prescribed by the Secretary of the military de-*
19 *partment concerned, the appointment of an officer to a*
20 *higher grade may also be delayed if there is cause to believe*
21 *that the officer is mentally, physically, morally, or profes-*
22 *sionally unqualified to perform the duties of the grade to*
23 *which selected. If the Secretary concerned later determines*
24 *that the officer is qualified for promotion to the higher*
25 *grade, the officer shall be retained on the promotion list,*

1 *the list of officers found qualified for Federal recognition,*
2 *or list of officers nominated by the President to the Senate*
3 *for appointment in a higher reserve grade, and shall, upon*
4 *promotion to that grade, have the same date of rank, the*
5 *same effective date for pay and allowances of that grade,*
6 *and the same position on the reserve active-status list as*
7 *the officer would have had if no delay had intervened, unless*
8 *the Secretary concerned determines that the officer was un-*
9 *qualified for promotion for any part of the delay. If the*
10 *Secretary makes such a determination, the Secretary may*
11 *adjust such date of rank, effective date of pay and allow-*
12 *ances, and position on the reserve active-status list as the*
13 *Secretary considers appropriate under the circumstances.*

14 “(c) NOTICE TO OFFICER.—(1) *The appointment of an*
15 *officer to a higher grade may not be delayed under sub-*
16 *section (a) or (b) unless the officer is given written notice*
17 *of the grounds for the delay. The preceding sentence does*
18 *not apply if it is impracticable to give the officer written*
19 *notice before the date on which the appointment to the high-*
20 *er grade would otherwise take effect, but in such a case the*
21 *written notice shall be given as soon as practicable.*

22 “(2) *An officer whose promotion is delayed under sub-*
23 *section (a) or (b) shall be given an opportunity to make*
24 *a written statement to the Secretary of the military depart-*

1 *ment concerned in response to the action taken. The Sec-*
2 *retary shall give consideration to any such statement.*

3 “(d) *MAXIMUM LENGTH OF DELAY IN PROMOTION.—*
4 *The appointment of an officer to a higher grade may not*
5 *be delayed under subsection (a) or (b) for more than six*
6 *months after the date on which the officer would otherwise*
7 *have been promoted unless the Secretary concerned specifies*
8 *a further period of delay. An officer’s appointment may not*
9 *be delayed more than 90 days after final action has been*
10 *taken in any criminal case against the officer in a Federal*
11 *or State court of competent jurisdiction or more than 90*
12 *days after final action has been taken in any court-martial*
13 *case against the officer. Except for court action, a pro-*
14 *motion may not be delayed more than 18 months after the*
15 *date on which the officer would otherwise have been pro-*
16 *moted.*

17 “(e) *DELAY BECAUSE OF LIMITATIONS ON OFFICER*
18 *STRENGTH IN GRADE OR DUTIES TO WHICH ASSIGNED.—*
19 *(1) Under regulations prescribed by the Secretary of De-*
20 *fense, the promotion of a reserve officer on the reserve active-*
21 *status list who is serving on active duty, or who is on full-*
22 *time National Guard duty for administration of the re-*
23 *serves or the National Guard, to a grade to which the*
24 *strength limitations of section 12011 of this title apply shall*
25 *be delayed if necessary to ensure compliance with those*

1 *strength limitations. The delay shall expire when the Sec-*
2 *retary determines that the delay is no longer required to*
3 *ensure such compliance.*

4 “(2) *The promotion of an officer described in para-*
5 *graph (1) shall also be delayed while the officer is on duty*
6 *described in that paragraph unless the Secretary of the*
7 *military department concerned, under regulations pre-*
8 *scribed by the Secretary of Defense, determines that the duty*
9 *assignment of the officer requires a higher grade than the*
10 *grade currently held by the officer.*

11 “(3) *The date of rank and position on the reserve ac-*
12 *tive-status list of a reserve officer whose promotion to or*
13 *Federal recognition in the next higher grade was delayed*
14 *under paragraph (1) or (2) solely as the result of the limita-*
15 *tions imposed under the regulations prescribed by the Sec-*
16 *retary of Defense or contained in section 12011 of this title*
17 *shall be the date on which the officer would have been pro-*
18 *moted to or recognized in the higher grade had such limita-*
19 *tions not existed.*

20 “(4) *If an officer whose promotion is delayed under*
21 *paragraph (1) or (2) completes the period of active duty*
22 *or full-time National Guard duty that the officer is required*
23 *by law or regulation to perform as a member of a reserve*
24 *component, the officer may request release from active duty*
25 *or full-time National Guard duty. If the request is granted,*

1 *the officer's promotion shall be effective upon the officer's*
 2 *release from such duty. The date of rank and position on*
 3 *the reserve active-status list of the officer shall be the date*
 4 *the officer would have been promoted to or recognized in*
 5 *the higher grade had the limitations imposed under regula-*
 6 *tions prescribed by the Secretary of Defense contained in*
 7 *section 12011 of this title not existed. If an officer whose*
 8 *promotion is delayed under paragraph (1) or (2) has not*
 9 *completed the period of active duty or full-time National*
 10 *Guard duty that the officer is required by law or regulation*
 11 *to perform as a member of a reserve component, the officer*
 12 *may be retained on active duty or on full-time National*
 13 *Guard duty in the grade in which the officer was serving*
 14 *before the officer's being found qualified for Federal recogni-*
 15 *tion or the officer's selection for the promotion until the offi-*
 16 *cer completes that required period of duty.*

17 ***“§ 14312. Delay of promotion: voluntary***

18 *“(a) AUTHORITY FOR VOLUNTARY DELAYS.—(1) The*
 19 *Secretary of the military department concerned may, by*
 20 *regulation, permit delays of a promotion of an officer who*
 21 *is recommended for promotion by a mandatory selection*
 22 *board convened under section 14101(a) or a special selection*
 23 *board convened under section 14502 of this title at the re-*
 24 *quest of the officer concerned. Such delays, in the case of*
 25 *any promotion, may extend for any period not to exceed*

1 *three years from the date on which the officer would other-*
2 *wise be promoted.*

3 “(2) *Regulations under this section shall provide*
4 *that—*

5 “(A) *a request for such a delay of promotion*
6 *must be submitted by the officer concerned before the*
7 *delay may be approved; and*

8 “(B) *denial of such a request shall not be consid-*
9 *ered to be a failure of selection for promotion unless*
10 *the officer declines to accept a promotion under cir-*
11 *cumstances set forth in subsection (c).*

12 “(b) *EFFECT OF APPROVAL OF REQUEST.—If a request*
13 *for delay of a promotion under subsection (a) is approved,*
14 *the officer’s name shall remain on the promotion list during*
15 *the authorized period of delay (unless removed under any*
16 *other provision of law). Upon the end of the period of the*
17 *authorized delay, or at any time during such period, the*
18 *officer may accept the promotion, which shall be effective*
19 *on the date of acceptance. Such an acceptance of a pro-*
20 *motion shall be made in accordance with regulations pre-*
21 *scribed under this section.*

22 “(c) *EFFECT OF DECLINING A PROMOTION.—An offi-*
23 *cer’s name shall be removed from the promotion list and,*
24 *if the officer is serving in a grade below colonel or, in the*
25 *case of the Navy, captain, the officer shall be considered to*

1 *have failed of selection for promotion if any of the following*
 2 *applies:*

3 “(1) *The Secretary concerned has not authorized*
 4 *voluntary delays of promotion under subsection (a) to*
 5 *the grade concerned and the officer declines to accept*
 6 *an appointment to a higher grade.*

7 “(2) *The Secretary concerned has authorized vol-*
 8 *untary delays of promotion under subsection (a), but*
 9 *has denied the request of the officer for a delay of pro-*
 10 *motion and the officer then declines to accept an ap-*
 11 *pointment to a higher grade.*

12 “(3) *The Secretary concerned has approved the*
 13 *request of an officer for a delay of promotion and,*
 14 *upon the end of the period of delay authorized in ac-*
 15 *cordance with regulations prescribed under subsection*
 16 *(a), the officer then declines to accept an appointment*
 17 *to a higher grade.*

18 **“§ 14313. Authority to vacate promotions to grade of**
 19 **brigadier general or rear admiral (lower**
 20 **half)**

21 “(a) *AUTHORITY.—The President may vacate the ap-*
 22 *pointment of a reserve officer to the grade of brigadier*
 23 *general or rear admiral (lower half) if the period of time*
 24 *during which the officer has served in that grade after pro-*
 25 *motion to that grade is less than 18 months.*

1 “(b) *EFFECT OF PROMOTION BEING VACATED.*—*Ex-*
 2 *cept as provided in subsection (c), an officer whose pro-*
 3 *motion to the grade of brigadier general is vacated under*
 4 *this section holds the grade of colonel as a reserve of the*
 5 *armed force of which the officer is a member. An officer*
 6 *whose promotion to the grade of rear admiral (lower half)*
 7 *is vacated under this section holds the grade of captain in*
 8 *the Naval Reserve. Upon assuming the lower grade, the offi-*
 9 *cer shall have the same position on the reserve active-status*
 10 *list as the officer would have had if the officer had not*
 11 *served in the higher grade.*

12 “(c) *SPECIAL RULE FOR OFFICERS SERVING AS ADJU-*
 13 *TANT GENERAL.*—*In the case of an officer serving as an*
 14 *adjutant general or assistant adjutant general whose pro-*
 15 *motion to the grade of brigadier general is vacated under*
 16 *this section, the officer then holds the reserve grade held by*
 17 *that officer immediately before the officer’s appointment as*
 18 *adjutant general or assistant adjutant general.*

19 **“§14314. Army and Air Force commissioned officers:**
 20 ***generals ceasing to occupy positions com-***
 21 ***mensurate with grade; State adjutants***
 22 ***general***

23 “(a) *GENERAL OFFICERS.*—*Within 30 days after a re-*
 24 *serve officer of the Army or the Air Force on the reserve*
 25 *active-status list in a general officer grade ceases to occupy*

1 *a position commensurate with that grade (or commensurate*
2 *with a higher grade), the Secretary concerned shall transfer*
3 *or discharge the officer in accordance with whichever of the*
4 *following the officer elects:*

5 “(1) *Transfer the officer in grade to the Retired*
6 *Reserve, if the officer is qualified and applies for the*
7 *transfer.*

8 “(2) *Transfer the officer in grade to the inactive*
9 *status list of the Standby Reserve, if the officer is*
10 *qualified.*

11 “(3) *Discharge the officer from the officer’s re-*
12 *serve appointment and, if the officer is qualified and*
13 *applies therefor, appoint the officer in the reserve*
14 *grade held by the officer as a reserve officer before the*
15 *officer’s appointment in a general officer grade.*

16 “(4) *Discharge the officer from the officer’s*
17 *reserve appointment.*

18 “(b) *ADJUTANTS GENERAL.—If a reserve officer who*
19 *is federally recognized in the Army National Guard or the*
20 *Air National Guard solely because of the officer’s appoint-*
21 *ment as adjutant general or assistant adjutant general of*
22 *a State ceases to occupy that position, the Secretary con-*
23 *cerned, not later than 30 days after the date on which the*
24 *officer ceases to occupy that position, shall—*

1 “(1) withdraw that officer’s Federal recognition;
2 and

3 “(2) require that the officer—

4 “(A) be transferred in grade to the Retired
5 Reserve, if the officer is qualified and applies for
6 the transfer;

7 “(B) be discharged from the officer’s reserve
8 appointment and appointed in the reserve grade
9 held by the officer as a reserve officer of the Air
10 Force immediately before the appointment of
11 that officer as adjutant general or assistant adju-
12 tant general, if the officer is qualified and ap-
13 plies for that appointment; or

14 “(C) be discharged from the officer’s reserve
15 appointment.

16 “(c) *CREDIT FOR SERVICE IN GRADE.*—An officer who
17 is appointed under subsection (a)(3) or (b)(2)(B) shall be
18 credited with an amount of service in the grade in which
19 appointed that is equal to the amount of prior service in
20 an active status in that grade and in any higher grade.

21 **“§ 14315. Position vacancy promotions: Army and Air**
22 **Force officers**

23 “(a) *OFFICERS ELIGIBLE FOR CONSIDERATION FOR*
24 *VACANCY PROMOTIONS BELOW BRIGADIER GENERAL.*—

1 *A reserve officer of the Army who is in the Army Reserve,*
2 *or a Reserve officer of the Air Force who is in the Air Force*
3 *Reserve, who is on the reserve active-status list in the grade*
4 *of first lieutenant, captain, major, or lieutenant colonel is*
5 *eligible for consideration for promotion to the next higher*
6 *grade under this section if each of the following applies:*

7 “(1) *The officer is occupying or, as determined*
8 *by the Secretary concerned, is available to occupy a*
9 *position in the same competitive category as the offi-*
10 *cer and for which a grade higher than the one held*
11 *by that officer is authorized.*

12 “(2) *The officer is fully qualified to meet all re-*
13 *quirements for the position as established by the Sec-*
14 *retary of the military department concerned.*

15 “(3) *The officer has held the officer’s present*
16 *grade for the minimum period of service prescribed in*
17 *section 14303 of this title for eligibility for consider-*
18 *ation for promotion to the higher grade.*

19 “(b) *CONSIDERATION FOR VACANCY PROMOTION TO*
20 *BRIGADIER GENERAL OR MAJOR GENERAL.—(1) A reserve*
21 *officer of the Army who is in the Army Reserve and on*
22 *the reserve active-status list in the grade of colonel or briga-*
23 *dier general may be considered for promotion to the next*
24 *higher grade under this section if the officer (A) is assigned*
25 *to the duties of a general officer of the next higher reserve*

1 *grade in a unit of the Army Reserve organized to serve as*
2 *a unit, (B) has held the officer's present grade for the mini-*
3 *imum period of service prescribed in section 14303 of this*
4 *title for eligibility for consideration for promotion to the*
5 *higher grade, and (C) meets the standards for consideration*
6 *prescribed by the Secretary of the Army.*

7 “(2) *A reserve officer of the Air Force who is in the*
8 *Air Force Reserve and on the reserve active-status list in*
9 *the grade of colonel or brigadier general may be considered*
10 *for promotion to the next higher grade under this section*
11 *if the officer (A) is assigned to the duties of a general officer*
12 *of the next higher reserve grade, and (B) meets the stand-*
13 *ards for consideration prescribed by the Secretary of the Air*
14 *Force.*

15 “(c) *VACANCY PROMOTION BOARDS.—Consideration*
16 *for promotion under this section shall be by a vacancy pro-*
17 *motion board convened under section 14101(a) of this title.*

18 “(d) *EFFECT OF NONSELECTION.—An officer who is*
19 *considered for promotion under this section and is not se-*
20 *lected shall not be considered to have failed of selection for*
21 *promotion.*

22 “(e) *SPECIAL RULE FOR OFFICERS FAILED OF SELEC-*
23 *TION.—A reserve officer of the Army or the Air Force who*
24 *is considered as failed of selection for promotion under sec-*
25 *tion 14501 of this title to a grade may be considered for*

1 *promotion under this section or, if selected, promoted to*
 2 *that grade only if the Secretary of the military department*
 3 *concerned finds that the officer is the only qualified officer*
 4 *available to fill the vacancy. The Secretary concerned may*
 5 *not delegate the authority under the preceding sentence.*

6 **“§14316. Army National Guard and Air National**
 7 **Guard: appointment to and Federal rec-**
 8 **ognition in a higher reserve grade after**
 9 **selection for promotion**

10 *“(a) OPPORTUNITY FOR PROMOTION TO FILL A VA-*
 11 *CANCY IN THE GUARD.—If an officer of the Army National*
 12 *Guard of the United States or the Air National Guard of*
 13 *the United States is recommended by a mandatory selection*
 14 *board convened under section 14101(a) or a special selection*
 15 *board convened under section 14502 of this title for pro-*
 16 *motion to the next higher grade, an opportunity shall be*
 17 *given to the appropriate authority of the State to promote*
 18 *that officer to fill a vacancy in the Army National Guard*
 19 *or the Air National Guard of that jurisdiction.*

20 *“(b) AUTOMATIC FEDERAL RECOGNITION.—An officer*
 21 *of the Army National Guard of the United States or the*
 22 *Air National Guard of the United States who is on a pro-*
 23 *motion list for promotion to the next higher grade as a re-*
 24 *sult of selection for promotion as described in subsection*
 25 *(a) and who before the date of promotion is appointed in*

1 *that higher grade to fill a vacancy in the Army National*
 2 *Guard or Air National Guard shall—*

3 “(1) *be extended Federal recognition in that*
 4 *grade, without the examination prescribed in section*
 5 *307 of title 32; and*

6 “(2) *subject to section 14311(e) of this title, be*
 7 *promoted to that reserve grade effective on the date of*
 8 *the officer’s appointment in that grade in the Army*
 9 *National Guard or Air National Guard.*

10 “(c) *NATIONAL GUARD OFFICERS FAILED OF SELEC-*
 11 *TION.—An officer who is considered as failed of selection*
 12 *for promotion under section 14501 of this title to a grade*
 13 *may be extended Federal recognition in that grade only if*
 14 *the Secretary of the military department concerned finds*
 15 *that the officer is the only qualified officer available to fill*
 16 *a vacancy. The Secretary concerned may not delegate the*
 17 *authority under the preceding sentence.*

18 “(d) *TRANSFER TO ARMY RESERVE OR AIR FORCE*
 19 *RESERVE.—If, on the date on which an officer of the Army*
 20 *National Guard of the United States or of the Air National*
 21 *Guard of the United States who is on a promotion list as*
 22 *described in subsection (a) is to be promoted, the officer has*
 23 *not been promoted to fill a vacancy in the higher grade in*
 24 *the Army National Guard or the Air National Guard, the*
 25 *officer’s Federal recognition in the officer’s reserve grade*

1 *shall be withdrawn and the officer shall be promoted and*
2 *transferred to the Army Reserve or the Air Force Reserve*
3 *as appropriate.*

4 ***“§ 14317. Officers in transition to and from the active-***
5 ***status list or active-duty list***

6 *“(a) EFFECT OF TRANSFER TO INACTIVE STATUS OR*
7 *RETIRED STATUS.—If a reserve officer on the reserve ac-*
8 *tive-status list is transferred to an inactive status or to a*
9 *retired status after having been recommended for promotion*
10 *to a higher grade under this chapter or chapter 36 of this*
11 *title, or after having been found qualified for Federal rec-*
12 *ognition in the higher grade under title 32, but before being*
13 *promoted, the officer—*

14 *“(1) shall be treated as if the officer had not been*
15 *considered and recommended for promotion by the se-*
16 *lection board or examined and been found qualified*
17 *for Federal recognition; and*

18 *“(2) may not be placed on a promotion list or*
19 *promoted to the higher grade after returning to an ac-*
20 *tive status,*

21 *unless the officer is again recommended for promotion by*
22 *a selection board convened under chapter 36 of this title*
23 *or section 14101(a) or 14502 of this title or examined for*
24 *Federal recognition under title 32.*

1 “(b) *EFFECT OF PLACEMENT ON ACTIVE-DUTY*
2 *LIST.*—A reserve officer who is on a promotion list as a
3 result of selection for promotion by a mandatory promotion
4 board convened under section 14101(a) or a special selection
5 board convened under section 14502 of this title and who
6 before being promoted is placed on the active-duty list of
7 the same armed force and placed in the same competitive
8 category shall, under regulations prescribed by the Sec-
9 retary of Defense, be placed on an appropriate promotion
10 list for officers on the active-duty list established under
11 chapter 36 of this title.

12 “(c) *OFFICERS ON A PROMOTION LIST REMOVED*
13 *FROM ACTIVE-DUTY LIST.*—An officer who is on the active-
14 duty list and is on a promotion list as the result of selection
15 for promotion by a selection board convened under chapter
16 36 of this title and who before being promoted is removed
17 from the active-duty list and placed on the reserve active-
18 status list of the same armed force and in the same competi-
19 tive category (including a regular officer who on removal
20 from the active-duty list is appointed as a reserve officer
21 and placed on the reserve active-status list) shall, under reg-
22 ulations prescribed by the Secretary of Defense, be placed
23 on an appropriate promotion list established under this
24 chapter.

1 “(d) OFFICERS SELECTED FOR POSITION VACAN-
2 CIES.—If a reserve officer is ordered to active duty (other
3 than active duty for training) or full-time National Guard
4 duty (other than full-time National Guard duty for train-
5 ing only) after being recommended for promotion under sec-
6 tion 14314 of this title to fill a position vacancy or exam-
7 ined for Federal recognition under title 32, and before being
8 promoted to fill that vacancy, the officer shall not be pro-
9 moted while serving such active duty or full-time National
10 Guard duty unless the officer is ordered to active duty as
11 a member of the unit in which the vacancy exists when that
12 unit is ordered to active duty. If, under this subsection, the
13 name of an officer is removed from a list of officers rec-
14 ommended for promotion, the officer shall be treated as if
15 the officer had not been considered for promotion or exam-
16 ined for Federal recognition.

17 “(e) Under regulations prescribed by the Secretary of
18 the military department concerned, a reserve officer who is
19 not on the active-duty list and who is ordered to active duty
20 in time of war or national emergency may, if eligible, be
21 considered for promotion by a mandatory promotion board
22 convened under section 14101(a) or a special selection board
23 convened under section 14502 of this title for not more than
24 two years from the date the officer is ordered to active duty

- 1 *unless the President suspends the operation of this section*
 2 *under the provisions of section 10213 or 644 of this title.*

3 **“CHAPTER 1407—FAILURE OF SELECTION FOR**
 4 **PROMOTION AND INVOLUNTARY SEPARATION**

“Sec.

“14501. *Failure of selection for promotion.*

“14502. *Special selection boards: correction of errors.*

“14503. *Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).*

“14504. *Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.*

“14505. *Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy.*

“14506. *Effect of failure of selection for promotion: reserve majors of the Army, Air Force, and Marine Corps and lieutenant commanders of the Navy.*

“14507. *Removal from the active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy.*

“14508. *Removal from the reserve active-status list for years of service: reserve general and flag officers.*

“14509. *Separation at age 60: reserve officers below brigadier general or rear admiral (lower half).*

“14510. *Separation at age 60: reserve brigadier generals and rear admirals (lower half).*

“14511. *Separation at age 62: major generals and rear admirals.*

“14512. *Separation at age 64: officers holding certain offices.*

“14513. *Separation for failure of selection of promotion.*

“14514. *Discharge or retirement for years of service or after selection for early removal.*

“14515. *Discharge or retirement for age.*

“14516. *Separation to be considered involuntary.*

“14517. *Entitlement of officers discharged under this chapter to separation pay.*

5 **“§ 14501. Failure of selection for promotion**

- 6 “(a) *An officer on the reserve active-status list in a*
 7 *grade below the grade of colonel or, in the case of an officer*
 8 *in the Naval Reserve, captain who is in or above the pro-*
 9 *motion zone established for that officer’s grade and competi-*
 10 *tive category and who (1) is considered but not rec-*

1 *ommended for promotion (other than by a vacancy pro-*
 2 *motion board), or (2) declines to accept a promotion for*
 3 *which selected (other than by a vacancy promotion board),*
 4 *shall be considered to have failed of selection for promotion.*

5 “(b) *OFFICERS TWICE FAILED OF SELECTION.*—An of-
 6 *ficer shall be considered for all purposes to have twice failed*
 7 *of selection for promotion if any of the following applies:*

8 “(1) *The officer is considered but not rec-*
 9 *ommended for promotion a second time by a manda-*
 10 *tory promotion board convened under section*
 11 *14101(a) or a special selection board convened under*
 12 *section 14502(a) of this title.*

13 “(2) *The officer declines to accept a promotion*
 14 *for which recommended by a mandatory promotion*
 15 *board convened under section 14101(a) or a special*
 16 *selection board convened under section 14502(a) or*
 17 *14502(b) of this title after previously failing of selec-*
 18 *tion or after the officer’s name was removed from the*
 19 *report of a selection board under section 14111(b) or*
 20 *from a promotion list under section 14310 of this title*
 21 *after recommendation for promotion by an earlier se-*
 22 *lection board described in subsection (a).*

23 “(3) *The officer’s name has been removed from*
 24 *the report of a selection board under section 14111(b)*
 25 *or from a promotion list under section 14310 of this*

1 *title after recommendation by a mandatory pro-*
 2 *motion board convened under section 14101(a) or by*
 3 *a special selection board convened under section*
 4 *14502(a) or 14502(b) of this title and—*

5 *“(A) the officer is not recommended for pro-*
 6 *motion by the next mandatory promotion board*
 7 *convened under section 14101(a) or special selec-*
 8 *tion board convened under section 14502(a) of*
 9 *this title for that officer’s grade and competitive*
 10 *category; or*

11 *“(B) the officer’s name is again removed*
 12 *from the report of a selection board under section*
 13 *14111(b) or from a promotion list under section*
 14 *14310 of this title.*

15 **“§ 14502. Special selection boards: correction of errors**

16 *“(a) OFFICERS NOT CONSIDERED BECAUSE OF AD-*
 17 *MINISTRATIVE ERROR.—(1) In the case of an officer or*
 18 *former officer who the Secretary of the military department*
 19 *concerned determines was not considered for selection for*
 20 *promotion from in or above the promotion zone by a man-*
 21 *datory promotion board convened under section 14101(a)*
 22 *of this title because of administrative error, the Secretary*
 23 *concerned shall convene a special selection board under this*
 24 *subsection to determine whether such officer or former offi-*
 25 *cer should be recommended for promotion. Any such board*

1 *shall be convened under regulations prescribed by the Sec-*
 2 *retary of Defense and shall be appointed and composed in*
 3 *accordance with section 14102 of this title and shall include*
 4 *the representation of competitive categories required by that*
 5 *section. The members of a board convened under this sub-*
 6 *section shall be required to take an oath in the same manner*
 7 *as prescribed in section 14103 of this title.*

8 “(2) A special selection board convened under this sub-
 9 section shall consider the record of the officer or former offi-
 10 cer as that record would have appeared to the promotion
 11 board that should have considered the officer or former offi-
 12 cer. That record shall be compared with a sampling of the
 13 records of those officers of the same grade and competitive
 14 category who were recommended for promotion and those
 15 officers of the same grade and competitive category who
 16 were not recommended for promotion by that board.

17 “(3) If a special selection board convened under para-
 18 graph (1) does not recommend for promotion an officer or
 19 former officer in a grade below the grade of colonel or, in
 20 the case of an officer or former officer of the Navy, captain,
 21 whose name was referred to it for consideration, the officer
 22 or former officer shall be considered to have failed of selec-
 23 tion for promotion.

24 “(b) OFFICERS CONSIDERED BUT NOT SELECTED; MA-
 25 TERIAL ERROR.—(1) In the case of an officer or former offi-

1 cer who was eligible for promotion and was considered for
2 selection for promotion from in or above the promotion zone
3 under this chapter by a selection board but was not selected,
4 the Secretary of the military department concerned may,
5 under regulations prescribed by the Secretary of Defense,
6 convene a special selection board under this subsection to
7 determine whether the officer or former officer should be rec-
8 ommended for promotion, if the Secretary determines
9 that—

10 “(A) the action of the selection board that consid-
11 ered the officer or former officer was contrary to law
12 or involved material error of fact or material
13 administrative error; or

14 “(B) the selection board did not have before it for
15 its consideration material information.

16 “(2) A special selection board convened under para-
17 graph (1) shall be appointed and composed in accordance
18 with section 14102 of this title (including the representation
19 of competitive categories required by that section), and the
20 members of such a board shall take an oath in the same
21 manner as prescribed in section 14103 of this title.

22 “(3) Such board shall consider the record of the officer
23 or former officer as that record, if corrected, would have
24 appeared to the selection board that considered the officer
25 or former officer. That record shall be compared with a sam-

1 *pling of the records of those officers of the same grade and*
2 *competitive category who were recommended for promotion*
3 *and those officers of the same grade and competitive cat-*
4 *egory who were not recommended for promotion by that*
5 *board.*

6 “(4) *If a special selection board convened under para-*
7 *graph (1) does not recommend for promotion an officer or*
8 *former officer in the grade of lieutenant colonel or com-*
9 *mander or below whose name was referred to it for consider-*
10 *ation, the officer or former officer shall be considered to have*
11 *failed of selection for promotion by the board which did con-*
12 *sider the officer but incurs no additional failure of selection*
13 *for promotion from the action of the special selection board.*

14 “(c) *REPORT.—Each special selection board convened*
15 *under this section shall submit to the Secretary of the mili-*
16 *tary department concerned a written report, signed by each*
17 *member of the board, containing the name of each officer*
18 *it recommends for promotion and certifying that the board*
19 *has considered carefully the record of each officer whose*
20 *name was referred to it.*

21 “(d) *APPLICABLE PROVISIONS.—The provisions of sec-*
22 *tions 14104, 14109, 14110, and 14111 of this title apply*
23 *to the report and proceedings of a special selection board*
24 *convened under this section in the same manner as they*

1 *apply to the report and proceedings of a promotion board*
2 *convened under section 14101(a) of this title.*

3 “(e) *APPOINTMENT OF OFFICERS RECOMMENDED FOR*
4 *PROMOTION.—(1) An officer whose name is placed on a*
5 *promotion list as a result of recommendation for promotion*
6 *by a special selection board convened under this section,*
7 *shall, as soon as practicable, be appointed to the next higher*
8 *grade in accordance with the law and policies which would*
9 *have been applicable had he been recommended for pro-*
10 *motion by the board which should have considered or which*
11 *did consider him.*

12 “(2) *An officer who is promoted to the next higher*
13 *grade as the result of the recommendation of a special selec-*
14 *tion board convened under this section shall, upon such pro-*
15 *motion, have the same date of rank, the same effective date*
16 *for the pay and allowances of that grade, and the same posi-*
17 *tion on the reserve active-status list as the officer would*
18 *have had if the officer had been recommended for promotion*
19 *to that grade by the selection board which should have con-*
20 *sidered, or which did consider, the officer.*

21 “(3) *If the report of a special selection board convened*
22 *under this section, as approved by the President, rec-*
23 *ommends for promotion to the next higher grade an officer*
24 *not currently eligible for promotion or a former officer*
25 *whose name was referred to it for consideration, the Sec-*

1 *retary concerned may act under section 1552 of this title*
 2 *to correct the military record of the officer or former officer*
 3 *to correct an error or remove an injustice resulting from*
 4 *not being selected for promotion by the board which should*
 5 *have considered, or which did consider, the officer.*

6 “(f) *TIME LIMITS FOR CONSIDERATION.*—The Sec-
 7 *retary of Defense may prescribe by regulation the cir-*
 8 *cumstances under which consideration by a special selection*
 9 *board is contingent upon application for consideration by*
 10 *an officer or former officer and time limits within which*
 11 *an officer or former officer must make such application in*
 12 *order to be considered by a special selection board under*
 13 *this section.*

14 “(g) *LIMITATION OF OTHER JURISDICTION.*—No
 15 *official or court of the United States shall have power or*
 16 *jurisdiction—*

17 “(1) *over any claim based in any way on the*
 18 *failure of an officer or former officer of the armed*
 19 *forces to be selected for promotion by a selection board*
 20 *convened under chapter 1403 of this title until—*

21 “(A) *the claim has been referred to a special*
 22 *selection board by the Secretary concerned and*
 23 *acted upon by that board; or*

1 “(B) the claim has been rejected by the Sec-
2 retary without consideration by a special
3 selection board; or

4 “(2) to grant any relief on such a claim unless
5 the officer or former officer has been selected for pro-
6 motion by a special selection board convened under
7 this section to consider the officer’s claim.

8 “(h) JUDICIAL REVIEW.—(1) A court of the United
9 States may review a determination by the Secretary con-
10 cerned under subsection (a)(1), (b)(1), or (e)(3) not to con-
11 vene a special selection board. If a court finds the deter-
12 mination to be arbitrary or capricious, not based on sub-
13 stantial evidence, or otherwise contrary to law, it shall re-
14 mand the case to the Secretary concerned, who shall provide
15 for consideration of the officer or former officer by a special
16 selection board under this section.

17 “(2) If a court finds that the action of a special selec-
18 tion board which considers an officer or former officer was
19 contrary to law or involved material error of fact or mate-
20 rial administrative error, it shall remand the case to the
21 Secretary concerned, who shall provide the officer or former
22 officer reconsideration by a new special selection board.

23 “(i) DESIGNATION OF BOARDS.—The Secretary of the
24 military department concerned may designate a promotion
25 board convened under section 14101(a) of this title as a spe-

1 cial selection board convened under this section. A board
2 so designated may function in both capacities.

3 **“§ 14503. Discharge of officers with less than five**
4 **years of commissioned service or found**
5 **not qualified for promotion to first lieu-**
6 **tenant or lieutenant (junior grade)**

7 “(a) *AUTHORIZED DISCHARGES.*—The Secretary of
8 the military department concerned may discharge any re-
9 serve officer who—

10 “(1) *has less than five years of service in an ac-*
11 *tive status as a commissioned officer; or*

12 “(2) *is serving in the grade of second lieutenant*
13 *or ensign and has been found not qualified for pro-*
14 *motion to the grade of first lieutenant or lieutenant*
15 *(junior grade).*

16 “(b) *TIME FOR DISCHARGE.*—(1) *An officer described*
17 *in subsection (a)(2)—*

18 “(A) *may be discharged at any time after being*
19 *found not qualified for promotion; and*

20 “(B) *if not sooner discharged, shall be discharged*
21 *at the end of the 18-month period beginning on the*
22 *date on which the officer is first found not qualified*
23 *for promotion.*

24 “(2) *Paragraph (1) shall not apply if the officer is*
25 *sooner promoted.*

1 “(c) *REGULATIONS.*—Discharges under this section
2 shall be made under regulations prescribed by the Secretary
3 of Defense and may be made without regard to section
4 12645 of this title.

5 **“§ 14504. Effect of failure of selection for promotion:**
6 **reserve first lieutenants of the Army, Air**
7 **Force, and Marine Corps and reserve lieu-**
8 **tenants (junior grade) of the Navy**

9 “(a) *GENERAL RULE.*—A first lieutenant on the re-
10 serve active-status list of the Army, Air Force, or Marine
11 Corps or a lieutenant (junior grade) on the reserve active-
12 status list of the Navy who has failed of selection for pro-
13 motion to the next higher grade for the second time and
14 whose name is not on a list of officers recommended for
15 promotion to the next higher grade shall be separated in
16 accordance with section 14513 of this title not later than
17 the first day of the seventh month after the month in which
18 the President approves the report of the board which consid-
19 ered the officer for the second time.

20 “(b) *EXCEPTIONS.*—Subsection (a) does not apply (1)
21 in the case of an officer retained as provided by regulation
22 of the Secretary of the military department concerned in
23 order to meet planned mobilization needs for a period not
24 in excess of 24 months beginning with the date on which
25 the President approves the report of the selection board

1 *which resulted in the second failure, or (2) as provided in*
2 *section 12646 or 12686 of this title.*

3 ***“§ 14505. Effect of failure of selection for promotion:***
4 ***reserve captains of the Army, Air Force,***
5 ***and Marine Corps and reserve lieutenants***
6 ***of the Navy***

7 *“Unless retained as provided in section 12646 or*
8 *12686 of this title, a captain on the reserve active-status*
9 *list of the Army, Air Force, or Marine Corps or a lieutenant*
10 *on the reserve active-status list of the Navy who has failed*
11 *of selection for promotion to the next higher grade for the*
12 *second time and whose name is not on a list of officers rec-*
13 *ommended for promotion to the next higher grade and who*
14 *has not been selected for continuation on the reserve active-*
15 *status list under section 14701 of this title, shall be sepa-*
16 *rated in accordance with section 14513 of this title not later*
17 *than the first day of the seventh month after the month in*
18 *which the President approves the report of the board which*
19 *considered the officer for the second time.*

20 ***“§ 14506. Effect of failure of selection for promotion:***
21 ***reserve majors of the Army, Air Force and***
22 ***Marine Corps and reserve lieutenant com-***
23 ***manders of the Navy***

24 *“Unless retained as provided in section 12646, 12686,*
25 *14701, or 14702 of this title, each reserve officer of the*

1 Army, Navy, Air Force, or Marine Corps who holds the
 2 grade of major or lieutenant commander who has failed of
 3 selection to the next higher grade for the second time and
 4 whose name is not on a list of officers recommended for
 5 promotion to the next higher grade shall, if not earlier re-
 6 moved from the reserve active-status list, be removed from
 7 that list in accordance with section 14513 of this title on
 8 the first day of the month after the month in which the
 9 officer completes 20 years of commissioned service.

10 **“§14507. Removal from the reserve active-status list**
 11 **for years of service: reserve lieutenant**
 12 **colonels and colonels of the Army, Air**
 13 **Force, and Marine Corps and reserve com-**
 14 **manders and captains of the Navy**

15 “(a) *LIEUTENANT COLONELS AND COMMANDERS.*—
 16 Unless continued on the reserve active-status list under sec-
 17 tion 14701 or 14702 of this title or retained as provided
 18 in section 12646 or 12686 of this title, each reserve officer
 19 of the Army, Navy, Air Force, or Marine Corps who holds
 20 the grade of lieutenant colonel or commander and who is
 21 not on a list of officers recommended for promotion to the
 22 next higher grade shall (if not earlier removed from the re-
 23 serve active-status list) be removed from that list under sec-
 24 tion 14514 of this title on the first day of the month after

1 *the month in which the officer completes 28 years of com-*
 2 *missioned service.*

3 “(b) *COLONELS AND NAVY CAPTAINS.*—Unless contin-
 4 *ued on the reserve active-status list under section 14701 or*
 5 *14702 of this title or retained as provided in section 12646*
 6 *or 12686 of this title, each reserve officer of the Army, Air*
 7 *Force, or Marine Corps who holds the grade of colonel, and*
 8 *each reserve officer of the Navy who holds the grade of cap-*
 9 *tain, and who is not on a list of officers recommended for*
 10 *promotion to the next higher grade shall (if not earlier re-*
 11 *moved from the reserve active-status list) be removed from*
 12 *that list under section 14514 of this title on the first day*
 13 *of the month after the month in which the officer completes*
 14 *30 years of commissioned service. This subsection does not*
 15 *apply to the adjutant general or assistant adjutants general*
 16 *of a State.*

17 **“§14508. Removal from the reserve active-status list**
 18 **for years of service: reserve general and**
 19 **flag officers**

20 “(a) *THIRTY YEARS SERVICE OR FIVE YEARS IN*
 21 *GRADE.*—Unless retired, transferred to the Retired Reserve,
 22 *or discharged at an earlier date, each reserve officer of the*
 23 *Army, Air Force, or Marine Corps in the grade of brigadier*
 24 *general who has not been recommended for promotion to*
 25 *the grade of major general, and each reserve officer of the*

1 *Navy in the grade of rear admiral (lower half) who has*
 2 *not been recommended for promotion to rear admiral shall,*
 3 *30 days after completion of 30 years of commissioned serv-*
 4 *ice or on the fifth anniversary of the date of the officer's*
 5 *appointment in the grade of brigadier general or rear admi-*
 6 *ral (lower half), whichever is later, be separated in accord-*
 7 *ance with section 14514 of this title.*

8 “(b) *THIRTY-FIVE YEARS SERVICE OR FIVE YEARS IN*
 9 *GRADE.—Unless retired, transferred to the Retired Reserve,*
 10 *or discharged at an earlier date, each reserve officer of the*
 11 *Army, Air Force, or Marine Corps in the grade of major*
 12 *general, and each reserve officer of the Navy in the grade*
 13 *of rear admiral, shall, 30 days after completion of 35 years*
 14 *of commissioned service or on the fifth anniversary of the*
 15 *date of the officer's appointment in the grade of major gen-*
 16 *eral or rear admiral, whichever is later, be separated in*
 17 *accordance with section 14514 of this title.*

18 “(c) *RETENTION OF BRIGADIER GENERALS.—A re-*
 19 *serve officer of the Army or Air Force in the grade of briga-*
 20 *dier general who would otherwise be removed from an active*
 21 *status under this subsection (a) may, in the discretion of*
 22 *the Secretary of the Army or the Secretary of the Air Force,*
 23 *as the case may be, be retained in an active status, but*
 24 *not later than the date on which the officer becomes 60 years*
 25 *of age. Not more than 10 officers of the Army and not more*

1 *than 10 officers of the Air Force may be retained under*
 2 *this subsection at any one time.*

3 “(d) *RETENTION OF MAJOR GENERALS.*—A reserve of-
 4 *ficer of the Army or Air Force in the grade of major general*
 5 *who would otherwise be removed from an active status*
 6 *under this subsection (b) may, in the discretion of the Sec-*
 7 *retary of the Army or the Secretary of the Air Force, as*
 8 *the case may be, be retained in an active status, but not*
 9 *later than the date on which the officer becomes 62 years*
 10 *of age. Not more than 10 officers of the Army and not more*
 11 *than 10 officers of the Air Force may be retained under*
 12 *this subsection at any one time.*

13 “(e) *EXCEPTION FOR STATE ADJUTANTS GENERAL*
 14 *AND ASSISTANT ADJUTANTS GENERAL.*—*This section does*
 15 *not apply to an officer who is the adjutant general or assist-*
 16 *ant adjutant general of a State.*

17 **“§14509. Separation at age 60: reserve officers in**
 18 ***grades below brigadier general or rear***
 19 ***admiral (lower half)***

20 “*Each reserve officer of the Army, Navy, Air Force,*
 21 *or Marine Corps in a grade below brigadier general or rear*
 22 *admiral (lower half) who has not been recommended for*
 23 *promotion to the grade of brigadier general or rear admiral*
 24 *(lower half) and is not a member of the Retired Reserve*
 25 *shall, on the last day of the month in which that officer*

1 *becomes 60 years of age, be separated in accordance with*
2 *section 14515 of this title.*

3 ***“§ 14510. Separation at age 60: reserve brigadier gen-***
4 ***erals and rear admirals (lower half)***

5 *“Unless retired, transferred to the Retired Reserve, or*
6 *discharged at an earlier date, each reserve officer of the*
7 *Army, Air Force, or Marine Corps in the grade of brigadier*
8 *general who has not been recommended for promotion to*
9 *the grade of major general, and each reserve rear admiral*
10 *(lower half) of the Navy who has not been recommended*
11 *for promotion to the grade of rear admiral, except an officer*
12 *covered by section 14512 of this title, shall be separated in*
13 *accordance with section 14515 of this title on the last day*
14 *of the month in which the officer becomes 60 years of age.*

15 ***“§ 14511. Separation at age 62: major generals and***
16 ***rear admirals***

17 *“Unless retired, transferred to the Retired Reserve, or*
18 *discharged at an earlier date, each reserve officer of the*
19 *Army, Air Force, or Marine Corps in the grade of major*
20 *general and each reserve officer of the Navy in the grade*
21 *of rear admiral, except an officer covered by section 14512*
22 *of this title, shall be separated in accordance with section*
23 *14515 of this title on the last day of the month in which*
24 *the officer becomes 62 years of age.*

1 **“§ 14512. Separation at age 64: officers holding cer-**
 2 **tain offices**

3 “(a) *ARMY AND AIR FORCE.*—Unless retired, trans-
 4 ferred to the Retired Reserve, or discharged at an earlier
 5 date, a reserve officer of the Army or Air Force who is Chief
 6 of the National Guard Bureau, an adjutant general, or if
 7 a reserve officer of the Army, commanding general of the
 8 troops of a State, shall on the last day of the month in
 9 which the officer becomes 64 years of age, be separated in
 10 accordance with section 14515 of this title.

11 “(b) *NAVY AND MARINE CORPS.*—The Secretary of the
 12 Navy may defer the retirement under section 14510 or
 13 14511 of a reserve officer of the Navy in a grade above cap-
 14 tain or a reserve officer of the Marine Corps in a grade
 15 above colonel and retain the officer in an active status until
 16 the officer becomes 64 years of age. Not more than 10 officers
 17 may be so deferred at any one time, distributed between
 18 the Naval Reserve and the Marine Corps Reserve as the Sec-
 19 retary determines.

20 **“§ 14513. Separation for failure of selection of pro-**
 21 **motion**

22 “Each reserve officer of the Army, Navy, Air Force,
 23 or Marine Corps who is in an active status and whose re-
 24 moval from an active status or from a reserve active-status
 25 list is required by section 14504, 14505, or 14506 of this
 26 title shall (unless the officer’s separation is deferred or the

1 *officer is continued in an active status under another provi-*
 2 *sion of law) not later than the date specified in those sec-*
 3 *tions—*

4 “(1) *be transferred to an inactive status if the*
 5 *Secretary concerned determines that the officer has*
 6 *skills which may be required to meet the mobilization*
 7 *needs of the officer’s armed force;*

8 “(2) *be transferred to the Retired Reserve, if the*
 9 *officer is qualified and applies for such transfer; or*

10 “(3) *if the officer is not transferred to an inac-*
 11 *tive status or to the Retired Reserve, be discharged*
 12 *from the officer’s reserve appointment.*

13 **“§14514. Discharge or retirement for years of service**
 14 **or after selection for early removal**

15 “*Each reserve officer of the Army, Navy, Air Force,*
 16 *or Marine Corps who is in an active status and who is*
 17 *required to be removed from an active status or from a re-*
 18 *serve active-status list, as the case may be, under section*
 19 *14507, 14508, 14704, or 14705 of this title (unless the offi-*
 20 *cer is sooner separated or the officer’s separation is deferred*
 21 *or the officer is continued in an active status under another*
 22 *provision of law), in accordance with those sections, shall—*

23 “(1) *be transferred to the Retired Reserve, if the*
 24 *officer is qualified and applies for such transfer; or*

1 “(2) if the officer is not qualified or does not
2 apply for such transfer, be discharged from the offi-
3 cer’s reserve appointment.

4 **“§ 14515. Discharge or retirement for age**

5 “Each reserve officer of the Army, Navy, Air Force,
6 or Marine Corps who is in an active status or on an inac-
7 tive status list and who reaches the maximum age specified
8 in section 14509, 14510, 14511, or 14512 of this title for
9 the officer’s grade or position shall (unless the officer is
10 sooner separated or the officer’s separation is deferred or
11 the officer is continued in an active status under another
12 provision of law) not later than the last day of the month
13 in which the officer reaches that maximum age—

14 “(1) be transferred to the Retired Reserve, if the
15 officer is qualified and applies for such transfer; or

16 “(2) if the officer is not qualified or does not
17 apply for transfer to the Retired Reserve, be dis-
18 charged from the officer’s reserve appointment.

19 **“§ 14516. Separation to be considered involuntary**

20 “The separation of an officer pursuant to section
21 14513, 14514, or 14515 of this title shall be considered to
22 be an involuntary separation for purposes of any other pro-
23 vision of law.

1 ***“§ 14517. Entitlement of officers discharged under this***
 2 ***chapter to separation pay***

3 *“An officer who is discharged under section 14513,*
 4 *14514, or 14515 of this title is entitled to separation pay*
 5 *under section 1174 of this title if otherwise eligible under*
 6 *that section.*

7 ***“CHAPTER 1409—CONTINUATION OF OFFICERS***
 8 ***ON THE RESERVE ACTIVE-STATUS LIST AND***
 9 ***SELECTIVE EARLY REMOVAL***

“Sec.

“14701. Selection of officers for continuation on the reserve active-status list.

“14702. Retention on reserve active-status list of certain officers until age 60.

*“14703. Authority to retain chaplains and officers in medical specialties until
specified age.*

“14704. Selective early removal from the reserve active-status list.

*“14705. Selective early retirement: reserve general and flag officers of the Navy
and Marine Corps.*

“14706. Computation of total years of service.

10 ***“§ 14701. Selection of officers for continuation on the***
 11 ***reserve active-status list***

12 *“(a) CONSIDERATION FOR CONTINUATION.—(1) Upon*
 13 *application, a reserve officer of the Army, Navy, Air Force,*
 14 *or Marine Corps who is required to be removed from the*
 15 *reserve active-status list under section 14505, 14506, or*
 16 *14507 of this title may, subject to the needs of the service*
 17 *and to section 14509 of this title, be considered for continu-*
 18 *ation on the reserve active-status list by a selection board*
 19 *convened under section 14101(b) of this title.*

20 *“(2) A reserve officer who holds the grade of captain*
 21 *in the Army, Air Force, or Marine Corps or the grade of*

1 *lieutenant in the Navy and who is subject to separation*
2 *under section 14513 of this title may not be continued on*
3 *the reserve active-status list under this subsection for a pe-*
4 *riod which extends beyond the last day of the month in*
5 *which the officer completes 20 years of commissioned serv-*
6 *ice.*

7 “(3) *A reserve officer who holds the grade of major or*
8 *lieutenant commander and who is subject to separation*
9 *under section 14513 of this title may not be continued on*
10 *the reserve active-status list under this subsection for a pe-*
11 *riod which extends beyond the last day of the month in*
12 *which the officer completes 24 years of commissioned serv-*
13 *ice.*

14 “(4) *A reserve officer who holds the grade of lieutenant*
15 *colonel or commander and who is subject to separation*
16 *under section 14514 of this title may not be continued on*
17 *the reserve active-status list under this subsection for a pe-*
18 *riod which extends beyond the last day of the month in*
19 *which the officer completes 33 years of commissioned serv-*
20 *ice.*

21 “(5) *A reserve officer who holds the grade of colonel*
22 *in the Army, Air Force, or Marine Corps or the grade of*
23 *captain in the Navy and who is subject to separation under*
24 *section 14514 of this title may not be continued on the re-*
25 *serve active-status list under this subsection for a period*

1 *which extends beyond the last day of the month in which*
2 *the officer completes 35 years of commissioned service.*

3 “(6) *An officer who is selected for continuation on the*
4 *reserve active-status list as a result of the convening of a*
5 *selection board under section 14101(b) of this title but who*
6 *declines to continue on that list shall be separated in ac-*
7 *cordance with section 14513 or 14514 of this title, as the*
8 *case may be.*

9 “(7) *Each officer who is continued on the reserve ac-*
10 *tive-status list under this section, who is not subsequently*
11 *promoted or continued on the active-status list, and whose*
12 *name is not on a list of officers recommended for promotion*
13 *to the next higher grade shall (unless sooner separated under*
14 *another provision of law) be separated in accordance with*
15 *section 14513 or 14514 of this title, as appropriate, upon*
16 *the expiration of the period for which the officer was contin-*
17 *ued on the reserve active-status list.*

18 “(b) *APPROVAL OF SECRETARY CONCERNED.—Con-*
19 *tinuation of an officer on the reserve active-status list under*
20 *this section pursuant to action of a continuation board con-*
21 *vened under section 14101(b) of this title is subject to the*
22 *approval of the Secretary of the military department*
23 *concerned.*

24 “(c) *INSTRUCTIONS TO CONTINUATION BOARDS.—A*
25 *continuation board convened under section 14101(b) of this*

1 *title to consider officers for continuation on the reserve ac-*
 2 *tive-status list under this section shall act in accordance*
 3 *with the instructions and directions provided to the board*
 4 *by the Secretary of the military department concerned.*

5 “(d) *REGULATIONS.*—The Secretary of Defense shall
 6 *prescribe regulations for the administration of this section.*

7 ***“§ 14702. Retention on reserve active-status list of cer-***
 8 ***tain officers until age 60***

9 “(a) *RETENTION.*—Notwithstanding the provisions of
 10 *section 14506 or 14507 of this title, the Secretary of the*
 11 *military department concerned may, with the officer’s con-*
 12 *sent, retain on the reserve active-status list an officer in*
 13 *the grade of major, lieutenant colonel, or colonel who is—*

14 “(1) *an officer of the Army National Guard of*
 15 *the United States and assigned to a headquarters or*
 16 *headquarters detachment of a State; or*

17 “(2) *a reserve officer of the Army or Air Force*
 18 *who, as a condition of continued employment as a*
 19 *National Guard or Reserve technician is required by*
 20 *the Secretary concerned to maintain membership in*
 21 *a Selected Reserve unit or organization.*

22 “(b) *SEPARATION AT AGE 60.*—An officer may be re-
 23 *tained under this section only so long as the officer contin-*
 24 *ues to meet the conditions of subsection (a)(1) or (a)(2).*
 25 *An officer may not be retained under this section after the*

1 *last day of the month in which the officer becomes 60 years*
2 *of age.*

3 ***“§ 14703. Authority to retain chaplains and officers in***
4 ***medical specialties until specified age***

5 *“(a) RETENTION.—Notwithstanding any provision of*
6 *chapter 1407 of this title and except for officers referred*
7 *to in sections 14503, 14504, 14505, and 14506 of this title*
8 *and under regulations prescribed by the Secretary of*
9 *Defense—*

10 *“(1) the Secretary of the Army may, with the of-*
11 *ficer’s consent, retain in an active status any reserve*
12 *officer assigned to the Medical Corps, the Dental*
13 *Corps, the Veterinary Corps, the Medical Services*
14 *Corps (if the officer has been designated as allied*
15 *health officer or biomedical sciences officer in that*
16 *Corps), the Optometry Section of the Medical Services*
17 *Corps, the Chaplains, the Army Nurse Corps, or the*
18 *Army Medical Specialists Corps;*

19 *“(2) the Secretary of the Navy may, with the of-*
20 *ficer’s consent, retain in an active status any reserve*
21 *officer appointed in the Medical Corps, Dental Corps,*
22 *Nurse Corps, or Chaplain Corps or appointed in the*
23 *Medical Services Corps and designated to perform as*
24 *a veterinarian, optometrist, podiatrist, allied health*
25 *officer, or biomedical sciences officer; and*

“(3) the Secretary of the Air Force may, with the officer’s consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

8 “(b) *SEPARATION AT SPECIFIED AGE.*—An officer
9 *may not be retained in active status under this section later*
10 *than the date on which the officer becomes 67 years of age*
11 *(or, in the case of a reserve officer of the Army in the Chap-*
12 *lains or a reserve officer of the Air Force designated as a*
13 *chaplain, 60 years of age).*

14 ***“§ 14704. Selective early removal from the reserve ac-***
15 ***tive-status list***

16 “(a) *BOARDS TO RECOMMEND OFFICERS FOR RE-*
17 *MOVAL FROM RESERVE ACTIVE-STATUS LIST.*—Whenever
18 *the Secretary of the military department concerned deter-*
19 *mines that there are in any reserve component under the*
20 *jurisdiction of the Secretary too many officers in any grade*
21 *and competitive category who have at least 30 years of serv-*
22 *ice computed under section 14706 of this title or at least*
23 *20 years of service computed under section 12732 of this*
24 *title, the Secretary may convene a selection board under*
25 *section 14101(b) of this title to consider all officers on that*

1 *list who are in that grade and competitive category, and*
 2 *who have that amount of service, for the purpose of rec-*
 3 *ommending officers by name for removal from the reserve*
 4 *active-status list, in the number specified by the Secretary*
 5 *by each grade and competitive category.*

6 “(b) *SEPARATION OF OFFICERS SELECTED.*—In the
 7 *case of an officer recommended for separation in the report*
 8 *of a board under subsection (a), the Secretary may separate*
 9 *the officer in accordance with section 14514 of this title.*

10 “(c) *REGULATIONS.*—The Secretary of the military de-
 11 *partment concerned shall prescribe regulations for the ad-*
 12 *ministration of this section.*

13 **“§14705. Selective early retirement: reserve general**
 14 **and flag officers of the Navy and Marine**
 15 **Corps**

16 “(a) *AUTHORITY TO CONSIDER.*—An officer in the
 17 *Naval Reserve in an active status serving in the grade of*
 18 *rear admiral (lower half) or rear admiral and an officer*
 19 *in the Marine Corps Reserve in an active status serving*
 20 *in the grade of brigadier general or major general may be*
 21 *considered for early retirement whenever the Secretary of*
 22 *the Navy determines that such action is necessary.*

23 “(b) *BOARDS.*—If the Secretary of the Navy determines
 24 *that consideration for early retirement under this section*
 25 *is necessary, the Secretary shall convene a board under sec-*

tion 14101(b) of this title to recommend an appropriate number of officers for early retirement.

“(c) *SEPARATION UNDER SECTION 14514.*—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

“§ 14706. Computation of total years of service

“For the purpose of this chapter and chapter 1407 of this title, a reserve officer’s years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

“CHAPTER 1411—ADDITIONAL PROVISIONS
RELATING TO INVOLUNTARY SEPARATION

“Sec.

“14901. *Separation of chaplains for loss of professional qualifications.*

“14902. *Separation for substandard performance and for certain other reasons.*

“14903. *Boards of inquiry.*

“14904. *Rights and procedures.*

“14905. *Officer considered for removal: retirement or discharge.*

“14906. *Officers eligible to serve on boards.*

“14907. *Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.*

“§ 14901. Separation of chaplains for loss of professional qualifications

“(a) *SEPARATION.*—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be

1 *discharged. The authority under the preceding sentence ap-*
 2 *plies without regard to the provisions of section 12645 of*
 3 *this title.*

4 “(b) *EFFECT OF SEPARATION.*—*If an officer separated*
 5 *under this section is eligible for retirement, the officer may*
 6 *be retired. If the officer has completed the years of service*
 7 *required for eligibility for retired pay under chapter 1223*
 8 *of this title, the officer may be transferred to the Retired*
 9 *Reserve.*

10 **“§14902. Separation for substandard performance**
 11 **and for certain other reasons**

12 “(a) *SUBSTANDARD PERFORMANCE OF DUTY.*—*The*
 13 *Secretary of the military department concerned shall pre-*
 14 *scribe, by regulation, procedures for the review at any time*
 15 *of the record of any reserve officer to determine whether that*
 16 *officer should be required, because that officer’s performance*
 17 *has fallen below standards prescribed by the Secretary con-*
 18 *cerned, to show cause for retention in an active status.*

19 “(b) *MISCONDUCT, ETC.*—*The Secretary of the mili-*
 20 *tary department concerned shall prescribe, by regulation,*
 21 *procedures for the review at any time of the record of any*
 22 *reserve officer to determine whether that officer should be*
 23 *required, because of misconduct, because of moral or profes-*
 24 *sional dereliction, or because the officer’s retention is not*

1 *clearly consistent with the interests of national security, to*
 2 *show cause for retention in an active status.*

3 “(c) *REGULATIONS.*—*The authority of the Secretary of*
 4 *a military department under this section shall be carried*
 5 *out subject to such limitations as the Secretary of Defense*
 6 *may prescribe by regulation.*

7 **“§ 14903. Boards of inquiry**

8 “(a) *CONVENING OF BOARDS.*—*The Secretary of the*
 9 *military department concerned shall convene a board of in-*
 10 *quiry at such time and place as the Secretary may prescribe*
 11 *to receive evidence and review the case of any officer who*
 12 *has been required to show cause for retention in an active*
 13 *status under section 14902 of this title. Each board of in-*
 14 *quiry shall be composed of not less than three officers who*
 15 *have the qualifications prescribed in section 14906 of this*
 16 *title.*

17 “(b) *RIGHT TO FAIR HEARING.*—*A board of inquiry*
 18 *shall give a fair and impartial hearing to each officer re-*
 19 *quired under section 14902 of this chapter to show cause*
 20 *for retention in an active status.*

21 “(c) *RECOMMENDATIONS TO SECRETARY.*—*If a board*
 22 *of inquiry determines that the officer has failed to establish*
 23 *that the officer should be retained in an active status, the*
 24 *board shall recommend to the Secretary concerned that the*
 25 *officer not be retained in an active status.*

1 “(d) *ACTION BY SECRETARY.*—After review of the rec-
2 ommendation of the board of inquiry, the Secretary may—

3 “(1) *remove the officer from an active status; or*

4 “(2) *determine that the case be closed.*

5 “(e) *ACTION IN CASES WHERE CAUSE FOR RETENTION*
6 *IS ESTABLISHED.*—(1) *If a board of inquiry determines*
7 *that an officer has established that the officer should be re-*
8 *tained in an active status or if the Secretary determines*
9 *that the case be closed, the officer’s case is closed.*

10 “(2) *An officer who is required to show cause for reten-*
11 *tion under section 14902(a) of this title and whose case is*
12 *closed under paragraph (1) may not again be required to*
13 *show cause for retention under such subsection during the*
14 *one-year period beginning on the date of that determina-*
15 *tion.*

16 “(3)(A) *Subject to subparagraph (B), an officer who*
17 *is required to show cause for retention under section*
18 *14902(b) of this title and whose case is closed under para-*
19 *graph (1) may again be required to show cause for retention*
20 *at any time.*

21 “(B) *An officer who has been required to show cause*
22 *for retention under section 14902(b) of this title and who*
23 *is thereafter retained in an active status may not again*
24 *be required to show cause for retention under such section*
25 *solely because of conduct which was the subject of the pre-*

1 *vious proceeding, unless the recommendations of the board*
2 *of inquiry that considered the officer's case are determined*
3 *to have been obtained by fraud or collusion.*

4 ***“§ 14904. Rights and procedures***

5 *“(a) PROCEDURAL RIGHTS.—Under regulations pre-*
6 *scribed by the Secretary of Defense, an officer required*
7 *under section 14902 of this title to show cause for retention*
8 *in an active status—*

9 *“(1) shall be notified in writing, at least 30 days*
10 *before the hearing of the officer's case by a board of*
11 *inquiry, of the reasons for which the officer is being*
12 *required to show cause for retention in an active sta-*
13 *tus;*

14 *“(2) shall be allowed a reasonable time, as deter-*
15 *mined by the board of inquiry, to prepare for showing*
16 *of cause for retention in an active status;*

17 *“(3) shall be allowed to appear in person and to*
18 *be represented by counsel at proceedings before the*
19 *board of inquiry; and*

20 *“(4) shall be allowed full access to, and shall be*
21 *furnished copies of, records relevant to the case, except*
22 *that the board of inquiry shall withhold any record*
23 *that the Secretary concerned determines should be*
24 *withheld in the interest of national security.*

1 “(b) *SUMMARY OF RECORDS WITHHELD*.—When a
 2 record is withheld under subsection (a)(4), the officer whose
 3 case is under consideration shall, to the extent that the in-
 4 terest of national security permits, be furnished a summary
 5 of the record so withheld.

6 **“§ 14905. Officer considered for removal: retirement or**
 7 **discharge**

8 “(a) *VOLUNTARY RETIREMENT OR DISCHARGE*.—At
 9 any time during proceedings under this chapter with re-
 10 spect to the removal of an officer from an active status, the
 11 Secretary of the military department concerned may grant
 12 a request by the officer—

13 “(1) for voluntary retirement, if the officer is
 14 qualified for retirement;

15 “(2) for transfer to the Retired Reserve if the of-
 16 ficer has completed the years of service required for
 17 eligibility for retired pay under chapter 1223 of this
 18 title and is otherwise eligible for transfer to the Re-
 19 tired Reserve; or

20 “(3) for discharge in accordance with subsection
 21 (b)(3).

22 “(b) *REQUIRED RETIREMENT OR DISCHARGE*.—An of-
 23 ficer removed from an active status under section 14903 of
 24 this title shall—

1 “(1) if eligible for voluntary retirement under
 2 any provision of law on the date of such removal, be
 3 retired in the grade and with the retired pay for
 4 which he would be eligible if retired under that
 5 provision;

6 “(2) if eligible for transfer to the Retired Reserve
 7 and has completed the years of service required for re-
 8 tired pay under chapter 1223 of this title, be trans-
 9 ferred to the Retired Reserve; and

10 “(3) if ineligible for retirement or transfer to the
 11 Retired Reserve under paragraph (1) or (2) on the
 12 date of such removal—

13 “(A) be honorably discharged in the grade
 14 then held, in the case of an officer whose case
 15 was brought under subsection (a) of section
 16 14902 of this title; or

17 “(B) be discharged in the grade then held,
 18 in the case of an officer whose case was brought
 19 under subsection (b) of section 14902 of this title.

20 “(c) SEPARATION PAY.—An officer who is discharged
 21 under subsection (b)(3) is entitled, if eligible therefor, to sep-
 22 aration pay under section 1174(c) of this title.

23 **“§ 14906. Officers eligible to serve on boards**

24 “(a) COMPOSITION OF BOARDS.—(1) Each officer who
 25 serves on a board convened under this chapter shall be an

1 *officer of the same armed force as the officer being required*
 2 *to show cause for retention in an active status.*

3 “(2) *An officer may not serve on a board under this*
 4 *chapter unless the officer holds a grade above lieutenant*
 5 *colonel or commander and is senior in grade and rank to*
 6 *any officer considered by the board.*

7 “(b) *LIMITATION.—A person may not be a member of*
 8 *more than one board convened under this chapter to con-*
 9 *sider the same officer.*

10 **“§14907. Army National Guard of the United States**
 11 **and Air National Guard of the United**
 12 **States: discharge and withdrawal of Fed-**
 13 **eral recognition of officers absent without**
 14 **leave**

15 “(a) *AUTHORITY TO WITHDRAW FEDERAL RECOGNI-*
 16 *TION.—If an officer of the Army National Guard of the*
 17 *United States or the Air National Guard of the United*
 18 *States has been absent without leave for three months, the*
 19 *Secretary of the Army or the Secretary of the Air Force,*
 20 *as appropriate, may—*

21 “(1) *terminate the reserve appointment of the*
 22 *officer; and*

23 “(2) *withdraw the officer’s Federal recognition*
 24 *as an officer of the National Guard.*

1 “(b) *DISCHARGE FROM RESERVE APPOINTMENT.*—An
 2 *officer of the Army National Guard of the United States*
 3 *or the Air National Guard of the United States whose Fed-*
 4 *eral recognition as an officer of the National Guard is with-*
 5 *drawn under section 323(b) of title 32 shall be discharged*
 6 *from the officer’s appointment as a reserve officer of the*
 7 *Army or the Air Force, as the case may be.”.*

8 ***PART II—CONFORMING AMENDMENTS***

9 ***SEC. 1321. DEFINITION OF RESERVE ACTIVE-STATUS LIST.***

10 *Section 101(c) is amended by adding at the end the*
 11 *following new paragraph:*

12 “(7) *The term ‘reserve active-status list’ means a*
 13 *single list for the Army, Navy, Air Force, or Marine*
 14 *Corps (required to be maintained under section 14002*
 15 *of this title) that contains the names of all officers of*
 16 *that armed force except warrant officers (including*
 17 *commissioned warrant officers) who are in an active*
 18 *status in a reserve component of the Army, Navy, Air*
 19 *Force, or Marine Corps and are not on an active-duty*
 20 *list.”.*

21 ***SEC. 1322. AUTHORITY TO SUSPEND OFFICER PERSONNEL***

22 ***LAWS DURING WAR OR NATIONAL EMER-***
 23 ***GENCY.***

24 (a) *AUTHORITY.*—*Section 123 is amended to read as*
 25 *follows:*

1 **“§ 123. Authority to suspend officer personnel laws**
2 **during war or national emergency**

3 “(a) In time of war, or of national emergency declared
4 by Congress or the President after November 30, 1980, the
5 President may suspend the operation of any provision of
6 law relating to the promotion, involuntary retirement, or
7 separation of commissioned officers of the Army, Navy, Air
8 Force, Marine Corps, or Coast Guard Reserve. So long as
9 such war or national emergency continues, any such sus-
10 pension may be extended by the President.

11 “(b) Any such suspension shall, if not sooner ended,
12 end on the last day of the two-year period beginning on
13 the date on which the suspension (or the last extension
14 thereof) takes effect or on the last day of the one-year period
15 beginning on the date of the termination of the war or na-
16 tional emergency, whichever occurs first. With respect to the
17 end of any such suspension, the preceding sentence super-
18 sedes the provisions of title II of the National Emergencies
19 Act (50 U.S.C. 1621–1622) which provide that powers or
20 authorities exercised by reason of a national emergency
21 shall cease to be exercised after the date of the termination
22 of the emergency.

23 “(c) If a provision of law pertaining to the promotion
24 of reserve officers is suspended under this section and if the
25 Secretary of Defense submits to Congress proposed legisla-
26 tion to adjust the grades and dates of rank of reserve com-

1 *missioned officers other than commissioned warrant offi-*
 2 *cers, such proposed legislation shall, so far as practicable,*
 3 *be the same as that recommended for adjusting the grades*
 4 *and dates of rank of officers of the regular component of*
 5 *the armed force concerned.”.*

6 (b) *CONFORMING REPEAL.*—Section 644 is repealed.

7 **SEC. 1323. ACTIVE-DUTY LIST PROMOTION BOARDS TO**
 8 **HAVE AUTHORITY TO RECOMMEND THAT RE-**
 9 **SERVE OFFICERS CONSIDERED FOR PRO-**
 10 **MOTION BE REQUIRED TO SHOW CAUSE FOR**
 11 **RETENTION ON ACTIVE DUTY.**

12 *Section 617(b) is amended—*

13 (1) *by inserting “or reserve” after “any regular”;*

14 *and*

15 (2) *by inserting “or 1411” after “chapter 60”.*

16 **SEC. 1324. APPLICABILITY OF CHAPTER 36 TO RESERVE OF-**
 17 **FICERS DURING WAR OR NATIONAL EMER-**
 18 **GENCY.**

19 *Section 641 is amended—*

20 (1) *by inserting “(a)” before “Officers in the*
 21 *following”; and*

22 (2) *by adding at the end the following:*

23 “(b) *Under regulations prescribed by the Secretary of*
 24 *the military department concerned, a reserve officer who is*
 25 *ordered to active duty (whether voluntarily or involuntar-*

1 ily) during a war or national emergency and who would
 2 otherwise be placed on the active-duty list may be excluded
 3 from that list as determined by the Secretary concerned.
 4 Exclusion of an officer from the active-duty list as the result
 5 of action by the Secretary concerned under the preceding
 6 sentence shall expire not later than 24 months after the date
 7 on which the officer enters active duty under an order to
 8 active duty covered by that sentence.”.

9 **SEC. 1325. GRADE IN WHICH RESERVE OFFICERS ARE OR-**
 10 **DERED TO ACTIVE DUTY.**

11 Section 689 is amended—

12 (1) by inserting “or full-time National Guard
 13 duty” after “active duty” the first two places it
 14 appears; and

15 (2) by inserting “and placed on the active-duty
 16 list” after “active duty” the third place it appears.

17 **SEC. 1326. DATE OF RANK.**

18 Section 741(d)(3) is amended—

19 (1) by inserting “or who is transferred from an
 20 inactive status to an active status and placed on the
 21 active-duty list or the reserve active-status list” after
 22 “warrant officer (W-5)”;

23 (2) by inserting “or reserve active-status list”
 24 after “active-duty list” the second place it appears;
 25 and

1 (3) by adding at the end: “The authority to
 2 change the date of rank of a reserve officer who is
 3 placed on the active-duty list to a later date does not
 4 apply in the case of an officer who (A) has served
 5 continuously in the Selected Reserve of the Ready Re-
 6 serve since the officer’s last promotion, or (B) is
 7 placed on the active-duty list while on a promotion
 8 list as described in section 14317(b) of this title.”.

9 **SEC. 1327. DISCHARGE BEFORE COMPLETION OF REQUIRED**
 10 **SERVICE IN CASE OF OFFICERS HAVING**
 11 **TWICE FAILED OF SELECTION FOR CAPTAIN**
 12 **OR NAVY LIEUTENANT.**

13 Section 1005(b) is amended—

14 (1) by striking out “or” at the end of
 15 paragraph (1);

16 (2) by striking out the period at the end of para-
 17 graph (2) and inserting in lieu thereof a semicolon;
 18 and

19 (3) by adding at the end the following:

20 “(3) an officer on the active-duty list or reserve
 21 active-status list who has failed of selection for pro-
 22 motion for the second time to the grade of captain, in
 23 the case of an officer of the Army, Air Force, or Ma-
 24 rine Corps, or to the grade of lieutenant, in the case
 25 of an officer of the Navy; or

1 “(4) an officer whose discharge or transfer from
2 an active status is required by law.”.

3 **SEC. 1328. CONFORMING AMENDMENTS RELATING TO NAVY**
4 **AND MARINE CORPS OFFICERS.**

5 Section 6389 is amended—

6 (1) in subsection (a)—

7 (A) by inserting “while on the active-duty
8 list” after “to the next higher grade”; and

9 (B) by striking out the period at the end
10 and inserting in lieu thereof “or released from
11 active duty and placed on the reserve active-sta-
12 tus list.”;

13 (2) in subsection (b), by striking out “or (f)”;

14 (3) in subsection (c)—

15 (A) by inserting “(1)” after “(c)”;

16 (B) by striking out “lieutenant commander
17 or above” both places it appears and inserting in
18 lieu thereof “lieutenant commander or com-
19 mander”;

20 (C) by striking out “major or above” both
21 places it appears and inserting in lieu thereof
22 “major or lieutenant colonel”;

23 (D) by inserting “while on the active-duty
24 list” after “to the next higher grade” in the first
25 sentence; and

1 (E) in the table—

2 (i) by striking out the line relating to
3 the grades of captain in the Navy and colo-
4 nel in the Marine Corps; and

5 (ii) by striking out “26 years” and in-
6 serting in lieu thereof “28 years”;

7 (F) by designating the sentence after the
8 table as paragraph (2) and in that sentence
9 striking out “the first sentence of this subsection”
10 and inserting in lieu thereof “the first sentence
11 of paragraph (1)”;

12 (G) by designating the next sentence as
13 paragraph (3) and in that sentence striking out
14 “the first two sentences of this subsection” and
15 inserting in lieu thereof “paragraph (1)”; and

16 (H) by designating the last sentence as
17 paragraph (4) and in that sentence—

18 (i) striking out “the first two sentences
19 of this subsection” and inserting in lieu
20 thereof “paragraph (1)”; and

21 (ii) striking out “captain or”; and

22 (4) by striking out subsections (e), (f), and (g).

23 **SEC. 1329. REPEAL OF RESERVE OFFICER PERSONNEL POL-**
24 **ICY LAWS.**

25 (a) ARMY PROVISIONS.—

1 (1) Chapter 337, relating to appointments as re-
 2 serve officers (other than sections 3351 and 3352), is
 3 repealed.

4 (2) Chapter 361, relating to separation for var-
 5 ious reasons, is repealed.

6 (3) Chapter 363, relating to separation or trans-
 7 fer to the Retired Reserve, is repealed.

8 (b) NAVY AND MARINE CORPS PROVISIONS.—

9 (1) Chapter 541, relating to running mates as
 10 reserve officers, is repealed.

11 (2) Chapter 549, relating to reserve promotions,
 12 is repealed.

13 (3) Sections 6391, 6392, 6397, 6403, and 6410
 14 are repealed.

15 (c) AIR FORCE PROVISIONS.—

16 (1) Chapter 837, relating to appointments as re-
 17 serve officers (other than sections 8351 and 8352), is
 18 repealed.

19 (2) Sections 8819 and 8820 are repealed.

20 (3) Chapter 863, relating to separation or trans-
 21 fer to the Retired Reserve, is repealed.

22 **SEC. 1330. AMENDMENTS TO TITLE 32, UNITED STATES**
 23 **CODE.**

24 Title 32, United States Code, is amended as follows:

1 (1) Sections 309 and 310 are amended to read
2 as follows:

3 **“§309. Federal recognition of National Guard offi-**
4 **cers: officers promoted to fill vacancies**

5 “Each officer of the National Guard who is promoted
6 to fill a vacancy in a federally recognized unit of the Na-
7 tional Guard, and who has been on the reserve active-status
8 list or the active-duty list of the Army or the Air Force
9 for at least one year and has completed the minimum years
10 of service in grade specified in section 14303 of title 10,
11 shall be examined for Federal recognition in the grade to
12 which the officer is promoted.

13 **“§310. Federal recognition of National Guard offi-**
14 **cers: automatic recognition**

15 “(a) Notwithstanding sections 307 and 309 of this
16 title, if a second lieutenant of the National Guard is pro-
17 moted to the grade of first lieutenant to fill a vacancy in
18 a federally recognized unit in the National Guard, Federal
19 recognition is automatically extended to that officer in the
20 grade of first lieutenant, effective as of the date on which
21 that officer has completed the service in the grade specified
22 in section 14303(a)(1) of title 10 and has met such other
23 requirements as prescribed by the Secretary concerned
24 under section 14308(b) of that title, if the officer has re-

1 *mained in an active status since the officer was so rec-*
2 *ommended.*

3 “(b) Notwithstanding sections 307 and 309 of this title,
4 *if an officer of the Army Reserve or the Air Force Reserve*
5 *in a reserve grade above second lieutenant is appointed in*
6 *the next higher grade in the National Guard to fill a va-*
7 *cancy in a federally recognized unit in the National Guard,*
8 *Federal recognition is automatically extended to that officer*
9 *in the grade in which the officer is so appointed in the Na-*
10 *tional Guard if the officer has been recommended for pro-*
11 *motion under chapter 1405 of title 10 and has remained*
12 *in an active status since the officer was so recommended.*
13 *The extension of Federal recognition under this subsection*
14 *is effective as of the date when the officer is appointed in*
15 *the National Guard.”.*

16 (2) Section 323 is amended by striking out sub-
17 sections (d) and (e) and inserting in lieu thereof
18 the following:

19 “(d) The Federal recognition of a reserve commissioned
20 officer of the Army or the Air Force who is—

21 “(1) federally recognized as an officer of the Na-
22 tional Guard; and

23 “(2) subject to involuntary transfer to the Re-
24 tired Reserve, transfer to an inactive status list, or

1 *discharge under chapter 1407, 1409, or 1411 of title*
 2 *10;*
 3 *shall, if not sooner withdrawn, be withdrawn on the date*
 4 *of such involuntary transfer or discharge.”.*

5 ***Subtitle B—Other Personnel Policy***
 6 ***Amendments***

7 ***PART I—APPOINTMENTS***

8 ***SEC. 1331. REPEAL OF SEPARATE AUTHORITY FOR ACCES-***
 9 ***SION OF WOMEN IN RESERVE COMPONENTS.***

10 *(a) ENLISTMENTS.—Section 510 is amended—*

11 *(1) by striking out subsection (c); and*

12 *(2) by redesignating subsection (d) as subsection*

13 *(c).*

14 *(b) APPOINTMENT OF OFFICERS.—Section 591 is*
 15 *amended—*

16 *(1) by striking out subsection (c); and*

17 *(2) by redesignating subsections (d) and (e) as*
 18 *subsections (c) and (d), respectively.*

19 ***SEC. 1332. APPOINTMENT AUTHORITY FOR RESERVE***
 20 ***GRADES OF LIEUTENANT COLONEL AND COM-***
 21 ***MANDER.***

22 *Section 593(a) is amended—*

23 *(1) in the first sentence, by striking out “Re-*
 24 *serves in commissioned grades below lieutenant colo-*
 25 *nel and commander” and inserting in lieu thereof*

1 *“reserve officers in commissioned grades of lieutenant*
 2 *colonel and commander or below”*; and

3 *(2) in the second sentence, by striking out “Re-*
 4 *serves in commissioned grades above major and lieu-*
 5 *tenant commander” and inserting in lieu thereof “re-*
 6 *serve officers in commissioned grades above lieutenant*
 7 *colonel and commander”.*

8 **SEC. 1333. APPOINTMENT OF FORMER COMMISSIONED OF-**
 9 **FICERS IN RESERVE COMPONENTS.**

10 *Chapter 34 is amended by inserting after section 596*
 11 *the following new section:*

12 **“§ 596a. Commissioned officers: appointment of former**
 13 **commissioned officers**

14 *“Under regulations prescribed by the Secretary of De-*
 15 *fense, a person who is a former commissioned officer may,*
 16 *if otherwise qualified, be appointed as a reserve officer of*
 17 *the Army, Navy, Air Force, or Marine Corps. A person*
 18 *so appointed—*

19 *“(1) may be placed on the reserve active-status*
 20 *list of that armed force in the grade equivalent to the*
 21 *permanent regular or reserve grade, and in the same*
 22 *competitive category, in which the person previously*
 23 *served satisfactorily on active duty or in an active*
 24 *status; and*

1 “(2) may be credited for the purpose of determin-
 2 ing date of rank under section 741(d) of this title
 3 with service in grade equal to that held by that per-
 4 son when discharged or separated.”.

5 **SEC. 1334. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF**
 6 **OFFICERS IN RESERVE COMPONENTS WITH**
 7 **QUALIFYING EDUCATION OR EXPERIENCE.**

8 Chapter 34 is further amended by inserting after sec-
 9 tion 596a (as added by section 1333) the following new
 10 section:

11 **“§596b. Commissioned officers: service credit upon**
 12 **original appointment**

13 “(a)(1) For the purpose of determining the grade and
 14 the rank within grade of a person receiving an original ap-
 15 pointment as a reserve commissioned officer (other than a
 16 commissioned warrant officer) in the Army, Navy, Air
 17 Force, or Marine Corps, the person shall be credited at the
 18 time of the appointment with any commissioned service
 19 (other than service as a commissioned warrant officer) per-
 20 formed before such appointment as a regular officer, or as
 21 a reserve officer in an active status, in any armed force,
 22 the National Oceanic and Atmospheric Administration, or
 23 the Public Health Service.

24 “(2) The Secretary of Defense shall prescribe regula-
 25 tions, which shall apply uniformly among the Army, Navy,

1 *Air Force, and Marine Corps, to authorize the Secretary*
2 *of the military department concerned to limit the amount*
3 *of prior commissioned service with which a person receiving*
4 *an original appointment may be credited under paragraph*
5 *(1), or to deny any such credit, in the case of a person*
6 *who at the time of such appointment is credited with con-*
7 *structive service under subsection (b).*

8 “(b)(1) *Under regulations prescribed by the Secretary*
9 *of Defense, a person who is receiving an original appoint-*
10 *ment as a reserve commissioned officer (other than a com-*
11 *missioned warrant officer) of the Army, Navy, Air Force,*
12 *or Marine Corps, or a designation in, or an assignment*
13 *to, an officer category in which advanced education or*
14 *training is required and who has advanced education or*
15 *training, shall be credited with constructive service for such*
16 *education, training, or experience, as follows:*

17 “(A) *One year for each year of advanced edu-*
18 *cation beyond the baccalaureate degree level, for per-*
19 *sons appointed or designated in, or assigned to, offi-*
20 *cer categories requiring such advanced education or*
21 *an advanced degree as a prerequisite for such ap-*
22 *pointment, designation, or assignment. In determin-*
23 *ing the number of years of constructive service to be*
24 *credited under this subparagraph to officers in any*
25 *professional field, the Secretary concerned shall credit*

1 *an officer with, but with not more than, the number*
2 *of years of advanced education required by a majority*
3 *of institutions that award degrees in that professional*
4 *field for completion of the advanced education or*
5 *award of the advanced degree.*

6 *“(B)(i) Credit for any period of advanced edu-*
7 *cation in a health profession (other than medicine*
8 *and dentistry) beyond the baccalaureate degree level*
9 *which exceeds the basic education criteria for such ap-*
10 *pointment, designation, or assignment, if such ad-*
11 *vanced education will be directly used by the armed*
12 *force concerned.*

13 *“(ii) Credit for experience in a health profession*
14 *(other than medicine or dentistry), if such experience*
15 *will be directly used by the armed force concerned.*

16 *“(C) Additional credit of (i) not more than one*
17 *year for internship or equivalent graduate medical,*
18 *dental, or other formal health professional training*
19 *required by the armed forces, and (ii) not more than*
20 *one year for each additional year of such graduate-*
21 *level training or experience creditable toward certifi-*
22 *cation in a speciality required by the armed force*
23 *concerned.*

24 *“(D) Additional credit, in unusual cases, based*
25 *on special experience in a particular field.*

1 “(E) Additional credit for experience as a physi-
2 cian or dentist, if appointed, assigned, or designated
3 as a medical or dental officer.

4 “(2) If the Secretary of Defense determines that the
5 number of medical or dental officers serving in an active
6 status in a reserve component of the Army, Navy, or Air
7 Force in grades below major or lieutenant commander is
8 critically below the number needed by such reserve compo-
9 nent in such grades, the Secretary of Defense may authorize
10 the Secretary of the military department concerned to credit
11 any person who is receiving an original appointment for
12 service as a medical or dental officer with a period of con-
13 structive credit in such amount (in addition to any amount
14 credited such person under subsection (b)) as will result in
15 the grade of such person being that of captain or, in the
16 case of the Naval Reserve, lieutenant.

17 “(3) Except as authorized by the Secretary concerned
18 in individual cases and under regulations prescribed by the
19 Secretary of Defense in the case of a medical or dental offi-
20 cer, the amount of constructive service credited an officer
21 under this subsection may not exceed the amount required
22 in order for the officer to be eligible for an original appoint-
23 ment as a reserve officer of the Army, Air Force, or Marine
24 Corps in the grade of major or as a reserve officer of the
25 Navy in the grade of lieutenant commander.

1 “(4) Constructive service credited an officer under this
2 subsection is in addition to any service credited that officer
3 under subsection (a) and shall be credited at the time of
4 the original appointment of the officer or assignment to or
5 designation in an officer category in which advanced edu-
6 cation or training or special experience is required.

7 “(c) Constructive service may not be credited under
8 subsection (b) for education, training, or experience ob-
9 tained while serving as a commissioned officer (other than
10 a warrant officer) on active duty or in an active status.
11 However, in the case of an officer who completes advanced
12 education or receives an advanced degree while on active
13 duty or in an active status and in less than the number
14 of years normally required to complete such advanced edu-
15 cation or receive such advanced degree, constructive service
16 may, subject to regulations prescribed under subsection
17 (a)(2), be credited to the officer under subsection (b)(1)(A)
18 to the extent that the number of years normally required
19 to complete such advanced education or receive such ad-
20 vanced degree exceeds the actual number of years in which
21 such advanced education or degree is obtained by the officer.

22 “(d) If the Secretary of Defense determines that the
23 number of qualified judge advocates serving on the active-
24 duty list of the Army, Navy, Air Force, or Marine Corps
25 in grades below lieutenant commander or major is critically

1 *below the number needed by that armed force in those*
2 *grades, the Secretary of Defense may authorize the Sec-*
3 *retary of the military department concerned to credit any*
4 *person who is receiving an original appointment with a*
5 *view to assignment to the Judge Advocate General's Corps*
6 *of the Army or appointment to the Judge Advocate Gen-*
7 *eral's Corps of the Navy, or who is receiving an original*
8 *appointment in the Air Force or Marine Corps with a view*
9 *to designation as a judge advocate, with a period of con-*
10 *structive service in such an amount (in addition to any*
11 *amount credited such person under subsection (b)) as will*
12 *result in the grade of such person being that of captain or,*
13 *in the case of the Navy, lieutenant, and the date of rank*
14 *of such person being junior to that of all other officers of*
15 *the same grade serving on the active-duty list.*

16 “(e) *Constructive service credited an officer under sub-*
17 *section (b) or (d) shall be used only for determining*
18 *the officer's—*

19 “(1) *initial grade as a reserve officer;*

20 “(2) *rank in grade; and*

21 “(3) *service in grade for promotion eligibility.*

22 “(f) *The grade and position on the reserve active-status*
23 *list of a person receiving an appointment as a reserve offi-*
24 *cer who at the time of appointment is credited with service*
25 *under this section shall be determined under regulations*

1 *prescribed by the Secretary of Defense based upon the*
2 *amount of service credited.”.*

3 **SEC. 1335. COMPUTATION OF YEARS OF SERVICE FOR**
4 **TRANSFER OF ARMY OFFICERS TO RETIRED**
5 **RESERVE.**

6 (a) *INTERIM REPEAL OF OBSOLETE PROVISION.—Ef-*
7 *fective for the period beginning on the date of the enactment*
8 *of this Act and ending on the effective date specified in sec-*
9 *tion 1291, section 3853 is amended by striking out “the*
10 *greater of—” and all that follows and inserting in lieu*
11 *thereof “the sum of the following:*

12 “(1) *The officer’s years of service as a commis-*
13 *sioned officer of any component of the armed forces or*
14 *of the Army without specification of component.*

15 “(2) *The officer’s years of service in a federally*
16 *recognized commissioned status in the National*
17 *Guard if his service in the National Guard was con-*
18 *tinuous from the date of his Federal recognition as an*
19 *officer in the National Guard to the date of his ap-*
20 *pointment in the National Guard of the United*
21 *States.”.*

22 (b) *EFFECTIVE DATE.—The amendment made by sub-*
23 *section (a) shall apply with respect to transfers to the Re-*
24 *tired Reserve and to discharges on or after the date of the*
25 *enactment of this Act.*

1 **SEC. 1336. REPEAL OF MISCELLANEOUS OBSOLETE AP-**
 2 **POINTMENT AUTHORITIES.**

3 (a) *ARMY RESERVE OFFICERS APPOINTED IN TEM-*
 4 *PORARY GRADES.*—Section 3352(a) is amended by striking
 5 *out the second sentence.*

6 (b) *AIR FORCE AVIATION CADETS.*—Section 8356 is
 7 *repealed.*

8 (c) *REDUNDANT STATEMENT OF AUTHORITY.*—Section
 9 *8379 is repealed.*

10 **PART II—SEPARATION AND RETIREMENT**

11 **SEC. 1341. COMPUTATION OF HIGHEST GRADE IN WHICH**
 12 **SATISFACTORILY SERVED FOR RESERVE COM-**
 13 **MISSIONED OFFICERS AND FORMER OFFI-**
 14 **CERS.**

15 *Section 1370 is amended by adding at the end the fol-*
 16 *lowing new subsection:*

17 “(d)(1) *Unless entitled to a higher grade, or to credit*
 18 *for satisfactory service in a higher grade, under some other*
 19 *provision of law, a person who is entitled to retired pay*
 20 *under chapter 1225 of this title shall, upon application*
 21 *under section 12731 of this title, be credited with satisfac-*
 22 *tory service in the highest grade in which that person served*
 23 *satisfactorily at any time in the armed forces, as deter-*
 24 *mined by the Secretary concerned in accordance with this*
 25 *subsection.*

1 “(2)(A) In order to be credited with satisfactory service
2 in an officer grade (other than a warrant officer grade)
3 below the grade of lieutenant colonel or commander, a per-
4 son covered by paragraph (1) must have served satisfac-
5 torily in that grade (as determined by the Secretary of the
6 military department concerned) as a reserve commissioned
7 officer in an active status, or in a retired status on active
8 duty, for not less than six months.

9 “(B) In order to be credited with satisfactory service
10 in an officer grade above major or lieutenant commander
11 and below lieutenant general or vice admiral, a person cov-
12 ered by paragraph (1) must have served satisfactorily in
13 that grade (as determined by the Secretary of the military
14 department concerned) as a reserve commissioned officer in
15 an active status, or in a retired status on active duty, for
16 not less than three years. A person covered by the preceding
17 sentence who has completed at least six months of satisfac-
18 tory service in grade and is transferred from an active sta-
19 tus or discharged as a reserve commissioned officer solely
20 due to the requirements of a nondiscretionary provision of
21 law requiring that transfer or discharge due to the person’s
22 age or years of service may be credited with satisfactory
23 service in the grade in which serving at the time of such
24 transfer or discharge, notwithstanding failure of the person
25 to complete three years of service in that grade.

1 “(3) A person whose length of service in the highest
 2 grade held does not meet the service in grade requirements
 3 specified in this subsection shall be credited with satisfac-
 4 tory service in the next lower grade in which that person
 5 served satisfactorily (as determined by the Secretary of the
 6 military department concerned) for not less than six
 7 months.”.

8 **PART III—OTHER AMENDMENTS**

9 **SEC. 1351. TENURE IN OFFICE OF CHIEF OF NATIONAL**
 10 **GUARD BUREAU.**

11 Section 3040(c) is amended by adding at the end the
 12 following new sentence: “While holding that office, the Chief
 13 of the National Guard Bureau may not be removed from
 14 the reserve active-status list, or from an active status, under
 15 any provision of law that otherwise would require such re-
 16 moval due to completion of a specified number of years of
 17 service or a specified number of years of service in grade.”.

18 **SEC. 1352. RIGHT TO REENLIST IN REGULAR ARMY OR**
 19 **REGULAR AIR FORCE AFTER SERVICE AS AN**
 20 **OFFICER.**

21 (a) ARMY.—Section 3258 is amended—

22 (1) by striking out “Any former enlisted mem-
 23 ber” and inserting in lieu thereof “(a) Subject to sub-
 24 sections (b) and (c), a former enlisted member”;

25 (2) by striking out the last sentence; and

1 (3) by adding at the end the following:

2 “(b) A person who is a former enlisted member is not
3 entitled to be reenlisted under subsection (a) if that person
4 is discharged or released from active duty from service as
5 an officer described in that subsection—

6 “(1) because that person’s performance of duty
7 while serving as such an officer has fallen below
8 standards prescribed by the Secretary of Defense;

9 “(2) because of misconduct or moral or profes-
10 sional dereliction; or

11 “(3) because retention of that person as an offi-
12 cer is not clearly consistent with the interest of na-
13 tional security.

14 “(c) A person who is a former enlisted member is not
15 entitled to be reenlisted under subsection (a) if that person’s
16 status and grade as an enlisted member were only held dur-
17 ing, and solely as a result of, participation in a
18 precommissioning program after the effective date of the Re-
19 serve Officer Personnel Management Act.”.

20 (b) AIR FORCE.—Section 8258 is amended—

21 (1) by striking out “Any former enlisted mem-
22 ber” and inserting in lieu thereof “(a) Subject to sub-
23 sections (b) and (c), a former enlisted member”;

24 (2) by striking out the last sentence; and

25 (3) by adding at the end the following:

1 “(b) A person who is a former enlisted member is not
 2 entitled to be reenlisted under subsection (a) if that person
 3 is discharged or released from active duty from service as
 4 an officer described in that subsection—

5 “(1) because that person’s performance of duty
 6 while serving as such an officer has fallen below
 7 standards prescribed by the Secretary of Defense;

8 “(2) because of misconduct or moral or profes-
 9 sional dereliction; or

10 “(3) because retention of that person as an offi-
 11 cer is not clearly consistent with the interest of na-
 12 tional security.

13 “(c) A person who is a former enlisted member is not
 14 entitled to be reenlisted under subsection (a) if that person’s
 15 status and grade as an enlisted member were only held dur-
 16 ing, and solely as a result of, participation in a
 17 precommissioning program after the effective date of the Re-
 18 serve Officer Personnel Management Act.”.

19 **Subtitle C—Reorganization and**
 20 **Consolidation of Laws Relating**
 21 **to Reserve Components**

22 **SEC. 1361. LAWS RELATING TO ORGANIZATION AND ADMIN-**
 23 **ISTRATION OF RESERVE COMPONENTS.**

24 (a) RESERVE COMPONENTS GENERALLY.—(1) Subtitle
 25 E, as added by section 1311, is amended by inserting after

3 ***“PART I—ORGANIZATION AND***
4 ***ADMINISTRATION***

<i>“Chap</i>	<i>Sec.</i>
<i>“1001. Definitions</i>	<i>10001</i>
<i>“1003. Reserve Components Generally</i>	<i>10101</i>
<i>“1005. Elements of Reserve Components</i>	<i>10141</i>
<i>“1007. Administration of Reserve Components</i>	<i>10201</i>
<i>“1009. Reserve Forces Policy Boards and Committees</i>	<i>10301</i>
<i>“1011. National Guard Bureau</i>	<i>10501</i>
<i>“1013. Budget Information and Annual Reports to Congress</i>	<i>10541</i>

“Sec.
“10001. *Definition of State.*

7 *“In this subtitle, the term ‘State’ includes the District*
8 *of Columbia, the Commonwealth of Puerto Rico, the Vir-*
9 *gin Islands, and Guam.*

11 **GENERALLY**

"Sec.

"10101. Reserve components named.

"10102. Purpose of reserve components.

"10103. Basic policy for order of National Guard into Federal service.

"10104. Army Reserve: composition.

"10105. Army National Guard of the United States: composition.

"10106. Army National Guard: when a component of the Army.

"10107. Army National Guard of the United States: status when not in Federal service.

"10108. Naval Reserve: administration.

"10109. Marine Corps Reserve: administration.

"10110. Air Force Reserve: composition.

"10111. Air National Guard of the United States: composition.

"10112. Air National Guard: when a component of the Air Force.

"10113. Air National Guard of the United States: status when not in Federal service.

"10114. Coast Guard Reserve.

1 **“§ 10101. Reserve components named**

2 *“The reserve components of the armed forces are:*

3 *“(1) The Army National Guard of the United*
4 *States.*

5 *“(2) The Army Reserve.*

6 *“(3) The Naval Reserve.*

7 *“(4) The Marine Corps Reserve.*

8 *“(5) The Air National Guard of the United*
9 *States.*

10 *“(6) The Air Force Reserve.*

11 *“(7) The Coast Guard Reserve.*

12 **“§ 10102. Purpose of reserve components**

13 *“The purpose of each reserve component is to provide*
14 *trained units and qualified persons available for active*
15 *duty in the armed forces, in time of war or national emer-*
16 *gency, and at such other times as the national security may*
17 *require, to fill the needs of the armed forces whenever, dur-*
18 *ing and after the period needed to procure and train addi-*
19 *tional units and qualified persons to achieve the planned*
20 *mobilization, more units and persons are needed than*
21 *are in the regular components.*

22 **“§ 10103. Basic policy for order of the National Guard**
23 ***and reserve components to active duty***

24 *“Whenever Congress determines that more units and*
25 *organizations are needed for the national security than are*
26 *in the regular components of the ground and air forces, the*

1 *Army National Guard of the United States and the Air Na-*
2 *tional Guard of the United States, or such parts of them*
3 *as are needed, together with units of other reserve compo-*
4 *nents necessary for a balanced force, shall be ordered to ac-*
5 *tive duty and retained as long as so needed.*

6 **“§ 10104. Army Reserve: composition**

7 *“The Army Reserve includes all Reserves of the Army*
8 *who are not members of the Army National Guard of the*
9 *United States.*

10 **“§ 10105. Army National Guard of the United States:**
11 ***composition***

12 *“The Army National Guard of the United States is*
13 *the reserve component of the Army that consists of—*

14 *“(1) federally recognized units and organizations*
15 *of the Army National Guard; and*

16 *“(2) members of the Army National Guard who*
17 *are also Reserves of the Army.*

18 **“§ 10106. Army National Guard: when a component of**
19 ***the Army***

20 *“The Army National Guard while in the service of the*
21 *United States is a component of the Army.*

22 **“§ 10107. Army National Guard of the United States:**
23 ***status when not in Federal service***

24 *“When not on active duty, members of the Army Na-*
25 *tional Guard of the United States shall be administered,*

1 *armed, equipped, and trained in their status as members*
2 *of the Army National Guard.*

3 ***“§ 10108. Naval Reserve: administration***

4 *“(a) The Naval Reserve is the reserve component of the*
5 *Navy. It shall be organized, administered, trained, and sup-*
6 *plied under the direction of the Chief of Naval Operations.*

7 *“(b) The bureaus and offices of the executive part of*
8 *the Department of the Navy have the same relation and re-*
9 *sponsibility to the Naval Reserve as they do to the Regular*
10 *Navy.*

11 ***“§ 10109. Marine Corps Reserve: administration***

12 *“(a) The Marine Corps Reserve is the reserve compo-*
13 *nent of the Marine Corps. It shall be organized, adminis-*
14 *tered, trained, and supplied under the direction of the Com-*
15 *mandant of the Marine Corps.*

16 *“(b) The departments and offices of Headquarters, Ma-*
17 *rine Corps have the same relation and responsibilities to*
18 *the Marine Corps Reserve as they do to the Regular Marine*
19 *Corps.*

20 ***“§ 10110. Air Force Reserve: composition***

21 *“The Air Force Reserve is a reserve component of the*
22 *Air Force to provide a reserve for active duty. It consists*
23 *of the members of the officers’ section of the Air Force Re-*
24 *serve and of the enlisted section of the Air Force Reserve.*

1 *It includes all Reserves of the Air Force who are not mem-*
2 *bers of the Air National Guard of the United States.*

3 ***“§ 10111. Air National Guard of the United States:***
4 ***composition***

5 *“The Air National Guard of the United States is the*
6 *reserve component of the Air Force that consists of—*

7 *“(1) federally recognized units and organizations*
8 *of the Air National Guard; and*

9 *“(2) members of the Air National Guard who are*
10 *also Reserves of the Air Force.*

11 ***“§ 10112. Air National Guard: when a component of***
12 ***the Air Force***

13 *“The Air National Guard while in the service of the*
14 *United States is a component of the Air Force.*

15 ***“§ 10113. Air National Guard of the United States:***
16 ***status when not in Federal service***

17 *“When not on active duty, members of the Air Na-*
18 *tional Guard of the United States shall be administered,*
19 *armed, equipped, and trained in their status as members*
20 *of the Air National Guard.*

21 ***“§ 10114. Coast Guard Reserve***

22 *“As provided in section 701 of title 14, the Coast*
23 *Guard Reserve is a component of the Coast Guard and is*
24 *organized, administered, trained, and supplied under the*
25 *direction of the Commandant of the Coast Guard. Laws ap-*

“Sec.

“10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.

“10142. Ready Reserve generally.

“10143. Ready Reserve: Selected Reserve.

“10144. Ready Reserve: Individual Ready Reserve.

“10145. Ready Reserve: placement in.

“10146. Ready Reserve: transfer from.

“10147. Ready Reserve: training requirements.

“10148. Ready Reserve: failure to satisfactorily perform prescribed training.

“10149. Ready Reserve: continuous screening.

“10150. Ready Reserve: transfer back from Standby Reserve.

“10151. Standby Reserve: composition.

“10152. Standby Reserve: inactive status list.

“10153. Standby Reserve: status of members.

“10154. Retired Reserve.

8 “(a) There are in each armed force a Ready Reserve,
9 a Standby Reserve, and a Retired Reserve. Each Reserve
10 shall be placed in one of those categories.

11 “(b) Reserves who are on the inactive status list of a
12 reserve component, or who are assigned to the inactive
13 Army National Guard or the inactive Air National Guard,
14 are in an inactive status. Members in the Retired Reserve
15 are in a retired status. All other Reserves are in an active
16 status.

17 “(c) As prescribed by the Secretary concerned, each re-
18 serve component except the Army National Guard of the

1 *United States and the Air National Guard of the United*
2 *States shall be divided into training categories according*
3 *to the degrees of training, including the number and dura-*
4 *tion of drills or equivalent duties to be completed in stated*
5 *periods. The designation of training categories shall be the*
6 *same for all armed forces and the same within the Ready*
7 *Reserve and the Standby Reserve.*

8 **“§ 10142. Ready Reserve**

9 “(a) *The Ready Reserve consists of units or Reserves,*
10 *or both, liable for active duty as provided in sections 12301*
11 *and 12302 of this title.*

12 “(b) *The authorized strength of the Ready Reserve is*
13 *2,900,000.*

14 **“§ 10143. Ready Reserve: Selected Reserve**

15 “(a) *Within the Ready Reserve of each of the reserve*
16 *components there is a Selected Reserve. The Selected Reserve*
17 *consists of units, and, as designated by the Secretary con-*
18 *cerned, of Reserves, trained as prescribed in section*
19 *10147(a)(1) of this title or section 502(a) of title 32, as*
20 *appropriate.*

21 “(b) *The organization and unit structure of the Se-*
22 *lected Reserve shall be approved—*

23 “(1) *in the case of all reserve components other*
24 *than the Coast Guard Reserve, by the Secretary of De-*
25 *fense based upon recommendations from the military*

1 *departments as approved by the Chairman of the*
2 *Joint Chiefs of Staff in accordance with contingency*
3 *and war plans; and*

4 *“(2) in the case of the Coast Guard Reserve, by*
5 *the Secretary of Transportation upon the rec-*
6 *ommendation of the Commandant of the Coast Guard.*

7 ***“§ 10144. Ready Reserve: Individual Ready Reserve***

8 *“Within the Ready Reserve of each of the reserve com-*
9 *ponents there is an Individual Ready Reserve. The Individ-*
10 *ual Ready Reserve consists of those members of the Ready*
11 *Reserve who are not in the Selected Reserve or the inactive*
12 *National Guard.*

13 ***“§ 10145. Ready Reserve: placement in***

14 *“(a) Each person required under law to serve in a re-*
15 *serve component shall, upon becoming a member, be placed*
16 *in the Ready Reserve of his armed force for his prescribed*
17 *term of service, unless he is transferred to the Standby Re-*
18 *serve under section 10146(a) of this title.*

19 *“(b) The units and members of the Army National*
20 *Guard of the United States and of the Air National Guard*
21 *of the United States are in the Ready Reserve of the Army*
22 *and the Ready Reserve of the Air Force, respectively.*

23 *“(c) All Reserves assigned to units organized to serve*
24 *as units and designated as units in the Ready Reserve are*
25 *in the Ready Reserve.*

1 “(d) Under such regulations as the Secretary con-
2 cerned may prescribe, any qualified member of a reserve
3 component or any qualified retired enlisted member of a
4 regular component may, upon his request, be placed in the
5 Ready Reserve. However, a member of the Retired Reserve
6 entitled to retired pay or a retired enlisted member of a
7 regular component may not be placed in the Ready Reserve
8 unless the Secretary concerned makes a special finding that
9 the member’s services in the Ready Reserve are indispen-
10 sable. The Secretary concerned may not delegate his author-
11 ity under the preceding sentence.

12 **“§ 10146. Ready Reserve: transfer from**

13 “(a) Subject to subsection (c) and under regulations
14 prescribed by the Secretary of Defense, or by the Secretary
15 of Transportation with respect to the Coast Guard when
16 it is not operating as a service in the Navy, a member in
17 the Ready Reserve may be transferred to the Standby Re-
18 serve.

19 “(b) A Reserve who is qualified and so requests may
20 be transferred to the Retired Reserve under regulations pre-
21 scribed by the Secretary concerned and, in the case of the
22 Secretary of a military department, approved by the Sec-
23 retary of Defense.

24 “(c) A member of the Army National Guard of the
25 United States or the Air National Guard of the United

1 *States may be transferred to the Standby Reserve only with*
2 *the consent of the governor or other appropriate authority*
3 *of the State.*

4 ***“§ 10147. Ready Reserve: training requirements***

5 *“(a) Except as specifically provided in regulations to*
6 *be prescribed by the Secretary of Defense, or by the Sec-*
7 *retary of Transportation with respect to the Coast Guard*
8 *when it is not operating as a service in the Navy, each per-*
9 *son who is enlisted, inducted, or appointed in an armed*
10 *force, and who becomes a member of the Ready Reserve*
11 *under any provision of law except section 513 or 10145(b)*
12 *of this title, shall be required, while in the Ready Reserve,*
13 *to—*

14 *“(1) participate in at least 48 scheduled drills or*
15 *training periods during each year and serve on active*
16 *duty for training of not less than 14 days (exclusive*
17 *of traveltime) during each year; or*

18 *“(2) serve on active duty for training not more*
19 *than 30 days during each year.*

20 *“(b) A member who has served on active duty for one*
21 *year or longer may not be required to perform a period*
22 *of active duty for training if the first day of that period*
23 *falls during the last 120 days of the member’s required*
24 *membership in the Ready Reserve.*

1 **“§ 10148. Ready Reserve: failure to satisfactorily per-**
2 **form prescribed training**

3 “(a) A member of the Ready Reserve covered by section
4 10147 of this title who fails in any year to perform satisfac-
5 torily the training duty prescribed in that section, as deter-
6 mined by the Secretary concerned under regulations pre-
7 scribed by the Secretary of Defense, may be ordered without
8 his consent to perform additional active duty for training
9 for not more than 45 days. If the failure occurs during the
10 last year of his required membership in the Ready Reserve,
11 his membership is extended until he performs that addi-
12 tional active duty for training, but not for more than six
13 months.

14 “(b) A member of the Army National Guard of the
15 United States or the Air National Guard of the United
16 States who fails in any year to perform satisfactorily the
17 training duty prescribed by or under law for members of
18 the Army National Guard or the Air National Guard, as
19 the case may be, as determined by the Secretary concerned,
20 may, upon the request of the Governor of the State (or, in
21 the case of the District of Columbia, the commanding gen-
22 eral of the District of Columbia National Guard) be ordered,
23 without his consent, to perform additional active duty for
24 training for not more than 45 days. A member ordered to
25 active duty under this subsection shall be ordered to duty

1 *as a Reserve of the Army or as a Reserve of the Air Force,*
2 *as the case may be.*

3 ***“§ 10149. Ready Reserve: continuous screening***

4 *“(a) Under regulations to be prescribed by the Presi-*
5 *dent, the Secretary concerned shall provide a system of con-*
6 *tinuous screening of units and members of the Ready Re-*
7 *serve to ensure the following:*

8 *“(1) That there will be no significant attrition*
9 *of those members or units during a mobilization.*

10 *“(2) That there is a proper balance of military*
11 *skills.*

12 *“(3) That except for those with military skills for*
13 *which there is an overriding requirement, members*
14 *having critical civilian skills are not retained in*
15 *numbers beyond the need for those skills.*

16 *“(4) That with due regard to national security*
17 *and military requirements, recognition will be given*
18 *to participation in combat.*

19 *“(5) That members whose mobilization in an*
20 *emergency would result in an extreme personal or*
21 *community hardship are not retained in the Ready*
22 *Reserve.*

23 *“(b) Under regulations to be prescribed by the Sec-*
24 *retary of Defense, and by the Secretary of Transportation*
25 *with respect to the Coast Guard when it is not operating*

1 *as a service in the Navy, a member of the Ready Reserve*
 2 *who is designated as a member not to be retained in the*
 3 *Ready Reserve as a result of screening under subsection (a)*
 4 *shall, as appropriate, be—*

5 “(1) transferred to the Standby Reserve;

6 “(2) discharged; or

7 “(3) if the member is eligible and applies there-
 8 *for, transferred to the Retired Reserve.*

9 **“§ 10150. Ready Reserve: transfer back from Standby**
 10 **Reserve**

11 *“Under regulations to be prescribed by the Secretary*
 12 *of Defense, and by the Secretary of Transportation with re-*
 13 *spect to the Coast Guard when it is not operating as a serv-*
 14 *ice in the Navy, a member of the Standby Reserve who has*
 15 *not completed his required period of service in the Ready*
 16 *Reserve may be transferred to the Ready Reserve when the*
 17 *reason for his transfer to the Standby Reserve no longer*
 18 *exists.*

19 **“§ 10151. Standby Reserve: composition**

20 *“The Standby Reserve consists of those units or mem-*
 21 *bers, or both, of the reserve components, other than those*
 22 *in the Ready Reserve or Retired Reserve, who are liable for*
 23 *active duty only as provided in sections 12301 and 12306*
 24 *of this title.*

1 ***“§ 10152. Standby Reserve: inactive status list***

2 “(a) An inactive status list shall be maintained in the
3 Standby Reserve. Whenever an authority designated by the
4 Secretary concerned considers that it is in the best interest
5 of the armed force concerned, a member in the Standby Re-
6 serve who is not required to remain a Reserve, and who
7 cannot participate in prescribed training, may, if qualified,
8 be transferred to the inactive status list under regulations
9 to be prescribed by the Secretary concerned. These regula-
10 tions shall fix the conditions under which such a member
11 is entitled to be returned to an active status.

12 ***“§ 10153. Standby Reserve: status of members***

13 “While in an inactive status, a Reserve is not eligible
14 for pay or promotion and (as provided in section 12734(a)
15 of this title) does not accrue credit for years of service under
16 chapter 1223 of this title.

17 ***“§ 10154. Retired Reserve***

18 “The Retired Reserve consists of the following Reserves:

19 “(1) Reserves who are or have been retired under
20 section 3911, 6323, or 8911 of this title or under sec-
21 tion 291 of title 14.

22 “(2) Reserves who have been transferred to the
23 Retired Reserve upon their request, retain their status
24 as Reserves, and are otherwise qualified.

1 **“CHAPTER 1007—ADMINISTRATION OF RESERVE**
 2 **COMPONENTS**

“Sec.

“10201. Assistant Secretary of Defense for Reserve Affairs.

“10202. Regulations.

“10203. Reserve affairs: designation of general or flag officer of each armed force.

“10204. Personnel records.

“10205. Members of Individual Ready Reserve: requirement of notification of change of status.

“10206. Members: periodic physical examinations.

“10207. Mobilization forces: maintenance.

“10208. Annual mobilization exercise.

“10209. Regular and reserve components: discrimination prohibited.

“10210. Dissemination of information.

“10211. Policies and regulations: participation of reserve officers in preparation and administration.

“10212. Gratuitous services of officers: authority to accept.

“10213. Reserve components: dual membership prohibited.

“10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard.

“10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

3 **“§ 10201. Assistant Secretary of Defense for Reserve**
 4 **Affairs**

5 *“As provided in section 138(b)(2) of this title, the offi-*
 6 *cial in the Department of Defense with responsibility for*
 7 *overall supervision of reserve component affairs of the De-*
 8 *partment of Defense is the Assistant Secretary of Defense*
 9 *for Reserve Affairs.*

10 **“§ 10202. Regulations**

11 *“(a) Subject to standards, policies, and procedures pre-*
 12 *scribed by the Secretary of Defense, the Secretary of each*
 13 *military department shall prescribe such regulations as the*
 14 *Secretary considers necessary to carry out provisions of law*

1 *relating to the reserve components under the Secretary's*
2 *jurisdiction.*

3 “(b) *The Secretary of Transportation, with the concur-*
4 *rence of the Secretary of the Navy, shall prescribe such regu-*
5 *lations as the Secretary considers necessary to carry out*
6 *all provisions of law relating to the reserve components in-*
7 *sofar as they relate to the Coast Guard, except when the*
8 *Coast Guard is operating as a service in the Navy.*

9 “(c) *So far as practicable, regulations for all reserve*
10 *components shall be uniform.*

11 **“§ 10203. Reserve affairs: designation of general or**
12 **flag officer of each armed force**

13 “(a) *The Secretary of the Army may designate a gen-*
14 *eral officer of the Army to be directly responsible for reserve*
15 *affairs to the Chief of Staff of the Army.*

16 “(b) *The Secretary of the Navy may designate a flag*
17 *officer of the Navy to be directly responsible for reserve af-*
18 *fairs to the Chief of Naval Operations and a general officer*
19 *of the Marine Corps to be directly responsible for reserve*
20 *affairs to the Commandant of the Marine Corps.*

21 “(c) *The Secretary of the Air Force may designate a*
22 *general officer of the Air Force to be directly responsible*
23 *for reserve affairs to the Chief of Staff of the Air Force.*

1 “(d) *The Secretary of Transportation may designate*
2 *a flag officer of the Coast Guard to be directly responsible*
3 *for reserve affairs to the Commandant of the Coast Guard.*

4 “(e) *This section does not affect the functions of the*
5 *Chief of the National Guard Bureau, the Chief of Army Re-*
6 *serve, or the Chief of Air Force Reserve.*

7 **“§ 10204. Personnel records**

8 “(a) *The Secretary concerned shall maintain adequate*
9 *and current personnel records of each member of the reserve*
10 *components under the Secretary’s jurisdiction showing the*
11 *following with respect to the member:*

12 “(1) *Physical condition.*

13 “(2) *Dependency status.*

14 “(3) *Military qualifications.*

15 “(4) *Civilian occupational skills.*

16 “(5) *Availability for service.*

17 “(6) *Such other information as the Secretary*
18 *concerned may prescribe.*

19 “(b) *Under regulations to be prescribed by the Sec-*
20 *retary of Defense, the Secretary of each military department*
21 *shall maintain a record of the number of members of each*
22 *class of each reserve component who, during each fiscal*
23 *year, have participated satisfactorily in active duty for*
24 *training and inactive duty training with pay.*

1 ***“§ 10205. Members of Ready Reserve: requirement of***
2 ***notification of change of status***

3 “(a) *Each member of the Ready Reserve shall notify*
4 *the Secretary concerned of any change in the member’s ad-*
5 *dress, marital status, number of dependents, or civilian em-*
6 *ployment and of any change in the member’s physical con-*
7 *dition that would prevent the member from meeting the*
8 *physical or mental standards prescribed for the member’s*
9 *armed force.*

10 “(b) *This section shall be administered under regula-*
11 *tions prescribed by the Secretary of Defense and by the Sec-*
12 *retary of Transportation with respect to the Coast Guard*
13 *when it is not operating as a service in the Navy.*

14 ***“§ 10206. Members: periodic physical examinations***

15 “(a) *Each member of the Ready Reserve who is not*
16 *on active duty shall—*

17 “(1) *be examined as to his physical fitness every*
18 *five years, or more often as the Secretary concerned*
19 *considers necessary; and*

20 “(2) *execute and submit annually to the Sec-*
21 *retary concerned a certificate of physical condition.*

22 *Each Reserve in an active status, or on an inactive status*
23 *list, who is not on active duty shall execute and submit*
24 *annually to the Secretary concerned a certificate of physical*
25 *condition.*

1 “(b) The kind of duty to which a Reserve ordered to
2 active duty may be assigned shall be considered in deter-
3 mining physical qualifications for active duty.

4 **“§ 10207. Mobilization forces: maintenance**

5 “(a) Whenever units or members of the reserve compo-
6 nents are ordered to active duty (other than for training)
7 during a period of partial mobilization, the Secretary con-
8 cerned shall continue to maintain mobilization forces by
9 planning and budgeting for the continued organization and
10 training of the reserve components not mobilized, and make
11 the fullest practicable use of the Federal facilities vacated
12 by mobilized units, consistent with approved joint mobiliza-
13 tion plans.

14 “(b) In this section, the term ‘partial mobilization’
15 means the mobilization resulting from action by Congress
16 or the President, under any law, to bring units of any re-
17 serve component, and members not assigned to units orga-
18 nized to serve as units, to active duty for a limited expan-
19 sion of the active armed forces.

20 **“§ 10208. Annual mobilization exercise**

21 “(a) The Secretary of Defense shall conduct at least
22 one major mobilization exercise each year. The exercise
23 should be as comprehensive and as realistic as possible and
24 should include the participation of associated active compo-
25 nent and reserve component units.

1 “(b) The Secretary shall maintain a plan to test peri-
 2 odically each active component and reserve component unit
 3 based in the United States and all interactions of such
 4 units, as well as the sustainment of the forces mobilized as
 5 part of the exercise, with the objective of permitting an eval-
 6 uation of the adequacy of resource allocation and planning.

7 **“§ 10209. Regular and reserve components: discrimi-**
 8 **nation prohibited**

9 “Laws applying to both Regulars and Reserves shall
 10 be administered without discrimination—

11 “(1) among Regulars;

12 “(2) among Reserves; and

13 “(3) between Regulars and Reserves.

14 **“§ 10210. Dissemination of information**

15 “The Secretary of Defense shall require the complete
 16 and current dissemination, to all Reserves and to the pub-
 17 lic, of information of interest to the reserve components.

18 **“§ 10211. Policies and regulations: participation of**
 19 **Reserve officers in preparation and ad-**
 20 **ministration**

21 “Within such numbers and in such grades and assign-
 22 ments as the Secretary concerned may prescribe, each
 23 armed force shall have officers of its reserve components on
 24 active duty (other than for training) at the seat of govern-
 25 ment, and at headquarters responsible for reserve affairs,

1 *to participate in preparing and administering the policies*
 2 *and regulations affecting those reserve components. While*
 3 *so serving, such an officer is an additional number of any*
 4 *staff with which he is serving.*

5 ***“§ 10212. Gratuitous services of officers: authority to***
 6 ***accept***

7 *“Notwithstanding section 1342 of title 31, the Sec-*
 8 *retary of a military department may accept the gratuitous*
 9 *services of an officer of a reserve component under the Sec-*
 10 *retary’s jurisdiction (other than an officer of the Army Na-*
 11 *tional Guard of the United States or the Air National*
 12 *Guard of the United States)—*

13 *“(1) in the furtherance of the enrollment, organi-*
 14 *zation, and training of that officer’s reserve compo-*
 15 *nent or the Reserve Officers’ Training Corps; or*

16 *“(2) in consultation upon matters relating to the*
 17 *armed forces.*

18 ***“§ 10213. Reserve components: dual membership pro-***
 19 ***hibited***

20 *“Except as otherwise provided in this title, no person*
 21 *may be a member of more than one reserve component at*
 22 *the same time.*

1 ***“§ 10214. Adjutants general and assistant adjutants***
 2 ***general: reference to other officers of Na-***
 3 ***tional Guard***

4 *“In any case in which, under the laws of a State, an*
 5 *officer of the National Guard of that jurisdiction, other than*
 6 *the adjutant general or an assistant adjutant general, nor-*
 7 *mally performs the duties of that office, the references in*
 8 *sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e),*
 9 *and 14512 of this title to the adjutant general or the assist-*
 10 *ant adjutant general shall be applied to that officer instead*
 11 *of to the adjutant general or assistant adjutant general.*

12 ***“§ 10215. Officers of Army National Guard of the Unit-***
 13 ***ed States and Air National Guard of the***
 14 ***United States: authority with respect to***
 15 ***Federal status***

16 *“(a)(1) Officers of the Army National Guard of the*
 17 *United States who are not on active duty—*

18 *“(A) may order members of the Army National*
 19 *Guard of the United States to active duty for train-*
 20 *ing under section 12301(d) of this title; and*

21 *“(B) with the approval of the Secretary of the*
 22 *Air Force, may order members of the Air National*
 23 *Guard of the United States to active duty for train-*
 24 *ing under that section.*

25 *“(2) Officers of the Air National Guard of the United*
 26 *States who are not on active duty—*

1 “(A) may order members of the Air National
2 Guard of the United States to active duty for train-
3 ing under section 12301(d) of this title; and

4 “(B) with the approval of the Secretary of the
5 Army, may order members of the Army National
6 Guard of the United States to active duty for train-
7 ing under that section.

8 “(b) Officers of the Army National Guard of the Unit-
9 ed States or the Air National Guard of the United States
10 who are not on active duty—

11 “(1) may enlist, reenlist, or extend the enlist-
12 ments of persons as Reserves of the Army or Reserves
13 of the Air Force for service in the Army National
14 Guard of the United States or the Air National
15 Guard of the United States, as the case may be; and

16 “(2) with respect to their Federal status, may
17 promote or discharge persons enlisted or reenlisted as
18 Reserves of the Army or Reserves of the Air Force for
19 that service.

20 “(c) This section shall be carried out under regulations
21 prescribed by the Secretary of the Army, with respect to
22 matters concerning the Army, and by the Secretary of the
23 Air Force, with respect to matters concerning the Air
24 Force.”.

1 (2)(A) Sections 261 through 265 and 267 through 281
2 are repealed.

3 (B) Chapter 11 is amended by striking out the table
4 of sections at the beginning and inserting in lieu thereof
5 the following:

“Sec.

“261. Reference to chapters 1003, 1005, and 1007.

6 **“§ 261. Reference to chapters 1003, 1005, and 1007**

7 “Provisions of law relating to the reserve components
8 generally, including provisions relating to the organization
9 and administration of the reserve components, are set forth
10 in chapter 1003 (beginning with section 10101), chapter
11 1005 (beginning with section 10141), and chapter 1007 (be-
12 ginning with section 10201) of this title.”.

13 (3)(A) Chapter 519 and sections 652, 2001, 3076
14 through 3080, and 8076 through 8080 are repealed.

15 (B) Section 552(e) of Public Law 98–525 is repealed.

16 (4) Section 1004 is amended—

17 (A) by striking out subsections (a) and (b); and

18 (B) by striking out “(c)” before “Except as oth-
19 erwise provided”.

20 (5)(A) Section 10147(a), as added by paragraph (1),
21 applies only to persons who were inducted, enlisted, or ap-
22 pointed in an armed force after August 9, 1955.

23 (B) Section 10148(b), as added by paragraph (1), ap-
24 plies only to persons who became members of the Army Na-

1 *tional Guard of the United States or the Air National*
 2 *Guard of the United States after October 4, 1961.*

3 *(b) BOARDS AND COMMITTEES.—(1) Part I of subtitle*
 4 *E (as added by subsection (a)) is amended by adding at*
 5 *the end the following:*

6 ***“CHAPTER 1009—RESERVE FORCES POLICY***

7 ***BOARDS AND COMMITTEES***

“Sec.

“10301. Reserve Forces Policy Board.

“10302. Army Reserve Forces Policy Committee.

“10303. Naval Reserve Policy Board.

“10304. Marine Corps Reserve Policy Board.

“10305. Air Force Reserve Forces Policy Committee.

8 ***“§ 10301. Reserve Forces Policy Board***

9 *“(a) There is in the Office of the Secretary of Defense*
 10 *a Reserve Forces Policy Board. The Board consists of the*
 11 *following:*

12 *“(1) A civilian chairman appointed by the Sec-*
 13 *retary of Defense.*

14 *“(2) The Assistant Secretary of the Army for*
 15 *Manpower and Reserve Affairs, the Assistant Sec-*
 16 *retary of the Navy for Manpower and Reserve Affairs,*
 17 *and the Assistant Secretary of the Air Force for Man-*
 18 *power and Reserve Affairs.*

19 *“(3) An officer of the Regular Army designated*
 20 *by the Secretary of the Army.*

1 “(4) *An officer of the Regular Navy or Regular*
2 *Marine Corps designated by the Secretary of the*
3 *Navy.*

4 “(5) *An officer of the Regular Air Force des-*
5 *ignated by the Secretary of the Air Force.*

6 “(6) *Four reserve officers designated by the Sec-*
7 *retary of Defense upon the recommendation of the*
8 *Secretary of the Army, two of whom must be members*
9 *of the Army National Guard of the United States,*
10 *and two of whom must be members of the Army Re-*
11 *serve.*

12 “(7) *Four reserve officers designated by the Sec-*
13 *retary of Defense upon the recommendation of the*
14 *Secretary of the Navy, two of whom must be members*
15 *of the Naval Reserve, and two of whom must be mem-*
16 *bers of the Marine Corps Reserve.*

17 “(8) *Four reserve officers designated by the Sec-*
18 *retary of Defense upon the recommendation of the*
19 *Secretary of the Air Force, two of whom must be*
20 *members of the Air National Guard of the United*
21 *States, and two of whom must be members of the Air*
22 *Force Reserve.*

23 “(9) *A reserve officer of the Army, Navy, Air*
24 *Force, or Marine Corps who is a general officer or*
25 *flag officer designated by the Chairman of the Board*

1 *with the approval of the Secretary of Defense, and*
2 *who serves without vote as military adviser to the*
3 *Chairman and as executive officer of the Board.*

4 “(b) *Whenever the Coast Guard is not operating as a*
5 *service in the Navy, the Secretary of Transportation may*
6 *designate two officers of the Coast Guard, Regular or Re-*
7 *serve, to serve as voting members of the Board.*

8 “(c) *The Board, acting through the Assistant Secretary*
9 *of Defense for Reserve Affairs, is the principal policy ad-*
10 *viser to the Secretary of Defense on matters relating to the*
11 *reserve components.*

12 “(d) *This section does not affect the committees on re-*
13 *serve policies prescribed within the military departments*
14 *by sections 10302 through 10305 of this title.*

15 “(e) *A member of a committee or board prescribed*
16 *under a section listed in subsection (d) may, if otherwise*
17 *eligible, be a member of the Reserve Forces Policy Board.*

18 “(f) *The Board shall act on those matters referred to*
19 *it by the Chairman and, in addition, on any matter raised*
20 *by a member of the Board.*

21 **“§ 10303. Naval Reserve Policy Board**

22 *“A Naval Reserve Policy Board shall be convened at*
23 *least once annually at the seat of government to consider,*
24 *recommend, and report to the Secretary of the Navy on re-*

1 *serve policy matters. At least half of the members of the*
 2 *Board must be officers of the Naval Reserve.*

3 ***“§ 10304. Marine Corps Reserve Policy Board***

4 *“A Marine Corps Reserve Policy Board shall be con-*
 5 *vened at least once annually at the seat of government to*
 6 *consider, recommend, and report to the Secretary of the*
 7 *Navy on reserve policy matters. At least half of the members*
 8 *of the Board must be officers of the Marine Corps Reserve.”.*

9 *(2)(A) Section 3021 is transferred to chapter 1009 (as*
 10 *added by paragraph (1)), inserted after section 10301, and*
 11 *redesignated as section 10302.*

12 *(B) Section 8021 is transferred to chapter 1009 (as*
 13 *added by paragraph (1)), inserted after section 10304, and*
 14 *redesignated as section 10305.*

15 *(3) The text of section 175 is amended to read as*
 16 *follows:*

17 *“There is in the Office of the Secretary of Defense a*
 18 *Reserve Forces Policy Board. The functions, membership,*
 19 *and organization of that board are set forth in section*
 20 *10301 of this title.”.*

21 *(4)(A) Chapter 303 (as amended by paragraph (2)(A))*
 22 *is amended by adding at the end the following:*

23 ***“§ 3021. Army Reserve Forces Policy Committee***

24 *“There is in the Office of the Secretary of the Army*
 25 *an Army Reserve Forces Policy Committee. The functions,*

1 membership, and organization of that committee are set
2 forth in section 10302 of this title.”.

3 (B) Chapter 803 (as amended by paragraph (2)(B))
4 is amended by adding at the end the following:

5 **“§ 8021. Air Force Reserve Forces Policy Committee**

6 “There is in the Office of the Secretary of the Air Force
7 an Air Force Reserve Forces Policy Committee. The func-
8 tions, membership, and organization of that committee are
9 set forth in section 10305 of this title.”.

10 (c) NATIONAL GUARD BUREAU.—(1) Part I of subtitle
11 E, as added by subsection (a), is amended by adding after
12 chapter 1009, as added by subsection (b), the following:

13 **“CHAPTER 1011—NATIONAL GUARD BUREAU**

“Sec.

“10501. National Guard Bureau: organization; function.

“10502. Chief of Bureau: appointment.

“10503. Chief of Bureau: term of office; grade; filling vacancy.

“10504. National Guard Bureau: assignment of officers of regular or reserve com-
ponents.

14 **“§ 10501. National Guard Bureau: organization; func-**
15 **tion**

16 “There is a National Guard Bureau, which is a joint
17 bureau of the Department of the Army and the Department
18 of the Air Force. The National Guard Bureau is the channel
19 of communication between the departments concerned and
20 the several States, Territories, Puerto Rico, and the District
21 of Columbia on all matters pertaining to the National

1 *Guard, the Army National Guard of the United States, and*
2 *the Air National Guard of the United States.*

3 ***“§ 10502. Chief of Bureau: appointment***

4 *“(a) CHIEF.—The National Guard Bureau is headed*
5 *by a chief who is the adviser to the Army Chief of Staff*
6 *and the Air Force Chief of Staff on National Guard*
7 *matters.*

8 *“(b) APPOINTMENT.—The President, by and with the*
9 *advice and consent of the Senate, shall appoint the Chief*
10 *of the Bureau from officers of the Army National Guard*
11 *of the United States or the Air National Guard of the Unit-*
12 *ed States who—*

13 *“(1) have been recommended by their respective*
14 *governors;*

15 *“(2) have had at least 10 years of commissioned*
16 *service in the active National Guard; and*

17 *“(3) are in a grade above lieutenant colonel.*

18 ***“§ 10503. Chief of Bureau: term of office; grade; filling***
19 ***vacancy***

20 *“(a) TERM OF OFFICE.—The Chief of the National*
21 *Guard Bureau holds office for four years, but may be re-*
22 *moved for cause at any time. An officer may not hold the*
23 *office of Chief of the Bureau after attaining 64 years of*
24 *age. He is eligible to succeed himself. While holding that*
25 *office, the Chief of the Bureau may not be removed from*

1 *the reserve active-status list, or from an active status, under*
 2 *any provision of law that otherwise would require such re-*
 3 *moval due to completion of a specified number of years of*
 4 *service or a specified number of years of service in grade.*

5 “(b) *GRADE WHILE SERVING.*—If an officer appointed
 6 as Chief of the National Guard Bureau holds a lower reserve
 7 grade, the officer shall be appointed as a Reserve in his
 8 armed force in the grade of major general for service in
 9 the Army National Guard of the United States or the Air
 10 National Guard of the United States, as the case may be,
 11 while serving as Chief of the Bureau.

12 “(c) *DISABILITY; VACANCY.*—If the Chief of the Bureau
 13 is unable, because of disability, to perform the functions of
 14 his office, or if that office is vacant, the senior officer of
 15 the Army National Guard of the United States or the Air
 16 National Guard of the United States on duty in the Bureau
 17 shall act as its chief until the disability ceases or a successor
 18 is appointed.

19 **“§ 10504. National Guard Bureau: assignment of offi-**
 20 **cers of regular or reserve components**

21 “Except as provided in section 12402(b) of this title,
 22 the President may assign to duty in the National Guard
 23 Bureau as many regular or reserve officers of the Army and
 24 the Air Force as he considers necessary.”.

1 (2) *Section 3040 (as amended by section 1351) and*
 2 *sections 3541 and 8541 are repealed.*

3 (d) *ANNUAL REPORTS TO CONGRESS.—(1) Part I of*
 4 *subtitle E, as added by subsection (a), is amended by add-*
 5 *ing after chapter 1011, as added by subsection (c), the fol-*
 6 *lowing:*

7 **“CHAPTER 1013—BUDGET INFORMATION AND**
 8 **ANNUAL REPORTS TO CONGRESS**

“Sec.

“10541. *National Guard and reserve component equipment: annual report to Congress.*

“10542. *Army National Guard combat readiness: annual report.*”.

9 (2)(A) *Section 115b is transferred to chapter 1013, as*
 10 *added by paragraph (1), inserted after the table of sections,*
 11 *and redesignated as section 10541.*

12 (B) *The heading of that section is amended to read*
 13 *as follows:*

14 **“§10541. National Guard and reserve component**
 15 **equipment: annual report to Congress”.**

16 (3) *Section 3082 is transferred to chapter 1013, as*
 17 *added by paragraph (1), inserted after section 10541 (as*
 18 *transferred and redesignated by paragraph (2)), redesign-*
 19 *ated as section 10542, and amended by striking out the*
 20 *word in the section heading before the colon and by striking*
 21 *out subsection (c).*

1 **SEC. 1362. LAWS RELATING TO RESERVE COMPONENT PER-**
 2 **SONNEL POLICY.**

3 (a) *STRENGTH AND DISTRIBUTION IN GRADE.*—(1)
 4 Subtitle E, as added by section 1311, is amended by insert-
 5 ing after part I of such subtitle, as added by section 1361,
 6 the following:

7 **“PART II—PERSONNEL GENERALLY**

<i>“Chap.</i>	<i>Sec.</i>
“1201. Authorized Strengths and Distribution in Grade	12001
“1203. Enlisted Members	12101
“1205. Appointment of Reserve Officers	12201
“1207. Warrant Officers	12241
“1209. Active Duty	12301
“1211. National Guard Members in Federal Service	12401
“1213. Special Appointments, Assignments, Details, and Duties	12501
“1215. Miscellaneous Prohibitions and Penalties [No present sections]	
“1217. Miscellaneous Rights and Benefits	12601
“1219. Standards and Procedures for Retention and Promotion	12641
“1221. Separation	12681
“1223. Retired Pay for Non-Regular Service	12731
“1225. Retired Grade	12771

8 **“CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBU-**
 9 **TION IN GRADE**

<i>“Sec.</i>
“12001. Authorized strengths: reserve components.
“12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.
“12003. Authorized strengths: commissioned officers active status.
“12004. Strength in grade: reserve general and flag officers in an active status.
“12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.
“12006. Strength limitations: authority to waive in time of war or national emergency.
“12007. Reserve officers of the Army: distribution.
“12008. Army Reserve and Air Force Reserve: warrant officers.
“12009. Army and Air Force reserve components: temporary increases.
“12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.

“12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

“12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

1 **“§ 12001. Authorized strengths: reserve components**

2 “(a) Whenever the authorized strength of a reserve
3 component (other than the Coast Guard Reserve) is not pre-
4 scribed by law, it shall be prescribed by the President.

5 “(b) Subject to the authorized strength of the reserve
6 component concerned, the authorized strength of each re-
7 serve component (other than the Coast Guard Reserve) in
8 members in each grade is that which the Secretary con-
9 cerned determines to be necessary to provide for mobiliza-
10 tion requirements. The Secretary shall review these deter-
11 minations at least once each year and revise them if he con-
12 siders it necessary. However, a member of the reserve com-
13 ponent concerned may not, as a result of such a determina-
14 tion, be reduced in the member’s reserve grade without the
15 member’s consent.

16 **“§ 12002. Authorized strengths: Army and Air Force**
17 **reserve components, exclusive of members**
18 **on active duty**

19 “(a) The authorized strengths of the National Guard
20 and the reserve components of the Army and the Air Force,
21 exclusive of members who are included in the strengths au-

1 *thorized for members of the Army and Air Force, respec-*
 2 *tively, on active duty, are as follows:*

<i>"Army National Guard and the Army National Guard of the United States</i>	<i>600,000</i>
<i>"Army Reserve</i>	<i>980,000</i>
<i>"Air National Guard and the Air National Guard of the United States</i>	<i>150,000</i>
<i>"Air Force Reserve</i>	<i>500,000.</i>

3 *"(b) The strength authorized by this section for the*
 4 *Army National Guard and the Army National Guard of*
 5 *the United States, and the strength authorized by this sec-*
 6 *tion for the Air National Guard and the Air National*
 7 *Guard of the United States, shall be allocated among the*
 8 *States.*

9 ***"§ 12003. Authorized strengths: commissioned officers***
 10 ***in an active status***

11 *"(a) The authorized strengths of the Army, Navy, Air*
 12 *Force, and Marine Corps in reserve commissioned officers,*
 13 *other than commissioned warrant officers and officers on*
 14 *an active-duty list, in an active status are as follows:*

<i>"Army</i>	<i>275,000</i>
<i>"Air Force</i>	<i>200,000</i>
<i>"Navy</i>	<i>150,000</i>
<i>"Marine Corps</i>	<i>24,500.</i>

15 *"(b) The authorized strengths prescribed by subsection*
 16 *(a) may not be exceeded unless—*

17 *"(1) the Secretary concerned determines that a*
 18 *greater number is necessary for planned mobilization*
 19 *requirements; or*

1 “(2) the excess results directly from the operation
2 of a nondiscretionary provision of law.

3 **“§ 12004. Strength in grade: reserve general and flag**
4 **officers in an active status**

5 “(a) The authorized strengths of the Army, Air Force,
6 and Marine Corps in reserve general officers in an active
7 status, and the authorized strength of the Navy in reserve
8 officers in the grades of rear admiral (lower half) and rear
9 admiral in an active-status, are as follows:

“Army	207
“Air Force	157
“Navy	48
“Marine Corps	10.

10 “(b) The following Army and Air Force reserve officers
11 shall not be counted for purposes of this section:

12 “(1) Those serving as adjutants general or assist-
13 ant adjutants general of a State.

14 “(2) Those serving in the National Guard
15 Bureau.

16 “(3) Those counted under section 526 of this
17 title.

18 “(c)(1) The authorized strength of the Navy under sub-
19 section (a) is exclusive of officers counted under section 526
20 of this title. Of the number authorized under subsection (a),
21 39 are distributed among the line and the staff corps as
22 follows:

“Line	28
“Medical Corps	5

“Chaplain Corps	1
“Judge Advocate General’s Corps	1
“Dental Corps	2
“Nurse Corps	1
“Medical Service Corps	1

1 “(2) The remaining authorizations for the Navy under
2 subsection (a) shall be distributed among such other staff
3 corps as are established by the Secretary of the Navy under
4 the authority provided by section 5150(b) of this title, ex-
5 cept that—

6 “(A) if the Secretary has established a Supply
7 Corps, the authorized strength for the Supply Corps
8 shall be seven; and

9 “(B) if the Secretary has established a Civil En-
10 gineering Corps, the authorized strength for the Civil
11 Engineering Corps shall be two.

12 “(3) Not more than 50 percent of the officers in an
13 active status authorized under this section for the Navy may
14 serve in the grade of rear admiral.

15 “(d) The authorized strength of the Marine Corps
16 under subsection (a) is exclusive of those counted under sec-
17 tion 526 of this title.

18 “(e)(1) A reserve general officer of the Army or Air
19 Force may not be reduced in grade because of a reduction
20 in the number of general officers authorized under
21 subsection (a).

22 “(2) An officer of the Naval Reserve or the Marine
23 Corps Reserve may not be reduced in permanent grade be-

1 *cause of a reduction in the number authorized by this sec-*
 2 *tion for his grade.*

3 ***“§ 12005. Strength in grade: commissioned officers in***
 4 ***grades below brigadier general or rear***
 5 ***admiral (lower half) in an active status***

6 “(a)(1) *Subject to paragraph (2), the authorized*
 7 *strength of the Army and the Air Force in reserve commis-*
 8 *sioned officers in an active status in each grade named in*
 9 *paragraph (2) is as prescribed by the Secretary of the Army*
 10 *or the Secretary of the Air Force, respectively. A vacancy*
 11 *in any grade may be filled by an authorized appointment*
 12 *in any lower grade.*

13 “(2) *A strength prescribed by the Secretary concerned*
 14 *under paragraph (1) for a grade may not be higher than*
 15 *the percentage of the strength authorized for the Army or*
 16 *the Air Force, as the case may be, under section 12003 of*
 17 *this title that is specified for that grade as follows:*

<i>Grade</i>	<i>Army per- centage</i>	<i>Air Force percentage</i>
<i>Colonel</i>	<i>2</i>	<i>1.8</i>
<i>Lieutenant colonel</i>	<i>6</i>	<i>4.6</i>
<i>Major</i>	<i>13</i>	<i>14.0</i>
<i>Captain</i>	<i>35</i>	<i>32.0</i>
<i>First lieutenant and second lieutenant (when com- bined with the number authorized for general offi- cer grades under section 12004 of this title)</i>	<i>44</i>	<i>47.6</i>

18 “(b)(1) *The authorized strengths of the Naval Reserve*
 19 *in line officers in an active status in the grades of captain,*
 20 *commander, lieutenant commander, and lieutenant, and in*

1 *the grades of lieutenant (junior grade) and ensign com-*
 2 *bined, are the following percentages of the total authorized*
 3 *number of those officers:*

"Captain	1.5 percent
"Commander	7 percent
"Lieutenant commander	22 percent
"Lieutenant	37 percent
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent.

4 “(2) When the actual number of line officers in an ac-
 5 tive status in any grade is less than the number authorized
 6 by paragraph (1) for that grade, the difference may be ap-
 7 plied to increase the number authorized by that paragraph
 8 for any lower grade or grades.

9 “(c)(1) The authorized strengths of the Marine Corps
 10 Reserve in officers in an active status in the grades of colo-
 11 nel, lieutenant colonel, major, and captain, and in the
 12 grades of first lieutenant and second lieutenant combined,
 13 are the following percentages of the total authorized number
 14 of those officers:

"Colonel	2 percent
"Lieutenant colonel	6 percent
"Major	12 percent
"Captain	35 percent
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under sec- tion 12004 of this title)	32.5 percent.

15 “(2) When the actual number of officers in an active
 16 status in any grade is less than the number authorized by
 17 paragraph (1) for that grade, the difference may be applied

1 *to increase the number authorized by that paragraph for*
2 *any lower grade or grades.*

3 “(d)(1) *An officer of the Army or Air Force may not*
4 *be reduced in grade because of a reduction in the number*
5 *of commissioned officers authorized for the officer’s grade*
6 *under this section.*

7 “(2) *An officer of the Naval Reserve or the Marine*
8 *Corps Reserve may not be reduced in permanent grade be-*
9 *cause of a reduction in the number authorized by this sec-*
10 *tion for his grade.*

11 **“§ 12006. Strength limitations: authority to waive in**
12 **time of war or national emergency**

13 “(a) *In time of war, or of national emergency declared*
14 *by Congress or the President, the President may suspend*
15 *the operation of any provision of section 12003, 12004, or*
16 *12005 of this title. So long as any such war or national*
17 *emergency continues, any such suspension may be extended*
18 *by the President.*

19 “(b) *Any suspension under subsection (a) shall, if not*
20 *sooner ended, end on the last day of the two-year period*
21 *beginning on the date on which the suspension (or the last*
22 *extension thereof) takes effect or on the last day of the one-*
23 *year period beginning on the date of the termination of the*
24 *war or national emergency, whichever occurs first. With re-*
25 *spect to the end of any such suspension, the preceding sen-*

1 *tence supersedes the provisions of title II of the National*
 2 *Emergencies Act (50 U.S.C. 1621, 1622) which provide that*
 3 *powers or authorities exercised by reason of a national*
 4 *emergency shall cease to be exercised after the date of termi-*
 5 *nation of the emergency.*

6 ***“§ 12007. Reserve officers of the Army: distribution***

7 *“The Secretary of the Army shall distribute the num-*
 8 *ber of reserve commissioned officers, other than commis-*
 9 *sioned warrant officers, authorized in each commissioned*
 10 *grade between those assigned to reserve units organized to*
 11 *serve as units and those not assigned to such units. The*
 12 *Secretary shall distribute the number who are assigned to*
 13 *reserve units organized to serve as units among the units*
 14 *of each reserve component by prescribing appropriate tables*
 15 *of organization and tables of distribution. The Secretary*
 16 *shall distribute the number who are not assigned to such*
 17 *units between—*

18 *“(1) each special branch; and*

19 *“(2) all other branches taken together.*

20 ***“§ 12008. Army Reserve and Air Force Reserve: war-***
 21 ***rant officers***

22 *“The Secretary of the Army may prescribe the author-*
 23 *ized strength of the Army Reserve in warrant officers. The*
 24 *Secretary of the Air Force may prescribe the authorized*
 25 *strength of the Air Force Reserve in warrant officers.*

1 **“§ 12009. Army and Air Force reserve components:**
2 **temporary increases**

3 “(a) *The authorized strength in any reserve grade, as*
4 *prescribed under this chapter, for any reserve component*
5 *under the jurisdiction of the Secretary of the Army or the*
6 *Secretary of the Air Force is automatically increased to the*
7 *minimum extent necessary to give effect to each appoint-*
8 *ment made in that grade under section 1211(a), 3036,*
9 *14304(b), 14314, or 14317 of this title.*

10 “(b) *An authorized strength so increased is increased*
11 *for no other purpose. While an officer holds that grade, the*
12 *officer whose appointment caused the increase is counted*
13 *for the purpose of determining when other appointments,*
14 *not under those sections, may be made in that grade.*

15 **“§ 12010. Computations for Naval Reserve and Ma-**
16 **rine Corps Reserve: rule when fraction oc-**
17 **curs in final result**

18 “*When there is a fraction in the final result of any*
19 *computation under this chapter for the Naval Reserve or*
20 *the Marine Corps Reserve, a fraction of one-half or more*
21 *is counted as one, and a fraction of less than one-half is*
22 *disregarded.*

1 ***“§ 12012. Authorized strengths: senior enlisted mem-***
2 ***bers on active duty or on full-time Na-***
3 ***tional Guard duty for administration of***
4 ***the reserves or National Guard***

5 “(a) *The number of enlisted members in pay grades*
6 *E-8 and E-9 who may be on active duty (other than for*
7 *training) or on full-time National Guard duty under the*
8 *authority of section 502(f) of title 32 (other than for train-*
9 *ing) as of the end of any fiscal year in connection with*
10 *organizing, administering, recruiting, instructing, or train-*
11 *ing the reserve components or the National Guard may not*
12 *exceed the number for that grade and armed force in the*
13 *following table:*

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	<i>569</i>	<i>202</i>	<i>328</i>	<i>14</i>
<i>E-8</i>	<i>2,585</i>	<i>429</i>	<i>840</i>	<i>74</i>

14 “(b) *Whenever the number of members serving in pay*
15 *grade E-9 for duty described in subsection (a) is less than*
16 *the number authorized for that grade under subsection (a),*
17 *the difference between the two numbers may be applied to*
18 *increase the number authorized under such subsection for*
19 *pay grade E-8.”.*

20 (2)(A) *Section 524 is transferred to chapter 1201, as*
21 *added by paragraph (1), inserted after section 12010, and*
22 *redesignated as section 12011.*

1 (B) The heading of that section is amended to read
2 as follows:

3 **“§ 12011. Authorized strengths: reserve officers on ac-**
4 **tive duty or on full-time National Guard**
5 **duty for administration of the reserves or**
6 **the National Guard”.**

7 (3) Chapter 531 and sections 3212, 3217 through 3225,
8 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are
9 repealed.

10 (4) Section 517 is amended—

11 (A) by striking out subsection (b); and

12 (B) by redesignating subsection (c) as subsection
13 (b) and in that subsection striking out “or whenever”
14 and all that follows through “under subsection (b),”.

15 (b) ENLISTMENTS.—(1) Part II of subtitle E, as added
16 by subsection (a), is amended by adding after chapter 1201
17 (as added by subsection (a)), the following:

18 **“CHAPTER 1203—ENLISTED MEMBERS**

“Sec.

“12101. Definition.

“12102. Reserve components: qualifications.

“12103. Reserve components: terms.

“12104. Reserve components: transfers.

“12105. Army Reserve and Air Force Reserve: transfer from Guard components.

“12106. Army and Air Force Reserve: transfer to upon withdrawal as member of
National Guard.

“12107. Army National Guard of United States; Air National Guard of the Unit-
ed States: enlistment in.

1 **“§ 12101. Definition**

2 *“In this chapter, the term ‘enlistment’ means original*
 3 *enlistment or reenlistment.*

4 **“§ 12105. Army Reserve and Air Force Reserve: trans-**
 5 **fer from Guard components**

6 *“(a) Under such regulations as the Secretary con-*
 7 *cerned may prescribe—*

8 *“(1) an enlisted member of the Army National*
 9 *Guard of the United States may be transferred in*
 10 *grade to the Army Reserve; and*

11 *“(2) an enlisted member of the Air National*
 12 *Guard of the United States may be transferred in*
 13 *grade to the Air Force Reserve.*

14 *“(b) Upon such a transfer, the member transferred is*
 15 *eligible for promotion to the highest regular or reserve grade*
 16 *ever held by him in the Army, if transferred under sub-*
 17 *section (a)(1), or the Air Force, if transferred under sub-*
 18 *section (a)(2), if his service has been honorable.*

19 *“(c) A transfer under this section may only be made*
 20 *with the consent of the governor or other appropriate au-*
 21 *thority of the State concerned.*

22 **“§ 12106. Army and Air Force Reserve: transfer to**
 23 **upon withdrawal as member of National**
 24 **Guard**

25 *“(a) An enlisted member of the Army National Guard*
 26 *of the United States who ceases to be a member of the Army*

1 *National Guard becomes a member of the Army Reserve un-*
 2 *less he is also discharged from his enlistment as a Reserve.*

3 “(b) *An enlisted member of the Air National Guard*
 4 *of the United States who ceases to be a member of the Air*
 5 *National Guard becomes a member of the Air Force Reserve*
 6 *unless he is also discharged from his enlistment as a Re-*
 7 *serve.*

8 “(c) *An enlisted member who becomes a member of the*
 9 *Army Reserve or the Air Force Reserve under this section*
 10 *ceases to be a member of the Army National Guard of the*
 11 *United States or the Air National Guard of the United*
 12 *States, as the case may be.*

13 **“§ 12107. Army National Guard of United States; Air**
 14 **National Guard of the United States: en-**
 15 **listment in**

16 “(a) *Except as provided in subsection (c), to become*
 17 *an enlisted member of the Army National Guard of the*
 18 *United States or the Air National Guard of the United*
 19 *States, a person must—*

20 “(1) *be enlisted in the Army National Guard or*
 21 *the Air National Guard, as the case may be;*

22 “(2) *subscribe to the oath set forth in section 304*
 23 *of title 32; and*

24 “(3) *be a member of a federally recognized unit*
 25 *or organization of the Army National Guard or the*

1 *Air National Guard, as the case may be, in the grade*
2 *in which he is to be enlisted as a Reserve.*

3 “(b)(1) *Under regulations to be prescribed by the Sec-*
4 *retary of the Army, a person who enlists in the Army Na-*
5 *tional Guard, or whose term of enlistment in the Army Na-*
6 *tional Guard is extended, shall be concurrently enlisted, or*
7 *his term of enlistment shall be concurrently extended,*
8 *as the case may be, as a Reserve of the Army for service*
9 *in the Army National Guard of the United States.*

10 “(2) *Under regulations to be prescribed by the Sec-*
11 *retary of the Air Force, a person who enlists in the Air*
12 *National Guard, or whose term of enlistment in the Air*
13 *National Guard is extended, shall be concurrently enlisted,*
14 *or his term of enlistment shall be concurrently extended, as*
15 *the case may be, as a Reserve of the Air Force for service*
16 *in the Air National Guard of the United States.*

17 “(c)(1) *A member of the Army Reserve who enlists in*
18 *the Army National Guard in his reserve grade, and is a*
19 *member of a federally recognized unit or organization of*
20 *the Army National Guard, becomes a member of the Army*
21 *National Guard of the United States and ceases to be a*
22 *member of the Army Reserve.*

23 “(2) *A member of the Air Force Reserve who enlists*
24 *in the Air National Guard in his reserve grade, and is a*
25 *member of a federally recognized unit or organization of*

1 *the Air National Guard, becomes a member of the Air Na-*
 2 *tional Guard of the United States and ceases to be a mem-*
 3 *ber of the Air Force Reserve.”.*

4 (2) Sections 510 (as amended by section 1331(a)), 511,
 5 and 512 are transferred to chapter 1203, as added by para-
 6 graph (1), inserted after section 12101, and redesignated
 7 as follows:

Section	Redesignated section
510	12102
511	12103
512	12104

8 (3) The following sections are repealed: sections 3259,
 9 3260, 3261, 8259, 8260, and 8261.

10 (c) APPOINTMENT OF OFFICERS.—(1) Part II of sub-
 11 title E, as added by subsection (a), is further amended by
 12 adding after chapter 1203 (as added by subsection (b)) the
 13 following:

14 **“CHAPTER 1205—APPOINTMENT OF RESERVE**
 15 **OFFICERS**

“Sec.

“12201. Qualifications for appointment.

“12202. Commissioned officer grades.

“12203. Commissioned officers: appointment, how made; term.

“12204. Commissioned officers: original appointment; limitation.

“12205. Commissioned officers: appointment; educational requirement.

“12206. Commissioned officers: appointment of former commissioned officers.

“12207. Commissioned officers: service credit upon original appointment.

“12208. Officers: appointment upon transfer.

“12209. Officer candidates: enlisted Reserves.

“12210. Attending Physician to the Congress: reserve grade while so serving.

“12211. Officers: Army National Guard of United States.

“12212. Officers: Air National Guard of United States.

“12213. Officers: Army Reserve: transfer from Army National Guard of United
 States.

“12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.

“12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

1 ***“§ 12215. Commissioned officers: reserve grade of ad-***
 2 ***jutants general and assistant adjutants***
 3 ***general***

4 *“(a) The adjutant general or an assistant adjutant*
 5 *general of the Army National Guard of a State may, upon*
 6 *being extended Federal recognition, be appointed as a re-*
 7 *serve officer of the Army as of the date on which he is so*
 8 *recognized.*

9 *“(b) The adjutant general or an assistant adjutant*
 10 *general of the Air National Guard of a State may be ap-*
 11 *pointed in the reserve commissioned grade in which Federal*
 12 *recognition in the Air National Guard is extended to him.”.*

13 *(2) Sections 591 (as amended by section 1331(b)), 592,*
 14 *593 (as amended by section 1332), 594, 596, 596a (as added*
 15 *by section 1333), 596b (as added by section 1334), and 595*
 16 *are transferred (in that order) to chapter 1205, as added*
 17 *by paragraph (1), inserted after the table of sections, and*
 18 *redesignated as follows:*

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 1333)	12206
596b (as added by section 1334)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 1336(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213
8352	12214

(d) *WARRANT OFFICERS*.—(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

“CHAPTER 1207—WARRANT OFFICERS

“Sec.

“12241. Warrant officers: grades; appointment, how made; term.

“12242. Warrant officers: promotion.

“12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.”.

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

1 **“CHAPTER 34—APPOINTMENTS AS RESERVE**
 2 **OFFICERS**

“Sec.

“591. Reference to chapters 1205 and 1207.

3 **“§ 591. Reference to chapters 1205 and 1207**

4 *“Provisions of law relating to appointments of reserve*
 5 *officers other than warrant officers are set forth in chapter*
 6 *1205 of this title (beginning with section 12201). Provisions*
 7 *of law relating to appointments and promotion of reserve*
 8 *warrant officers are set forth in chapter 1207 (beginning*
 9 *with section 12241).”.*

10 (e) *ACTIVE DUTY.*—(1) *Part II of subtitle E, as added*
 11 *by subsection (a), is further amended by adding after chap-*
 12 *ter 1207 (as added by subsection (d)) the following:*

13 **“CHAPTER 1209—ACTIVE DUTY**

“Sec.

“12301. Reserve components generally.

“12302. Ready Reserve.

“12303. Ready Reserve: members not assigned to, or participating satisfactorily
in, units.

“12304. Selected Reserve: order to active duty other than during war or national
emergency.

“12305. Authority of President to suspend certain laws relating to promotion, re-
tirement, and separation.

“12306. Standby Reserve.

“12307. Retired Reserve.

“12308. Retention on active duty after becoming qualified for retired pay.

“12309. Reserve officers: use of in expansion of armed forces.

“12310. Reserves: for organizing, administering, etc., reserve components.

“12311. Active duty agreements.

“12312. Active duty agreements: release from duty.

“12313. Reserves: release from active duty.

“12314. Reserves: kinds of duty.

“12315. Reserves: duty with or without pay.

“12316. Payment of certain Reserves while on duty.

“12317. Reserves: theological students; limitations.

“12318. Reserves on active duty: duties; funding.

“12319. Ready Reserve: muster duty.

“12320. Reserve officers: grade in which ordered to active duty.

“12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned.”.

1 (2) Sections 672 through 687, section 689 (as amended
2 by section 1324), and section 690 are transferred to chapter
3 1209, as added by paragraph (1), inserted after the table
4 of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

5 (3) The heading of section 12321 (as so redesignated)
6 is amended to read as follows:

7 **“§ 12321. Reserve Officer Training Corps units: limita-**
8 **tion on number of Reserves assigned”.**

9 (4) Chapter 39 is amended by inserting after section
10 671b the following:

1 **“§ 672. Reference to chapter 1209**

2 *“Provisions of law relating to service of members of*
 3 *reserve components on active duty are set forth in chapter*
 4 *1209 of this title (beginning with section 12301).”*

5 *(f) NATIONAL GUARD MEMBERS IN FEDERAL SERV-*
 6 *ICE.—(1) Part II of subtitle E, as added by subsection (a),*
 7 *is further amended by adding after chapter 1209 (as added*
 8 *by subsection (e)) the following:*

9 **“CHAPTER 1211—NATIONAL GUARD MEMBERS IN**
 10 **FEDERAL SERVICE**

“Sec.

“12401. Army and Air National Guard of United States: status.

“12402. Army and Air National Guard of United States: commissioned officers;
duty in National Guard Bureau.

“12403. Army and Air National Guard of United States: members; status in
which ordered into Federal service.

“12404. Army and Air National Guard of United States: mobilization; mainte-
nance of organization.

“12405. National Guard in Federal service: status.

“12406. National Guard in Federal service: call.

“12407. National Guard in Federal service: period of service; apportionment.

“12408. National Guard in Federal service: physical examination.

11 **“§ 12401. Army and Air National Guard of the United**
 12 **States: status**

13 *“Members of the Army National Guard of the United*
 14 *States and the Air National Guard of the United States*
 15 *are not in active Federal service except when ordered thereto*
 16 *under law.*

1 **“§ 12402. Army and Air National Guard of United**
2 **States: commissioned officers; duty in Na-**
3 **tional Guard Bureau**

4 “(a) *The President may, with their consent, order com-*
5 *missioned officers of the Army National Guard of the Unit-*
6 *ed States and the Air National Guard of the United States*
7 *to active duty in the National Guard Bureau.*

8 “(b)(1) *The number of officers of the Army National*
9 *Guard of the United States in grades below brigadier gen-*
10 *eral who are ordered to active duty in the National Guard*
11 *Bureau may not be more than 40 percent of the number*
12 *of officers of the Army authorized for duty in that Bureau*
13 *and, to the extent practicable, shall not exceed 40 percent*
14 *of the number of officers of the Army serving in that Bureau*
15 *in any grade below brigadier general.*

16 “(2) *The number of officers of the Air National Guard*
17 *of the United States in grades below brigadier general who*
18 *are ordered to active duty in the National Guard Bureau*
19 *may not be more than 40 percent of the number of officers*
20 *of the Air Force authorized for duty in that Bureau and,*
21 *to the extent practicable, shall not exceed 40 percent of the*
22 *number of officers of the Air Force serving in that Bureau*
23 *in any grade below brigadier general.*

1 **“§ 12403. Army and Air National Guard of United**
 2 **States: members; status in which ordered**
 3 **into Federal service**

4 *“Members of the Army National Guard of the United*
 5 *States ordered to active duty shall be ordered to duty as*
 6 *Reserves of the Army. Members of the Air National Guard*
 7 *of the United States ordered to active duty shall be ordered*
 8 *to duty as Reserves of the Air Force.*

9 **“§ 12404. Army and Air National Guard of United**
 10 **States: mobilization; maintenance of orga-**
 11 **nization**

12 *“During an initial mobilization, the organization of*
 13 *a unit of the Army National Guard of the United States*
 14 *or of the Air National Guard of the United States ordered*
 15 *into active Federal service shall, so far as practicable, be*
 16 *maintained as it existed on the date of the order to duty.*

17 **“§ 12405. National Guard in Federal service: status**

18 *“Members of the National Guard called into Federal*
 19 *service are, from the time when they are required to respond*
 20 *to the call, subject to the laws and regulations governing*
 21 *the Army or the Air Force, as the case may be, except those*
 22 *applicable only to members of the Regular Army or Regular*
 23 *Air Force, as the case may be.*

24 **“§ 12406. National Guard in Federal service: call**

25 *“Whenever—*

1 “(1) the United States, or any of the Territories,
2 Commonwealths, or possessions, is invaded or is in
3 danger of invasion by a foreign nation;

4 “(2) there is a rebellion or danger of a rebellion
5 against the authority of the Government of the United
6 States; or

7 “(3) the President is unable with the regular
8 forces to execute the laws of the United States;
9 the President may call into Federal service members and
10 units of the National Guard of any State in such numbers
11 as he considers necessary to repel the invasion, suppress the
12 rebellion, or execute those laws. Orders for these purposes
13 shall be issued through the governors of the States or, in
14 the case of the District of Columbia, through the command-
15 ing general of the National Guard of the District of Colum-
16 bia.

17 **“§12407. National Guard in Federal service: period**
18 **of service; apportionment**

19 “(a) Whenever the President calls the National Guard
20 of a State into Federal service, he may specify in the call
21 the period of the service. Members and units called shall
22 serve inside or outside the territory of the United States
23 during the term specified, unless sooner relieved by the
24 President. However, no member of the National Guard may

1 *be kept in Federal service beyond the term of his commission*
 2 *or enlistment.*

3 “(b) *When the National Guard of a State is called into*
 4 *Federal service with the National Guard of another of those*
 5 *jurisdictions, the President may apportion the total number*
 6 *called from the Army National Guard or from the Air Na-*
 7 *tional Guard, as the case may be, on the basis of the popu-*
 8 *lations of the jurisdictions affected by the call.*

9 **“§ 12408. National Guard in Federal service: physical**
 10 **examination**

11 “(a) *Under regulations prescribed by the President,*
 12 *each member of the National Guard called into Federal*
 13 *service shall be examined as to physical fitness, without fur-*
 14 *ther commission or enlistment.*

15 “(b) *Immediately before such a member is mustered*
 16 *out of Federal service, he shall be examined as to physical*
 17 *fitness. The record of this examination shall be retained by*
 18 *the United States.”.*

19 (2) *Sections 3495 through 3502 and 8495 through*
 20 *8502 are repealed.*

21 (g) MISCELLANEOUS PROVISIONS.—(1) *Part II of sub-*
 22 *title E, as added by subsection (a), is further amended by*
 23 *adding after chapter 1211 (as added by subsection (f)) the*
 24 *following:*

1 **“CHAPTER 1213—SPECIAL APPOINTMENTS,**
 2 **ASSIGNMENTS, DETAILS, AND DUTIES**

“Sec.

“12501. Reserve components: detail of members of regular and reserve components to assist.

“12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

3 **“§ 12501. Reserve components: detail of members of**
 4 **regular and reserve components to assist**

5 *“The Secretary concerned shall detail such members of*
 6 *the regular and reserve components under his jurisdiction*
 7 *as are necessary to effectively develop, train, instruct, and*
 8 *administer those reserve components.*

9 **“§ 12502. Chief and assistant chief of staff of National**
 10 **Guard divisions and wings in Federal**
 11 **service: detail**

12 *“(a) The President may detail a regular or reserve offi-*
 13 *cer of the Army as chief of staff, and a regular or reserve*
 14 *officer or an officer of the Army National Guard as assist-*
 15 *ant to the chief of staff, of any division of the Army Na-*
 16 *tional Guard that is in Federal service as an Army Na-*
 17 *tional Guard organization.*

18 *“(b) The President may detail a regular or reserve offi-*
 19 *cer of the Air Force as chief of staff, and a regular or reserve*
 20 *officer or an officer of the Air National Guard as assistant*
 21 *to the chief of staff, of any wing of the Air National Guard*
 22 *that is in Federal service as an Air National Guard organi-*
 23 *zation.*

1 **“CHAPTER 1215—MISCELLANEOUS PROHIBITIONS**

2 **AND PENALTIES**

3 “[No present sections]

4 **“CHAPTER 1217—MISCELLANEOUS RIGHTS AND**

5 **BENEFITS**

“Sec.

“12601. Compensation: Reserve on active duty accepting from any person.

“12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

6 **“§ 12601. Compensation: Reserve on active duty ac-**

7 **cepting from any person**

8 “Any Reserve who, before being ordered to active duty,
9 was receiving compensation from any person may, while
10 he is on that duty, receive compensation from that person.

11 **“§ 12602. Members of Army National Guard of United**

12 **States and Air National Guard of United**

13 **States: credit for service as members of**

14 **National Guard**

15 “(a) For the purposes of laws providing benefits for
16 members of the Army National Guard of the United States
17 and their dependents and beneficiaries—

18 “(1) military training, duty, or other service
19 performed by a member of the Army National Guard
20 of the United States in his status as a member of the
21 Army National Guard for which he is entitled to pay
22 from the United States shall be considered military

1 *training, duty, or other service, as the case may be,*
2 *in Federal service as a Reserve of the Army;*

3 “(2) *full-time National Guard duty performed by*
4 *a member of the Army National Guard of the United*
5 *States shall be considered active duty in Federal serv-*
6 *ice as a Reserve of the Army; and*

7 “(3) *inactive-duty training performed by a*
8 *member of the Army National Guard of the United*
9 *States in his status as a member of the Army Na-*
10 *tional Guard, in accordance with regulations pre-*
11 *scribed under section 502 of title 32 or other express*
12 *provision of law, shall be considered inactive-duty*
13 *training in Federal service as a Reserve of the Army.*

14 “(b) *For the purposes of laws providing benefits for*
15 *members of the Air National Guard of the United States*
16 *and their dependents and beneficiaries—*

17 “(1) *military training, duty, or other service*
18 *performed by a member of the Air National Guard of*
19 *the United States in his status as a member of the*
20 *Air National Guard for which he is entitled to pay*
21 *from the United States shall be considered military*
22 *training, duty, or other service, as the case may be,*
23 *in Federal service as a Reserve of the Air Force;*

24 “(2) *full-time National Guard duty performed by*
25 *a member of the Air National Guard of the United*

1 *States shall be considered active duty in Federal serv-*
 2 *ice as a Reserve of the Air Force; and*

3 *“(3) inactive-duty training performed by a*
 4 *member of the Air National Guard of the United*
 5 *States in his status as a member of the Air National*
 6 *Guard, in accordance with regulations prescribed*
 7 *under section 502 of title 32 or other express provi-*
 8 *sion of law, shall be considered inactive-duty training*
 9 *in Federal service as a Reserve of the Air Force.”.*

10 *(2) Sections 715, 1033, 3542, 3686, 8542, and 8686*
 11 *are repealed.*

12 *(h) STANDARDS AND PROCEDURES FOR RETENTION*
 13 *AND PROMOTION.—(1) Part II of subtitle E, as added by*
 14 *subsection (a), is further amended by adding after chapter*
 15 *1217 (as added by subsection (g)) the following:*

16 ***“CHAPTER 1219—STANDARDS AND PROCEDURES***
 17 ***FOR RETENTION AND PROMOTION***

“Sec.

“12641. Standards and procedures: Secretary to prescribe.

“12642. Standards and qualifications: result of failure to comply with.

“12643. Boards for appointment, promotion, and certain other purposes: composi-
tion.

“12644. Members physically not qualified for active duty: discharge or transfer
to retired status.

“12645. Commissioned officers: retention until completion of required service.

“12646. Commissioned officers: retention of after completing 18 or more, but less
than 20, years of service.

“12647. Commissioned officers: retention in active status while assigned to Selec-
tive Service System or serving as United States property and
fiscal officers.”.

18 *(2) Sections 1001, 1002, 266, 1004 (as amended by*
 19 *section 1361(b)(4)), and 1005 through 1007 are transferred*

1 *(in that order) to chapter 1219, as added by paragraph (1),*
 2 *inserted after the table of sections, and redesignated as fol-*
 3 *lows:*

Section	Redesignated section
1001	12641
1002	12642
266	12643
1004	12644
1005	12645
1006	12646
1007	12647

4 *(3) Section 1003 is repealed.*

5 *(4)(A) The heading of section 12641 (as so redesign-*
 6 *ated) is amended to read as follows:*

7 ***“§ 12641. Standards and procedures: Secretary to pre-***
 8 ***scribe”.***

9 *(B) The heading of section 12644 (as so redesignated)*
 10 *is amended to read as follows:*

11 ***“§ 12644. Members physically not qualified for active***
 12 ***duty: discharge or transfer to retired sta-***
 13 ***tus”.***

14 *(5) Chapter 51 is amended by striking out the table*
 15 *of sections at the beginning and inserting in lieu thereof*
 16 *the following:*

“Sec.
“1001. Reference to chapter 1219.

17 ***“§ 1001. Reference to chapter 1219***

18 *“Provisions of law relating to standards and proce-*
 19 *dures for retention and promotion of members of reserve*

1 *components are set forth in chapter 1219 of this title (begin-*
 2 *ning with section 12641).”.*

3 *(i) SEPARATION.—(1) Part II of subtitle E, as added*
 4 *by subsection (a), is further amended by adding after chap-*
 5 *ter 1219 (as added by subsection (h)) the following:*

6 **“CHAPTER 1221—SEPARATION**

“Sec.

“12681. Reserves: discharge authority.

“12682. Reserves: discharge upon becoming ordained minister of religion.

“12683. Reserve officers: limitation on involuntary separation.

“12684. Reserves: separation for absence without authority or sentence to impris-
onment.

“12685. Reserves separated for cause: character of discharge.

“12686. Reserves on active duty within two years of retirement eligibility: limita-
tion on release from active duty.

7 **“§ 12681. Reserves: discharge authority**

8 *“Subject to other provisions of this title, reserve com-*
 9 *missioned officers may be discharged at the pleasure of the*
 10 *President. Other Reserves may be discharged under regula-*
 11 *tions prescribed by the Secretary concerned.*

12 **“§ 12682. Reserves: discharge upon becoming or-**
 13 ***daind minister of religion***

14 *“Under regulations to be prescribed by the Secretary*
 15 *of Defense, a Reserve who becomes a regular or ordained*
 16 *minister of religion is entitled upon his request to a dis-*
 17 *charge from his reserve enlistment or appointment.*

18 **“§ 12683. Reserve officers: limitation on involuntary**
 19 ***separation***

20 *“(a) An officer of a reserve component who has at least*
 21 *five years of service as a commissioned officer may not be*

1 *separated from that component without his consent ex-*
 2 *cept—*

3 “(1) *under an approved recommendation of a*
 4 *board of officers convened by an authority designated*
 5 *by the Secretary concerned; or*

6 “(2) *by the approved sentence of a court-*
 7 *martial.*

8 “(b) *Subsection (a) does not apply—*

9 “(1) *to a separation under section 12684, 14901,*
 10 *or 14907 of this title;*

11 “(2) *to a dismissal under section 1161(a) of this*
 12 *title; or*

13 “(3) *to a transfer under section 12213, 12214,*
 14 *14514, or 14515 of this title.*

15 **“§ 12684. Reserves: separation for absence without au-**
 16 **thority or sentence to imprisonment**

17 *“The President or the Secretary concerned may drop*
 18 *from the rolls of the armed force concerned any Reserve—*

19 “(1) *who has been absent without authority for*
 20 *at least three months; or*

21 “(2) *who is sentenced to confinement in a Fed-*
 22 *eral or State penitentiary or correctional institution*
 23 *after having been found guilty of an offense by a*
 24 *court other than a court-martial or other military*
 25 *court, and whose sentence has become final.*

1 ***“§ 12685. Reserves separated for cause: character of***
 2 ***discharge***

3 *“A member of a reserve component who is separated*
 4 *for cause, except under section 12684 of this title, is entitled*
 5 *to a discharge under honorable conditions unless—*

6 *“(1) the member is discharged under conditions*
 7 *other than honorable under an approved sentence of*
 8 *a court-martial or under the approved findings of a*
 9 *board of officers convened by an authority designated*
 10 *by the Secretary concerned; or*

11 *“(2) the member consents to a discharge under*
 12 *conditions other than honorable with a waiver of pro-*
 13 *ceedings of a court-martial or a board.*

14 ***“§ 12686. Reserves on active duty within two years of***
 15 ***retirement eligibility: limitation on re-***
 16 ***lease from active duty***

17 *“Under regulations to be prescribed by the Secretary*
 18 *concerned, which shall be as uniform as practicable, a mem-*
 19 *ber of a reserve component who is on active duty (other*
 20 *than for training) and is within two years of becoming eli-*
 21 *gible for retired pay or retainer pay under a purely mili-*
 22 *tary retirement system, may not be involuntarily released*
 23 *from that duty before he becomes eligible for that pay, unless*
 24 *the release is approved by the Secretary.”.*

25 *(2) Sections 1162 and 1163 are repealed.*

1 (j) *RETIRED PAY*.—(1) Chapter 67 is transferred to
 2 part II of subtitle E, as added by subsection (a), inserted
 3 after chapter 1221 (as added by subsection (i)), and amend-
 4 ed to read as follows:

5 **“CHAPTER 1223—RETIRED PAY FOR NON-**
 6 **REGULAR SERVICE**

“Sec.

“12731. Age and service requirements.

“12731a. Temporary special retirement qualification authority.

“12732. Entitlement to retired pay: computation of years of service.

“12733. Computation of retired pay: computation of years of service.

“12734. Time not creditable toward years of service.

“12735. Inactive status list.

“12736. Service credited for retired pay benefits not excluded for other benefits.

“12737. Limitation on active duty.

“12738. Limitations on revocation of retired pay.

“12739. Computation of retired pay.

7 **“§ 12731. Age and service requirements**

8 “(a) Except as provided in subsection (c), a person is
 9 entitled, upon application, to retired pay computed under
 10 section 12739 of this title, if the person—

11 “(1) is at least 60 years of age;

12 “(2) has performed at least 20 years of service
 13 computed under section 12732 of this title;

14 “(3) performed the last eight years of qualifying
 15 service while a member of any category named in sec-
 16 tion 12732(a)(1) of this title, but not while a member
 17 of a regular component, the Fleet Reserve, or the Fleet
 18 Marine Corps Reserve; and

19 “(4) is not entitled, under any other provision of
 20 law, to retired pay from an armed force or retainer

1 *pay as a member of the Fleet Reserve or the Fleet Ma-*
2 *rine Corps Reserve.*

3 *“(b) Application for retired pay under this section*
4 *must be made to the Secretary of the military department,*
5 *or the Secretary of Transportation, as the case may be, hav-*
6 *ing jurisdiction at the time of application over the armed*
7 *force in which the applicant is serving or last served.*

8 *“(c)(1) A person who, before August 16, 1945, was a*
9 *Reserve of an armed force, or a member of the Army without*
10 *component or other category covered by section 12732(a)(1)*
11 *of this title except a regular component, is not eligible for*
12 *retired pay under this chapter unless—*

13 *“(A) the person performed active duty during*
14 *World War I or World War II; or*

15 *“(B) the person performed active duty (other*
16 *than for training) during the Korean conflict, the*
17 *Berlin crisis, or the Vietnam era.*

18 *“(2) In this subsection:*

19 *“(A) The term ‘World War I’ means the period*
20 *beginning on April 6, 1917, and ending on Novem-*
21 *ber 11, 1918.*

22 *“(B) The term ‘World War II’ means the period*
23 *beginning on September 9, 1940, and ending on De-*
24 *cember 31, 1946.*

1 “(C) The term ‘Korean conflict’ means the period
2 beginning on June 27, 1950, and ending on July 27,
3 1953.

4 “(D) The term ‘Berlin crisis’ means the period
5 beginning on August 14, 1961, and ending on May
6 30, 1963.

7 “(E) The term ‘Vietnam era’ means the period
8 beginning on August 5, 1964, and ending on
9 March 27, 1973.

10 “(d) The Secretary concerned shall notify each person
11 who has completed the years of service required for eligi-
12 bility for retired pay under this chapter. The notice shall
13 be sent, in writing, to the person concerned within one year
14 after the person completes that service. The notice shall in-
15 clude notice of the elections available to such person under
16 the Survivor Benefit Plan established under subchapter II
17 of chapter 73 of this title and the Supplemental Survivor
18 Benefit Plan established under subchapter III of that chap-
19 ter, and the effects of such elections.

20 “(e) Notwithstanding section 8301 of title 5, the date
21 of entitlement to retired pay under this section shall be the
22 date on which the requirements of subsection (a) have
23 been completed.

1 **“§ 12731a. Temporary special retirement qualifica-**
 2 **tion authority**

3 “(a) *RETIREMENT WITH AT LEAST 15 YEARS OF*
 4 *SERVICE.*—*For the purposes of section 12731 of this title,*
 5 *the Secretary concerned may—*

6 “(1) *during the period described in subsection*
 7 *(b), determine to treat a member of the Selected Re-*
 8 *serve of a reserve component of the armed force under*
 9 *the jurisdiction of that Secretary as having met the*
 10 *service requirements of subsection (a)(2) of that sec-*
 11 *tion and provide the member with the notification re-*
 12 *quired by subsection (d) of that section if the mem-*
 13 *ber—*

14 “(A) *as of October 1, 1991, has completed at*
 15 *least 15, and less than 20, years of service com-*
 16 *puted under section 12732 of this title; or*

17 “(B) *after that date and before October 1,*
 18 *1999, completes 15 years of service computed*
 19 *under that section; and*

20 “(2) *upon the request of the member submitted to*
 21 *the Secretary, transfer the member to the Retired Re-*
 22 *serve.*

23 “(b) *PERIOD OF AUTHORITY.*—*The period referred to*
 24 *in subsection (a)(1) is the period beginning on October*
 25 *23, 1992, and ending on October 1, 1999.*

1 “(c) *APPLICABILITY SUBJECT TO NEEDS OF THE*
 2 *SERVICE.*—(1) *The Secretary concerned may limit the ap-*
 3 *plicability of subsection (a) to any category of personnel*
 4 *defined by the Secretary in order to meet a need of the*
 5 *armed force under the jurisdiction of the Secretary to reduce*
 6 *the number of members in certain grades, the number of*
 7 *members who have completed a certain number of years of*
 8 *service, or the number of members who possess certain mili-*
 9 *tary skills or are serving in designated competitive cat-*
 10 *egories.*

11 “(2) *A limitation under paragraph (1) shall be con-*
 12 *sistent with the purpose set forth in section 4414(a) of the*
 13 *National Defense Authorization Act for Fiscal Year 1993*
 14 *(Public Law 102–484; 106 Stat. 2713).*

15 “(d) *EXCLUSION.*—*This section does not apply to per-*
 16 *sons referred to in section 12731(c) of this title.*

17 “(e) *REGULATIONS.*—*The authority provided in this*
 18 *section shall be subject to regulations prescribed by the Sec-*
 19 *retary of Defense and by the Secretary of Transportation*
 20 *with respect to the Coast Guard.*

21 **“§ 12732. Entitlement to retired pay: computation of**
 22 **years of service**

23 “(a) *Except as provided in subsection (b), for the pur-*
 24 *pose of determining whether a person is entitled to retired*

1 *pay under section 12731 of this title, the person's years of*
2 *service are computed by adding the following:*

3 “(1) *The person's years of service, before July 1,*
4 *1949, in the following:*

5 “(A) *The armed forces.*

6 “(B) *The federally recognized National*
7 *Guard before June 15, 1933.*

8 “(C) *A federally recognized status in the*
9 *National Guard before June 15, 1933.*

10 “(D) *The National Guard after June 14,*
11 *1933, if his service therein was continuous from*
12 *the date of his enlistment in the National Guard,*
13 *or his Federal recognition as an officer therein,*
14 *to the date of his enlistment or appointment, as*
15 *the case may be, in the National Guard of the*
16 *United States, the Army National Guard of the*
17 *United States, or the Air National Guard of the*
18 *United States.*

19 “(E) *The Naval Reserve Force.*

20 “(F) *The Naval Militia that conformed to*
21 *the standards prescribed by the Secretary of the*
22 *Navy.*

23 “(G) *The National Naval Volunteers.*

24 “(H) *The Army Nurse Corps, the Navy*
25 *Nurse Corps, the Nurse Corps Reserve of the*

1 *Army, or the Nurse Corps Reserve of the Navy,*
 2 *as it existed at any time after February 2, 1901.*

3 *“(I) The Army under an appointment*
 4 *under the Act of December 22, 1942 (ch. 805,*
 5 *56 Stat. 1072).*

6 *“(J) An active full-time status, except as a*
 7 *student or apprentice, with the Medical Depart-*
 8 *ment of the Army as a civilian employee—*

9 *“(i) in the dietetic or physical therapy*
 10 *categories, if the service was performed after*
 11 *April 6, 1917, and before April 1, 1943; or*

12 *“(ii) in the occupational therapy cat-*
 13 *egory, if the service was performed before*
 14 *appointment in the Army Nurse Corps or*
 15 *the Women’s Medical Specialist Corps and*
 16 *before January 1, 1949, or before appoint-*
 17 *ment in the Air Force before January 1,*
 18 *1949, with a view to designation as an Air*
 19 *Force nurse or medical specialist.*

20 *“(2) Each one-year period, after July 1, 1949, in*
 21 *which the person has been credited with at least 50*
 22 *points on the following basis:*

23 *“(A) One point for each day of—*

24 *“(i) active service; or*

1 “(ii) full-time service under sections
2 316, 502, 503, 504, and 505 of title 32
3 while performing annual training duty or
4 while attending a prescribed course of in-
5 struction at a school designated as a service
6 school by law or by the Secretary concerned;
7 if that service conformed to required standards
8 and qualifications.

9 “(B) One point for each attendance at a
10 drill or period of equivalent instruction that was
11 prescribed for that year by the Secretary con-
12 cerned and conformed to the requirements pre-
13 scribed by law, including attendance under sec-
14 tion 502 of title 32.

15 “(C) Points at the rate of 15 a year for
16 membership—

17 “(i) in a reserve component of an
18 armed force,

19 “(ii) in the Army or the Air Force
20 without component, or

21 “(iii) in any other category covered by
22 subsection (a)(1) except a regular compo-
23 nent.

24 For the purpose of clauses (A), (B), and (C), service
25 in the National Guard shall be treated as if it were

1 *service in a reserve component, if the person con-*
2 *cerned was later appointed in the National Guard of*
3 *the United States, the Army National Guard of the*
4 *United States, the Air National Guard of the United*
5 *States, or as a Reserve of the Army or the Air Force,*
6 *and served continuously in the National Guard from*
7 *the date of his Federal recognition to the date of that*
8 *appointment.*

9 *“(3) The person’s years of active service in the*
10 *Commissioned Corps of the Public Health Service.*

11 *“(4) The person’s years of active commissioned*
12 *service in the National Oceanic and Atmospheric Ad-*
13 *ministration (including active commissioned service*
14 *in the Environmental Science Services Administra-*
15 *tion and in the Coast and Geodetic Survey).*

16 *“(b) The following service may not be counted under*
17 *subsection (a):*

18 *“(1) Service (other than active service) in an in-*
19 *active section of the Organized Reserve Corps or of the*
20 *Army Reserve, or in an inactive section of the officers’*
21 *section of the Air Force Reserve.*

22 *“(2) Service (other than active service) after*
23 *June 30, 1949, while on the Honorary Retired List*
24 *of the Naval Reserve or of the Marine Corps Reserve.*

25 *“(3) Service in the inactive National Guard.*

1 “(4) *Service in a non-federally recognized status*
2 *in the National Guard.*

3 “(5) *Service in the Fleet Reserve or the Fleet Ma-*
4 *rine Corps Reserve.*

5 “(6) *Service as an inactive Reserve nurse of the*
6 *Army Nurse Corps established by the Act of February*
7 *2, 1901 (ch. 192, 31 Stat. 753), as amended, and*
8 *service before July 1, 1938, as an inactive Reserve*
9 *nurse of the Navy Nurse Corps established by the Act*
10 *of May 13, 1908 (ch. 166, 35 Stat. 146).*

11 “(7) *Service in any status other than that as*
12 *commissioned officer, warrant officer, nurse, flight of-*
13 *ficer, aviation midshipman, appointed aviation cadet,*
14 *or enlisted member, and that described in clauses (I)*
15 *and (J) of subsection (a)(1).*

16 **“§12733. Computation of retired pay: computation of**
17 **years of service**

18 *“For the purpose of computing the retired pay of a*
19 *person under this chapter, the person’s years of service and*
20 *any fraction of such a year are computed by dividing 360*
21 *into the sum of the following:*

22 “(1) *The person’s days of active service.*

23 “(2) *The person’s days of full-time service under*
24 *sections 316, 502, 503, 504, and 505 of title 32 while*
25 *performing annual training duty or while attending*

1 *a prescribed course of instruction at a school desig-*
 2 *nated as a service school by law or by the Secretary*
 3 *concerned.*

4 *“(3) One day for each point credited to the per-*
 5 *son under clause (B) or (C) of section 12732(a)(2) of*
 6 *this title, but not more than 60 days in any one year.*

7 *“(4) 50 days for each year before July 1, 1949,*
 8 *and proportionately for each fraction of a year, of*
 9 *service (other than active service) in a reserve compo-*
 10 *nent of an armed force, in the Army or the Air Force*
 11 *without component, or in any other category covered*
 12 *by section 12732(a)(1) of this title, except a regular*
 13 *component.*

14 **“§ 12734. Time not creditable toward years of service**

15 *“(a) Service in an inactive status may not be counted*
 16 *in any computation of years of service under this chapter.*

17 *“(b) Time spent after retirement (without pay) for*
 18 *failure to conform to standards and qualifications pre-*
 19 *scribed under section 12641 of this title may not be credited*
 20 *in a computation of years of service under this chapter.*

21 **“§ 12735. Inactive status list**

22 *“(a) A member who would be eligible for retired pay*
 23 *under this chapter but for the fact that that member is*
 24 *under 60 years of age may be transferred, at his request*
 25 *and by direction of the Secretary concerned, to such inactive*

1 *status list as may be established for members of his armed*
 2 *force, other than members of a regular component.*

3 “(b) *While on an inactive status list under subsection*
 4 *(a), a member is not required to participate in any train-*
 5 *ing or other program prescribed for his component.*

6 “(c) *The Secretary may at any time recall to active*
 7 *status a member who is on an inactive status list under*
 8 *subsection (a).*

9 **“§ 12736. Service credited for retired pay benefits not**
 10 **excluded for other benefits**

11 *“No period of service included wholly or partly in de-*
 12 *termining a person’s right to, or the amount of, retired pay*
 13 *under this chapter may be excluded in determining his eli-*
 14 *gibility for any annuity, pension, or old-age benefit, under*
 15 *any other law, on account of civilian employment by the*
 16 *United States or otherwise, or in determining the amount*
 17 *payable under that law, if that service is otherwise properly*
 18 *credited under it.*

19 **“§ 12737. Limitation on active duty**

20 *“A member of the armed forces may not be ordered*
 21 *to active duty solely for the purpose of qualifying the mem-*
 22 *ber for retired pay under this chapter.*

23 **“§ 12738. Limitations on revocation of retired pay**

24 *“(a) After a person is granted retired pay under this*
 25 *chapter, or is notified in accordance with section 12731(d)*

1 *of this title that the person has completed the years of serv-*
 2 *ice required for eligibility for retired pay under this chap-*
 3 *ter, the person's eligibility for retired pay may not be de-*
 4 *nied or revoked on the basis of any error, miscalculation,*
 5 *misinformation, or administrative determination of years*
 6 *of service performed as required by section 12731(a)(2) of*
 7 *this title, unless it resulted directly from the fraud or mis-*
 8 *representation of the person.*

9 “(b) The number of years of creditable service upon
 10 which retired pay is computed may be adjusted to correct
 11 any error, miscalculation, misinformation, or administra-
 12 tive determination and when such a correction is made the
 13 person is entitled to retired pay in accordance with the
 14 number of years of creditable service, as corrected, from the
 15 date the person is granted retired pay.

16 **“§ 12739. Computation of retired pay**

17 “(a) The monthly retired pay of a person entitled to
 18 that pay under this chapter is the product of—

19 “(1) the retired pay base for that person as com-
 20 puted under section 1406(b)(2) or 1407 of this title;
 21 and

22 “(2) 2½ percent of the years of service credited
 23 to that person under section 12733 of this title.

1 “(b) The amount computed under subsection (a) may
 2 not exceed 75 percent of the retired pay base upon which
 3 the computation is based.

4 “(c) Amounts computed under this section, if not a
 5 multiple of \$1, shall be rounded down to the next lower mul-
 6 tiple of \$1.”.

7 (2) Section 1401(a) is amended by striking out for-
 8 mula number 3 in the table set forth in that section.

9 (3) Section 1405(a)(3) is amended by striking out
 10 “section 1333” and “section 1331” and inserting in lieu
 11 thereof “section 12733” and “section 12731”, respectively.

12 (4) Section 1406(b) is amended—

13 (A) by striking out the matter preceding the
 14 table and inserting in lieu thereof the following:

15 “(b) RETIREMENT UNDER SUBTITLE A OR E.—

16 “(1) DISABILITY, WARRANT OFFICER, AND DOPMA
 17 RETIREMENT.—In the case of a person whose retired
 18 pay is computed under this subtitle, the retired pay
 19 base is determined in accordance with the following
 20 table.”;

21 (B) in the table—

22 (i) by striking out the entry relating to sec-
 23 tion 1331 (including the matter relating to that
 24 entry in the column under the heading “The re-
 25 tired pay base is:”); and

1 (ii) by redesignating the references to foot-
2 notes 3 and 4 so as to refer to footnotes 2 and
3 3, respectively;

4 (C) by striking out footnote 2 to the table and
5 redesignating footnotes 3 and 4 as footnotes 2 and 3,
6 respectively; and

7 (D) by adding at the end the following:

8 “(2) *NON-REGULAR SERVICE RETIREMENT.*—In
9 the case of a person who is entitled to retired pay
10 under section 12731 of this title, the retired pay base
11 is the monthly basic pay, determined at the rates ap-
12 plicable on the date when retired pay is granted, of
13 the highest grade held satisfactorily by the person at
14 any time in the armed forces. For purposes of the pre-
15 ceding sentence, the highest grade in which a person
16 served satisfactorily as an officer shall be determined
17 in accordance with section 1370(d) of this title.”.

18 (5) Section 1407 is amended—

19 (A) in subsection (c)(2)(B), by striking out
20 “chapter 67” and inserting in lieu thereof “chapter
21 1223”; and

22 (B) in subsection (f)(2)—

23 (i) by striking out “CHAPTER 67” in the
24 heading and inserting in lieu thereof “CHAPTER
25 1223”; and

3 (6) Section 1409(a)(1)(B) is amended by striking out
4 “chapter 67” and inserting in lieu thereof “chapter 1223”.

5 (7) Part II of subtitle A is amended by inserting after
6 chapter 65 the following:

7 ***“CHAPTER 67—RETIRED PAY FOR NONREGULAR***
8 ***SERVICE***

“Sec.
“1331. Reference to chapter 1223.

9 ***“§ 1331. Reference to chapter 1223***

10 *“Provisions of law relating to retired pay for*
11 *nonregular service are set forth in chapter 1223 of this title*
12 *(beginning with section 12731).”.*

13 (8) *Section 6034 is repealed.*

14 (k) *RETIRED GRADE*.—(1) *Part II of subtitle E, as*
15 *added by subsection (a), is further amended by adding after*
16 *chapter 1223 (as added by subsection (j)) the following:*

17 ***“CHAPTER 1225—RETIRED GRADE***

“Sec.
“12771. *Reserve officers: grade on transfer to Retired Reserve.*
“12772. *Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.*
“12773. *Limitation on accrual of increased pay or benefits.*
“12774. *Retired lists.*

18 ***“§12771. Reserve officers: grade on transfer to Re-***
19 ***tired Reserve***

20 *“Unless entitled to a higher grade under another provi-*
21 *sion of law, a reserve commissioned officer, other than a*

1 *commissioned warrant officer, who is transferred to the Re-*
2 *tired Reserve is entitled to be placed on the retired list estab-*
3 *lished by section 12774(a) of this title in the highest grade*
4 *in which he served satisfactorily, as determined by the Sec-*
5 *retary concerned and in accordance with section 1370(d),*
6 *in the armed force in which he is serving on the date of*
7 *transfer.*

8 ***“§12772. Reserve commissioned officers who have***
9 ***served as Attending Physician to the Con-***
10 ***gress: grade on transfer to Retired***
11 ***Reserve***

12 *“Unless entitled to a higher grade under another provi-*
13 *sion of law, a reserve commissioned officer who is trans-*
14 *ferred to the Retired Reserve after having served in the posi-*
15 *tion of Attending Physician to the Congress is entitled to*
16 *be placed on the retired list established by section 12774(a)*
17 *of this title in the grade held by the officer while serving*
18 *in that position.*

19 ***“§12773. Limitation on accrual of increased pay or***
20 ***benefits***

21 *“Unless otherwise provided by law, no person is enti-*
22 *tled to increased pay or other benefits because of sections*
23 *12771 and 12772 of this title.*

1 **“§ 12774. Retired lists**

2 “(a) Under regulations prescribed by the Secretary
3 concerned, there shall be maintained retired lists containing
4 the names of the Reserves of the armed forces under the Sec-
5 retary’s jurisdiction who are in the Retired Reserve.

6 “(b) The Secretary of the Navy shall maintain a Unit-
7 ed States Naval Reserve Retired List containing the names
8 of members of the Naval Reserve and the Marine Corps Re-
9 serve entitled to retired pay.”.

10 (2) Sections 1374 and 6017 are repealed.

11 (3)(A) Section 1376 is amended—

12 (i) by striking out subsection (a); and

13 (ii) by striking out “(b)” before “The Secretary
14 concerned”.

15 (B) The heading of that section is amended to read
16 as follows:

17 **“§ 1376. Temporary disability retired lists”.**

18 **SEC. 1363. LAWS RELATING TO RESERVE COMPONENT**

19 **TRAINING AND EDUCATIONAL ASSISTANCE**

20 **PROGRAMS.**

21 (a) TRAINING GENERALLY.—Subtitle E, as added by
22 section 1311, is amended by adding after part III of such
23 subtitle (as added by that section) the following:

1 **“PART IV—TRAINING FOR RESERVE COM-**
 2 **PONENTS AND EDUCATIONAL ASSIST-**
 3 **ANCE PROGRAMS**

<i>“Chap.</i>	<i>Sec.</i>
<i>“1601. Training Generally</i>	<i>[No present sections]</i>
<i>“1606. Educational Assistance for Members of the Selected Reserve</i>	<i>16131</i>
<i>“1608. Health Professions Stipend Program</i>	<i>16201</i>
<i>“1609. Education Loan Repayments</i>	<i>16301</i>

4 **“CHAPTER 1601—TRAINING GENERALLY**

5 “[No present sections]”.

6 (b) MONTGOMERY GI BILL FOR SELECTED RE-
 7 SERVE.—(1) Part IV of subtitle E (as added by subsection
 8 (a)) is amended by adding at the end the following:

9 **“CHAPTER 1606—EDUCATIONAL ASSISTANCE FOR**
 10 **MEMBERS OF THE SELECTED RESERVE**

<i>“Sec.</i>
<i>“16131. Educational assistance program: establishment; amount.</i>
<i>“16132. Eligibility for educational assistance.</i>
<i>“16133. Time limitations for use of entitlement.</i>
<i>“16134. Termination of assistance.</i>
<i>“16135. Failure to participate satisfactorily; penalties.</i>
<i>“16136. Administration of program.</i>
<i>“16137. Reports to Congress.”.</i>

11 (2) Sections 2131 through 2137 are transferred to
 12 chapter 1606, as added by paragraph (1), inserted after the
 13 table of sections, and redesignated as follows:

Section	Redesignated section
<i>2131</i>	<i>16131</i>
<i>2132</i>	<i>16132</i>
<i>2133</i>	<i>16133</i>
<i>2134</i>	<i>16134</i>
<i>2135</i>	<i>16135</i>
<i>2136</i>	<i>16136</i>
<i>2137</i>	<i>16137</i>

1 (3) *Section 16131 (as so redesignated) is amended—*

2 (A) *in subsection (c)(3)(B)(i), by striking out*
 3 *“section 672 (a), (d), or (g), 673, or 673b” and insert-*
 4 *ing in lieu thereof “section 12301(a), 12301(d),*
 5 *12301(g), 12302, or 12304”;* and

6 (B) *in subsection (g)(1), by striking out “section*
 7 *2136(c)” and inserting in lieu thereof “section*
 8 *16136(c)”.*

9 (4) *Section 16132 (as so redesignated) is amended—*

10 (A) *in subsection (a), by striking out “section*
 11 *2131” and inserting in lieu thereof “section 16131”;*
 12 *and*

13 (B) *in subsection (c), by striking out “sections*
 14 *2134 and 2135” and inserting in lieu thereof “section*
 15 *16134 and 16135”.*

16 (5) *Section 16133 (as so redesignated) is amended—*

17 (A) *in subsection (b)(1)(B), by striking out “sec-*
 18 *tion 268(b)” and inserting in lieu thereof “section*
 19 *10143(a)”;* and

20 (B) *in subsection (b)(4)(A), by striking out “sec-*
 21 *tion 672 (a), (d), or (g), 673, or 673b” and inserting*
 22 *in lieu thereof “section 12301(a), 12301(d), 12301(g),*
 23 *12302, or 12304”.*

24 (6) *Section 16135 (as so redesignated) is amended—*

1 (A) by striking out “section 2132” in subsection
 2 (a)(1)(A) and inserting in lieu thereof “section
 3 16132”; and

4 (B) by striking out “section 2132(a)” in sub-
 5 section (b)(1)(A) and inserting in lieu thereof “section
 6 16132(a)”.

7 (7) Chapter 106 is amended by striking out the table
 8 of sections at the beginning and inserting in lieu thereof
 9 the following:

“Sec.

“2131. Reference to chapter 1606.

“2138. Savings provision.

10 **“§ 2131. Reference to chapter 1606**

11 “Provisions of law relating to educational assistance
 12 for members of the Selected Reserve under the Montgomery
 13 GI Bill program are set forth in chapter 1606 of this title
 14 (beginning with section 16131).”.

15 (c) *HEALTH PROFESSIONS STIPEND PROGRAM.*—(1)
 16 Part IV of subtitle E (as added by subsection (a)) is amend-
 17 ed by adding after chapter 1606 (as added by subsection
 18 (b)) the following:

19 **“CHAPTER 1608—HEALTH PROFESSIONS STIPEND**

20 **PROGRAM**

“Sec.

“16201. Financial assistance: health-care professionals in reserve components.

“16202. Reserve service: required active duty for training.

“16203. Penalties and limitations.

“16204. Regulations.

1 **“§ 16204. Regulations**

2 *“This chapter shall be administered under regulations*
 3 *prescribed by the Secretary of Defense.”.*

4 *(2) Section 2128 is transferred to chapter 1608, as*
 5 *added by paragraph (1), inserted after the table of sections,*
 6 *redesignated as section 16201, and amended by striking out*
 7 *subsection (f).*

8 *(3) Section 2129 is transferred to chapter 1608, as*
 9 *added by paragraph (1), inserted after section 16201 (as*
 10 *transferred and redesignated by paragraph (2)), and redes-*
 11 *ignated as section 16202.*

12 *(4)(A) Section 2130 is transferred to chapter 1608, as*
 13 *added by paragraph (1), inserted after section 16202 (as*
 14 *transferred and redesignated by paragraph (3)), redesign-*
 15 *ated as section 16203, and amended by striking out sub-*
 16 *section (c).*

17 *(B) The heading of that section is amended to read*
 18 *as follows:*

19 **“§ 16203. Penalties and limitations”.**

20 *(5) Section 16201, as so redesignated, is amended by*
 21 *striking out “subchapter” each place it appears and insert-*
 22 *ing in lieu thereof “chapter”.*

23 *(6) Section 16202, as so redesignated, is amended by*
 24 *striking out “section 2128” both places it appears and in-*
 25 *serting in lieu thereof “section 16201”.*

26 *(7) Chapter 105 is amended—*

1 (A) in the table of subchapters before subchapter

2 I—

3 (i) by striking out the item relating to sub-

4 chapter II; and

5 (ii) by redesignating the item relating to

6 subchapter III so as to refer to subchapter II;

7 (B) by striking out the heading for subchapter II

8 and the table of sections following that heading; and

9 (C) by redesignating subchapter III as sub-

10 chapter II.

11 (d) EDUCATION LOAN REPAYMENT PROGRAMS.—(1)

12 Part IV of subtitle E (as added by subsection (a)) is amend-

13 ed by adding after chapter 1608 (as added by subsection

14 (c) the following:

15 **“CHAPTER 1609—EDUCATION LOAN REPAYMENT**

16 **PROGRAMS**

“Sec.

“16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.

“16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

17 **“§ 16301. Education loan repayment program: enlisted**

18 **members of Selected Reserve with critical**

19 **specialties**

20 “(a)(1) Subject to the provisions of this section, the

21 Secretary of Defense may repay—

1 “(A) any loan made, insured, or guaranteed
2 under part B of title IV of the Higher Education Act
3 of 1965 (20 U.S.C. 1071 et seq.); or

4 “(B) any loan made under part E of such title
5 (20 U.S.C. 1087aa et seq.).

6 Repayment of any such loan shall be made on the basis
7 of each complete year of service performed by the borrower.

8 “(2) The Secretary may repay loans described in para-
9 graph (1) in the case of any person for service performed
10 as an enlisted member of the Selected Reserve of the Ready
11 Reserve of an armed force in a reserve component and mili-
12 tary specialty specified by the Secretary of Defense. The
13 Secretary may repay such a loan only if the person to
14 whom the loan was made performed such service after the
15 loan was made.

16 “(b) The portion or amount of a loan that may be re-
17 paid under subsection (a) is 15 percent or \$500, whichever
18 is greater, for each year of service.

19 “(c) If a portion of a loan is repaid under this section
20 for any year, interest on the remainder of the loan shall
21 accrue and be paid in the same manner as is otherwise re-
22 quired.

23 “(d) Nothing in this section shall be construed to au-
24 thorize refunding any repayment of a loan.

1 “(e) A person who transfers from service making the
2 person eligible for repayment of loans under this section
3 (as described in subsection (a)(2)) to service making the
4 person eligible for repayment of loans under section 2171
5 of this title (as described in subsection (a)(2) of that section)
6 during a year shall be eligible to have repaid a portion of
7 such loan determined by giving appropriate fractional cred-
8 it for each portion of the year so served, in accordance with
9 regulations of the Secretary concerned.

10 “(f) The Secretary of Defense shall, by regulation, pre-
11 scribe a schedule for the allocation of funds made available
12 to carry out the provisions of this section and section 2171
13 of this title during any year for which funds are not suffi-
14 cient to pay the sum of the amounts eligible for repayment
15 under subsection (a) and section 2171(a) of this title.”.

16 (2)(A) Section 2172 is transferred to the end of chapter
17 1609, as added by paragraph (1), and redesignated as sec-
18 tion 16302.

19 (B) The heading of such section is amended to read
20 as follows:

1 ***“§ 16302. Education loan repayment program: health***
 2 ***professions officers serving in Selected Re-***
 3 ***serve with wartime critical medical skill***
 4 ***shortages”.***

5 (e) *CONFORMING AMENDMENTS.—Section 2171 is*
 6 *amended as follows:*

7 (1) *Subsection (a)(1)(B) is amended by striking*
 8 *out “or” after “(B)”.*

9 (2) *Subsection (a)(2) is amended—*

10 (A) *in the first sentence, by striking out*
 11 *“person for—” and all that follows through “(B)*
 12 *service performed” and inserting in lieu thereof*
 13 *“person for service performed”; and*

14 (B) *by striking out the second sentence.*

15 (3) *Subsection (b) is amended to read as follows:*

16 *“(b) The portion or amount of a loan that may be re-*
 17 *paid under subsection (a) is 33⅓ percent or \$1,500, which-*
 18 *ever is greater, for each year of service.”.*

19 (4) *Subsection (e) is amended by striking out*
 20 *“Any individual who transfers from service described*
 21 *in clause (A) or (B) of subsection (a)(2) to service de-*
 22 *scribed in the other clause of such subsection” and in-*
 23 *serting in lieu thereof “A person who transfers from*
 24 *service making the person eligible for repayment of*
 25 *loans under this section (as described in subsection*
 26 *(a)(2)) to service making the person eligible for repay-*

1 *ment of loans under section 16301 of this title (as de-*
 2 *scribed in subsection (a)(2) of that section)”.*

3 (5) *Subsection (f) is amended—*

4 (A) *by inserting “and section 16301 of this*
 5 *title” after “this section”; and*

6 (B) *by inserting “and section 16301(a) of*
 7 *this title” after “subsection (a)”.*

8 (6) *The heading of such section is amended to*
 9 *read as follows:*

10 ***“§2171. Education loan repayment program: enlisted***
 11 ***members on active duty in specified mili-***
 12 ***tary specialties”.***

13 ***SEC. 1364. LAWS RELATING TO RESERVE COMPONENT PRO-***
 14 ***CUREMENT AND EQUIPMENT.***

15 (a) *ADDITION OF NEW PART.—(1) Subtitle E, as*
 16 *added by section 1311, is amended by adding after part*
 17 *IV of such subtitle (as added by section 1363) the following:*

18 ***“PART V—SERVICE, SUPPLY, AND***
 19 ***PROCUREMENT***

<i>“Chap.</i>	<i>Sec.</i>
<i>“1801. Issue of Serviceable Material to Reserve Components</i>	<i>[No present</i>
	<i>sections]</i>
<i>“1803. Facilities for Reserve Components</i>	<i>18231</i>
<i>“1805. Miscellaneous Provisions</i>	<i>18501</i>

“CHAPTER 1801—ISSUE OF SERVICEABLE

MATERIAL TO RESERVE COMPONENTS

“[No present sections]”.

(b) FACILITIES FOR RESERVE COMPONENTS.—(1)

Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	Redesignated section
2231	18231
2232	18232
2233	18233
2233a	18233a
2234	18234
2235	18235
2236	18236
2237	18237
2238	18238
2239	18239

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out “sections 2233a, 2234, 2235, 2236, and 2238” in subsection (a) and inserting in lieu thereof “sections 18233a, 18234, 18235, 18236, and 18238”.

(5) Section 18233a (as redesignated by paragraph (2)) is amended—

1 (A) in subsection (a), by striking out “section
2 2233” and inserting in lieu thereof “section 18233”;
3 and

4 (B) in subsection (b), by striking out “section
5 2233(a)” and inserting in lieu thereof “section
6 18233(a)”.

7 (6) Section 18234 (as redesignated by paragraph (2))
8 is amended by striking out “section 2233” and inserting
9 in lieu thereof “section 18233”.

10 (7) Section 18235 (as redesignated by paragraph (2))
11 is amended by striking out “section 2233(a)(1)” in sub-
12 section (a)(1) and inserting in lieu thereof “section 18233”.

13 (8) Section 18236 (as redesignated by paragraph (2))
14 is amended—

15 (A) in subsection (a)—

16 (i) by striking out “section 2233” in the
17 first sentence and inserting in lieu thereof “sec-
18 tion 18233”; and

19 (ii) by striking out “section 2233(a)(3) or
20 (4)” in the second sentence and inserting in lieu
21 thereof “paragraph (3) or (4) of section
22 18233(a)”;

23 (B) in subsection (b)—

24 (i) by striking out “clause (4) or (5) of sec-
25 tion 2233(a)” in the matter preceding paragraph

1 (1) and inserting in lieu thereof “paragraph (4)
2 or (5) of section 18233(a)”; and

3 (ii) by striking out “section 2233(e)” in
4 paragraph (2) and inserting in lieu thereof “sec-
5 tion 18233(e)”; and

6 (C) in subsection (c), by striking out “section
7 2233” and inserting in lieu thereof “section 18233”.

8 (9) Section 18237 (as redesignated by paragraph (2))
9 is amended—

10 (A) in subsection (a), by striking out “section
11 2233(a)(2), (3) and (4)” and inserting in lieu thereof
12 “paragraph (2), (3), or (4) of section 18233(a)”; and

13 (B) in subsection (b), by striking out “section
14 2233(a)(2), (3) or (4)” and inserting in lieu thereof
15 “paragraph (2), (3), or (4) of section 18233(a)”.

16 (10) Section 18239 (as redesignated by paragraph (2))
17 is amended by striking out “section 2233” both places it
18 appears and inserting in lieu thereof “section 18233”.

19 (11) Part IV of subtitle A is amended by inserting
20 after chapter 131 the following:

21 **“CHAPTER 133—FACILITIES FOR RESERVE**

22 **COMPONENTS**

“Sec.

“2231. Reference to chapter 1803.

1 **“§ 2231. Reference to chapter 1803**

2 *“Provisions of law relating to facilities for reserve*
 3 *components are set forth in chapter 1803 of this title*
 4 *(beginning with section 18231).”*

5 (c) MISCELLANEOUS PROVISIONS.—(1) Part V of sub-
 6 title E, as added by subsection (a), is amended by adding
 7 after chapter 1803, as transferred by subsection (b), the
 8 following:

9 **“CHAPTER 1805—MISCELLANEOUS PROVISIONS**

“Sec.

*“18501. Reserve components: personnel and logistic support by military depart-
 ments.*

“18502. Reserve components: supplies, services, and facilities.

10 **“§ 18501. Reserve components: personnel and logistic**
 11 **support by military departments**

12 *“The Secretary concerned is responsible for providing*
 13 *the personnel, equipment, facilities, and other general logis-*
 14 *tic support necessary to enable units and Reserves in the*
 15 *Ready Reserve of the reserve components under his jurisdic-*
 16 *tion to satisfy the training requirements and mobilization*
 17 *readiness requirements for those units and Reserves as rec-*
 18 *ommended by the Secretary concerned and by the Chairman*
 19 *of the Joint Chiefs of Staff and approved by the Secretary*
 20 *of Defense, and as recommended by the Commandant of the*
 21 *Coast Guard and approved by the Secretary of Transpor-*
 22 *tation when the Coast Guard is not operated as a service*
 23 *of the Navy.*

1 ***“§ 18502. Reserve components: supplies, services, and***
2 ***facilities***

3 “(a) *The Secretary concerned shall make available to*
4 *the reserve components under his jurisdiction the supplies,*
5 *services, and facilities of the armed forces under his juris-*
6 *isdiction that he considers necessary to support and develop*
7 *those components.*

8 “(b) *Whenever he finds it to be in the best interest of*
9 *the United States, the Secretary concerned may issue sup-*
10 *plies of the armed forces under his jurisdiction to the reserve*
11 *components under his jurisdiction, without charge to the*
12 *appropriations for those components for the cost or value*
13 *of the supplies or for any related expense.*

14 “(c) *Whenever he finds it to be in the best interest of*
15 *the United States, the Secretary of the Army or the Sec-*
16 *retary of the Air Force may issue to the Army National*
17 *Guard or the Air National Guard, as the case may be, sup-*
18 *plies of the armed forces under his jurisdiction that are in*
19 *addition to supplies issued to that National Guard under*
20 *section 702 of title 32 or charged against its appropriations*
21 *under section 106 or 107 of title 32, without charge to the*
22 *appropriations for those components for the cost or value*
23 *of the supplies or for any related expense.*

24 “(d) *Supplies issued under subsection (b) or (c) may*
25 *be repossessed or redistributed as prescribed by the*
26 *Secretary concerned.”.*

1 (2) *Section 2540 is repealed.*

2 **SEC. 1365. LEGISLATIVE CONSTRUCTION.**

3 (a) *REFERENCES TO TRANSFERRED OR REPLACED*
4 *PROVISIONS.*—A reference to a provision of title 10,
5 *United States Code*, transferred or replaced by the provi-
6 *sions of sections 1361 through 1364 (including a reference*
7 *in a regulation, order, or other law) shall be treated as re-*
8 *ferring to that provision as transferred or to the correspond-*
9 *ing provision as so enacted by this subtitle.*

10 (b) *SAVINGS PROVISION FOR REGULATIONS.*—A regu-
11 *lation, rule, or order in effect under a provision of title 10,*
12 *United States Code*, replaced by a provision of that title
13 *enacted by sections 1361 through 1364 shall continue in ef-*
14 *fect under the corresponding provision so enacted until re-*
15 *pealed, amended, or superseded.*

16 (c) *GENERAL SAVINGS PROVISION.*—An action taken,
17 *or a right that matured, under a provision of title 10, Unit-*
18 *ed States Code*, replaced by a provision of that title enacted
19 *by sections 1361 through 1364 shall be treated as having*
20 *been taken, or having matured, under the corresponding*
21 *provision so enacted.*

1 ***Subtitle D—Technical and Clerical***
 2 ***Amendments***

3 ***SEC. 1371. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNIT-***
 4 ***ED STATES CODE.***

5 (a) *TABLE OF SUBTITLES.*—*The table of subtitles pre-*
 6 ceding subtitle A is amended by adding at the end the fol-
 7 lowing new item:

“E. Reserve Components10001”.

8 (b) *TABLES OF SECTIONS.*—

9 (1) *The table of sections at the beginning of*
 10 chapter 2 is amended by striking out the item relat-
 11 ing to section 115b.

12 (2) *The table of sections at the beginning of*
 13 chapter 3 is amended by striking out the item relat-
 14 ing to section 123 and inserting in lieu thereof the
 15 following:

“123. Authority to suspend officer personnel laws during war or national emer-
 gency.”.

16 (3) *The table of sections at the beginning of*
 17 chapter 31 is amended by striking out the items relat-
 18 ing to sections 510, 511, 512, and 517.

19 (4) *The table of sections at the beginning of*
 20 chapter 32 is amended—

21 (A) *by striking out the item relating to sec-*
 22 tion 524; and

1 (B) by striking out “524,” in the item relat-
2 ing to section 527.

3 (5) The table of sections at the beginning of sub-
4 chapter V of chapter 36 is amended by striking out
5 the item relating to section 644.

6 (6) The table of sections at the beginning of
7 chapter 37 is amended by striking out the item relat-
8 ing to section 652.

9 (7) The table of sections at the beginning of
10 chapter 39 is amended—

11 (A) by striking out the item relating to
12 section 672 and inserting in lieu thereof the
13 following:

“672. Reference to chapter 1209.”;

14 and

15 (B) by striking out the items relating to sec-
16 tion 673 through 686 and section 689.

17 (8) The table of sections at the beginning of
18 chapter 41 is amended by striking out the item relat-
19 ing to section 715.

20 (9) The table of sections at the beginning of
21 chapter 53 is amended by striking out the item relat-
22 ing to section 1033.

23 (10) The table of sections at the beginning of
24 chapter 59 is amended by striking out the items relat-
25 ing to sections 1162 and 1163.

1 (11) *The table of sections at the beginning of*
 2 *chapter 69 is amended—*

3 (A) *by striking out the item relating to sec-*
 4 *tion 1374; and*

5 (B) *by striking out the item relating to*
 6 *section 1376 and inserting in lieu thereof the*
 7 *following:*

“1376. Temporary disability retired lists.”.

8 (12) *The table of sections at the beginning of*
 9 *chapter 101 is amended by striking out the item re-*
 10 *lating to section 2001.*

11 (13) *The table of sections at the beginning of*
 12 *chapter 109 is amended by striking out the items re-*
 13 *lating to sections 2171 and 2172 and inserting in lieu*
 14 *thereof the following:*

“2171. Education loan repayment program: enlisted members on active duty in
specified military specialties.”.

15 (14) *The table of sections at the beginning of sub-*
 16 *chapter I of chapter 152 is amended by striking out*
 17 *the item relating to section 2540.*

18 (c) *CROSS-REFERENCE AMENDMENTS—*

19 (1) *Section 101(a)(13) is amended by striking*
 20 *out “672(a), 673, 673b, 673c, 688, 3500, or 8500”*
 21 *and inserting in lieu thereof “688, 12301(a), 12302,*
 22 *12304, 12305, or 12406”.*

1 (2) *Section 113(c)(3) is amended by striking out*
 2 *“chapters 51, 337, 361, 363, 549, 573, 837, 861, and*
 3 *863 of this title, as far as they apply to reserve offi-*
 4 *cers” and inserting in lieu thereof “chapters 1219 and*
 5 *1401 through 1411 of this title ”.*

6 (3) *Section 523(b)(1) is amended—*

7 (A) *in subparagraph (B), by striking out*
 8 *“section 265” and all that follows through “of*
 9 *this title” and inserting in lieu thereof “section*
 10 *10211, 10302 through 10305, or 12402 of this*
 11 *title”;*

12 (B) *in subparagraph (C), by striking out*
 13 *“section 672(d)” and inserting in lieu thereof*
 14 *“section 12301(d)”;* and

15 (C) *in subparagraph (E), by striking out*
 16 *“section 673b” and inserting in lieu thereof “sec-*
 17 *tion 12304”.*

18 (4) *Section 527 is amended by striking out*
 19 *“524,” in the text and in the heading.*

20 (5) *Section 641(1) is amended—*

21 (A) *in subparagraph (B), by striking out*
 22 *“section 175” and all that follows through “of*
 23 *this title” and inserting in lieu thereof “section*
 24 *3038, 8038, 10211, 10301 through 10305, 10501,*
 25 *or 12402 of this title”;*

1 (B) in subparagraph (C), by striking out
2 “section 672(d)” and inserting in lieu thereof
3 “section 12301(d)”; and

4 (C) in subparagraph (E), by striking out
5 “section 673b” and inserting in lieu thereof “sec-
6 tion 12304”.

7 (6) Sections 1201, 1202, and 1203 are each
8 amended by striking out “section 270(b)” and insert-
9 ing in lieu thereof “section 10148(a)”.

10 (7)(A) Section 1076(b)(2)(A) is amended by
11 striking out “under chapter 67 of this title” and in-
12 serting in lieu thereof “under chapter 1223 of this
13 title (or under chapter 67 of this title as in effect be-
14 fore the effective date of the Reserve Officer Personnel
15 Management Act)”.

16 (B) Section 1370(a)(1) is amended by striking
17 out “chapter 67” and inserting in lieu thereof “chap-
18 ter 1223”.

19 (8) Section 1482(f)(2) is amended by striking
20 out “section 1332” and “section 1331” and inserting
21 in lieu thereof “section 12732” and “12731”,
22 respectively.

23 (d) *SURVIVOR BENEFIT PLAN*.—Subchapter II of
24 chapter 73 is amended as follows:

1 (1) *Section 1447(14) is amended by striking out*
 2 *“chapter 67 of this title” and inserting in lieu thereof*
 3 *“chapter 1223 of this title (or under chapter 67 of*
 4 *this title as in effect before the effective date of the Re-*
 5 *serve Officer Personnel Management Act)”.*

6 (2) *The following provisions are amended by*
 7 *striking out “section 1331(d)” and inserting in lieu*
 8 *thereof “section 12731(d)”:* sections 1447(2)(C),
 9 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

10 ***SEC. 1372. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNIT-***
 11 ***ED STATES CODE.***

12 (a) *TABLES OF CHAPTERS.*—*The table of chapters at*
 13 *the beginning of subtitle B, and the table of chapters at the*
 14 *beginning of part II of that subtitle, are each amended by*
 15 *striking out the items relating to chapters 337, 361, and*
 16 *363.*

17 (b) *TABLES OF SECTIONS.*—

18 (1) *The table of sections at the beginning of*
 19 *chapter 305 is amended by striking out the item re-*
 20 *lating to section 3040.*

21 (2) *The table of sections at the beginning of*
 22 *chapter 307 is amended by striking out the items re-*
 23 *lating to section 3076 through 3080 and section 3082.*

24 (3) *The table of sections at the beginning of*
 25 *chapter 331 is amended by striking out the items re-*

1 *lating to section 3212 and sections 3217 through*
2 *3225.*

3 *(4) The table of sections at the beginning of*
4 *chapter 333 is amended by striking out the items re-*
5 *lating to sections 3259, 3260, and 3261.*

6 *(5) The table of sections at the beginning of*
7 *chapter 341 is amended by striking out the items re-*
8 *lating to sections 3495 through 3502.*

9 *(6) The table of sections at the beginning of*
10 *chapter 343 is amended by striking out the items re-*
11 *lating to sections 3541 and 3542.*

12 *(7) The table of sections at the beginning of*
13 *chapter 353 is amended by striking out the item re-*
14 *lating to section 3686.*

15 *(c) CROSS REFERENCE AMENDMENTS.—*

16 *(1) Section 3038(b) is amended by striking out*
17 *“section 265” and inserting in lieu thereof “section*
18 *10211”.*

19 *(2) Section 3961(a) is amended by striking out*
20 *“chapter 67” and inserting in lieu thereof “chapter*
21 *1223”.*

22 *(3) Section 4342(b)(1)(B) is amended by striking*
23 *out “section 1331 of this title” and inserting in lieu*
24 *thereof “section 12731 of this title (or under section*

1 1331 of this title as in effect before the effective date
2 of the Reserve Officer Personnel Management Act)’’.

3 **SEC. 1373. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNIT-**
4 **ED STATES CODE.**

5 (a) TABLES OF CHAPTERS.—

6 (1) The table of chapters at the beginning of sub-
7 title C is amended by striking out the items relating
8 to chapters 519, 531, 541, and 549.

9 (2) The table of chapters at the beginning of part
10 I of subtitle C is amended by striking out the item
11 relating to chapter 519.

12 (3) The table of chapters at the beginning of part
13 II of subtitle C is amended by striking out the items
14 relating to chapters 531, 541, and 549.

15 (b) TABLES OF SECTIONS.—

16 (1) The table of sections at the beginning of
17 chapter 533 is amended by striking out the items re-
18 lating to sections 5456, 5457, and 5458.

19 (2) The table of sections at the beginning of
20 chapter 539 is amended by striking out the item re-
21 lating to section 5600.

22 (3) The table of sections at the beginning of
23 chapter 555 is amended by striking out the items re-
24 lating to sections 6017 and 6034.

1 (4) *The table of sections at the beginning of*
 2 *chapter 573 is amended by striking out the items re-*
 3 *lating to sections 6391, 6392, 6397, 6403, and 6410.*

4 (c) *CROSS REFERENCE AMENDMENTS.*—

5 (1) *Section 6389(a) is amended by striking out*
 6 *“section 1005” and inserting in lieu thereof “section*
 7 *12645”.*

8 (2) *Section 6954(b)(1)(B) is amended by striking*
 9 *out “section 1331 of this title” and inserting in lieu*
 10 *thereof “section 12731 of this title (or under section*
 11 *1331 of this title as in effect before the effective date*
 12 *of the Reserve Officer Personnel Management Act)”.*

13 (d) *REPEAL OF SECTION REDUNDANT WITH SECTION*
 14 *741.*—

15 (1) *Section 5506 is repealed.*

16 (2) *The table of sections at the beginning of*
 17 *chapter 535 is amended by striking out the item re-*
 18 *lating to section 5506.*

19 **SEC. 1374. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNIT-**
 20 **ED STATES CODE.**

21 (a) *TABLES OF CHAPTERS.*—*The table of chapters at*
 22 *the beginning of subtitle D, and the table of chapters at*
 23 *the beginning of part II of that subtitle, are each amended*
 24 *by striking out the items relating to chapters 837 and 863.*

25 (b) *TABLES OF SECTIONS.*—

1 (1) *The table of sections at the beginning of*
2 *chapter 807 is amended by striking out the items re-*
3 *lating to sections 8076 through 8080.*

4 (2) *The table of sections at the beginning of*
5 *chapter 831 is amended by striking out the items re-*
6 *lating to section 8212 and sections 8217 through*
7 *8225.*

8 (3) *The table of sections at the beginning of*
9 *chapter 833 is amended by striking out the items re-*
10 *lating to sections 8259, 8260, and 8261.*

11 (4) *The table of sections at the beginning of*
12 *chapter 841 is amended by striking out the items re-*
13 *lating to sections 8495 through 8502.*

14 (5) *The table of sections at the beginning of*
15 *chapter 843 is amended by striking out the items re-*
16 *lating to sections 8541 and 8542.*

17 (6) *The table of sections at the beginning of*
18 *chapter 853 is amended by striking out the item re-*
19 *lating to section 8686.*

20 (7) *The table of sections at the beginning of*
21 *chapter 861 is amended by striking out the items re-*
22 *lating to sections 8819 and 8820.*

23 (c) *CROSS REFERENCE AMENDMENTS.—*

1 (1) *Section 8038(b) is amended by striking out*
 2 *“section 265” and inserting in lieu thereof “section*
 3 *10211”.*

4 (2) *Section 8961(a) is amended by striking out*
 5 *“chapter 67” and inserting in lieu thereof “chapter*
 6 *1223”.*

7 (3) *Section 9342(b)(1)(B) is amended by striking*
 8 *out “section 1331 of this title” and inserting in lieu*
 9 *thereof “section 12731 of this title (or under section*
 10 *1331 of this title as in effect before the effective date*
 11 *of the Reserve Officer Personnel Management Act)”.*

12 **SEC. 1375. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNIT-**
 13 **ED STATES CODE.**

14 (a) *CHAPTER 1203.—Section 12102 (as transferred*
 15 *and redesignated by section 1362(b)(2)) is amended by*
 16 *striking out “section 3261 or 8261” in subsection (a) and*
 17 *inserting in lieu thereof “section 12107”.*

18 (b) *CHAPTER 1205.—Sections of chapter 1205 (as*
 19 *transferred and redesignated by section 1362(c)(2)) are*
 20 *amended as follows:*

21 (1) *Section 12203 is amended by striking out*
 22 *“3352, or 8352” in subsection (a) and inserting in*
 23 *lieu thereof “12213, or 12214”.*

1 (2) Sections 12213 and 12214 are amended by
2 striking out “or Territory, Puerto Rico, or the Dis-
3 trict of Columbia, whichever is” in subsection (a).

4 (c) CHAPTER 1209.—Sections of chapter 1209 (as
5 transferred and redesignated by section 1362(e)(2)) are
6 amended as follows:

7 (1) Section 12301 is amended—

8 (A) in subsection (b), by striking out “or
9 Territory” and all that follows through the pe-
10 riod at the end and inserting in lieu thereof “(or,
11 in the case of the District of Columbia National
12 Guard, the commanding general of the District
13 of Columbia National Guard).”; and

14 (B) in subsection (d), by striking out “or
15 Territory, Puerto Rico, or the District of Colum-
16 bia, whichever is”.

17 (2) Section 12304 is amended—

18 (A) by striking out “section 673(a)” in sub-
19 section (a) and inserting in lieu thereof “section
20 12302(a)”;

21 (B) by striking out “section 268(b)” in sub-
22 section (a) and inserting in lieu thereof “section
23 10143(a)”;

1 (C) by striking out “section 3500 or 8500”
2 in subsection (b) and inserting in lieu thereof
3 “section 12406”.

4 (3) Section 12305 is amended by striking out
5 “section 672, 673, or 673b” in subsections (a) and (b)
6 and inserting in lieu thereof “section 12301, 12302,
7 or 12304”.

8 (4) Section 12306 is amended by striking out
9 “section 672” in subsection (a) and inserting in lieu
10 thereof “section 12301”.

11 (5) Section 12307 is amended by striking out
12 “section 672(a) or 688”, “section 1001(b)”, and
13 “chapter 67” and inserting in lieu thereof “section
14 688 or 12301(a)”, “section 12641(b)”, and “chapter
15 1223”, respectively.

16 (6) Section 12308 is amended by striking out
17 “chapter 67” and “section 1332(b)” and inserting in
18 lieu thereof “chapter 1223” and “section 12732(b)”,
19 respectively.

20 (7) Section 12310 is amended by striking out
21 “section 672(d)” in subsection (a) and inserting in
22 lieu thereof “section 12301(d)”.

23 (8) Section 12312 is amended by striking out
24 “section 679(a)” in subsections (a) and (b) and in-
25 serting in lieu thereof “section 12311(a)”.

1 (9) *Section 12318 is amended—*

2 (A) *by striking out “section 673 or 673b” in*
3 *subsections (a) and (b) and inserting in lieu*
4 *thereof “section 12302 or 12304”; and*

5 (B) *by striking out “section 678” in sub-*
6 *section (b) and inserting in lieu thereof “section*
7 *12310”.*

8 (10) *Section 12319(d) is amended by striking*
9 *out “chapter 67” and inserting in lieu thereof “chap-*
10 *ter 1223”.*

11 (11) *Section 12320 is amended by striking out*
12 *“section 3353, 5600, or 8353” and inserting in lieu*
13 *thereof “section 12207”.*

14 (d) *CHAPTER 1219.—Sections of chapter 1219 (as*
15 *transferred and redesignated by section 1362(h)) are*
16 *amended as follows:*

17 (1) *Section 12642 is amended—*

18 (A) *by striking out “section 1332(a)(2)” in*
19 *subsection (a) and inserting in lieu thereof “sec-*
20 *tion 12732(a)(2)”;* and

21 (B) *by striking out “section 1005” in sub-*
22 *section (b) and inserting in lieu thereof “section*
23 *12645”.*

24 (2) *Section 12645 is amended by striking out*
25 *“chapter 337, 361, 363, 573, 837, 861, or 863” in*

1 *subsection (a) and inserting in lieu thereof “chapter*
2 *573, 1407, 1409, or 1411”.*

3 *(3) Section 12646 is amended—*

4 *(A) by striking out “section 1332” each*
5 *place it appears in subsections (a) and (b) and*
6 *inserting in lieu thereof “section 12732”;*

7 *(B) by striking out “chapter 337, 361, 363,*
8 *573, 837, 861, or 863” in subsections (a) and (b)*
9 *and inserting in lieu thereof “chapter 573, 1407,*
10 *or 1409”; and*

11 *(C) by striking out subsection (e) and in-*
12 *serting in lieu thereof the following:*

13 *“(e)(1) A reserve commissioned officer on active duty*
14 *(other than for training) or full-time National Guard duty*
15 *(other than full-time National Guard duty for training*
16 *only) who, on the date on which the officer would otherwise*
17 *be removed from an active status under section 6389, 14513,*
18 *or 14514 of this title or section 740 of title 14, is within*
19 *two years of qualifying for retirement under section 3911,*
20 *6323, or 8911 of this title may, in the discretion of the Sec-*
21 *retary concerned and subject to paragraph (2), be retained*
22 *on that duty for a period of not more than two years.*

23 *“(2) An officer may be retained on active duty or full-*
24 *time National Guard duty under paragraph (1) only if—*

1 “(A) at the end of the period for which the officer
2 is retained the officer will be qualified for retirement
3 under section 3911, 6323, or 8911 of this title; and

4 “(B) the officer will not, before the end of that
5 period, reach the age at which transfer from an active
6 status or discharge is required by this title or title 14.

7 “(3) An officer who is retained on active duty or full-
8 time National Guard duty under this section may not be
9 removed from an active status while on that duty.”.

10 (4) Section 12647 is amended by striking out
11 “chapters 337, 363, 573, 837, and 863” and inserting
12 in lieu thereof “chapters 573, 1407, and 1409”.

13 **SEC. 1376. AMENDMENTS TO TITLES 32 AND 37, UNITED**
14 **STATES CODE.**

15 (a) TITLE 32, UNITED STATES CODE.—Title 32, Unit-
16 ed States Code, is amended as follows:

17 (1) Section 107(c) is amended by striking out
18 “section 3496 or 8496” and inserting in lieu thereof
19 “section 12402”.

20 (2) Section 307(a)(3) is amended by striking out
21 “and sections 8365 and 8366 of title 10”.

22 (3) Section 323(c) is amended by striking out
23 “section 3259, 3352(a), 8259, or 8352(a)” and insert-
24 ing in lieu thereof “section 12105, 12213(a), or
25 12214(a)”.

1 (4) *The items relating to sections 309 and 310*
 2 *in the table of sections at the beginning of chapter 3*
 3 *are amended to read as follows:*

“309. Federal recognition of National Guard officers: officers promoted to fill vacancies.

“310. Federal recognition of National Guard officers: automatic recognition.”.

4 (b) *TITLE 37, UNITED STATES CODE.—Title 37, Unit-*
 5 *ed States Code, is amended as follows:*

6 (1) *Section 204(a)(2) is amended by striking out*
 7 *“section 3021, 3496, 3541, 8021, 8496, or 8541” and*
 8 *inserting in lieu thereof “section 10302, 10305,*
 9 *10502, or 12402”.*

10 (2) *Section 205(e)(2) is amended—*

11 (A) *by striking out “section 511(b) or*
 12 *511(d)” in subparagraph (A) and inserting in*
 13 *lieu thereof “section 12103(b) or 12103(d)”;* and

14 (B) *by striking out “chapter 39” in sub-*
 15 *paragraph (B) and inserting in lieu thereof*
 16 *“chapter 1209”.*

17 (3) *Section 905 is amended—*

18 (A) *by striking out “chapter 549” in sub-*
 19 *section (a) and inserting in lieu thereof “chapter*
 20 *1405”;* and

21 (B) *by striking out “section 5908” in sub-*
 22 *section (b) and inserting in lieu thereof “section*
 23 *14308(b)”.*

1 **SEC. 1377. AMENDMENTS TO OTHER LAWS.**

2 (a) TITLE 5, UNITED STATES CODE.—Title 5,
3 United States Code, is amended as follows:

4 (1) Section 5517(d)(2) is amended by striking
5 out “section 270(a) of title 10” and inserting in lieu
6 thereof “section 10147 of title 10”.

7 (2) Section 6323(b) is amended—

8 (A) in paragraph (1), by striking out “sec-
9 tion 261 of title 10” and inserting in lieu thereof
10 “section 10101 of title 10”; and

11 (B) in paragraph (2)(A), by striking out
12 “3500, or 8500 of title 10” and inserting in lieu
13 thereof “or 12406 of title 10”; and

14 (3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are
15 amended by striking out “chapter 67 of title 10” and
16 inserting in lieu thereof “chapter 1223 of title 10 (or
17 under chapter 67 of that title as in effect before the
18 effective date of the Reserve Officer Personnel Manage-
19 ment Act)”.

20 (4) Sections 8401(30) and 8456(a)(1)(A) are
21 amended by striking out “section 261(a) of title 10”
22 and inserting in lieu thereof “section 10101 of title
23 10”.

24 (b) TITLE 14, UNITED STATES CODE.—Title 14, Unit-
25 ed States Code, is amended as follows:

1 (1) *Section 41a(a) is amended by striking out*
2 *“section 679 of title 10” and inserting in lieu thereof*
3 *“section 12311 of title 10”.*

4 (2) *Section 271(e) is amended by striking out*
5 *“section 593 of title 10” and inserting in lieu thereof*
6 *“section 12203 of title 10”.*

7 (3) *Section 712(c)(1) is amended by striking out*
8 *“section 270 of title 10” and inserting in lieu thereof*
9 *“section 10147 of title 10”.*

10 (4) *Section 713 is amended by striking out “sec-*
11 *tion 511(d) of title 10” and inserting in lieu thereof*
12 *“section 12103(d) of title 10”.*

13 (5) *Sections 740(c) and 741(b) are amended by*
14 *striking out “section 1006 of title 10” and inserting*
15 *in lieu thereof “section 12646 of title 10”.*

16 (c) *INTERNAL REVENUE CODE OF 1986.—Section*
17 *219(g)(6)(A) of the Internal Revenue Code of 1986 is*
18 *amended by striking out “section 261(a) of title 10” and*
19 *inserting in lieu thereof “section 10101 of title 10”.*

20 (d) *TITLE 38, UNITED STATES CODE.—Title 38, Unit-*
21 *ed States Code, is amended as follows:*

22 (1) *Sections 1965(5)(B), 1965(5)(C), and*
23 *1968(a)(4)(B) are amended by striking out “chapter*
24 *67 of title 10” and inserting in lieu thereof “chapter*
25 *1223 of title 10 (or under chapter 67 of that title as*

1 *in effect before the effective date of the Reserve Officer*
2 *Personnel Management Act)*”.

3 (2) *Section 3002 is amended—*

4 (A) *in paragraph (4), by striking out “sec-*
5 *tion 268(b) of title 10” and inserting in lieu*
6 *thereof “section 10143(a) of title 10”; and*

7 (B) *in paragraph (6), by striking out “sec-*
8 *tion 511(d) of title 10” and inserting in lieu*
9 *thereof “section 12103(d) of title 10”.*

10 (e) *PUBLIC LAW 99–661.—Section 403(b)(1) of Public*
11 *Law 99–661 (10 U.S.C. 521 note) is amended—*

12 (1) *in subparagraph (B), by striking out “sec-*
13 *tion 265” and all that follows through “of title 10”*
14 *and inserting in lieu thereof “section 10148(a),*
15 *10211, 10302 through 10305, 12301(a), or 12402 of*
16 *title 10”;*

17 (2) *in subparagraph (C), by striking out “section*
18 *672(d)” and inserting in lieu thereof “section*
19 *12301(d)”;* and

20 (3) *in subparagraph (E), by striking out “sec-*
21 *tion 673b” and inserting in lieu thereof “section*
22 *12304”.*

23 (f) *MILITARY SELECTIVE SERVICE ACT.—Section 6 of*
24 *the Military Selective Service Act (50 U.S.C. App. 456) is*
25 *amended—*

1 (1) in subsection (c)(2)(A), by striking out “sec-
 2 tion 270 of title 10” and inserting in lieu thereof
 3 “section 10147 of title 10”;

4 (2) in subsection (c)(2)(D), by striking out “sec-
 5 tion 511(b) of title 10” and inserting in lieu thereof
 6 “section 12103 of title 10”; and

7 (3) in subsection (d)(1), by striking out “section
 8 270(a) of title 10” and inserting in lieu thereof “sec-
 9 tion 10147 of title 10”.

10 ***Subtitle E—Transition Provisions***

11 ***SEC. 1381. CONTINUATION ON THE RESERVE ACTIVE-STA-*** 12 ***TUS LIST OF CERTAIN RESERVE COLONELS*** 13 ***OF THE ARMY AND AIR FORCE.***

14 (a) *CONTINUATION UNDER OLD LAW.*—Except as pro-
 15 vided in subsection (b), a reserve officer of the Army or the
 16 Air Force who, on the effective date of this title—

17 (1) is subject to placement on the reserve active-
 18 status list of the Army or the Air Force; and

19 (2)(A) holds the reserve grade of colonel, (B) is
 20 on a list of officers recommended for promotion to the
 21 reserve grade of colonel, or (C) has been nominated by
 22 the President for appointment in the reserve grade of
 23 colonel,

24 shall continue to be subject to mandatory transfer to the
 25 Retired Reserve or discharge from the officer’s reserve ap-

1 *pointment under section 3851 or 8851 of title 10, United*
2 *States Code, as in effect on the day before the effective date*
3 *of this title.*

4 (b) *EXEMPTION.—This section does not apply to an*
5 *officer who is—*

6 (1) *sooner transferred from an active status or*
7 *discharged under some other provision of law;*

8 (2) *promoted to a higher grade, unless the officer*
9 *was on a list of officers recommended for promotion*
10 *to the reserve grade of colonel before the effective date*
11 *of this title; or*

12 (3) *continued on the reserve active-status list*
13 *under section 14701 of title 10, United States Code,*
14 *as added by this title.*

15 **SEC. 1382. EFFECTS OF SELECTION FOR PROMOTION AND**
16 **FAILURE OF SELECTION FOR ARMY AND AIR**
17 **FORCE OFFICERS.**

18 (a) *PROMOTIONS TO FILL VACANCIES.—A reserve*
19 *commissioned officer of the Army or Air Force (other than*
20 *a commissioned warrant officer) who, on the day before the*
21 *effective date of this title, is recommended for promotion*
22 *to fill a vacancy in the Army Reserve or the Air Force Re-*
23 *serve under section 3383, 3384, 8372, or 8373 of title 10,*
24 *United States Code, as in effect on the day before the effec-*
25 *tive date of this title, in the next higher reserve grade shall*

1 *be considered to have been recommended for promotion to*
 2 *that grade by a vacancy promotion board under section*
 3 *14101(a)(2) of title 10, United States Code, as added by*
 4 *this title.*

5 (b) *PROMOTIONS OTHER THAN TO FILL VACANCIES.—*
 6 *A reserve officer of the Army or Air Force who, on the day*
 7 *before the effective date of this title, is recommended for pro-*
 8 *motion under section 3366, 3367, 3370, 3371, 8366, or 8371*
 9 *of title 10, United States Code, as in effect on the day before*
 10 *the effective date of this title, to a reserve grade higher than*
 11 *the grade in which the officer is serving shall be considered*
 12 *to have been recommended for promotion by a mandatory*
 13 *promotion board convened under section 14101(a)(1) of title*
 14 *10, United States Code, as added by this title.*

15 (c) *OFFICERS FOUND QUALIFIED FOR PROMOTION TO*
 16 *FIRST LIEUTENANT.—A reserve officer of the Army or Air*
 17 *Force who, on the effective date of the title, holds the grade*
 18 *of second lieutenant and has been found qualified for pro-*
 19 *motion to the grade of first lieutenant in accordance with*
 20 *section 3365, 3382, or 8365 of title 10, United States Code,*
 21 *as in effect on the day before the effective date of this title,*
 22 *shall be promoted to that grade on the date on which the*
 23 *officer would have been promoted under the provisions of*
 24 *chapter 337 or 837 of such title, as in effect on the day*
 25 *before the effective date of this title, unless sooner promoted*

1 *under regulations prescribed by the Secretary of the Army*
2 *or the Secretary of the Air Force under section 14308(b)*
3 *of title 10, United States Code, as added by this title.*

4 (d) *OFFICERS ONCE FAILED OF SELECTION.—(1) A*
5 *reserve officer of the Army in the grade of first lieutenant,*
6 *captain, or major who, on the day before the effective date*
7 *of this title, has been considered once but not recommended*
8 *for promotion to the next higher reserve grade under section*
9 *3366 or 3367 of title 10, United States Code, or a reserve*
10 *officer of the Air Force in the grade of first lieutenant, cap-*
11 *tain, or major who, on the day before the effective date of*
12 *this title, is a deferred officer within the meaning of section*
13 *8368 of such title, shall be considered to have been consid-*
14 *ered once but not selected for promotion by a board con-*
15 *vened under section 14101(a)(1) of title 10, United States*
16 *Code, as added by this title. If the officer is later considered*
17 *for promotion by a selection board convened under that sec-*
18 *tion and is not selected for promotion (or is selected for*
19 *promotion but declines to accept the promotion), the officer*
20 *shall be considered for all purposes to have twice failed*
21 *of selection for promotion.*

22 (2) *In the case of a reserve officer of the Army or Air*
23 *Force in an active status who, on the day before the effective*
24 *date of this title, is in the grade of first lieutenant, captain,*
25 *or major and whose name has been removed, under the pro-*

1 *visions of section 3363(f) of title 10, United States Code,*
 2 *from a list of officers recommended for promotion or who*
 3 *has previously not been promoted because the President de-*
 4 *clined to appoint the officer in the next higher grade under*
 5 *section 8377 of such title as in effect on the day before the*
 6 *effective date of this title, or whose name was removed from*
 7 *a list of officers recommended for promotion to the next*
 8 *higher grade because the Senate did not consent to the offi-*
 9 *cer's appointment, if the officer is later considered for pro-*
 10 *motion by a selection board convened by section 14101(a)(1)*
 11 *of title 10, United States Code, as added by this title, and*
 12 *(A) is not selected for promotion, (B) is selected for pro-*
 13 *motion but removed from the list of officers recommended*
 14 *or approved for promotion, or (C) is selected for promotion*
 15 *but declines to accept the promotion, the officer shall be con-*
 16 *sidered for all purposes to have twice failed of selection for*
 17 *promotion.*

18 *(e) OFFICERS TWICE FAILED OF SELECTION.—A re-*
 19 *serve officer of the Army or Air Force in an active status*
 20 *who, on the day before the effective date of this title, is in*
 21 *the grade of first lieutenant, captain, or major and on that*
 22 *date is subject to be treated as prescribed in section 3846*
 23 *or 8846 of title 10, United States Code, shall continue to*
 24 *be governed by that section as in effect on the day before*
 25 *the effective date of this title.*

1 (f) *OFFICERS WITH APPROVED PROMOTION DECLINA-*
2 *TIONS IN EFFECT.*—A reserve officer of the Army who, on
3 the day before the effective date of this title, has declined
4 a promotion under subsection (f) or (g) of section 3364 of
5 title 10, United States Code, shall while carried on the re-
6 serve active status list be subject to the provisions of sub-
7 sections (h), (i), and (j) of such section, as in effect on the
8 day before the effective date of this title, except that the
9 name of an officer to whom this section applies shall be
10 placed on a promotion list under section 14308(a) of title
11 10, United States Code (as added by this title), and, at the
12 end of the approved period of declination, shall be consid-
13 ered to have failed of promotion if the officer again de-
14 clines to accept the promotion.

15 (g) *COVERED OFFICERS.*—This section applies to re-
16 serve officers of the Army and Air Force who—

17 (1) on the day before the effective date of this
18 title are in an active status; and

19 (2) on the effective date of this title are subject
20 to placement on the reserve active-status list of the
21 Army or the Air Force.

1 **SEC. 1383. EFFECTS OF SELECTION FOR PROMOTION AND**
2 **FAILURE OF SELECTION FOR NAVY AND MA-**
3 **RINE CORPS OFFICERS.**

4 (a) *RECOMMENDATIONS FOR PROMOTION.*—An officer
5 covered by this section who, on the day before the effective
6 date of this title, has been recommended for promotion to
7 a reserve grade higher than the grade in which the officer
8 is serving shall be considered to have been recommended for
9 promotion to that grade under section 14101(a) of title 10,
10 United States Code, as added by this title.

11 (b) *FAILURES OF SELECTION.*—An officer covered by
12 this section who, on the day before the effective date of this
13 title is considered to have failed of selection for promotion
14 one or more times under chapter 549 of title 10, United
15 States Code, to a grade below captain, in the case of a re-
16 serve officer of the Navy, or to a grade below colonel, in
17 the case of a reserve officer of the Marine Corps, shall be
18 subject to chapters 1405 and 1407 of title 10, United States
19 Code, as added by this title, as if such failure or failures
20 had occurred under the provisions of those chapters.

21 (c) *OFFICERS OTHER THAN COVERED OFFICERS REC-*
22 *OMMENDED FOR PROMOTION.*—A reserve officer of the Navy
23 or Marine Corps who on the day before the effective date
24 of this title (1) has been recommended for promotion in the
25 approved report of a selection board convened under chapter
26 549 of title 10, United States Code, and (2) was on the

1 *active-duty list of the Navy or Marine Corps may be pro-*
2 *moted under that chapter, as in effect on the day before*
3 *the effective date of this title.*

4 (d) *OFFICERS FOUND QUALIFIED FOR PROMOTION TO*
5 *LIEUTENANT (JUNIOR GRADE) OR FIRST LIEUTENANT.—*
6 *A covered officer who, on the effective date of this title, holds*
7 *the grade of second lieutenant and has been found qualified*
8 *for promotion in accordance with section 5908 or 5910 of*
9 *title 10, United States Code, as in effect on the day before*
10 *the effective date of this title, shall be promoted on the date*
11 *on which the officer would have been promoted under the*
12 *provisions of chapter 549 of such title, as in effect on the*
13 *day before the effective date of this title, unless sooner pro-*
14 *moted under regulations prescribed by the Secretary of the*
15 *Navy under section 14307(b) of such title, as added by this*
16 *title.*

17 (e) *OFFICERS WHOSE NAMES HAVE BEEN OMITTED*
18 *FROM A LIST FURNISHED TO A SELECTION BOARD.—A*
19 *covered officer whose name, as of the effective date of this*
20 *title, had been omitted by administrative error from the list*
21 *of officers furnished the most recent selection board to con-*
22 *sider officers of the same grade and component, shall be con-*
23 *sidered by a special selection board established under sec-*
24 *tion 14502 of title 10, United States Code, as added by this*
25 *title. If the officer is selected for promotion by that board,*

1 *the officer shall be promoted as specified in section 5904*
2 *of title 10, United States Code, as in effect on the day before*
3 *the effective date of this title.*

4 (f) *COVERED OFFICERS.*—*Except as provided in sub-*
5 *section (c), this section applies to any reserve officer of the*
6 *Navy or Marine Corps who (1) before the effective date of*
7 *this title is in an active status, and (2) on the effective date*
8 *of this title is subject to placement on the reserve active-*
9 *status list of the Navy or Marine Corps.*

10 ***SEC. 1384. DELAYS IN PROMOTIONS AND REMOVALS FROM***
11 ***PROMOTION LIST.***

12 (a) *DELAYS IN PROMOTIONS.*—(1) *A delay in a pro-*
13 *motion that is in effect on the day before the effective date*
14 *of this title under the laws and regulations in effect on that*
15 *date shall continue in effect on and after that date as if*
16 *the promotion had been delayed under section 14311 of title*
17 *10, United States Code, as added by this title.*

18 (2) *The delay of the promotion of a reserve officer of*
19 *the Army or the Air Force which was in effect solely to*
20 *achieve compliance with limitations set out in section 524*
21 *of title 10, United States Code, or with regulations pre-*
22 *scribed by the Secretary of Defense with respect to sections*
23 *3380(c) and 8380(c) of title 10, United States Code, as in*
24 *effect on the day before the effective date of this title, shall*

1 *continue in effect as if the promotion had been delayed*
2 *under section 14311(e) of such title, as added by this title.*

3 (b) *REMOVALS FROM LIST.*—An action that was initi-
4 *ated before the effective date of this title under the laws and*
5 *regulations in effect before that date to remove the name*
6 *of an officer from a promotion list or from a list of officers*
7 *recommended or approved for promotion shall continue on*
8 *and after such date as if such action had been initiated*
9 *under section 14110(d) or 14310, as appropriate, of title*
10 *10, United States Code, as added by this title.*

11 ***SEC. 1385. MINIMUM SERVICE QUALIFICATIONS FOR PRO-***
12 ***MOTION.***

13 *During the five-year period beginning on the effective*
14 *date of this title, the Secretary of the Army and the Sec-*
15 *retary of the Air Force may waive the provisions of section*
16 *14304 of title 10, United States Code, as added by this title.*
17 *The Secretary may, in addition, during any period in*
18 *which such a waiver is in effect, establish minimum periods*
19 *of total years of commissioned service an officer must have*
20 *served to be eligible for consideration for promotion to the*
21 *grade of captain, major, or lieutenant colonel by boards*
22 *convened under section 14101(a) of title 10, United States*
23 *Code, as added by this title.*

1 **SEC. 1386. ESTABLISHMENT OF RESERVE ACTIVE-STATUS**

2 **LIST.**

3 (a) *SIX-MONTH DEADLINE.*—Not later than six
4 months after the effective date of this title, the Secretary
5 of the military department concerned shall ensure that—

6 (1) all officers of the Army, Navy, Air Force,
7 and Marine Corps who are required to be placed on
8 the reserve active-status list of their Armed Force
9 under section 14002 of title 10, United States Code,
10 as added by this title, shall be placed on the list for
11 their armed force and in their competitive category;
12 and

13 (2) the relative seniority of those officers on each
14 such list shall be established.

15 (b) *REGULATIONS.*—The Secretary concerned shall
16 prescribe regulations for the establishment of relative senior-
17 ity. The Secretary of the Army and the Secretary of the
18 Air Force shall, in prescribing such regulations, provide for
19 the consideration of both promotion service established
20 under section 3360(b) or 8360(e) of title 10, United States
21 Code, as in effect on the day before the effective date of this
22 title, and total commissioned service established under sec-
23 tion 3360(c) or 8366(e) of such title, as in effect on the day
24 before the effective date of this title. An officer placed on
25 a reserve active-status list in accordance with this section

1 *shall be considered to have been on the list as of the effective*
2 *date of this title.*

3 **SEC. 1387. PRESERVATION OF RELATIVE SENIORITY UNDER**
4 **THE INITIAL ESTABLISHMENT OF THE RE-**
5 **SERVE ACTIVE-STATUS LIST.**

6 *In order to maintain the relative seniority among re-*
7 *serve officers of the Army, Navy, Air Force, or Marine*
8 *Corps as determined under section 1386, the Secretary of*
9 *the military department concerned may, during the one-*
10 *year period beginning on the effective date of this title, ad-*
11 *just the date of rank of any reserve officer of such Armed*
12 *Force who was in an active status but not on the active-*
13 *duty list on such effective date.*

14 **SEC. 1388. GRADE ON TRANSFER TO THE RETIRED RE-**
15 **SERVE.**

16 *In determining the highest grade held satisfactorily by*
17 *a person at any time in the Armed Forces for the purposes*
18 *of paragraph (2) of section 1406(b) of title 10, United*
19 *States Code, as added by this title, the requirement for satis-*
20 *factory service on the reserve active-status list contained in*
21 *section 1370(d) of title 10, United States Code, as added*
22 *by this title, shall apply only to reserve commissioned offi-*
23 *cers who are promoted to a higher grade as a result of selec-*
24 *tion for promotion under chapter 36 of that title or under*
25 *chapter 1405 of that title, as added by this title, or having*

1 *been found qualified for Federal recognition in a higher*
 2 *grade under chapter 3 of title 32, United States Code, after*
 3 *the effective date of this title.*

4 **SEC. 1389. RIGHTS FOR OFFICERS WITH OVER THREE**
 5 **YEARS SERVICE.**

6 *A reserve officer of the Army, Navy, Air Force, or Ma-*
 7 *rine Corps who was in an active status on the day before*
 8 *the effective date of this title and who was subject to place-*
 9 *ment of the reserve active-status list on the effective date*
 10 *of this title may not be discharged under section 14503 of*
 11 *title 10, United States Code, as added by this title, until*
 12 *on or after the day on which that officer completes three*
 13 *years of continuous service as a reserve commissioned offi-*
 14 *cer.*

15 **SEC. 1390. MANDATORY SEPARATION FOR AGE FOR CER-**
 16 **TAIN RESERVE OFFICERS OF THE NAVY AND**
 17 **MARINE CORPS.**

18 *(a) SAVINGS PROVISIONS FOR REQUIRED SEPARATION*
 19 *AGE.—A reserve officer of the Navy or the Marine Corps—*

20 *(1) who—*

21 *(A) on the effective date of this title is in*
 22 *an active status, and*

23 *(B) on the day before the effective date of*
 24 *this title was an officer described in section*

1 6389(e), 6397(a), 6403(a), or 6403(b) of title 10,
2 United States Code; and

3 (2) who, on or after the effective date of this title
4 is subject to elimination from an active status under
5 any provision of such title,
6 is entitled to be treated as that officer would have been treat-
7 ed under section 6397 or 6403 as applicable, as in effect
8 on the day before the effective date of this title, if that treat-
9 ment would result in the date for the officer's separation
10 from an active status being a later date than the date estab-
11 lished under the law in effect on or after the effective date
12 of this title.

13 (b) *SAVINGS PROVISIONS FOR MANDATORY SEPARA-*
14 *TION FOR AGE.*—An officer who was initially appointed in
15 the Naval Reserve or the Marine Corps Reserve before Janu-
16 ary 1, 1953, and who cannot complete 20 years of service
17 computed under section 12732 of this title before he becomes
18 62 years of age, but can complete this service by the time
19 he becomes 64 years of age, may be retained in an active
20 status not later than the date he becomes 64 years of age.

21 (c) An officer who was initially appointed in the
22 Naval Reserve or the Marine Corps Reserve before the effec-
23 tive date of this title, and who cannot complete 20 years
24 of service computed under section 12732 of this title before
25 he becomes 60 years of age, but can complete this service

1 *by the time he becomes 62 years of age, may be retained*
 2 *in an active status not later than the date he becomes 62*
 3 *years of age.*

4 ***Subtitle F—Effective Dates and***
 5 ***General Savings Provisions***

6 ***SEC. 1391. EFFECTIVE DATE.***

7 (a) *EFFECTIVE DATE FOR AMENDMENTS.*—*The*
 8 *amendments made by this title shall take effect on the date*
 9 *of the enactment of this Act.*

10 (b) *EFFECTIVE DATE FOR NEW RESERVE OFFICER*
 11 *PERSONNEL POLICIES.*—(1) *The provisions of part III of*
 12 *subtitle E of title 10, United States Code, as added by sec-*
 13 *tion 1311, shall become effective on the first day of the ninth*
 14 *month that begins after the date of the enactment of this*
 15 *Act.*

16 (2) *Any reference in subtitle E of this title to the effec-*
 17 *tive date of this title is a reference to the effective date pre-*
 18 *scribed in paragraph (1).*

19 (3) *The personnel policies applicable to Reserve officers*
 20 *under the provisions of law in effect on the day before the*
 21 *date of the enactment of this Act and replaced by the Re-*
 22 *serve officer personnel policies prescribed in part III of sub-*
 23 *title E of title 10, United States Code, as added by section*
 24 *1311, shall, notwithstanding the provisions of subsection*

1 *(a), continue in effect until the effective date prescribed in*
 2 *paragraph (1).*

3 *(4) The authority to prescribe regulations under the*
 4 *provisions of part III of subtitle E of title 10, United States*
 5 *Code, as added by section 1311, shall take effect on the date*
 6 *of the enactment of this Act.*

7 **SEC. 1392. PRESERVATION OF SUSPENDED STATUS OF**
 8 **LAWS SUSPENDED AS OF EFFECTIVE DATE.**

9 *If a provision of law that is in a suspended status on*
 10 *the day before the effective date of this title under section*
 11 *1391(b)(1) is transferred or amended by this title, the sus-*
 12 *pended status of that provision is not affected by that trans-*
 13 *fer or amendment.*

14 **SEC. 1393. PRESERVATION OF PRE-EXISTING RIGHTS, DU-**
 15 **TIES, PENALTIES, AND PROCEEDINGS.**

16 *Except as otherwise provided in this title, the provi-*
 17 *sions of this title and the amendments made by this title*
 18 *do not affect rights and duties that matured, penalties that*
 19 *were incurred, or proceedings that were begun before the*
 20 *effective date of this title under section 1391(b)(1).*

21 **TITLE XIV—BOSNIA AND**
 22 **HERZEGOVINA SELF-DEFENSE**

23 **SEC. 1401. SHORT TITLE.**

24 *This title may be cited as the “Bosnia and*
 25 *Herzegovina Self-Defense Act of 1994”.*

1 **SEC. 1402. FINDINGS.**

2 *The Congress makes the following findings:*

3 *(1) For the reasons stated in section 520 of the*
4 *Foreign Relations Authorization Act, Fiscal Years*
5 *1994 and 1995 (Public Law 103-236), the Congress*
6 *has found that continued application of an inter-*
7 *national arms embargo to the Government of Bosnia*
8 *and Herzegovina contravenes that Government's in-*
9 *herent right of individual or collective self-defense*
10 *under Article 51 of the United Nations Charter and*
11 *therefore is inconsistent with international law.*

12 *(2) Before deploying United States Armed Forces*
13 *to defend the territorial integrity and political inde-*
14 *pendence of Bosnia and Herzegovina, or to enforce*
15 *United Nations mandates in Bosnia and*
16 *Herzegovina, the United States should seek to permit*
17 *the Government of Bosnia and Herzegovina to obtain*
18 *the means necessary to exercise its inherent right of*
19 *self-defense.*

20 **SEC. 1403. TERMINATION OF ARMS EMBARGO.**

21 *(a) TERMINATION.—The President shall terminate the*
22 *United States arms embargo of the Government of Bosnia*
23 *and Herzegovina upon receipt from that Government of a*
24 *request for assistance in exercising its right of self-defense*
25 *under Article 51 of the United Nations Charter.*

1 (b) *DEFINITION.*—As used in this section, the term
 2 “United States arms embargo of the Government of Bosnia
 3 and Herzegovina” means the application to the Government
 4 of Bosnia and Herzegovina of—

5 (1) the policy adopted July 10, 1991, and pub-
 6 lished in the Federal Register of July 19, 1991 (58
 7 F.R. 33322) under the heading “Suspension of Muni-
 8 tions Export Licenses to Yugoslavia”; and

9 (2) any similar policy being applied by the
 10 United States Government as of the date of receipt of
 11 the request described in subsection (a) pursuant to
 12 which approval is denied for transfers of defense arti-
 13 cles and defense services to the former Yugoslavia.

14 **SEC. 1404. PROVISION OF UNITED STATES MILITARY AS-**
 15 **SISTANCE.**

16 (a) *POLICY.*—The President should provide appro-
 17 priate military assistance to the Government of Bosnia and
 18 Herzegovina upon receipt from that Government of a re-
 19 quest for assistance in exercising its right of self-defense
 20 under Article 51 of the United Nations Charter.

21 (b) *AUTHORIZATION OF MILITARY ASSISTANCE.*—

22 (1) *DRAWDOWN AUTHORITY.*—If the Government
 23 of Bosnia and Herzegovina requests United States as-
 24 sistance in exercising its right of self-defense under
 25 Article 51 of the United Nations Charter, the Presi-

1 *dent is authorized to direct the drawdown of defense*
2 *articles from the stocks of the Department of Defense,*
3 *defense services of the Department of Defense, and*
4 *military education and training in order to provide*
5 *assistance to the Government of Bosnia and*
6 *Herzegovina. Such assistance shall be provided on*
7 *such terms and conditions as the President may de-*
8 *termine.*

9 (2) *LIMITATION ON VALUE OF TRANSFERS.*—*The*
10 *aggregate value (as defined in section 664(m) of the*
11 *Foreign Assistance Act of 1961) of defense articles, de-*
12 *fense services, and military education and training*
13 *provided under this subsection may not exceed*
14 *\$200,000,000.*

15 (3) *EXPIRATION OF AUTHORIZATION.*—*The au-*
16 *thority provided to the President in paragraph (1) ex-*
17 *pires at the end of fiscal year 1995.*

18 (4) *LIMITATION ON ACTIVITIES.*—*Members of the*
19 *United States Armed Forces who perform defense*
20 *services or provide military education and training*
21 *outside the United States under this subsection may*
22 *not perform any duties of a combatant nature, in-*
23 *cluding any duties related to training and advising*
24 *that may engage them in combat activities.*

1 (5) *REPORTS TO CONGRESS.*—Within 60 days
2 after any exercise of the authority of paragraph (1)
3 and every 60 days thereafter, the President shall re-
4 port in writing to the Speaker of the House of Rep-
5 resentatives and the President pro tempore of the Sen-
6 ate concerning the defense articles, defense services,
7 and military education and training being provided
8 and the use made of such articles, services, and edu-
9 cation and training.

10 (6) *REIMBURSEMENT.*—(A) Defense articles, de-
11 fense services, and military education and training
12 provided under this subsection shall be made available
13 without reimbursement to the Department of Defense
14 except to the extent that funds are appropriated pur-
15 suant to subparagraph (B).

16 (B) There are authorized to be appropriated to
17 the President such sums as may be necessary to reim-
18 burse the applicable appropriation, fund, or account
19 for the value (as defined in section 664(m) of the For-
20 eign Assistance Act of 1961) of defense articles, de-
21 fense services, or military education and training
22 provided under this subsection.

**DIVISION B—MILITARY CON-
STRUCTION AUTHORIZA-
TIONS**

SECTION 2001. SHORT TITLE.

*This division may be cited as the “Military Construc-
tion Authorization Act for Fiscal Year 1995”.*

TITLE XXI—ARMY

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.**

*(a) INSIDE THE UNITED STATES.—Using amounts ap-
propriated pursuant to the authorization of appropriations
in section 2104(a)(1), the Secretary of the Army may ac-
quire real property and carry out military construction
projects for the installations and locations inside the United
States, and in the amounts, set forth in the following table:*

Army: Inside the United States

State	Installation or location	Amount
Arkansas	Pine Bluff Arsenal	\$97,000,000
California	Fort Irwin	\$10,000,000
Georgia	Fort Benning	\$4,650,000
	Fort Gordon	\$48,250,000
Hawaii	Schofield Barracks	\$10,000,000
Kentucky	Fort Campbell	\$36,400,000
Maryland	Aberdeen Proving Grounds	\$2,750,000
	Adelphi Laboratory Center	\$6,600,000
New Jersey	Bayonne Military Ocean Terminal	\$4,050,000
New York	Fort Drum	\$19,150,000
	U.S. Military Academy, West Point	\$28,000,000
North Carolina	Fort Bragg	\$29,000,000
	Sunny Point Military Ocean Terminal	\$22,200,000
Oregon	Umatilla Depot Activity	\$179,000,000
Oklahoma	Fort Sill	\$18,000,000
Pennsylvania	Tobyhanna Depot	\$17,000,000

Army: Inside the United States—Continued

State	Installation or location	Amount
<i>Texas</i>	<i>Fort Bliss</i>	<i>\$20,800,000</i>
	<i>Fort Hood</i>	<i>\$49,000,000</i>
	<i>Fort Sam Houston</i>	<i>\$7,050,000</i>
<i>Virginia</i>	<i>Fort Lee</i>	<i>\$21,000,000</i>
	<i>Fort Myer</i>	<i>\$7,300,000</i>
<i>Washington</i>	<i>Fort Lewis</i>	<i>\$64,000,000</i>
<i>CONUS Classified</i>	<i>Classified Location</i>	<i>\$1,900,000</i>

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army may
4 acquire real property and carry out military construction
5 projects for the locations outside the United States, and in
6 the amounts, set forth in the following table:

Army: Outside the United States

Country	Location	Amount
<i>Korea</i>	<i>Camp Casey</i>	<i>\$40,800,000</i>
<i>Kwajalein Atoll</i>	<i>Kwajalein</i>	<i>\$6,400,000</i>
<i>Worldwide</i>	<i>Host Nation Support</i>	<i>\$25,000,000</i>

7 **SEC. 2102. FAMILY HOUSING.**

8 (a) *CONSTRUCTION AND ACQUISITION.*—Using
9 amounts appropriated pursuant to the authorization of ap-
10 propriations in section 2104(a)(5)(A), the Secretary of the
11 Army may construct or acquire family housing units (in-
12 cluding land acquisition) at the installations, for the pur-
13 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installation	Purpose	Amount
<i>Colorado</i>	<i>Fort Carson</i>	<i>145 units</i>	<i>\$16,500,000</i>

Army: Family Housing—Continued

State	Installation	Purpose	Amount
Georgia	Fort Stewart	128 units	\$10,600,000
Hawaii	Schofield Barracks	190 units	\$26,000,000
Massachusetts	Natic Research Center ..	35 units	\$4,150,000
New York	U.S. Military Academy, West Point	56 units	\$8,000,000
South Carolina	Fort Jackson	105 units	\$12,000,000
Texas	Fort Bliss	215 units	\$21,400,000
	Fort Sam Houston	100 units	\$10,000,000

1 (b) *PLANNING AND DESIGN.*—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2104(a)(5)(A), the Secretary of the Army may carry
4 out architectural and engineering services and construction
5 design activities with respect to the construction or im-
6 provement of family housing units in an amount not to
7 exceed \$5,992,000.

8 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2104(a)(6)(A), the Sec-
13 retary of the Army may improve existing military family
14 housing in an amount not to exceed \$49,760,000.

15 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

16 (a) *IN GENERAL.*—Funds are hereby authorized to be
17 appropriated for fiscal years beginning after September 30,
18 1994, for military construction, land acquisition, and mili-

1 tary family housing functions of the Department of the
2 Army in the total amount of \$2,139,036,000 as follows:

3 (1) For military construction projects inside the
4 United States authorized by section 2101(a),
5 \$703,100,000.

6 (2) For the military construction projects outside
7 the United States authorized by section 2101(b),
8 \$72,200,000.

9 (3) For unspecified minor military construction
10 projects authorized by section 2805 of title 10, United
11 States Code, \$12,000,000.

12 (4) For architectural and engineering services
13 and construction design under section 2807 of title
14 10, United States Code, \$66,126,000.

15 (5) For military family housing functions:

16 (A) For construction and acquisition of
17 military family housing and facilities,
18 \$164,402,000.

19 (B) For support of military family housing
20 (including the functions described in section
21 2833 of title 10, United States Code),
22 \$1,121,208,000, of which not more than
23 \$243,442,000 may be obligated or expended for
24 the leasing of military family housing world-
25 wide.

1 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
 2 *PROJECTS.*—Notwithstanding the cost variations author-
 3 ized by section 2853 of title 10, United States Code, and
 4 any other cost variation authorized by law, the total cost
 5 of all projects carried out under section 2101 of this Act
 6 may not exceed the total amount authorized to be appro-
 7 priated under paragraphs (1) and (2) of subsection (a).

8 **SEC. 2105. AUTHORIZATION OF MILITARY CONSTRUCTION**

9 **PROJECT AT FORT BRAGG, NORTH CAROLINA,**
 10 **FOR WHICH FUNDS HAVE BEEN APPRO-**
 11 **PRIATED.**

12 Using amounts previously appropriated for this pur-
 13 pose, the Secretary of the Army may carry out a military
 14 construction project for the construction of a library at Fort
 15 Bragg, North Carolina, in the total amount of \$5,500,000.

16 **TITLE XXII—NAVY**

17 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 18 **ACQUISITION PROJECTS.**

19 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 20 propriated pursuant to the authorization of appropriations
 21 in section 2204(a)(1), and, in the case of the project de-
 22 scribed in section 2204(b)(2), other amounts appropriated
 23 pursuant to authorizations enacted after this Act for that
 24 project, the Secretary of the Navy may acquire real prop-
 25 erty and carry out military construction projects for the

- 1 *installations and locations inside the United States, and*
 2 *in the amounts, set forth in the following table:*

Navy: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>California</i>	<i>Camp Pendleton Amphibious Task Force ..</i>	<i>\$10,700,000</i>
	<i>Camp Pendleton Marine Corp Base</i>	<i>\$7,470,000</i>
	<i>China Lake Naval Air Warfare Center</i>	<i>\$6,000,000</i>
	<i>El Centro Naval Air Facility</i>	<i>\$3,000,000</i>
	<i>Lemoore Naval Air Station</i>	<i>\$7,000,000</i>
	<i>North Island Naval Air Station</i>	<i>\$18,830,000</i>
	<i>Port Hueneme Construction Battalion Center</i>	<i>\$9,650,000</i>
	<i>San Diego Marine Corps Recruit Depot ...</i>	<i>\$1,090,000</i>
	<i>San Diego Naval Station</i>	<i>\$4,100,000</i>
	<i>Twentynine Palms, Marine Corps Air-Ground Combat Center</i>	<i>\$2,900,000</i>
<i>Florida</i>	<i>Blount Island</i>	<i>\$10,000,000</i>
	<i>Jacksonville Fleet and Industrial Supply Center</i>	<i>\$2,200,000</i>
	<i>Pensacola Naval Air Station</i>	<i>\$2,100,000</i>
<i>Hawaii</i>	<i>Kaneohe Bay Marine Corps Air Station ...</i>	<i>\$171,000</i>
<i>Illinois</i>	<i>Great Lakes Navy Public Works Center ...</i>	<i>\$13,000,000</i>
<i>Indiana</i>	<i>Crane Naval Surface Warfare Center</i>	<i>\$8,415,000</i>
<i>Maryland</i>	<i>Indian Head Naval Surface Warfare Center</i>	<i>\$10,000,000</i>
	<i>Patuxent River Naval Air Warfare Center</i>	<i>\$8,200,000</i>
	<i>United States Naval Academy</i>	<i>\$2,000,000</i>
<i>New Jersey</i>	<i>Lakehurst Naval Air Warfare Center</i>	<i>\$2,950,000</i>
<i>New Mexico</i>	<i>White Sands Naval Ordnance Missile Test Station</i>	<i>\$1,390,000</i>
<i>North Carolina</i>	<i>Camp Lejeune Marine Corp Base</i>	<i>\$14,850,000</i>
	<i>Cherry Point Marine Corps Air Station ...</i>	<i>\$2,100,000</i>
<i>Pennsylvania</i>	<i>Philadelphia Naval Shipyard</i>	<i>\$11,500,000</i>
<i>Rhode Island</i>	<i>Newport Naval Education and Training Center</i>	<i>\$14,500,000</i>
	<i>Newport Naval War College</i>	<i>\$28,000,000</i>
<i>South Carolina</i>	<i>Beauford Marine Corps Air Station</i>	<i>\$10,800,000</i>
	<i>Parris Island Marine Corps Recruit Depot</i>	<i>\$8,550,000</i>
<i>Texas</i>	<i>Ingleside Naval Station</i>	<i>\$14,110,000</i>
	<i>Kingsville Naval Air Station</i>	<i>\$1,530,000</i>
<i>Virginia</i>	<i>Chesapeake Naval Security Group Activity</i>	<i>\$1,150,000</i>
	<i>Dam Neck Fleet Combat Training Center .</i>	<i>\$7,000,000</i>
	<i>Little Creek Amphibious Base</i>	<i>\$5,000,000</i>
	<i>Norfolk Marine Corps Security Force Battalion Atlantic</i>	<i>\$6,480,000</i>
	<i>Norfolk Naval Base</i>	<i>\$5,100,000</i>
	<i>Norfolk Naval Station</i>	<i>\$17,430,000</i>
	<i>Oceana Naval Air Station</i>	<i>\$4,700,000</i>
<i>Washington</i>	<i>Quantico Marine Corps Combat Development Command</i>	<i>\$19,900,000</i>
	<i>Bremerton Puget Sound Naval Shipyard .</i>	<i>\$11,040,000</i>
	<i>Everett Naval Station</i>	<i>\$21,690,000</i>

Navy: Inside the United States—Continued

State	Installation or location	Amount
	Whidbey Island Naval Air Station	\$5,200,000
Various Locations	Aircraft Fire Rescue and Vehicle Maintenance Facilities	\$2,200,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2204(a)(2), the Secretary of the Navy may
4 acquire real property and carry out military construction
5 projects for the installations and locations outside the Unit-
6 ed States, and in the amounts, set forth in the following
7 table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Crete Naval Support Activity	\$3,050,000
Guam	Public Works Center	\$21,600,000
Italy	Naples Naval Support Activity	\$28,460,000
	Sigonella Naval Air Station	\$13,750,000
Puerto Rico	Sabana Seca Naval Security Group Activity	\$1,650,000
United Kingdom	Saint Mawgan Joint Communication Center	\$3,900,000

8 **SEC. 2202. FAMILY HOUSING.**

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
10 amounts appropriated pursuant to the authorization of ap-
11 propriations in section 2204(a)(5)(A), the Secretary of the
12 Navy may construct or acquire family housing units (in-
13 cluding land acquisition) at the installations, for the pur-
14 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	196 units	\$28,552,000
	San Diego Navy Public Works Center	136 units	\$18,262,000
Hawaii	Pearl Harbor Public Works Center.	100 units (replacement)	\$16,000,000
Maryland	Patuxent River Naval Air Station.	Housing Office	\$863,000
Mississippi	Gulfport Construction Battalion Center	120 units	\$10,370,000
Texas	Corpus Christi Naval Air Station	100 units	\$11,800,000
Virginia	Norfolk Navy Public Works Center.	Warehouse & Self Help Center	\$555,000
Washington	Everett Naval Station ..	Housing Office	\$780,000

1 (b) *PLANNING AND DESIGN.*—Using amounts appropriated pursuant to the authorization of appropriations in
2 section 2204(a)(5)(A), the Secretary of the Navy may carry
3 out architectural and engineering services and construction
4 design activities with respect to the construction or im-
5 provement of military family housing units in an amount
6 not to exceed \$24,681,000.

8 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-
12 ization of appropriations in section 2204(a)(5)(A), the Sec-
13 retary of the Navy may improve existing military family
14 housing units in the amount of \$155,602,000.

1 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

2 (a) *IN GENERAL.*—Funds are hereby authorized to be
3 appropriated for fiscal years beginning after September 30,
4 1994, for military construction, land acquisition, and mili-
5 tary family housing functions of the Department of the
6 Navy in the total amount of \$1,569,850,000 as follows:

7 (1) *For military construction projects inside the*
8 *United States authorized by section 2201(a),*
9 *\$325,996,000.*

10 (2) *For military construction projects outside the*
11 *United States authorized by section 2201(b),*
12 *\$72,410,000.*

13 (3) *For unspecified minor construction projects*
14 *authorized by section 2805 of title 10, United States*
15 *Code, \$7,000,000.*

16 (4) *For architectural and engineering services*
17 *and construction design under section 2807 of title*
18 *10, United States Code, \$43,380,000.*

19 (5) *For military family housing functions:*

20 (A) *For construction and acquisition of*
21 *military family housing and facilities,*
22 *\$267,465,000.*

23 (B) *For support of military housing (in-*
24 *cluding functions described in section 2833 of*
25 *title 10, United States Code), \$853,599,000, of*
26 *which not more than \$114,336,000 may be obli-*

1 gated or expended for the leasing of military
2 family housing units worldwide.

3 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
4 *PROJECTS.*—Notwithstanding the cost variations author-
5 ized by section 2853 of title 10, United States Code, and
6 any other cost variation authorized by law, the total cost
7 of all projects carried out under section 2201 of this Act
8 may not exceed—

9 (1) the total amount authorized to be appro-
10 priated under paragraphs (1) and (2) of subsection
11 (a); and

12 (2) \$18,000,000 (the balance of the amount au-
13 thorized under section 2201(a) for the construction of
14 a Strategic Maritime Research Center at the Naval
15 War College, Newport, Rhode Island).

16 **SEC. 2205. RESTORATION OF AUTHORITY TO CARRY OUT**
17 **MILITARY CONSTRUCTION PROJECT AT**
18 **NAVAL SUPPLY CENTER, PENSACOLA, FLOR-**
19 **IDA.**

20 (a) *REAUTHORIZATION.*—Notwithstanding section
21 2205(b)(1)(D)(ii) of the Military Construction Authoriza-
22 tion Act for Fiscal Year 1994 (division B of Public Law
23 103–160; 107 Stat. 1865), the Secretary of the Navy may
24 carry out the military construction project at the Naval
25 Supply Center, Pensacola, Florida, which involves construc-

tion of a cold storage facility at the installation and was originally authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1514).

(b) *CONFORMING AMENDMENT.*—Section 2205(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1518), as amended by section 2205(b)(2) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1865), is further amended—

(A) in the matter preceding the paragraphs, by striking out “\$1,759,990,000” and inserting in lieu thereof “\$1,765,690,000”; and

(B) in paragraph (1), by striking out “\$667,700,000” and inserting in lieu thereof “\$673,400,000”.

SEC. 2206. DESIGN ACTIVITIES FOR UPGRADE OF MAYPORT

NAVAL STATION, FLORIDA.

(a) *COMMENCEMENT OF DESIGN ACTIVITIES.*—At the conclusion of the facilities study prepared by the Secretary of the Navy to identify infrastructure improvements that would be necessary to provide Mayport Naval Station, Florida, with the capability to serve as a homeport for a nuclear powered aircraft carrier and the programmatic environ-

1 *mental impact study to identify environmental issues asso-*
 2 *ciated with such improvements, the Secretary shall begin*
 3 *design work for such military construction projects as may*
 4 *be necessary to provide for such a capability.*

5 (b) *RULE OF CONSTRUCTION.*—*Nothing in subsection*
 6 *(a) shall be construed as an authorization to the Secretary*
 7 *to proceed with the construction of facilities specifically de-*
 8 *signed to make Mayport Naval Station capable of serving*
 9 *as a homeport for a nuclear powered aircraft carrier.*

10 ***TITLE XXIII—AIR FORCE***

11 ***SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND*** 12 ***LAND ACQUISITION PROJECTS.***

13 (a) *INSIDE THE UNITED STATES.*—*Using amounts ap-*
 14 *propriated pursuant to the authorization of appropriations*
 15 *in section 2304(a)(1), the Secretary of the Air Force may*
 16 *acquire real property and carry out military construction*
 17 *projects for the installations and locations inside the United*
 18 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

<i>State</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Alabama</i>	<i>Maxwell Air Force Base</i>	<i>\$9,600,000</i>
	<i>Maxwell Air Force Base Annex</i>	<i>3,700,000</i>
<i>Alaska</i>	<i>Cape Lisburne Long Range Radar Site</i>	<i>\$2,800,000</i>
<i>Arizona</i>	<i>Davis Monthan Air Force Base</i>	<i>\$1,400,000</i>
<i>California</i>	<i>Beale Air Force Base</i>	<i>\$11,850,000</i>
	<i>Edwards Air Force Base</i>	<i>\$14,850,000</i>
	<i>McClellan Air Force Base</i>	<i>\$10,150,000</i>
	<i>Travis Air Force Base</i>	<i>\$12,600,000</i>
	<i>Vandenberg Air Force Base</i>	<i>\$6,550,000</i>
<i>Colorado</i>	<i>Peterson Air Force Base</i>	<i>\$1,750,000</i>
<i>Delaware</i>	<i>Dover Air Force Base</i>	<i>\$10,500,000</i>
<i>Florida</i>	<i>Cape Canaveral Air Force Station</i>	<i>\$10,450,000</i>

Air Force: Inside the United States—Continued

State	Installation or location	Amount
<i>Georgia</i>	<i>Moody Air Force Base</i>	<i>\$13,400,000</i>
	<i>Robins Air Force Base</i>	<i>\$21,200,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base</i>	<i>\$4,950,000</i>
<i>Illinois</i>	<i>Scott Air Force Base</i>	<i>\$2,700,000</i>
<i>Kansas</i>	<i>McConnell Air Force Base</i>	<i>\$500,000</i>
<i>Louisiana</i>	<i>Barksdale Air Force Base</i>	<i>\$1,500,000</i>
<i>Maryland</i>	<i>Andrews Air Force Base</i>	<i>\$6,300,000</i>
<i>Mississippi</i>	<i>Columbus Air Force Base</i>	<i>\$10,000,000</i>
	<i>Keesler Air Force Base</i>	<i>\$11,240,000</i>
<i>Missouri</i>	<i>Whiteman Air Force Base</i>	<i>\$24,290,000</i>
<i>Montana</i>	<i>Malstrom Air Force Base</i>	<i>\$7,200,000</i>
<i>Nebraska</i>	<i>Offutt Air Force Base</i>	<i>\$2,260,000</i>
<i>New Jersey</i>	<i>McGuire Air Force Base</i>	<i>\$17,000,000</i>
<i>New Mexico</i>	<i>Holloman Air Force Base</i>	<i>\$10,950,000</i>
	<i>Kirtland Air Force Base</i>	<i>\$3,200,000</i>
<i>North Carolina</i>	<i>Pope Air Force Base</i>	<i>\$4,750,000</i>
<i>North Dakota</i>	<i>Grand Forks Air Force Base</i>	<i>\$5,200,000</i>
	<i>Minot Air Force Base</i>	<i>\$10,350,000</i>
<i>Ohio</i>	<i>Wright-Patterson Air Force Base</i>	<i>\$8,250,000</i>
<i>Oklahoma</i>	<i>Altus Air Force Base</i>	<i>\$3,750,000</i>
	<i>Tinker Air Force Base</i>	<i>\$20,443,000</i>
	<i>Vance Air Force Base</i>	<i>\$11,680,000</i>
<i>South Carolina</i>	<i>Charleston Air Force Base</i>	<i>\$11,400,000</i>
<i>South Dakota</i>	<i>Ellsworth Air Force Base</i>	<i>\$5,950,000</i>
<i>Tennessee</i>	<i>Arnold Air Force Base</i>	<i>\$1,900,000</i>
<i>Texas</i>	<i>Brooks Air Force Base</i>	<i>\$6,500,000</i>
	<i>Dyess Air Force Base</i>	<i>\$5,400,000</i>
	<i>Kelly Air Force Base</i>	<i>\$16,550,000</i>
	<i>Lackland Air Force Base</i>	<i>\$5,200,000</i>
	<i>Sheppard Air Force Base</i>	<i>\$3,300,000</i>
<i>Virginia</i>	<i>Langley Air Force Base</i>	<i>\$5,500,000</i>
<i>Washington</i>	<i>Fairchild Air Force Base</i>	<i>\$14,350,000</i>
	<i>McChord Air Force Base</i>	<i>\$10,400,000</i>
<i>Wyoming</i>	<i>F.E. Warren Air Force Base</i>	<i>\$2,650,000</i>
<i>CONUS Classified</i>	<i>Classified Location</i>	<i>\$2,141,000</i>

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and may carry out military con-
5 struction projects for the installations and locations outside

1 the United States, and in the amounts, set forth in the fol-
 2 lowing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	\$12,350,000
	Spangdahlem Air Base	\$9,473,000
Greenland	Thule Air Base	\$2,450,000
Portugal	Lajes Field, Azores	\$2,850,000
United Kingdom	Lakenheath Royal Air Force Base	\$7,100,000
Overseas Classified	Classified Location	\$4,050,000

3 **SEC. 2302. FAMILY HOUSING.**

4 (a) CONSTRUCTION AND ACQUISITION.—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2304(a)(6)(A), the Secretary of the
 7 Air Force may construct or acquire family housing units
 8 (including land acquisition) at the installations, for the
 9 purposes, and in the amounts set forth in the following
 10 table:

Air Force: Family Housing

State	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	25 units	\$2,100,000
Arizona	Davis-Monthan Air Force Base	110 units	\$10,029,000
California	Beale Air Force Base	76 units	\$8,842,000
	Edwards Air Force Base	34 units	\$4,629,000
	Los Angeles Air Force Station	50 units	\$5,000,000
	Vandenberg Air Force Base	128 units	\$16,460,000
District of Columbia	Bolling Air Force Base	100 units	\$9,000,000
Florida	Patrick Air Force Base	75 units	\$7,145,000
Idaho	Mountain Home Air Force Base	4 units	\$881,000
	Mountain Home Air Force Base	60 units	\$5,712,000

Air Force: Family Housing—Continued

State	Installation	Purpose	Amount
Kansas	McConnell Air Force Base	70 units	\$8,322,000
Louisiana	Barksdale Air Force Base	82 units	\$8,236,000
Missouri	Whiteman Air Force Base	Housing Office	\$567,000
New Mexico	Cannon Air Force Base	1 unit	\$230,000
	Holloman Air Force Base	76 units	\$7,733,000
	Kirtland Air Force Base	106 units	\$10,058,000
North Carolina	Pope Air Force Base	120 units	\$14,874,000
	Seymour Johnson Air Force Base	74 units	\$6,025,000
North Dakota	Grand Forks Air Force Base	Housing Office	\$709,000
South Carolina	Shaw Air Force Base	3 units	\$631,000
Texas	Dyess Air Force Base	59 units	\$7,077,000
Utah	Hill Air Force Base	138 units	\$11,400,000
Virginia	Langley Air Force Base	148 units	\$14,421,000
Washington	Fairchild Air Force Base	6 units	\$1,035,000
Wyoming	F.E. Warren Air Force Base	106 units	\$11,321,000

1 (b) *PLANNING AND DESIGN.*—Using amounts appro-
2 priated pursuant to the authorization of appropriations in
3 section 2304(a)(6)(A), the Secretary of the Air Force may
4 carry out architectural and engineering services and con-
5 struction design activities with respect to the construction
6 or improvement of military family housing units in an
7 amount not to exceed \$9,275,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code,
11 and using amounts appropriated pursuant to the author-

1 *ization of appropriations in section 2304(a)(6)(A), the Sec-*
 2 *retary of the Air Force may improve existing military fam-*
 3 *ily housing units in an amount not to exceed \$61,770,000.*

4 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
 5 **FORCE.**

6 *(a) IN GENERAL.—Funds are hereby authorized to be*
 7 *appropriated for fiscal years beginning after September 30,*
 8 *1994, for military construction, land acquisition, and mili-*
 9 *tary family housing functions of the Department of the Air*
 10 *Force in the total amount of \$1,548,040,000 as follows:*

11 *(1) For military construction projects inside the*
 12 *United States authorized by section 2301(a),*
 13 *\$388,554,000.*

14 *(2) For military construction projects outside the*
 15 *United States authorized by section 2301(b),*
 16 *\$38,273,000.*

17 *(3) For unspecified minor construction projects*
 18 *authorized by section 2805 of title 10, United States*
 19 *Code, \$7,000,000.*

20 *(4) For architectural and engineering services*
 21 *and construction design under section 2807 of title*
 22 *10, United States Code, \$49,386,000.*

23 *(5) For the construction of the climatic test*
 24 *chamber at Eglin Air Force Base, Florida, authorized*
 25 *by section 2301(a) of the Military Construction Au-*

1 *thorization Act for Fiscal Year 1993 (division B of*
 2 *Public Law 102-484; 106 Stat. 2594), \$20,000,000.*

3 *(6) For military family housing functions:*

4 *(A) For construction and acquisition of*
 5 *military family housing and facilities,*
 6 *\$243,482,000.*

7 *(B) For support of military housing (in-*
 8 *cluding functions described in section 2833 of*
 9 *title 10, United States Code), \$801,345,000, of*
 10 *which not more than \$112,757,000 may be obli-*
 11 *gated or expended for leasing of military family*
 12 *housing units worldwide.*

13 *(b) LIMITATION ON TOTAL COST OF CONSTRUCTION*
 14 *PROJECTS.—Notwithstanding the cost variations author-*
 15 *ized by section 2853 of title 10, United States Code, and*
 16 *any other cost variation authorized by law, the total cost*
 17 *of all projects carried out under section 2301 of this Act*
 18 *may not exceed the total amount authorized to be appro-*
 19 *priated under paragraphs (1) and (2) of subsection (a).*

20 **SEC. 2305. REVISION OF FAMILY HOUSING PROJECT AT**
 21 **TYNDALL AIR FORCE BASE, FLORIDA.**

22 *The table in section 2302(a) of the Military Construc-*
 23 *tion Authorization Act for Fiscal Year 1994 (division B*
 24 *of Public Law 103-160; 107 Stat. 1869) is amended in the*
 25 *item relating to Tyndall Air Force Base, Florida, by strik-*

1 ing out “Infrastructure” and inserting in lieu thereof “45
2 units”.

3 **SEC. 2306. AUTHORIZATION OF MILITARY CONSTRUCTION**
4 **PROJECTS AT TYNDALL AIR FORCE BASE,**
5 **FLORIDA, FOR WHICH FUNDS HAVE BEEN AP-**
6 **PROPRIATED.**

7 (a) *AUTHORIZATION.*—The table in section 2301(a) of
8 the Military Construction Authorization Act for Fiscal Year
9 1994 (Public Law 103–160; 107 Stat. 1867) is amended
10 in the item relating to Tyndall Air Force Base, Florida,
11 by striking out “\$2,600,000” and inserting in lieu thereof
12 “\$8,200,000”.

13 (b) *CONFORMING AMENDMENT.*—Section 2304(a) of
14 such Act (107 Stat. 1870) is amended—

15 (1) in the matter preceding the paragraphs, by
16 striking out “\$2,040,031,000” and inserting in lieu
17 thereof “\$2,045,631,000”; and

18 (2) in paragraph (1), by striking out
19 “\$877,539,000” and inserting in lieu thereof
20 “\$883,139,000”.

21 **SEC. 2307. MODIFICATION OF AIR FORCE PLANT NO. 3.**

22 Of the amount authorized to be appropriated under
23 section 301(4) for the Air Force (and made available for
24 real property maintenance), \$10,000,000 shall be available

1 *to the Secretary of the Air Force to proceed with the modi-*
 2 *fication of Air Force Plant No. 3, Tulsa, Oklahoma.*

3 ***SEC. 2308. REPEAL OF LIMITATION ON ORDER OF RETIRE-***
 4 ***MENT OF MINUTEMAN II MISSILES.***

5 *Section 2307 of the Military Construction Authoriza-*
 6 *tion Act for Fiscal Year 1991 (division B of Public Law*
 7 *101-510; 104 Stat. 1775) is repealed.*

8 ***TITLE XXIV—DEFENSE***
 9 ***AGENCIES***

10 ***SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUC-***
 11 ***TION AND LAND ACQUISITION PROJECTS.***

12 *Using amounts appropriated pursuant to the author-*
 13 *ization of appropriations in section 2405(a)(1), the Sec-*
 14 *retary of Defense may acquire real property and carry out*
 15 *military construction projects for the installations and loca-*
 16 *tions inside the United States, and in the amounts, set forth*
 17 *in the following table:*

Defense Agencies: Inside the United States

<i>Agency</i>	<i>Installation or location</i>	<i>Amount</i>
<i>Defense Intelligence Agen-</i> <i>cy.</i>	<i>Bolling Air Force Base, Washington, D.C .</i>	<i>\$600,000</i>
<i>Defense Logistics Agency ..</i>	<i>Defense Construction Supply Center, Co-</i> <i>lumbus, Ohio</i>	<i>\$2,200,000</i>
	<i>Defense Contract Management Area Office,</i> <i>El Segundo, California</i>	<i>\$5,100,000</i>
	<i>Defense Fuel Support Point, Craney Is-</i> <i>land, Virginia</i>	<i>\$3,652,000</i>
	<i>Headquarters, Defense Logistics Agency,</i> <i>Ft. Belvoir, Virginia</i>	<i>\$4,600,000</i>
<i>Defense Medical Facility</i> <i>Office</i>	<i>Fort Dix, New Jersey</i>	<i>\$2,000,000</i>
	<i>Fort McPherson, Georgia</i>	<i>\$11,400,000</i>
	<i>McClellan Air Force Base, California</i>	<i>\$10,280,000</i>
<i>National Security Agency</i>	<i>Fort Meade, Maryland</i>	<i>\$5,458,000</i>

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
<i>Office Secretary of Defense</i>	<i>CONUS Classified, Classified Location</i>	<i>\$5,300,000</i>
<i>Section 6 Schools</i>	<i>Naval Surface Warfare Center, Virginia ...</i>	<i>\$1,300,000</i>
<i>Special Operations Force .</i>	<i>Eglin Auxiliary Field No. 9, Florida</i>	<i>\$12,300,000</i>
	<i>Kirtland Air Force Base, New Mexico</i>	<i>\$9,600,000</i>
	<i>Naval Base Coronado, San Diego, California</i>	<i>\$3,400,000</i>

1 SEC. 2402. FAMILY HOUSING.

2 *Using amounts appropriated pursuant to the author-*
3 *ization of appropriations in section 2405(a)(11)(A), the*
4 *Secretary of Defense may construct or acquire family hous-*
5 *ing units (including land acquisition) at the location, for*
6 *the purpose, and in the amount set forth in the following*
7 *table:*

Air Force: Family Housing

Country	Agency	Purpose	Amount
<i>Belgium</i>	<i>National Security Agency</i>	<i>1 unit</i>	<i>\$300,000</i>

8 **SEC. 2403. IMPROVEMENT TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 *Subject to section 2835 of title 10, United States Code,*
11 *and using amounts appropriated pursuant to the author-*
12 *ization of appropriations in section 2405(a)(11)(A), the*
13 *Secretary of Defense may improve existing military family*
14 *housing units in an amount not to exceed \$50,000.*

15 SEC. 2404. ENERGY CONSERVATION PROJECTS.

16 *Using amounts appropriated pursuant to the author-*
17 *ization of appropriations in section 2405(a)(8), the Sec-*

1 *retary of Defense may carry out energy conservation*
2 *projects under section 2865 of title 10, United States Code.*

3 ***SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE***
4 ***AGENCIES.***

5 *(a) IN GENERAL.—Funds are hereby authorized to be*
6 *appropriated for fiscal years beginning after September 30,*
7 *1994, for military construction, land acquisition, and mili-*
8 *tary family housing functions of the Department of Defense*
9 *(other than the military departments), in the total amount*
10 *of \$2,999,138,000 as follows:*

11 *(1) For military construction projects inside the*
12 *United States authorized by section 2401(a),*
13 *\$77,190,000.*

14 *(2) For military construction projects at Ports-*
15 *mouth Naval Hospital, Virginia, authorized by sec-*
16 *tion 2401(a) of the Military Construction Authoriza-*
17 *tion Act for Fiscal Years 1990 and 1991 (division B*
18 *of Public Law 101–189; 103 Stat. 1640),*
19 *\$120,000,000.*

20 *(3) For military construction projects at Elmen-*
21 *dorf Air Force Base, Alaska, hospital replacement,*
22 *authorized by section 2401(a) of the Military Con-*
23 *struction Authorization Act for Fiscal Year 1993 (di-*
24 *vision B of Public Law 102–484; 106 Stat. 2599),*
25 *\$66,000,000.*

1 (4) *For military construction projects at Fort*
2 *Bragg, North Carolina, hospital replacement, author-*
3 *ized by section 2401(a) of the Military Construction*
4 *Authorization Act for Fiscal Year 1993 (division B of*
5 *Public Law 102-484; 106 Stat. 2599), \$75,000,000.*

6 (5) *For unspecified minor construction projects*
7 *under section 2805 of title 10, United States Code,*
8 *\$22,348,000.*

9 (6) *For contingency construction projects of the*
10 *Secretary of Defense under section 2804 of title 10,*
11 *United States Code, \$8,501,000.*

12 (7) *For architectural and engineering services*
13 *and for construction design under section 2807 of title*
14 *10, United States Code, \$45,960,000.*

15 (8) *For energy conservation projects authorized*
16 *by section 2404, \$50,000,000.*

17 (9) *For base closure and realignment activities*
18 *as authorized by title II of the Defense Authorization*
19 *Amendments and Base Closure and Realignment Act*
20 *(Public Law 100-526; 10 U.S.C. 2687 note),*
21 *\$87,600,000.*

22 (10) *For base closure and realignment activities*
23 *as authorized by the Defense Base Closure and Re-*
24 *alignment Act of 1990 (part A of title XXIX of Public*
25 *Law 101-510; 10 U.S.C. 2687 note), \$2,417,148,000.*

1 (11) *For military family housing functions:*

2 (A) *For construction and acquisition of*
3 *military family housing and facilities, \$350,000.*

4 (B) *For support of military housing (in-*
5 *cluding functions described in section 2833 of*
6 *title 10, United States Code), \$29,031,000, of*
7 *which not more than \$24,051,000 may be obli-*
8 *gated or expended for the leasing of military*
9 *family housing units worldwide.*

10 (b) *LIMITATION OF TOTAL COST OF CONSTRUCTION*
11 *PROJECTS.—Notwithstanding the cost variations author-*
12 *ized by section 2853 of title 10, United States Code, and*
13 *any other cost variations authorized by law, the total cost*
14 *of all projects carried out under section 2401 of this Act*
15 *may not exceed the total amount authorized to be appro-*
16 *priated under subsection (a)(1) of this section.*

17 **SEC. 2406. COMMUNITY IMPACT ASSISTANCE WITH REGARD**
18 **TO NAVAL WEAPONS STATION, CHARLESTON,**
19 **SOUTH CAROLINA.**

20 *Using amounts appropriated pursuant to the author-*
21 *ization of appropriations in section 2405(a)(9), the Sec-*
22 *retary of the Navy shall transfer \$3,000,000 to the South*
23 *Carolina Department of Highways and Public Transpor-*
24 *tation to be used for improvements to North Rhett Avenue,*
25 *which provides access to the Naval Weapons Station,*

1 *Charleston, South Carolina, to help alleviate the adverse ef-*
 2 *fects of the closure of the Charleston Naval Station and*
 3 *Charleston Naval Shipyard, South Carolina, on the sur-*
 4 *rounding communities.*

5 ***TITLE XXV—NORTH ATLANTIC***
 6 ***TREATY ORGANIZATION IN-***
 7 ***FRAStructure***

8 ***SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND***
 9 ***ACQUISITION PROJECTS.***

10 *The Secretary of Defense may make contributions for*
 11 *the North Atlantic Treaty Organization Infrastructure Pro-*
 12 *gram, as provided in section 2806 of title 10, United States*
 13 *Code, in an amount not to exceed the sum of the amount*
 14 *authorized to be appropriated for this purpose in section*
 15 *2502 and the amount collected from the North Atlantic*
 16 *Treaty Organization as a result of construction previously*
 17 *financed by the United States.*

18 ***SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.***

19 *Funds are hereby authorized to be appropriated for fis-*
 20 *cal years beginning after September 30, 1994, for contribu-*
 21 *tions by the Secretary of Defense under section 2806 of title*
 22 *10, United States Code, for the share of the United States*
 23 *of the cost of projects for the North Atlantic Treaty Organi-*
 24 *zation Infrastructure Program, as authorized by section*
 25 *2501, in the amount of \$119,000,000.*

**TITLE XXVI—GUARD AND
RESERVE FORCES FACILITIES**

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1994, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$145,067,000; and

(B) for the Army Reserve, \$37,410,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$11,905,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$210,212,000; and

(B) for the Air Force Reserve, \$55,516,000.

SEC. 2602. PROHIBITION ON USING FUNDS FOR UNAUTHORIZED GUARD AND RESERVE PROJECTS.

Unless otherwise specifically authorized by a law enacted after the date of the enactment of this Act, funds ap-

1 *appropriated pursuant to the authorization of appropriations*
 2 *in section 2601 may only be used for the purpose of paying*
 3 *for the costs of acquisition, architectural and engineering*
 4 *services, and construction of facilities for the Guard and*
 5 *Reserve Forces (and for contributions for such purposes)*
 6 *under chapter 133 of title 10, United States Code, in the*
 7 *case of projects for the Guard and Reserve Forces specified*
 8 *in the joint explanatory statement of the committee of con-*
 9 *ference to accompany the bill H.R. 4301 of the One Hun-*
 10 *dred and Third Congress.*

11 **SEC. 2603. AUTHORIZATION OF PROJECTS FOR WHICH**
 12 **FUNDS HAVE BEEN APPROPRIATED.**

13 *Section 2601 of the Military Construction Authoriza-*
 14 *tion Act for Fiscal Year 1994 (division B of Public Law*
 15 *103–160; 107 Stat. 1878) is amended—*

16 *(1) in paragraph (1), by striking out*
 17 *“\$283,483,000” and inserting in lieu thereof*
 18 *“\$289,398,000”; and*

19 *(2) in paragraph (2), by striking out*
 20 *“\$25,013,000” and inserting in lieu thereof*
 21 *“\$33,713,000”.*

22 **SEC. 2604. STATE NATIONAL GUARD HEADQUARTERS, FORT**
 23 **DIX, NEW JERSEY.**

24 *Funds appropriated pursuant to the authorization of*
 25 *appropriations in section 2601(1)(A) of the Military Con-*

1 *struction Authorization Act for Fiscal Year 1993 (division*
 2 *B of Public Law 102–484; 106 Stat. 2602) for the renova-*
 3 *tion of facilities at Fort Dix, New Jersey, for the purpose*
 4 *of accommodating a consolidated New Jersey National*
 5 *Guard headquarters may also be used for additions and al-*
 6 *terations to such facilities for the same purpose.*

7 ***TITLE XXVII—EXPIRATION AND***
 8 ***EXTENSION OF AUTHORIZA-***
 9 ***TIONS***

10 ***SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND***
 11 ***AMOUNTS REQUIRED TO BE SPECIFIED BY***
 12 ***LAW.***

13 *(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE*
 14 *YEARS.—Except as provided in subsection (b), all author-*
 15 *izations contained in titles XXI through XXVI for military*
 16 *construction projects, land acquisition, family housing*
 17 *projects and facilities, and contributions to the North At-*
 18 *lantic Treaty Organization Infrastructure program (and*
 19 *authorizations of appropriations therefor) shall expire on*
 20 *the later of—*

21 *(1) October 1, 1997; or*

22 *(2) the date of the enactment of an Act authoriz-*
 23 *ing funds for military construction for fiscal year*
 24 *1998.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to au-
 2 thorizations for military construction projects, land acqui-
 3 sition, family housing projects and facilities, and contribu-
 4 tions to the North Atlantic Treaty Organization Infrastruc-
 5 ture program (and authorizations of appropriations there-
 6 for), for which appropriated funds have been obligated be-
 7 fore the later of—

8 (1) October 1, 1997; or

9 (2) the date of the enactment of an Act authoriz-
 10 ing funds for fiscal year 1998 for military construc-
 11 tion projects, land acquisition, family housing
 12 projects and facilities, or contributions to the North
 13 Atlantic Treaty Organization Infrastructure program.

14 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 15 **FISCAL YEAR 1992 PROJECTS.**

16 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
 17 the Military Construction Authorization Act for Fiscal Year
 18 1992 (division B of Public Law 102–190, 105 Stat. 1535),
 19 authorizations for the projects set forth in the tables in sub-
 20 section (b), as provided in section 2101, 2102, 2201, 2301,
 21 or 2601 of that Act, shall remain in effect until October
 22 1, 1995, or the date of the enactment of an Act authorizing
 23 funds for military construction for fiscal year 1996, which-
 24 ever is later.

- 1 (b) TABLES.—The tables referred to in subsection (a)
 2 are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Fort Carson	Family Housing New Construction (1 Unit)	\$150,000
Georgia	Camp Merrill	Family Housing New Construction (36 Units)	\$4,550,000
	Fort Benning	General Instruction Facility.	\$2,150,000
Oregon	Umatilla Depot Activity	Ammunition Demilitarization Support Facility.	\$3,600,000
		Ammunition Demilitarization Utilities	\$7,500,000

Navy: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Gulfport Naval Construction Battalion Center	Controlled Humidity Warehouse.	\$7,000,000
West Virginia	Green Bank Naval Observatory	Alternate Operations Center.	\$5,400,000
Italy	Sigonella Naval Air Station	Operations Control Center.	\$9,850,000
Outside United States	Various locations	Satellite terminal	\$8,770,000

Air Force: Extension of 1992 Project Authorization

State	Installation or location	Project	Amount
Alaska	Eareckson Air Force Station (formerly Shemya Air Force Base).	Hazardous Materials Storage	\$4,000,000

Army National Guard: Extension of 1992 Project Authorizations

State	Location	Project	Amount
California	Stockton	Additions & Alterations CSMS	\$1,613,000

Army National Guard: Extension of 1992 Project Authorizations—
Continued

State	Location	Project	Amount
District of Columbia	Fort Belvoir	Addition, Aviation AASF	\$2,765,000
Maryland	Cheltenham	Armory	\$3,300,000
	Towson	DLOG Warehouse ...	\$373,000
Mississippi	West Point	Maintenance Shop ..	\$1,270,000
	Tupelo	Maintenance Shop ...	\$992,000
	Senatobia	Maintenance Shop ...	\$723,000
Nevada	Washoe County	Maintenance Shop ...	\$1,050,000
North Carolina	Camp Butner	Range	\$986,000
Ohio	Toledo	Armory	\$3,183,000
Rhode Island	Camp Varnum	Sewer and Water System	\$578,000
	Camp Fogarty	Armory	\$5,151,000
West Virginia	Huntington	Guard&Reserve Cen- ter	\$2,983,000

Army Reserve: Extension of 1992 Project Authorizations

State	Location	Project	Amount
Massachusetts	Taunton	USAR Center	\$3,526,000
Ohio	Perrysburg	Reserve Center Addi- tion	\$2,749,000
Pennsylvania	Johnstown	Army&Marine Corps Aviation Facility .	\$30,224,000
Tennessee	Jackson	Joint Training Fa- cility	\$1,537,000
West Virginia	Huntington	Guard&Reserve Cen- ter	\$6,617,000

1 SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN

2 FISCAL YEAR 1991 PROJECTS.

3 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal Year
5 1991 (division B of Public Law 101–510, 104 Stat. 1782),
6 the authorizations for the projects set forth in the tables in
7 subsection (b), as provided in section 2201 or 2401 of that
8 Act and extended by section 2702(a) of the Military Con-
9 struction Authorization Act for Fiscal Year 1992 (division

1 *B of Public Law 102–190; 105 Stat. 1535) and section 2702*
 2 *of the Military Construction Authorization Act for Fiscal*
 3 *Year 1994 (division B of Public Law 103–160; 107 Stat.*
 4 *1880), shall remain in effect until October 1, 1995, or the*
 5 *date of the enactment of an Act authorizing funds for mili-*
 6 *tary construction for fiscal year 1996, whichever is later.*

7 (b) *TABLE.—The tables referred to in subsection (a)*
 8 *is as follows:*

Navy: Extension of 1991 Project Authorization

<i>State</i>	<i>Installation or loca- tion</i>	<i>Project</i>	<i>Amount</i>
<i>Connecticut</i>	<i>New London Naval Sub- marine Base.</i>	<i>Thames River Dredg- ing</i>	<i>\$5,300,000</i>

Defense Agencies: Extension of 1991 Project Authorization

<i>State</i>	<i>location</i>	<i>Project</i>	<i>Amount</i>
<i>Maryland</i>	<i>Defense Logistics Agen- cy, Defense Reutilization & Mar- keting Office, Fort Meade</i>	<i>Covered Storage</i>	<i>\$9,500,000</i>

9 ***SEC. 2704. EFFECTIVE DATE.***

10 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
 11 *take effect on the later of—*

12 (1) *October 1, 1994; and*

13 (2) *the date of the enactment of this Act.*

1 **TITLE XXVIII—GENERAL**
 2 **PROVISIONS**
 3 **Subtitle A—Military Construction**
 4 **Program and Military Family**
 5 **Housing Changes**

6 **SEC. 2801. STRENGTHENING MONETARY LIMITATION ON**
 7 **RENOVATION OF FACILITIES.**

8 (a) *APPLICATION OF LIMITATION TO REPAIRS.*—Sec-
 9 tion 2811 of title 10, United States Code, is amended—

10 (1) in subsection (a)—

11 (A) by inserting “repair projects and” after
 12 “carry out”;

13 (B) by striking out “that combine mainte-
 14 nance, repair, and minor construction projects”;
 15 and

16 (C) by adding at the end the following new
 17 sentence: “For purposes of this section, a repair
 18 project combines maintenance and repair for a
 19 facility and a renovation project combines main-
 20 tenance, repair, and minor construction
 21 projects.”; and

22 (2) in subsection (b), by inserting “repair project
 23 or” after “such a”.

24 (b) *CLERICAL AMENDMENTS.*—(1) The heading of such
 25 section is amended to read as follows:

1 **“§2811. Repair or renovation of facilities”.**

2 (2) *The item related to such section in the table of sec-*
 3 *tions at the beginning of subchapter I of chapter 169 of title*
 4 *10, United States Code, is amended to read as follows:*

“2811. Repair or renovation of facilities.”.

5 **SEC. 2802. NAVY HOUSING INVESTMENT AGREEMENTS.**

6 (a) *INVESTMENT AGREEMENTS AUTHORIZED.—Sub-*
 7 *chapter II of chapter 169 of title 10, United States Code,*
 8 *is amended by adding at the end the following new section:*

9 **“§2837. Investment agreements with private devel-**
 10 **opers of housing**

11 “(a) *INVESTMENT AGREEMENTS.—The Secretary of*
 12 *the Navy may enter into investment agreements with pri-*
 13 *vate developers to encourage the construction of housing and*
 14 *accessory structures within commuting distance of a mili-*
 15 *tary installation, under the jurisdiction of the Secretary,*
 16 *at which there is a shortage of suitable housing to meet the*
 17 *requirements of members of the naval service with or with-*
 18 *out dependents.*

19 “(b) *COLLATERAL INCENTIVE AGREEMENTS.—The*
 20 *Secretary may also enter into collateral incentive agree-*
 21 *ments with private developers who enter into an investment*
 22 *agreement under subsection (a) to ensure that, where appro-*
 23 *priate—*

1 “(1) members of the naval service will have pri-
 2 ority for a fair share of any housing within the scope
 3 of the investment contract; or

4 “(2) rental rates or sale prices, as appropriate,
 5 for some or all of the units will be affordable for such
 6 members.

7 “(c) *SELECTION OF INVESTMENT OPPORTUNITIES.*—
 8 Any investment agreement under subsection (a) shall be
 9 made through the use of publicly advertised, competitively
 10 bid or competitively negotiated, contracting procedures, as
 11 provided in chapter 137 of this title.

12 “(d) *ACCOUNT.*—(1) There is hereby established on the
 13 books of the Treasury an account to be known as the ‘Navy
 14 Housing Investment Account’, which shall be administered
 15 by the Navy Housing Investment Board established under
 16 section 2838 of this title.

17 “(2) There shall be deposited into the Account—

18 “(A) such funds as may be authorized for and
 19 appropriated to the Account; and

20 “(B) any proceeds received from the repayment
 21 of investments or profits on investments under sub-
 22 section (a).

23 “(3) In such amounts as is provided in advance in
 24 appropriation Acts, the Account shall be available for con-

1 *tracts, investments, and expenses necessary for the imple-*
 2 *mentation of this section and section 2838 of this title.*

3 “(e) *REPORT.*—Not later than 60 days after the end
 4 of each fiscal year in which the Secretary carries out activi-
 5 ties under this section, the Secretary shall transmit a report
 6 to Congress specifying the amount and nature of the depos-
 7 its into, and the expenditures from, the Account during such
 8 fiscal year and of the amount and nature of all other ex-
 9 penditures made pursuant to such section during such fiscal
 10 year.

11 “(f) *TRANSFER OF NAVY LANDS PROHIBITED.*—Noth-
 12 ing in this section shall be construed to permit the Sec-
 13 retary, as part of an agreement entered into under this sec-
 14 tion, to transfer the right, title, or interest of the United
 15 States in any real property under the jurisdiction of the
 16 Secretary.

17 “(g) *EXPIRATION OF AUTHORITY.*—The authority of
 18 the Secretary to enter into an agreement under this section
 19 shall expire on September 30, 1999.”.

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

“2837. Investment agreements with private developers of housing.”.

23 **SEC. 2803. NAVY HOUSING INVESTMENT BOARD.**

24 (a) *INVESTMENT BOARD AUTHORIZED.*—Subchapter
 25 II of chapter 169 of title 10, United States Code, is amended

1 *by inserting after section 2837 (as added by section 2802)*
2 *the following new section:*

3 ***“§2838. Navy Housing Investment Board***

4 *“(a) ESTABLISHMENT.—The Secretary of the Navy*
5 *may establish a board to be known as the ‘Navy Housing*
6 *Investment Board’.*

7 *“(b) MEMBERS.—(1) The Navy Housing Investment*
8 *Board shall be composed of seven members appointed for*
9 *a two-year term by the Secretary. Among such members,*
10 *the Secretary may appoint two persons from the private*
11 *sector who have knowledge and experience in the financing*
12 *and the construction of housing.*

13 *“(2) The Secretary shall designate one of the members*
14 *as chairperson of the Board.*

15 *“(3) Members of the Board, other than those members*
16 *regularly employed by the Federal Government, may be*
17 *paid while attending meetings of the Board or otherwise*
18 *serving at the request of the Secretary, compensation at a*
19 *rate equal to the daily equivalent of the minimum annual*
20 *rate of basic pay payable for level IV of the Executive*
21 *Schedule under section 5315 of title 5, United States Code,*
22 *for each day (including travel time) during which the mem-*
23 *ber is engaged in the actual performance of duties vested*
24 *in the Board. Members shall receive travel expenses, includ-*

1 *ing per diem in lieu of subsistence, in accordance with sec-*
 2 *tion 5702 and 5703 of title 5, United States Code.*

3 “(c) *DUTIES.—The Navy Housing Investment Board*
 4 *shall—*

5 “(1) *advise the Secretary regarding which pro-*
 6 *posed investment agreements under section 2837 of*
 7 *this title, if any, are financially and otherwise sound*
 8 *investments for meeting the objectives of such section;*
 9 *and*

10 “(2) *assist the Secretary in such other ways as*
 11 *the Secretary determines to be necessary and appro-*
 12 *priate.*

13 “(d) *TERMINATION OF BOARD.—The Navy Housing*
 14 *Investment Board shall terminate on November 30, 1999.”.*

15 (b) *CLERICAL AMENDMENT.—The table of sections at*
 16 *the beginning of such subchapter is amended by inserting*
 17 *after the item relating to section 2837 (as added by section*
 18 *2802) the following new item:*

“2838. Navy Housing Investment Board.”.

1 ***Subtitle B—Defense Base Closure***
2 ***and Realignment***

3 ***SEC. 2811. PROHIBITION AGAINST CONSIDERATION IN BASE***
4 ***CLOSURE PROCESS OF ADVANCE ECONOMIC***
5 ***PLANNING UNDERTAKEN BY COMMUNITIES***
6 ***ADJACENT TO MILITARY INSTALLATIONS.***

7 *Section 2903(c)(3) of the Defense Base Closure and Re-*
8 *alignment Act of 1990 (part A of title XXIX of Public Law*
9 *101–510; 10 U.S.C. 2687 note) is amended by adding at*
10 *the end the following: “However, in recommending military*
11 *installations for closure or realignment, the Secretary (and*
12 *the Commission in reviewing such recommendations) shall*
13 *not—*

14 “(A) *in calculating the economic impact of the*
15 *closure or realignment of a military installation, con-*
16 *sider advance economic planning undertaken by a*
17 *community as a precaution against the possible clo-*
18 *sure or realignment of the military installation; or*

19 “(B) *otherwise penalize communities that under-*
20 *take such advance economic planning.”.*

1 **SEC. 2812. REPAYMENT OF STATE AND LOCAL COSTS IN-**
2 **CURRED IN CONNECTION WITH ESTABLISH-**
3 **MENT OF CERTAIN MILITARY INSTALLATIONS**
4 **SELECTED FOR CLOSURE.**

5 (a) *REPAYMENT REQUIRED ON ACCOUNT OF CLO-*
6 *SURE.—In such aggregate amount as may be provided in*
7 *advance in appropriation Acts to carry out this section,*
8 *the Secretary of Defense shall repay a State, county, or mu-*
9 *nicipal entity (or an agency or political subdivision of any*
10 *such entity) for any funds described in subsection (b) that*
11 *were expended or obligated by such entity to assist the Unit-*
12 *ed States in establishing a military installation described*
13 *in subsection (e). The amount repaid shall include interest,*
14 *calculated at a rate that is the greater of the interest rate*
15 *of any bonds issued and the interest rate of Federal Treas-*
16 *ury notes.*

17 (b) *DESCRIPTION OF FUNDS TO BE REPAID.—The*
18 *funds referred to in subsection (a) that are required to be*
19 *repaid shall include funds raised and bonds issued for the*
20 *purposes of military construction, pier construction and*
21 *improvement, land purchase, and infrastructure and utility*
22 *improvements in direct support of the military installation*
23 *to be closed.*

24 (c) *BASE ON-TIME COST REPORT.—Any payment re-*
25 *quired to be made under subsection (a) with respect to a*
26 *military installation shall be used in the calculation of the*

1 *Base On-Time Cost Report used to determine the cost of*
 2 *closing the installation. A possible sale of assets at the in-*
 3 *stallation may not be included in such calculation.*

4 (d) *PROHIBITION OF CERTAIN REQUIRED PAY-*
 5 *MENTS.—An entity described in subsection (a), or an agen-*
 6 *cy or political subdivision of such an entity, may not be*
 7 *required to pay for the cost of any improvement at the mili-*
 8 *tary installation.*

9 (e) *MILITARY INSTALLATIONS COVERED.—This section*
 10 *shall apply with respect to military installations—*

11 (1) *for which construction in connection with the*
 12 *establishment of the installation began on or after*
 13 *January 1, 1985; and*

14 (2) *which were selected for closure on or after*
 15 *January 1, 1993.*

16 **SEC. 2813. LIMITATION ON SOURCES OF FUNDS AVAILABLE**
 17 **TO IMPLEMENT BASE CLOSURES AND**
 18 **REALIGNMENTS.**

19 *Section 2905(a)(1)(A) of the Defense Base Closure and*
 20 *Realignment Act of 1990 (part A of title XXIX of Public*
 21 *Law 101–510; 10 U.S.C. 2687 note) is amended by striking*
 22 *out “and may use” and all that follows through “mainte-*
 23 *nance;” and inserting in lieu thereof “and shall use for such*
 24 *purposes funds in the Account;”.*

1 **SEC. 2814. PROHIBITION ON TRANSFER OF CERTAIN PROP-**
2 **ERTY LOCATED AT MILITARY INSTALLATIONS**
3 **TO BE CLOSED PENDING COMPLETION OF RE-**
4 **DEVELOPMENT PLANS.**

5 (a) *CLOSURES UNDER 1988 ACT.*—(1) Section
6 204(b)(3)(D) of the Defense Authorization Amendments and
7 Base Closure and Realignment Act (title II of Public Law
8 100–526; 10 U.S.C. 2687 note) is amended by adding at
9 the end the following new sentence: “Subject to subpara-
10 graphs (E) and (F), pending the completion of the redevel-
11 opment plan for the installation and approval of the rede-
12 velopment plan by the Secretary, the Secretary shall ensure
13 that all items of personal property located at the installa-
14 tion are retained at the installation unless the redevel-
15 opment authority identifies such items as unnecessary to the
16 reuse or redevelopment of the installation.”.

17 (b) *CLOSURES UNDER 1990 ACT.*—Section
18 2905(b)(3)(D) of the Defense Base Closure and Realignment
19 Act of 1990 (part A of title XXIX of Public Law 101–510;
20 10 U.S.C. 2687 note) is amended by adding at the end the
21 following new sentence: “Subject to subparagraphs (E) and
22 (F), pending the completion of the redevelopment plan for
23 the installation and approval of the redevelopment plan by
24 the Secretary, the Secretary shall ensure that all items of
25 personal property located at the installation are retained
26 at the installation unless the redevelopment authority iden-

1 *tifies such items as unnecessary to the reuse or redevelop-*
2 *ment of the installation.”.*

3 **SEC. 2815. REPORT OF EFFECT OF BASE CLOSURES ON FU-**
4 **TURE MOBILIZATION OPTIONS**

5 (a) *REPORT REQUIRED.*—The Secretary of Defense
6 shall prepare a report evaluating the effect of base closures
7 and realignments conducted since January 1, 1987, on the
8 ability of the Armed Forces to remobilize to the end strength
9 levels authorized for fiscal year 1987 by sections 401, 403,
10 411, 412, and 421 of the National Defense Authorization
11 Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat.
12 3859). The report shall identify those military construction
13 projects, if any, that would be necessary to facilitate such
14 remobilization and any defense assets disposed of under a
15 base closure or realignment, such as air space, that would
16 be difficult to reacquire in the event of such remobilization.

17 (b) *TIME FOR SUBMISSION.*—Not later than January
18 1, 1995, the Secretary shall submit the report required by
19 this section to Congress. Not later than September 30, 1995,
20 the Secretary shall revise and resubmit the report to Con-
21 gress to reflect the consequences of the closure or realignment
22 of military installations selected for closure or realignment
23 in 1995.

1 **SEC. 2816. RESTORATION OF ANNUAL LEAVE FOR CIVILIAN**
2 **EMPLOYEES IN CONNECTION WITH CERTAIN**
3 **BASE REALIGNMENTS.**

4 (a) *RESTORATION REQUIRED.*—Section 6304(d)(3) of
5 title 5, United States Code, is amended—

6 (1) by striking “closure of” and inserting “clo-
7 sure of, and any realignment with respect to,”;

8 (2) by striking “(3)” and inserting “(3)(A)”;
9 and

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

12 “(B) For the purpose of subparagraph (A), the term
13 ‘realignment’ has the meaning given such term in section
14 2687(a)(2) of title 10.”.

15 (b) *APPLICATION OF AMENDMENTS.*—The amendments
16 made by subsection (a) shall apply only with respect to the
17 restoration of annual leave of employees at military instal-
18 lations undergoing realignment if such leave is lost by oper-
19 ation of section 6304 of title 5, United States Code, on or
20 after the date of the enactment of this Act.

21 **SEC. 2817. GOVERNMENT RENTAL OF FACILITIES LOCATED**
22 **ON CLOSED MILITARY INSTALLATIONS.**

23 (a) *AUTHORIZATION TO RENT BASE CLOSURE PROP-*
24 *ERTIES.*—To promote the rapid conversion of military in-
25 stallations that are closed pursuant to a base closure law,
26 the Administrator of the General Services may give prior-

1 *ity consideration, when leasing space in accordance with*
 2 *the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.)*
 3 *and the Federal Property and Administrative Services Act*
 4 *of 1949 (40 U.S.C. 471 et seq.), to facilities of such an in-*
 5 *stallation that have been acquired by a non-Federal entity.*

6 (b) *BASE CLOSURE LAW DEFINED.*—For purposes of
 7 this section, the term “base closure law” means the Defense
 8 Base Closure and Realignment Act of 1990 (part A of title
 9 XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and
 10 title II of the Defense Authorization Amendments and Base
 11 Closure and Realignment Act (Public Law 100–526; 10
 12 U.S.C. 2687 note).

13 ***Subtitle C—Changes to Existing***
 14 ***Land Conveyance Authority***

15 ***SEC. 2821. ADDITIONAL LESSEE OF PROPERTY AT NAVAL***
 16 ***SUPPLY CENTER, OAKLAND, CALIFORNIA.***

17 *Section 2834(b) the Military Construction Authoriza-*
 18 *tion Act for Fiscal Year 1993 (division B of Public Law*
 19 *102–484; 106 Stat. 2614) is amended—*

20 (1) *is paragraph (1)—*

21 (A) *by striking out “City” the second place*
 22 *it appears and inserting in lieu thereof “Cities”;*
 23 *and*

1 (B) by inserting “the City of Alameda,
2 California,” after “California,” the first place it
3 appears; and

4 (2) in paragraphs (2) and (3), by striking out
5 “City” each place it appears and inserting in lieu
6 thereof “Cities”.

7 **SEC. 2822. MODIFICATIONS OF LAND CONVEYANCE, FORT**

8 **A.P. HILL MILITARY RESERVATION, VIRGINIA.**

9 (a) *PARTICIPATING POLITICAL SUBDIVISIONS.*—Sub-
10 section (c)(3) of section 603 of the Persian Gulf Conflict
11 Supplemental Authorization and Personnel Benefits Act of
12 1991 (Public Law 102–25, 105 Stat. 107) is amended by
13 striking out subparagraph (B) and inserting in lieu thereof
14 the following new subparagraph:

15 “(B) Subparagraph (A) shall not be construed to pro-
16 hibit any political subdivision not named in such subpara-
17 graph—

18 “(i) from initially participating in the written
19 agreement referred to in paragraph (2); or

20 “(ii) from agreeing at a later date to participate
21 in the regional correctional facility to be constructed
22 and operated on the parcel of land conveyed pursuant
23 to this section either as a member of the government
24 or by contract with such governmental entity.”.

1 (b) *TIME FOR CONSTRUCTION AND OPERATION.*—Sub-
 2 section (d)(1)(A) of such section is amended—

3 (1) by striking out clause (i) and inserting in
 4 lieu thereof the following new clause:

5 “(i) construction of a regional correctional facil-
 6 ity pursuant to the agreement referred to in sub-
 7 section (c)(2) commence not later than April 1,
 8 1997;”; and

9 (2) in clause (ii), by striking out “five years
 10 after such date” and inserting in lieu thereof “April
 11 1, 2002”.

12 **SEC. 2823. PRESERVATION OF CALVERTON PINE BARRENS,**
 13 **NAVAL WEAPONS INDUSTRIAL RESERVE**
 14 **PLANT, NEW YORK, AS NATURE PRESERVE.**

15 (a) *PRESERVATION AS NATURE PRESERVE RE-*
 16 *QUIRED.*—Section 2854 of the Military Construction Au-
 17 thorization Act for Fiscal Year 1993 (division B of Public
 18 Law 102–484, 106 Stat. 2626) is amended—

19 (1) by redesignating subsections (a) and (b) as
 20 subsection (c) and (d); and

21 (2) by inserting before subsection (c), as so redес-
 22 ignated, the following new subsections:

23 “(a) *PURPOSE.*—It is the purpose of this section to en-
 24 sure that the Calverton Pine Barrens is maintained and

1 *preserved, in perpetuity, as a nature preserve in its current*
 2 *undeveloped state.*

3 “(b) *PROHIBITION ON INCONSISTENT DEVELOP-*
 4 *MENT.—The Secretary of the Navy shall not carry out or*
 5 *permit any development, commercial or residential, at the*
 6 *Calverton Pine Barrens that is inconsistent with the pur-*
 7 *pose specified in subsection (a).”.*

8 (b) *CONFORMING AMENDMENT.—Subsection (c) of such*
 9 *section, as redesignated by subsection (a)(1), is amended—*

10 (1) *by striking out “PROHIBITION.—” and in-*
 11 *serting in lieu therefore “REVERSIONARY INTER-*
 12 *EST.—”; and*

13 (2) *by striking out “for commercial purposes”*
 14 *and all that follows through the period and inserting*
 15 *in lieu thereof “in a manner inconsistent with the*
 16 *purpose specified in subsection (a) (as determined by*
 17 *the head of the department or agency making the con-*
 18 *veyance).”.*

19 ***SEC. 2824. RELEASE OF REVERSIONARY INTEREST RE-***
 20 ***TAINED AS PART OF CONVEYANCE OF ELEC-***
 21 ***TRICITY DISTRIBUTION SYSTEM, FORT DIX,***
 22 ***NEW JERSEY.***

23 *Section 2846 of the Military Construction Authoriza-*
 24 *tion Act for Fiscal Year 1994 (division B of Public Law*
 25 *103–160; 107 Stat. 1904) is amended—*

1 (1) by striking out subsection (f); and

2 (2) by redesignating subsections (g) and (h) as
3 subsections (f) and (g), respectively.

4 ***Subtitle D—Land Conveyances***

5 ***SEC. 2831. LAND CONVEYANCE, AIR FORCE PLANT NO. 3,***

6 ***TULSA, OKLAHOMA.***

7 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
8 Air Force may convey, without consideration, to the City
9 of Tulsa, Oklahoma (in this section referred to as the
10 “City”), all right, title, and interest of the United States
11 in and to a parcel of real property, including any improve-
12 ments thereon, which consists of approximately 337 acres
13 located in Tulsa, Oklahoma, and is known as Air Force
14 Plant No. 3. The Secretary may also convey facilities,
15 equipment and fixtures (including special tooling and spe-
16 cial test equipment) located on the parcel to be conveyed
17 if the Secretary determines that manufacturing activities
18 requiring the use of such equipment are likely to continue
19 or be reinstated on the parcel after conveyance of the parcel.

20 (b) *LEASE AUTHORITY.*—Until such time as the real
21 property described in subsection (a) is conveyed by deed,
22 the Secretary may lease the property, along with improve-
23 ments thereon, to the City in exchange for security services,
24 fire protection, and maintenance provided by the City for
25 the property.

1 (c) *CONDITION OF CONVEYANCE.*—The conveyance au-
2 thorized under subsection (a) shall be subject to the condi-
3 tion that the City, directly or through an agreement with
4 a public or private entity, shall use the conveyed property
5 (or offer the conveyed property for use) for economic redevel-
6 opment to replace all or a part of the economic activity
7 being lost at the parcel.

8 (d) *REVERSIONARY INTEREST.*—During the five-year
9 period beginning on the date the Secretary makes the con-
10 veyance authorized under subsection (a), if the Secretary
11 determines that the conveyed real property is not being used
12 in accordance with subsection (c), all right, title, and inter-
13 est in and to the property (including any facilities, equip-
14 ment, or fixtures conveyed) shall revert to the United States,
15 and the United States shall have the right of immediate
16 entry onto the property. Any determination of the Secretary
17 under this section shall be made on the record after an op-
18 portunity for a hearing.

19 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
20 and legal description of the real property to be conveyed
21 under subsection (a) shall be determined by a survey satis-
22 factory to the Secretary. The cost of such survey shall be
23 borne by the City.

24 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
25 retary may require such additional terms and conditions

1 *in connection with the conveyance under subsection (a) or*
2 *a lease under subsection (b) as the Secretary considers ap-*
3 *propriate to protect the interests of the United States.*

4 ***SEC. 2832. LAND CONVEYANCE, AIR FORCE PLANT NO. 59,***
5 ***JOHNSON CITY (WESTOVER), NEW YORK.***

6 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
7 *Air Force may convey, without consideration, to the*
8 *Broome County Industrial Development Authority (in this*
9 *section referred to as the “Authority”), all right, title, and*
10 *interest of the United States in and to a parcel of real prop-*
11 *erty, including any improvements thereon, containing Air*
12 *Force Plant No. 59, Johnson City (Westover), New York.*
13 *The Secretary may also convey facilities, equipment and*
14 *fixtures (including special tooling and special test equip-*
15 *ment) located on the parcel to be conveyed if the Secretary*
16 *determines that manufacturing activities requiring the use*
17 *of such equipment are likely to continue or be reinstituted*
18 *on the parcel after conveyance of the parcel.*

19 (b) *LEASE AUTHORITY.*—*Until such time as the real*
20 *property described in subsection (a) is conveyed by deed,*
21 *the Secretary may lease the property, along with improve-*
22 *ments thereon, to the Authority in exchange for security*
23 *services, fire protection, and maintenance provided by the*
24 *Authority for the property.*

1 (c) *CONDITION OF CONVEYANCE.*—The conveyance au-
2 thorized under subsection (a) shall be subject to the condi-
3 tion that the Authority, directly or through an agreement
4 with another public or private entity, shall use the conveyed
5 property (or offer the conveyed property for use) for eco-
6 nomic redevelopment to replace all or a part of the economic
7 activity being lost at Air Force Plant No. 59.

8 (d) *REVERSIONARY INTEREST.*—During the five-year
9 period beginning on the date the Secretary makes the con-
10 veyance authorized under subsection (a), if the Secretary
11 determines that the conveyed real property is not being used
12 in accordance with subsection (c), all right, title, and inter-
13 est in and to the property (including any facilities, equip-
14 ment, or fixtures conveyed) shall revert to the United States,
15 and the United States shall have the right of immediate
16 entry onto the property. Any determination of the Secretary
17 under this section shall be made on the record after an op-
18 portunity for a hearing.

19 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
20 and legal description of the real property to be conveyed
21 under subsection (a) shall be determined by a survey satis-
22 factory to the Secretary. The cost of such survey shall be
23 borne by the Authority.

24 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
25 retary may require such additional terms and conditions

1 *in connection with the conveyance under subsection (a) or*
 2 *a lease under subsection (b) as the Secretary considers ap-*
 3 *propriate to protect the interests of the United States.*

4 **SEC. 2833. LAND CONVEYANCE, RADAR BOMB SCORING**
 5 **SITE, DICKINSON, NORTH DAKOTA.**

6 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 7 *Air Force may convey, without consideration, to the North*
 8 *Dakota Board of Higher Education (in this section referred*
 9 *to as the “Board”)* *all right, title, and interest of the United*
 10 *States in and to a parcel of real property (including any*
 11 *improvements thereon) consisting of approximately 4 acres*
 12 *located in Dickinson, North Dakota, which has served as*
 13 *the location of a support complex, recreational facilities,*
 14 *and housing facilities for the Radar Bomb Scoring Site,*
 15 *Dickinson, North Dakota.*

16 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
 17 *thorized under subsection (a) shall be subject to the condi-*
 18 *tion that the Board—*

19 (1) *use the property, recreational facilities, and*
 20 *housing facilities conveyed under such subsection for*
 21 *housing, recreation, and other purposes that, as deter-*
 22 *mined by the Secretary, will promote and enhance*
 23 *educational opportunities provided by Dickinson*
 24 *State University; or*

1 (2) enter into an agreement with an appropriate
2 public or private entity to lease such property and fa-
3 cilities to that entity for such uses.

4 (c) *REVERSIONARY INTEREST.*—If the Secretary deter-
5 mines at any time that the property conveyed under sub-
6 section (a) is not being used in accordance with subsection
7 (b), all right, title, and interest in and to the conveyed prop-
8 erty, including any improvements thereon, shall revert to
9 the United States, and the United States shall have the
10 right of immediate entry onto the property.

11 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
12 and legal description of the property conveyed under this
13 section shall be determined by a survey satisfactory to the
14 Secretary. The cost of such survey shall be borne by the
15 Board.

16 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
17 retary may require such additional terms and conditions
18 in connection with the conveyance under this section as the
19 Secretary considers appropriate to protect the interests of
20 the United States.

21 **SEC. 2834. LAND CONVEYANCE, ARMY RESERVE FACILITY,**
22 **RIO VISTA, CALIFORNIA.**

23 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
24 Army may convey to the City of Rio Vista, California (in
25 this section referred to as the “City”), all right, title, and

1 *interest of the United States in and to a parcel of real prop-*
2 *erty (including improvements thereon) containing the Re-*
3 *serve training facility located in Rio Vista, California.*

4 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
5 *thorized under subsection (a) shall be subject to the condi-*
6 *tion that the City use the property for recreational pur-*
7 *poses.*

8 (c) *CONSIDERATION.*—*In recognition of the public use*
9 *to which the conveyed property will be devoted, the Sec-*
10 *retary may require the City to pay to the United States*
11 *an amount equal to less than the fair market value of the*
12 *property, as determined by the Secretary, as consideration*
13 *for the conveyance under subsection (a).*

14 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
15 *and legal description of the property to be conveyed under*
16 *subsection (a) shall be determined by a survey that is satis-*
17 *factory to the Secretary. The cost of such survey shall be*
18 *borne by the City.*

19 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
20 *retary may require such additional terms and conditions*
21 *in connection with the conveyance under subsection (a) as*
22 *the Secretary considers appropriate to protect the interests*
23 *of the United States.*

1 **SEC. 2835. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
2 **TRIAL RESERVE PLANT, CALVERTON, NEW**
3 **YORK.**

4 (a) *CONVEYANCE AUTHORIZED.*—To facilitate the eco-
5 nomic redevelopment of appropriate portions of the Naval
6 Weapons Industrial Reserve Plant located in Calverton,
7 New York, the Secretary of the Navy may convey to an ap-
8 propriate redevelopment authority (designated by the Sec-
9 retary) all right, title, and interest of the United States in
10 and to a parcel of real property, including any improve-
11 ments thereon, consisting of approximately 2,900 acres com-
12 prising the fenced-in portion of the Naval Weapons Indus-
13 trial Reserve Plant. The conveyance authorized under this
14 subsection shall be made without consideration.

15 (b) *DESCRIPTION OF PROPERTY.*—The exact acreage
16 and legal description of the real property to be conveyed
17 under subsection (a) shall be determined by a survey satis-
18 factory to the Secretary. Cost of such survey shall be borne
19 by the State of New York or the redevelopment authority
20 to whom the property is conveyed.

21 (c) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
22 retary may require such additional terms and conditions
23 in connection with the conveyance authorized by subsection
24 (b) as the Secretary considers appropriate to protect the in-
25 terests of the United States.

1 **SEC. 2836. LEASE OF PROPERTY, NAVAL RADIO RECEIVING**
2 **FACILITY, IMPERIAL BEACH, CORONADO,**
3 **CALIFORNIA.**

4 (a) *LEASE AUTHORIZED.*—The Secretary of the Navy
5 may lease to the Young Men’s Christian Association of San
6 Diego County, a California nonprofit public benefit cor-
7 poration (in this section referred to as the “YMCA”), such
8 interests in a parcel of real property (including any im-
9 provements thereon) consisting of approximately 45 acres
10 at the Naval Radio Receiving Facility, Imperial Beach,
11 Coronado, California, as the Secretary considers appro-
12 priate for the YMCA to operate and maintain a summer
13 youth residence camp known as the YMCA San Diego Uni-
14 fied Recreational Facility (Camp SURF). Pursuant to the
15 lease, the Secretary may authorize the YMCA to construct
16 facilities on the parcel.

17 (b) *LEASE TERMS.*—The lease authorized in subsection
18 (a) shall be for a period of 50 years, or such longer period
19 as the Secretary determines to be in the best interests of
20 the United States.

21 (c) *CONSIDERATION.*—As consideration for the lease of
22 real property under subsection (a), the YMCA shall—

23 (1) agree to maintain and enhance the natural
24 resources of the leased premises; and

25 (2) pay to the United States an amount in cash
26 equal to the difference between the rental price pre-

1 scribed by the Secretary under subsection (d) and the
 2 value of natural resources maintenance and enhance-
 3 ments performed by the YMCA, as determined by the
 4 Secretary.

5 (d) *DETERMINATION OF RENTAL PRICE.*—Acknowl-
 6 edging the benefits the YMCA has provided to the Armed
 7 Forces and the specific benefits Camp Surf provides to the
 8 children of San Diego, the Secretary may prescribe a rental
 9 price for the real property leased under subsection (a) that
 10 is less than fair market value.

11 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
 12 retary may require such additional terms and conditions
 13 in connection with the lease under subsection (a) as the Sec-
 14 retary considers necessary to protect the operation of the
 15 Naval Radio Receiving Facility, Imperial Beach, and to
 16 protect the interests of the United States.

17 **SEC. 2837. RELEASE OF REQUIREMENTS AND REVERSION-**
 18 **ARY INTEREST ON CERTAIN PROPERTY IN**
 19 **BALTIMORE, MARYLAND.**

20 (a) *RELEASE REQUIRED.*—The Secretary of Defense
 21 may release the requirements and the reversionary interest
 22 of the United States that are described in section 2 of the
 23 Act entitled “An Act granting a site for a dry-dock in the
 24 city of Baltimore upon certain conditions.”, approved June
 25 19, 1878 (Chapter 310; 20 Stat. 167).

1 (b) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 2 *retary may require such additional terms or conditions in*
 3 *connection with the release required under this section as*
 4 *the Secretary considers appropriate to protect the interests*
 5 *of the United States.*

6 (c) *INSTRUMENT OF RELEASE.*—*The Secretary may*
 7 *execute and file in the appropriate office a deed of release,*
 8 *amended deed, or other appropriate instrument effectuating*
 9 *the release of the reversionary interest under this section.*

10 ***SEC. 2838. RELEASE OF REVERSIONARY INTEREST ON CER-***
 11 ***TAIN PROPERTY IN YORK COUNTY, JAMES***
 12 ***CITY COUNTY, AND NEWPORT NEWS, VIR-***
 13 ***GINIA.***

14 (a) *RELEASE AUTHORIZED.*—*The Secretary of the*
 15 *Navy may release the reversionary interest of the United*
 16 *States in the real property conveyed by the deed described*
 17 *in subsection (b).*

18 (b) *DEED DESCRIPTION.*—*The deed referred to in sub-*
 19 *section (a) is a deed between the United States and the*
 20 *Commonwealth of Virginia dated August 17, 1966, which*
 21 *conveyed to the Commonwealth of Virginia certain parcels*
 22 *of land located in York County, James City County, and*
 23 *the city of Newport News, Virginia.*

24 (c) *ADDITIONAL TERMS.*—*The Secretary may require*
 25 *such additional terms or conditions in connection with the*

1 *release under this section as the Secretary considers appro-*
 2 *priate to protect the interests of the United States and to*
 3 *ensure that the real property will continue to be used for*
 4 *a public purpose.*

5 (d) *INSTRUMENT OF RELEASE.*—*The Secretary may*
 6 *execute and file in the appropriate office a deed of release,*
 7 *amended deed, or other appropriate instrument effectuating*
 8 *the release of the reversionary interest under this section.*

9 **SEC. 2839. TRANSFER OF JURISDICTION, AIR FORCE HOUS-**
 10 **ING AT RADAR SITE, HOLBROOK, ARIZONA.**

11 (a) *TRANSFER AUTHORIZED.*—*As part of the closure*
 12 *of an Air Force radar site located near Holbrook, Arizona,*
 13 *the Secretary of the Air Force may transfer administrative*
 14 *jurisdiction of housing units used in connection with the*
 15 *site to the Secretary of the Interior for use as employee hous-*
 16 *ing for the Petrified Forest National Park.*

17 (b) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 18 *and legal description of the real property to be transferred*
 19 *under subsection (a) shall be determined by a survey satis-*
 20 *factory to the Secretary of the Air Force and the Secretary*
 21 *of the Interior.*

22 (c) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 23 *retary of the Air Force may require such additional terms*
 24 *and conditions in connection with the transfer under sub-*
 25 *section (a) as the Secretary considers appropriate.*

1 **SEC. 2840. LAND CONVEYANCE, FORT DIX, NEW JERSEY.**

2 (a) *CONVEYANCE AUTHORIZED.*—The Secretary of the
3 Army shall convey, without consideration, to the City of
4 Edison, New Jersey (in this section referred to as the
5 “City”), all right, title, and interest of the United States
6 in and to a parcel of real property (including improvements
7 thereon) included on the real property inventory of Fort
8 Dix, New Jersey, which consists of approximately 10 acres
9 and contains recreational fields and an unused garage iden-
10 tified as building 1072 on the real property inventory.

11 (b) *CONDITION OF CONVEYANCE.*—The conveyance re-
12 quired by subsection (a) shall be subject to the condition
13 that the City—

14 (1) *maintain and use the recreational fields con-*
15 *veyed under such subsection for recreational purposes;*
16 *and*

17 (2) *permit the women’s softball team known as*
18 *the Edison Angels (and any successor to such team)*
19 *to continue to use such recreational fields on the same*
20 *terms and conditions as contained in the agreement*
21 *between the team and the Secretary, in existence on*
22 *the date of the enactment of this Act.*

23 (c) *REVERSIONARY INTEREST.*—All right, title, and
24 interest of the City in and to the property conveyed under
25 subsection (a) (including improvements thereon) shall re-
26 vert to the United States, and the United States shall have

1 *the right of immediate reentry on the property, if the Sec-*
 2 *retary determines that the City is not complying with the*
 3 *conditions specified in subsection (b).*

4 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
 5 *and legal description of the property to be conveyed under*
 6 *subsection (a) shall be determined by a survey satisfactory*
 7 *to the Secretary. The cost of such survey shall be borne by*
 8 *the City.*

9 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
 10 *retary may require such additional terms and conditions*
 11 *in connection with the conveyance under subsection (a) as*
 12 *the Secretary considers appropriate to protect the interests*
 13 *of the United States.*

14 **SEC. 2841. LAND CONVEYANCE, NAVAL SHIPYARD, VALLEJO,**
 15 **CALIFORNIA.**

16 (a) *CONVEYANCE AUTHORIZED.*—*The Secretary of the*
 17 *Navy may convey, without consideration, to the City of*
 18 *Vallejo, California (in this section referred to as the*
 19 *“City”), all right, title, and interest of the United States*
 20 *in and to a parcel of real property (including improvements*
 21 *thereon) described in subsection (b), which is located on*
 22 *Mare Island in Vallejo, California, and is currently under*
 23 *the control of Mare Island Naval Shipyard Command.*

24 (b) *DESCRIPTION OF PROPERTY.*—*The parcel of real*
 25 *property to be conveyed under subsection (a) shall consist*

1 of all existing active dredge ponds and nontidal areas on
 2 Mare Island under the jurisdiction of the Navy, except that
 3 the parcel shall not include the nontidal areas identified
 4 in figure 3 of the Memorandum of Understanding between
 5 the United States Fish and Wildlife Service and Mare Is-
 6 land Naval Shipyard, dated July 28, 1988. The exact acre-
 7 age and legal description of the real property to be conveyed
 8 shall be determined by a survey satisfactory to the Sec-
 9 retary. The cost of such survey shall be borne by the City.

10 (c) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
 11 retary may require such additional terms and conditions
 12 in connection with the conveyance under subsection (a) as
 13 the Secretary considers appropriate to protect the interests
 14 of the United States.

15 ***Subtitle E—Other Matters***

16 ***SEC. 2851. AUTHORITY FOR OXNARD HARBOR DISTRICT,*** 17 ***PORT HUENEME, CALIFORNIA, TO USE CER-*** 18 ***TAIN NAVY PROPERTY.***

19 (a) *JOINT USE AGREEMENT AUTHORIZED.*—The Sec-
 20 retary of the Navy may enter into an agreement with the
 21 Oxnard Harbor District, Port Hueneme, California, a spe-
 22 cial district of the State of California (in this section re-
 23 ferred to as the “District”), under which the District may
 24 use United States Navy Wharf Number 3 and associated
 25 real property comprising up to 25 acres located at the

1 *Naval Construction Battalion Center, Port Hueneme, Cali-*
2 *fornia (in this section referred to as the “Center”).*

3 (b) *TERM OF AGREEMENT.*—*The agreement authorized*
4 *under subsection (a) may be for an initial period of not*
5 *more than 15 years. Under the agreement, the Secretary*
6 *shall provide the District with an option to extend the*
7 *agreement for three additional periods of five years each.*

8 (c) *CONDITIONS ON USE.*—*The agreement authorized*
9 *under subsection (a) shall require the District—*

10 (1) *to suspend operations under the agreement in*
11 *the event Navy contingency operations are conducted*
12 *at the Center; and*

13 (2) *to use the property covered by the agreement*
14 *in a manner consistent with Navy operations con-*
15 *ducted at the Center.*

16 (d) *CONSIDERATION.*—(1) *As consideration for the use*
17 *of the property covered by the agreement under subsection*
18 *(a), the District shall pay to the Navy an amount equal*
19 *to the fair market rental value of the property, as deter-*
20 *mined by the Secretary taking into consideration the Dis-*
21 *trict’s use of the property.*

22 (2) *The Secretary may include a provision in the*
23 *agreement requiring the District—*

24 (A) *to pay the Navy an amount (as determined*
25 *by the Secretary) to cover the costs of replacing at the*

1 Center any facilities vacated by the Navy on account
2 of the agreement or to construct suitable replacement
3 facilities for the Navy; and

4 (B) to pay the Navy an amount (as determined
5 by the Secretary) for the costs of relocating Navy op-
6 erations from the vacated facilities to the replacement
7 facilities.

8 (e) CONGRESSIONAL NOTIFICATION.—The Secretary
9 may not enter into the agreement authorized by subsection
10 (a) until the end of the 21-day period beginning on the date
11 on which the Secretary submits to Congress a report con-
12 taining an explanation of the terms of the proposed agree-
13 ment and a description of the consideration that the Sec-
14 retary expects to receive under the agreement.

15 (f) USE OF PAYMENT.—(1) In such amounts as is pro-
16 vided in advance in appropriation Acts, the Secretary may
17 use amounts paid under subsection (d)(1) to pay for general
18 supervision, administration, and overhead expenses and for
19 improvement, maintenance, repair, construction, or res-
20 toration to the port operations area (or to roads and rail-
21 ways serving the area) at the Center.

22 (2) In such amounts as is provided in advance in ap-
23 propriation Acts, the Secretary may use amounts paid
24 under subsection (d)(2) to pay for constructing new facili-
25 ties, or making modifications to existing facilities, that are

1 *necessary to replace facilities vacated by the navy on ac-*
2 *count of the agreement under subsection (a) and for relocat-*
3 *ing operations of the Navy from the vacated facilities to*
4 *replacement facilities.*

5 (g) *CONSTRUCTION BY DISTRICT.*—*The Secretary may*
6 *authorize the District to demolish existing facilities located*
7 *on the property covered by the agreement under subsection*
8 *(a) and, consistent with the restriction specified in sub-*
9 *section (c)(2), construct new facilities on the property for*
10 *joint use by the District and the Navy.*

11 (h) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
12 *retary may require such additional terms and conditions*
13 *in connection with the agreement authorized under sub-*
14 *section (a) as the Secretary considers appropriate to protect*
15 *the interests of the United States.*

16 **SEC. 2852. ENVIRONMENTAL EDUCATION AND TRAINING**
17 **PROGRAM FOR DEFENSE PERSONNEL.**

18 (a) *ESTABLISHMENT.*—*The Secretary of Defense shall*
19 *establish and conduct an education and training program*
20 *for members of the Armed Forces and civilian employees*
21 *of the Department of Defense whose responsibilities include*
22 *planning or executing the environmental mission of the De-*
23 *partment. The Secretary shall conduct the program to en-*
24 *sure that such members and employees obtain and maintain*

1 *the knowledge and skill required to comply with existing*
 2 *environmental laws and regulations.*

3 (b) *IDENTIFYING ENVIRONMENTAL TRAINING CEN-*
 4 *TERS.*—*As part of the program, the Secretary shall identify*
 5 *military facilities that have existing expertise (or the capac-*
 6 *ity to develop such expertise) in conducting education and*
 7 *training activities in various environmental disciplines.*
 8 *The Secretary may designate such facilities as national en-*
 9 *vironmental training centers and shall encourage the use*
 10 *of such a center by members and employees referred to in*
 11 *subsection (a) who are not under the jurisdiction of the*
 12 *military department operating the center.*

13 ***SEC. 2853. REPEAL OF RESTRICTION ON LAND TRANS-***
 14 ***ACTIONS RELATING TO PRESIDIO OF SAN***
 15 ***FRANCISCO, CALIFORNIA.***

16 *Section 2856 of the Military Construction Authoriza-*
 17 *tion Act for Fiscal Year 1994 (division B of Public Law*
 18 *103–160; 107 Stat. 1908) is repealed.*

19 ***SEC. 2854. REPORT ON USE OF MILITARY INSTALLATIONS***
 20 ***IN OKINAWA.***

21 (a) *REPORT REQUIRED.*—*Not later than October 15,*
 22 *1994, the Secretary of Defense shall submit a report to Con-*
 23 *gress regarding the United States military presence in Oki-*
 24 *nawa.*

1 (b) *CONTENT OF REPORT.*—The report required by
2 this section shall contain the following:

3 (1) *A description and evaluation of United*
4 *States security needs in Okinawa.*

5 (2) *An infrastructure inventory and utilization*
6 *rate of defense facilities in Okinawa.*

7 (3) *An evaluation of the economic and environ-*
8 *mental impact that these facilities have on the citi-*
9 *zens of Okinawa.*

10 (4) *A description of any action that the Sec-*
11 *retary of Defense can undertake to affirmatively re-*
12 *spond to requests from the Okinawan Prefectural Gov-*
13 *ernment for the exchange or return of lands held by*
14 *the Secretary.*

15 (5) *An evaluation of the extent to which the as-*
16 *stance of the Government of Japan is required in*
17 *order to close United States military installations in*
18 *Okinawa or exchange or return of lands held by the*
19 *Secretary in Okinawa.*

20 **SEC. 2855. MODIFICATION OF HEIGHT RESTRICTION IN**
21 **AVIGATION EASEMENT.**

22 (a) *MODIFICATION.*—Section 6 of the Act of July 2,
23 1948 (62 Stat. 1229), as added by section 2862 of the Mili-
24 tary Construction Authorization Act for Fiscal Year 1991
25

(division B of Public Law 101–510; 104 Stat. 1805), is

1 amended by adding at the end the following new sentence:
2 “In addition, such height restriction shall not apply to the
3 structure proposed to be constructed on a parcel of real
4 property that is within the area conveyed under this Act
5 and is identified as 1110 Santa Rosa Boulevard, Fort Wal-
6 ton Beach, Florida, so long as the proposed structure upon
7 completion does not exceed a height of 155 feet above mean
8 low-water level.”.

9 (b) *INSTRUMENT OF RELEASE*.—The Secretary of the
10 Air Force shall execute and file in the appropriate office
11 any instrument necessary to effect the modification of the
12 avigation easement referred to in the amendment made by
13 subsection (a).

14 **SEC. 2856. CONTINUED OPERATION OF MILITARY MEDICAL**
15 **TREATMENT FACILITY AT K. I. SAWYER AIR**
16 **FORCE BASE, MICHIGAN.**

17 (a) *SENSE OF CONGRESS*.—In light of the large num-
18 ber of retired military personnel and their dependents who
19 currently receive health care services at the military medi-
20 cal treatment facility located at K. I. Sawyer Air Force
21 Base, Michigan, which was selected to be closed pursuant
22 to the Defense Base Closure and Realignment Act of 1990
23 (part A of title XXIX of Public Law 101–510; 10 U.S.C.
24 2687 note), it is the sense of Congress that the Secretary
25 of Defense and the Secretary of the Air Force should pursue

1 *all practicable options (including transfer of the facility to*
 2 *the jurisdiction of the Department of Veterans Affairs) nec-*
 3 *essary to keep the facility in operation to serve the health*
 4 *care needs of retired military personnel and their depend-*
 5 *ents.*

6 (b) *RETIRED MILITARY PERSONNEL DEFINED.*—*For*
 7 *purposes of this section, the term “retired military person-*
 8 *nel” means members and former members of the uniformed*
 9 *services who—*

10 (1) *are entitled to retired or retainer pay, or*
 11 *equivalent pay; and*

12 (2) *are eligible to receive medical and dental*
 13 *care in facilities of the uniformed services under sec-*
 14 *tion 1074(b) of title 10, United States Code.*

15 **SEC. 2857. TECHNICAL AMENDMENT TO CORRECT REF-**
 16 **ERENCE IN LAND TRANSACTION.**

17 *Section 2842(c) of the Military Construction Author-*
 18 *ization Act for Fiscal Year 1994 (division B of Public Law*
 19 *103–160; 107 Stat. 1898) is amended by striking out*
 20 *“Washington Gas Company” and inserting in lieu thereof*
 21 *“American Water Company”.*

1 **SEC. 2858. ADDITIONAL EXCEPTION TO PROHIBITION ON**
2 **STORAGE AND DISPOSAL OF NONDEFENSE**
3 **TOXIC AND HAZARDOUS MATERIALS AT MILI-**
4 **TARY INSTALLATIONS.**

5 *Section 2692(b) of title 10, United States Code, is*
6 *amended—*

7 *(1) by striking out “and” at the end of para-*
8 *graph (7);*

9 *(2) by striking out the period at the end of para-*
10 *graph (8) and inserting in lieu thereof “; and”; and*

11 *(3) by adding at the end the following new para-*
12 *graph:*

13 *“(9) The treatment and disposal of any material*
14 *that is not owned by the Department of Defense if the*
15 *Secretary of the military department concerned deter-*
16 *mines that the material is required or generated by*
17 *a private person in connection with the authorized*
18 *and compatible use by that person of an industrial-*
19 *type facility of that military department and the Sec-*
20 *retary enters into a contract with that person that is*
21 *consistent with the best interest of national defense*
22 *and economic and environmental security and is*
23 *based on mutually agreeable terms.”.*

1 ***DIVISION C—DEPARTMENT OF***
 2 ***ENERGY NATIONAL SECURITY***
 3 ***AUTHORIZATIONS AND***
 4 ***OTHER AUTHORIZATIONS***
 5 ***TITLE XXXI—DEPARTMENT OF***
 6 ***ENERGY NATIONAL SECURITY***
 7 ***PROGRAMS***
 8 ***Subtitle A—National Security***
 9 ***Programs Authorizations***

10 ***SEC. 3101. WEAPONS ACTIVITIES.***

11 *(a) RESEARCH AND DEVELOPMENT.—Funds are here-*
 12 *by authorized to be appropriated to the Department of En-*
 13 *ergy for fiscal year 1995 for research and development in*
 14 *carrying out weapons activities necessary for national secu-*
 15 *rity programs in the amount of \$1,339,937,000, to be allo-*
 16 *cated as follows:*

17 *(1) For core research and development,*
 18 *\$795,251,000, to be allocated as follows:*

19 *(A) For operating expenses, \$653,341,000.*

20 *(B) For capital equipment, \$69,420,000.*

21 *(C) For plant projects (including mainte-*
 22 *nance, restoration, planning, construction, ac-*
 23 *quisition, modification of facilities, and the con-*
 24 *tinuation of projects authorized in prior years,*

1 *and land acquisition related thereto),*
2 *\$72,490,000, to be allocated as follows:*

3 *Project GPD-101, general plant*
4 *projects, various locations, \$8,500,000.*

5 *Project 95-D-102, CMR upgrades, Los*
6 *Alamos National Laboratory, New Mexico,*
7 *\$3,300,000.*

8 *Project 94-D-102, nuclear weapons re-*
9 *search, development, and testing facilities*
10 *revitalization, Phase V, various locations,*
11 *\$13,000,000.*

12 *Project 92-D-102, nuclear weapons re-*
13 *search, development, and testing facilities*
14 *revitalization, Phase IV, various locations,*
15 *\$21,810,000.*

16 *Project 90-D-102, nuclear weapons re-*
17 *search, development, and testing facilities*
18 *revitalization, Phase III, various locations,*
19 *\$4,900,000.*

20 *Project 88-D-106, nuclear weapons re-*
21 *search, development, and testing facilities*
22 *revitalization, Phase II, various locations,*
23 *\$20,980,000.*

24 *(2) For stockpile stewardship for operating ex-*
25 *penses, \$152,419,000.*

1 (3) *For inertial fusion, \$176,473,000, to be allo-*
2 *cated as follows:*

3 (A) *For operating expenses, \$166,755,000.*

4 (B) *For capital equipment, \$9,718,000.*

5 (4) *For technology transfer, \$215,794,000, to be*
6 *allocated as follows:*

7 (A) *For operating expenses, \$209,794,000.*

8 (B) *For capital equipment, \$6,000,000.*

9 (b) *TESTING.—Funds are hereby authorized to be ap-*
10 *propriated to the Department of Energy for fiscal year 1995*
11 *for testing in carrying out weapons activities necessary for*
12 *national security programs in the amount of \$192,300,000,*
13 *to be allocated as follows:*

14 (1) *For testing capabilities and readiness*
15 *\$186,000,000, to be allocated as follows:*

16 (A) *For operating expenses, \$150,000,000.*

17 (B) *For capital equipment, \$15,000,000.*

18 (C) *For plant projects (including mainte-*
19 *nance, restoration, planning, construction, ac-*
20 *quisition, modification of facilities, and the con-*
21 *tinuation of projects authorized in prior years,*
22 *and land acquisition related thereto),*
23 *\$21,000,000, to be allocated as follows:*

24 *Project GPD-101, general plant*
25 *projects, various locations, \$4,000,000.*

1 *Project 93–D–102, Nevada support fa-*
2 *cility, North Las Vegas, Nevada,*
3 *\$17,000,000.*

4 *(2) For Marshall Islands dose reconstruction,*
5 *\$6,300,000, to be allocated as follows:*

6 *(A) For operating expenses, \$5,830,000.*

7 *(B) For capital equipment, \$470,000.*

8 *(c) STOCKPILE SUPPORT.—Funds are hereby author-*
9 *ized to be appropriated to the Department of Energy for*
10 *fiscal year 1995 for stockpile support in carrying out weap-*
11 *ons activities necessary for national security programs in*
12 *the amount of \$1,605,556,000 to be allocated as follows:*

13 *(1) For operating expenses for stockpile support,*
14 *\$1,393,085,000.*

15 *(2) For operating expenses for reconfiguration,*
16 *\$94,271,000.*

17 *(3) For capital equipment, \$12,880,000.*

18 *(4) For plant projects (including maintenance,*
19 *restoration, planning, construction, acquisition, modi-*
20 *fication of facilities, and the continuation of projects*
21 *authorized in prior years, and land acquisition relat-*
22 *ed thereto), \$105,320,000, to be allocated as follows:*

23 *Project 88–D–122, facilities capability as-*
24 *surance program, various locations, \$14,820,000.*

1 *Project GPD-121, general plant projects,*
2 *various locations, \$1,000,000.*

3 *Project 95-D-122, sanitary sewer upgrade*
4 *Y-12 Plant, Oak Ridge, Tennessee, \$2,200,000.*

5 *Project 94-D-124, hydrogen fluoride supply*
6 *system, Oak Ridge Y-12 Plant, Oak Ridge, Ten-*
7 *nessee, \$6,300,000.*

8 *Project 94-D-125, upgrade life safety, Kan-*
9 *sas City Plant, Kansas City, Missouri,*
10 *\$1,000,000.*

11 *Project 94-D-127, emergency notification*
12 *system, Pantex Plant, Amarillo, Texas,*
13 *\$1,000,000.*

14 *Project 94-D-128, environmental safety*
15 *and health analytical laboratory, Pantex Plant,*
16 *Amarillo, Texas, \$1,000,000.*

17 *Project 93-D-122, life safety upgrades, Y-*
18 *12 Plant, Oak Ridge, Tennessee, \$5,000,000.*

19 *Project 88-D-123, security enhancements,*
20 *Pantex Plant, Amarillo, Texas, \$15,000,000.*

21 *Project 93-D-123, complex-21, various lo-*
22 *cations, \$58,000,000.*

23 (d) *PROGRAM DIRECTION.—Funds are hereby author-*
24 *ized to be appropriated to the Department of Energy for*
25 *fiscal year 1995 for program direction in carrying out*

1 *weapons activities necessary for national security programs*
2 *in the amount of \$154,852,000, to be allocated as follows:*

3 *(1) For weapons program direction, operating*
4 *expenses, \$152,498,000.*

5 *(2) For capital equipment, \$2,354,000.*

6 *(e) ADJUSTMENTS.—The total amount authorized to be*
7 *appropriated pursuant to this section is the sum of the*
8 *amounts authorized to be appropriated in subsections (a)*
9 *through (d) reduced by \$89,276,000, for use of prior year*
10 *balances.*

11 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
12 **MANAGEMENT.**

13 *(a) CORRECTIVE ACTIVITIES.—Funds are hereby au-*
14 *thorized to be appropriated to the Department of Energy*
15 *for fiscal year 1995 for corrective activities in carrying out*
16 *environmental restoration and waste management activities*
17 *necessary for national security programs for plant projects*
18 *(including maintenance, restoration, planning, construc-*
19 *tion, acquisition, modification of facilities, and the continu-*
20 *ation of projects authorized in prior years, and land acqui-*
21 *sition related thereto) for Project 92-D-403, tank upgrades*
22 *project, Lawrence Livermore National Laboratory, Califor-*
23 *nia, \$512,000.*

24 *(b) ENVIRONMENTAL RESTORATION.—(1) Funds are*
25 *hereby authorized to be appropriated to the Department of*

1 *Energy for fiscal year 1995 for environmental restoration*
 2 *for operating expenses in carrying out environmental res-*
 3 *toration and waste management activities necessary for na-*
 4 *tional security programs in the amount of \$1,527,469,000.*

5 (2) *The amount authorized to be appropriated pursu-*
 6 *ant to this subsection is the amount authorized to be appro-*
 7 *priated in paragraph (1) reduced by \$133,900,000, as a*
 8 *result of the productivity savings initiative.*

9 (c) *WASTE MANAGEMENT.—(1) Funds are hereby au-*
 10 *thorized to be appropriated to the Department of Energy*
 11 *for fiscal year 1995 for waste management in carrying out*
 12 *environmental restoration and waste management activities*
 13 *necessary for national security programs in the amount of*
 14 *\$2,852,682,000, to be allocated as follows:*

15 (A) *For operating expenses, \$2,384,066,000.*

16 (B) *For capital equipment, \$104,790,000.*

17 (C) *For plant projects (including maintenance,*
 18 *restoration, planning, construction, acquisition, modi-*
 19 *fication of facilities, and the continuation of projects*
 20 *authorized in prior years, and land acquisition relat-*
 21 *ed thereto), \$363,826,000, to be allocated as follows:*

22 *Project GPD-171, general plant projects,*
 23 *various locations, \$23,542,000.*

24 *Project 95-D-401, radiological support fa-*
 25 *cilities, Richland, Washington, \$1,585,000.*

1 *Project 95-D-402, install permanent elec-*
2 *trical service, WIPP, \$700,000.*

3 *Project 95-D-403, hazardous waste storage*
4 *facility, AL, \$597,000.*

5 *Project 95-D-405, industrial landfill V and*
6 *construction demolition landfill VII, Y12 Plant,*
7 *Oakridge, Tennessee, \$1,000,000.*

8 *Project 95-D-406, road 5-01 reconstruc-*
9 *tion, area 5, Nevada, \$2,338,000.*

10 *Project 95-D-407, 219-S secondary con-*
11 *tainment upgrade, Richland, Washington,*
12 *\$2,000,000.*

13 *Project 95-D-408, Phase II liquid effluent*
14 *treatment and disposal, RL, \$7,100,000.*

15 *Project 94-D-400, high explosive*
16 *wastewater treatment system, Los Alamos Na-*
17 *tional Laboratory, Los Alamos, New Mexico,*
18 *\$1,000,000.*

19 *Project 94-D-402, liquid waste treatment*
20 *system, Nevada Test Site, Nevada, \$3,292,000.*

21 *Project 94-D-404, Melton Valley storage*
22 *tank capacity increase, Oak Ridge National Lab-*
23 *oratory, Oak Ridge, Tennessee, \$21,373,000.*

1 *Project 94-D-406, low-level waste disposal*
2 *facilities, K-25, Oak Ridge, Tennessee,*
3 *\$6,000,000.*

4 *Project 94-D-407, initial tank retrieval*
5 *systems, Richland, Washington, \$17,700,000.*

6 *Project 94-D-408, office facilities—200*
7 *East, Richland, Washington, \$4,000,000.*

8 *Project 94-D-411, solid waste operation*
9 *complex, Richland, Washington, \$42,200,000.*

10 *Project 94-D-416, solvent storage tanks in-*
11 *stallation, Savannah River, South Carolina,*
12 *\$1,700,000.*

13 *Project 94-D-417, intermediate-level and*
14 *low-activity waste vaults, Savannah River,*
15 *South Carolina, \$300,000.*

16 *Project 93-D-174, plant drain waste water*
17 *treatment upgrades, Y-12 Plant, Oak Ridge,*
18 *Tennessee, \$1,400,000.*

19 *Project 93-D-178, building 374 liquid*
20 *waste treatment facility, Rocky Flats, Golden,*
21 *Colorado, \$3,300,000.*

22 *Project 93-D-181, radioactive liquid waste*
23 *line replacement, Richland, Washington,*
24 *\$3,300,000.*

1 *Project 93-D-182, replacement of cross-site*
2 *transfer system, Richland, Washington,*
3 *\$14,810,000.*

4 *Project 93-D-183, multi-tank waste storage*
5 *facility, Richland, Washington, \$88,605,000.*

6 *Project 93-D-187, high-level waste removal*
7 *from filled waste tanks, Savannah River, Aiken,*
8 *South Carolina, \$26,525,000.*

9 *Project 92-D-177, tank 101-AZ waste re-*
10 *trieval system, Richland, Washington,*
11 *\$5,000,000.*

12 *Project 92-D-188, waste management*
13 *ES&H, and compliance activities, various loca-*
14 *tions, \$2,846,000.*

15 *Project 91-D-171, waste receiving and*
16 *processing facility, module 1, Richland, Wash-*
17 *ington, \$3,995,000.*

18 *Project 90-D-172, aging waste transfer*
19 *line, Richland, Washington, \$3,819,000.*

20 *Project 90-D-177, RWMC transuranic*
21 *(TRU) waste characterization and storage facil-*
22 *ity, Idaho National Engineering Laboratory,*
23 *Idaho, \$1,747,000.*

24 *Project 90-D-178, TSA retrieval enclosure,*
25 *ID, \$7,594,000.*

1 *Project 89-D-173, tank farm ventilation*
2 *upgrade, Richland, Washington, \$300,000.*

3 *Project 89-D-174, replacement high-level*
4 *waste evaporator, Savannah River, South Caro-*
5 *lina, \$18,000,000.*

6 *Project 86-D-103, decontamination and*
7 *waste treatment facility, Lawrence Livermore*
8 *National Laboratory, California, \$5,900,000.*

9 *Project 83-D-148, nonradioactive hazard-*
10 *ous waste management, Savannah River, South*
11 *Carolina, \$6,000,000.*

12 *Project 81-T-105, defense waste processing*
13 *facility, Savannah River, South Carolina,*
14 *\$45,058,000.*

15 *(2) The total amount authorized to be appropriated*
16 *pursuant to this subsection is the sum of the amounts au-*
17 *thorized to be appropriated in paragraph (1) reduced by*
18 *\$160,800,000, as a result of the productivity savings initia-*
19 *tive.*

20 *(d) TECHNOLOGY DEVELOPMENT.—Funds are hereby*
21 *authorized to be appropriated to the Department of Energy*
22 *for fiscal year 1995 for technology development in carrying*
23 *out environmental restoration and waste management ac-*
24 *tivities necessary for national security programs in the*
25 *amount of \$426,409,000, to be allocated as follows:*

1 (1) *For operating expenses, \$386,974,000.*

2 (2) *For capital equipment, \$25,435,000.*

3 (3) *For plant projects (including maintenance,*
4 *restoration, planning, construction, acquisition, modi-*
5 *fication of facilities, and the continuation of projects*
6 *authorized in prior years, and land acquisition relat-*
7 *ed thereto), for Project 95-E-600, Hazardous mate-*
8 *rials training center, Richland, Washington,*
9 *\$14,000,000.*

10 (e) *TRANSPORTATION MANAGEMENT.—Funds are here-*
11 *by authorized to be appropriated to the Department of En-*
12 *ergy for fiscal year 1995 for transportation management*
13 *in carrying out environmental restoration and waste man-*
14 *agement activities necessary for national security programs*
15 *in the amount of \$20,684,000, to be allocated as follows:*

16 (1) *For operating expenses, \$20,240,000.*

17 (2) *For capital equipment, \$444,000.*

18 (f) *PROGRAM DIRECTION.—Funds are hereby author-*
19 *ized to be appropriated to the Department of Energy for*
20 *fiscal year 1995 for program direction in carrying out envi-*
21 *ronmental restoration and waste management activities*
22 *necessary for national security programs in the amount of*
23 *\$84,948,000, to be allocated as follows:*

24 (1) *For operating expenses, \$83,748,000.*

25 (2) *For capital equipment, \$1,200,000.*

1 (g) *FACILITY TRANSITION AND MANAGEMENT.*—(1)
2 *Funds are hereby authorized to be appropriated to the De-*
3 *partment of Energy for fiscal year 1995 for facility transi-*
4 *tion and management in carrying out environmental res-*
5 *toration and waste management activities necessary for na-*
6 *tional security programs in the amount of \$795,857,000,*
7 *to be allocated as follows:*

8 (A) *For operating expenses, \$685,550,000.*

9 (B) *For capital equipment, \$23,947,000.*

10 (C) *For plant projects (including maintenance,*
11 *restoration, planning, construction, acquisition, modi-*
12 *fication of facilities, and the continuation of projects*
13 *authorized in prior years, and land acquisition relat-*
14 *ed thereto), \$86,360,000, to be allocated as follows:*

15 *Project GPD-171, general plant projects,*
16 *various locations, \$20,495,000.*

17 *Project 95-D-453, primary highway route*
18 *north of the Wye Barricade, Richland, Washing-*
19 *ton, \$2,500,000.*

20 *Project 95-D-454, 324 facility compliance/*
21 *renovation, Richland, Washington, \$1,500,000.*

22 *Project 95-D-455, Idaho National Engi-*
23 *neering Laboratory radio communications up-*
24 *grade, Idaho National Engineering Laboratory,*
25 *Idaho, \$1,440,000.*

1 *Project 95-D-456, Security facilities up-*
2 *grade, Idaho chemical processing plant, Idaho*
3 *National Engineering Laboratory, Idaho,*
4 *\$986,000.*

5 *Project 94-D-122, underground storage*
6 *tanks, Rocky Flats, Colorado, \$2,500,000.*

7 *Project 94-D-401, emergency response facil-*
8 *ity, Idaho National Engineering Laboratory,*
9 *Idaho, \$5,219,000.*

10 *Project 94-D-412, 300 area process sewer*
11 *pipng system upgrade, Richland, Washington,*
12 *\$7,800,000.*

13 *Project 94-D-415, Idaho National Engi-*
14 *neering Laboratory medical facilities, Idaho Na-*
15 *tional Engineering Laboratory, Idaho,*
16 *\$4,920,000.*

17 *Project 94-D-451, infrastructure replace-*
18 *ment, Rocky Flats Plant, Golden, Colorado,*
19 *\$10,600,000.*

20 *Project 93-D-172, electrical upgrade, Idaho*
21 *National Engineering Laboratory, Idaho,*
22 *\$7,800,000.*

23 *Project 93-D-184, 325 facility compliance/*
24 *renovation, Richland, Washington, \$1,000,000.*

1 *Project 93–D–186, 200 area unsecured core*
2 *area fabrication shop, Richland, Washington,*
3 *\$4,000,000.*

4 *Project 92–D–125, Master safeguards and*
5 *security agreement/materials surveillance task*
6 *force security upgrades, Rocky Flats Plant, Gold-*
7 *en, Colorado, \$2,100,000.*

8 *Project 92–D–181, INEL fire and life safety*
9 *improvements, Idaho National Engineering Lab-*
10 *oratory, Idaho, \$6,000,000.*

11 *Project 92–D–182, INEL sewer system up-*
12 *grade, Idaho National Engineering Laboratory,*
13 *Idaho, \$1,900,000.*

14 *Project 92–D–186, steam system rehabilita-*
15 *tion, phase II, Richland, Washington,*
16 *\$5,600,000.*

17 *(2) The total amount authorized to be appropriated*
18 *pursuant to this subsection is the sum of the amounts au-*
19 *thorized to be appropriated in paragraph (1) reduced by*
20 *\$5,000,000, as a result of the productivity savings initia-*
21 *tive.*

22 *(h) PRIOR YEAR BALANCES.—The total amount au-*
23 *thorized to be appropriated pursuant to this section is the*
24 *sum of the amounts authorized to be appropriated in sub-*

1 sections (a) through (g) reduced by \$240,300,000, for use
2 of prior year balances.

3 **SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DE-**
4 **FENSE PROGRAMS.**

5 (a) *MATERIALS SUPPORT.*—Funds are hereby author-
6 ized to be appropriated to the Department of Energy for
7 fiscal year 1995 for materials support in carrying out nu-
8 clear materials support necessary for national security pro-
9 grams in the amount of \$910,255,000, to be allocated as
10 follows:

11 (1) *For reactor operations, \$163,634,000.*

12 (2) *For processsing of nuclear materials,*
13 *\$410,468,000.*

14 (3) *For supporting services, \$167,776,000.*

15 (4) *For capital equipment, \$52,427,000.*

16 (5) *For plant projects (including maintenance,*
17 *restoration, planning, construction, acquisition, modi-*
18 *fication of facilities, and the continuation of projects*
19 *authorized in prior years, and land acquisition relat-*
20 *ed thereto), \$59,950,000, to be allocated as follows:*

21 *Project 95-D-154, Health physics site sup-*
22 *port facility, Savannah River, South Carolina,*
23 *\$2,000,000.*

1 *Project 93-D-147, domestic water system*
2 *upgrade, Phases I and II, Savannah River,*
3 *South Carolina, \$11,300,000.*

4 *Project 93-D-148, replace high-level drain*
5 *lines, Savannah River, South Carolina,*
6 *\$2,700,000.*

7 *Project 93-D-152, environmental modifica-*
8 *tion for production facilities, Savannah River,*
9 *South Carolina, \$2,900,000.*

10 *Project 92-D-143, health protection instru-*
11 *ment calibration facility, Savannah River,*
12 *South Carolina, \$3,000,000.*

13 *Project 90-D-149, plantwide fire protec-*
14 *tion, Phases I and II, Savannah River, South*
15 *Carolina, \$5,000,000.*

16 *Project GPD-146, general plant projects,*
17 *various locations, \$21,000,000.*

18 *Project 95-D-155, upgrade site road infra-*
19 *structure, Savannah River, South Carolina,*
20 *\$750,000.*

21 *Project 95-D-156, radio trunking system,*
22 *Savannah River, South Carolina, \$2,100,000.*

23 *Project 95-D-157, D-area powerhouse life*
24 *extension, Savannah River, South Carolina,*
25 *\$4,000,000.*

1 *Project 92-D-150, operations support fa-*
2 *cilities, Savannah River, South Carolina,*
3 *\$2,000,000.*

4 *Project 92-D-153, engineering support fa-*
5 *cility, Savannah River, South Carolina,*
6 *\$3,200,000.*

7 *(6) For program direction, \$56,000,000.*

8 *(b) OTHER DEFENSE PROGRAMS.—Funds are hereby*
9 *authorized to be appropriated to the Department of Energy*
10 *for fiscal year 1995 for other defense programs in carrying*
11 *out nuclear materials support and other defense programs*
12 *necessary for national security programs in the amount of*
13 *\$691,204,000, to be allocated as follows:*

14 *(1) For verification and control technology,*
15 *\$352,102,000, to be allocated as follows:*

16 *(A) For operating expenses, \$336,229,000.*

17 *(B) For capital equipment, \$15,873,000.*

18 *(2) For nuclear safeguards and security,*
19 *\$85,816,000, to be allocated as follows:*

20 *(A) For operating expenses, \$82,421,000.*

21 *(B) For capital equipment, \$3,395,000.*

22 *(3) For security investigations, \$38,827,000.*

23 *(4) For security evaluations, \$14,780,000.*

24 *(5) For the Office of Nuclear Safety,*
25 *\$24,679,000, to be allocated as follows:*

1 (A) For operating expenses, \$24,629,000.

2 (B) For capital equipment, \$50,000.

3 (6) For worker and community transition,
4 \$125,000,000.

5 (7) For fissile material control and disposition,
6 \$50,000,000.

7 (c) NAVAL REACTORS.—Funds are hereby authorized
8 to be appropriated to the Department of Energy for fiscal
9 year 1995 for naval reactors in carrying out nuclear mate-
10 rials support and other defense programs necessary for na-
11 tional security programs in the amount of \$730,651,000,
12 to be allocated as follows:

13 (1) For naval reactors development,
14 \$698,651,000, to be allocated as follows:

15 (A) For operating expenses:

16 (i) For plant development,
17 \$146,700,000.

18 (ii) For reactor development,
19 \$348,951,000.

20 (iii) For reactor operation and evalua-
21 tion, \$136,000,000.

22 (iv) For program direction,
23 \$18,800,000.

24 (B) For capital equipment, \$28,200,000.

1 (C) For plant projects (including mainte-
2 nance, restoration, planning, construction, ac-
3 quisition, modification of facilities, and the con-
4 tinuation of projects authorized in prior years,
5 and land acquisition related thereto),
6 \$20,000,000, to be allocated as follows:

7 Project GPN-101, general plant
8 projects, various locations, \$6,200,000.

9 Project 95-D-200, laboratory systems
10 and hot cell upgrades, various locations,
11 \$2,400,000.

12 Project 95-D-201, Advanced test reac-
13 tor radioactive waste system upgrades,
14 Idaho National Engineering Laboratory,
15 Idaho, \$700,000.

16 Project 93-D-200, Engineering serv-
17 ices facilities, Knolls Atomic Power Labora-
18 tory, Niskayuna, New York, \$7,900,000.

19 Project 92-D-200, laboratories facili-
20 ties upgrades, various locations, \$2,800,000.

21 (2) For enrichment materials for operating ex-
22 penses, \$32,000,000.

23 (d) ADJUSTMENTS.—The total amount that may be
24 appropriated pursuant to this section is the sum of the

1 amounts authorized to be appropriated in subsections (a),
 2 (b), and (c) reduced by—

- 3 (1) \$40,000,000, for recovery of overpayment to
 4 the Savannah River Pension Fund; and
 5 (2) \$343,406,000, for use of prior year balances
 6 for materials support and other defense programs.

7 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

8 Funds are hereby authorized to be appropriated to the
 9 Department of Energy for fiscal year 1995 for payment to
 10 the Nuclear Waste Fund established in section 302(c) of the
 11 Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in
 12 the amount of \$129,430,000.

13 **Subtitle B—Recurring General**
 14 **Provisions**

15 **SEC. 3121. REPROGRAMMING.**

16 (a) *IN GENERAL.*—Until the Secretary of Energy sub-
 17 mits to the congressional defense committees the report re-
 18 ferred to in subsection (b) and 30 days has elapsed after
 19 the date on which such committees receive the report, the
 20 Secretary may not use amounts appropriated pursuant to
 21 this title for any program—

22 (1) in amounts that exceed, in a fiscal year—

23 (A) 102 percent of the amount authorized
 24 for that program by this title; or

1 (B) \$1,000,000 more than the amount au-
2 thorized for that program by this title; or

3 (2) which has not been presented to, or requested
4 of, the Congress.

5 (b) *REPORT; COMPUTATION OF DEADLINE FOR SUB-*
6 *MISSION.*—(1) The report referred to in subsection (a) is
7 a report containing a full and complete statement of the
8 action proposed to be taken and the facts and circumstances
9 relied upon in support of such proposed action.

10 (2) In the computation of the 30-day period under sub-
11 section (a), there shall be excluded any day on which either
12 House of Congress is not in session because of an adjourn-
13 ment of more than 3 days to a day certain.

14 (c) *LIMITATIONS.*—(1) In no event may the total
15 amount of funds obligated pursuant to this title exceed the
16 total amount authorized to be appropriated by this title.

17 (2) Funds appropriated pursuant to this title may not
18 be used for an item for which the Congress has specifically
19 denied funds.

20 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

21 (a) *IN GENERAL.*—The Secretary of Energy may carry
22 out any construction project under the general plant
23 projects provisions authorized by this title if the total esti-
24 mated cost of the construction project does not exceed
25 \$2,000,000.

1 (b) *REPORT TO CONGRESS.*—If, at any time during
 2 the construction of any general plant project authorized by
 3 this title, the estimated cost of the project is revised because
 4 of unforeseen cost variations and the revised cost of the
 5 project exceeds \$2,000,000, the Secretary shall immediately
 6 furnish a complete report to the congressional defense com-
 7 mittees explaining the reasons for the cost variation.

8 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

9 (a) *IN GENERAL.*—(1) Except as provided in para-
 10 graph (2), construction on a construction project may not
 11 be started or additional obligations incurred in connection
 12 with the project above the total estimated cost, whenever the
 13 current estimated cost of the construction project, which is
 14 authorized by section 3101, 3102, or 3103, or which is in
 15 support of national security programs of the Department
 16 of Energy and was authorized by any previous Act, exceeds
 17 by more than 25 percent the higher of—

18 (A) the amount authorized for the project; or

19 (B) the amount of the total estimated cost for the
 20 project as shown in the most recent budget justifica-
 21 tion data submitted to the Congress.

22 (2) An action described in paragraph (1) may be taken
 23 if—

24 (A) the Secretary of Energy has submitted to the
 25 congressional defense committees a report on the ac-

1 *tion and the circumstances making such action nec-*
2 *essary; and*

3 *(B) a period of 30 days has elapsed after the*
4 *date on which the report is received by the commit-*
5 *tees.*

6 *(3) In the computation of the 30-day period under*
7 *paragraph (2), there shall be excluded any day on which*
8 *either House of Congress is not in session because of an*
9 *adjournment of more than 3 calendar days to a day certain.*

10 *(b) EXCEPTION.—Subsection (a) shall not apply to*
11 *any construction project which has a current estimated cost*
12 *of less than \$5,000,000.*

13 ***SEC. 3124. TRANSFER AUTHORITY.***

14 *(a) TRANSFER TO OTHER FEDERAL AGENCIES.—The*
15 *Secretary of Energy may transfer funds authorized to be*
16 *appropriated to the Department of Energy pursuant to this*
17 *title to other Federal agencies for the performance of work*
18 *for which the funds were authorized. Funds so transferred*
19 *may be merged with and be available for the same purposes*
20 *and for the same time period as the authorizations of the*
21 *Federal agency to which the amounts are transferred.*

22 *(b) TRANSFER WITHIN DEPARTMENT OF ENERGY;*
23 *LIMITATIONS.—(1) Except as provided in paragraph (2),*
24 *the Secretary of Energy may transfer funds authorized to*
25 *be appropriated to the Department of Energy pursuant to*

1 *this title between any such authorizations. Amounts of au-*
 2 *thorizations so transferred may be merged with and be*
 3 *available for the same purposes and for the same time pe-*
 4 *riod as the authorization to which the amounts are trans-*
 5 *ferred.*

6 (2) *Not more than five percent of any such authoriza-*
 7 *tion may be transferred between authorizations under para-*
 8 *graph (1). No such authorization may be increased or de-*
 9 *creased by more than five percent by a transfer under such*
 10 *paragraph.*

11 (3) *The authority provided by this section to transfer*
 12 *authorizations—*

13 (A) *may only be used to provide funds for items*
 14 *that have a higher priority than the items from which*
 15 *the funds are transferred; and*

16 (B) *may not be used to provide authority for an*
 17 *item that has been denied funds by the Congress.*

18 (c) *NOTICE TO CONGRESS.—The Secretary of Energy*
 19 *shall promptly notify the Congress of transfers made under*
 20 *the authority of this section.*

21 **SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.**

22 (a) *IN GENERAL.—(1) Within the amounts authorized*
 23 *by this title for plant engineering and design, the Secretary*
 24 *of Energy may carry out advance planning and construc-*
 25 *tion design (including architectural and engineering serv-*

1 ices) in connection with any proposed construction project
 2 if the total estimated cost for such planning and design does
 3 not exceed \$2,000,000.

4 (2) In the case of any project in which the total esti-
 5 mated cost for advance planning and design exceeds
 6 \$300,000, the Secretary shall notify the congressional de-
 7 fense committees in writing of the details of such project
 8 at least 30 days before any funds are obligated for design
 9 services for such project.

10 (b) *SPECIFIC AUTHORITY REQUIRED.*—In any case in
 11 which the total estimated cost for advance planning and
 12 construction design in connection with any construction
 13 project exceeds \$2,000,000, funds for such planning and de-
 14 sign must be specifically authorized by law.

15 **SEC. 3126. REQUIREMENT OF CONCEPTUAL DESIGN FOR RE-**
 16 **QUEST OF CONSTRUCTION FUNDS.**

17 (a) *REQUIREMENT OF CONCEPTUAL DESIGN.*—The
 18 Secretary of Energy may not make a request to the Congress
 19 for funds for a construction project which is in support of
 20 national security programs of the Department of Energy
 21 until the Secretary submits to the congressional defense
 22 committees a conceptual design for that project.

23 (b) *EXCEPTION.*—The requirement of subsection (a)
 24 does not apply to emergency planning, design, and con-
 25 struction activities under section 3127.

1 **SEC. 3127. AUTHORITY FOR EMERGENCY PLANNING, DE-**
2 **SIGN, AND CONSTRUCTION ACTIVITIES.**

3 (a) *AUTHORITY.*—The Secretary of Energy may use
4 any funds available to the Department of Energy, including
5 those funds authorized to be appropriated for advance plan-
6 ning and construction design under sections 3101, 3102,
7 and 3103, to perform planning, design, and construction
8 activities for any Department of Energy defense activity
9 construction project that, as determined by the Secretary,
10 must proceed expeditiously in order to protect public health
11 and safety, meet the needs of national defense, or protect
12 property.

13 (b) *LIMITATION.*—The Secretary may not exercise the
14 authority under subsection (a) in the case of any construc-
15 tion project until the Secretary has submitted to the con-
16 gressional defense committees a report on the activities that
17 the Secretary intends to carry out under this section and
18 the circumstances making such activities necessary.

19 (c) *SPECIFIC AUTHORITY.*—The requirement of section
20 3125(b) does not apply to emergency planning, design, and
21 construction activities conducted under this section.

22 (d) *REPORT.*—The Secretary of Energy shall promptly
23 report to the congressional defense committees any exercise
24 of authority under this section.

1 **SEC. 3128. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
2 **RITY PROGRAMS OF THE DEPARTMENT OF**
3 **ENERGY.**

4 *Subject to the provisions of appropriation Acts and*
5 *section 3121, amounts appropriated pursuant to this title*
6 *for management and support activities and for general*
7 *plant projects are available for use, when necessary, in con-*
8 *nection with all national security programs of the Depart-*
9 *ment of Energy.*

10 **SEC. 3129. AVAILABILITY OF FUNDS.**

11 *When so specified in an appropriation Act, amounts*
12 *appropriated for operating expenses, plant projects, and*
13 *capital equipment may remain available until expended.*

14 **Subtitle C—Program Authoriza-**
15 **tions, Restrictions, and Limita-**
16 **tions**

17 **SEC. 3131. STOCKPILE STEWARDSHIP RECRUITMENT AND**
18 **TRAINING PROGRAM.**

19 *(a) CONDUCT OF PROGRAM.—(1) As part of the stock-*
20 *pile stewardship program established in section 3138 of the*
21 *National Defense Authorization Act for Fiscal Year 1994*
22 *(42 U.S.C. 2121 note), the Secretary of Energy shall con-*
23 *duct a stockpile stewardship recruitment and training pro-*
24 *gram at the Sandia National Laboratories, the Lawrence*
25 *Livermore National Laboratory, and the Los Alamos Na-*
26 *tional Laboratory.*

1 (2) *The recruitment and training program shall be*
2 *conducted in coordination with the Chairman of the Nu-*
3 *clear Weapons Council established in section 179 of title*
4 *10, United States Code, and the directors of the laboratories*
5 *referred to in paragraph (1).*

6 (b) *SUPPORT OF DUAL-USE PROGRAMS.—(1) As part*
7 *of the recruitment and training program, the directors of*
8 *the laboratories referred to in subsection (a)(1) may hire*
9 *undergraduate students, graduate students, and*
10 *postdoctoral fellows and sponsor research conducted by such*
11 *individuals for military or nonmilitary dual-use programs*
12 *related to nuclear weapons stockpile stewardship.*

13 (2) *Of amounts appropriated to the Secretary of En-*
14 *ergy pursuant to section 3101(a)(1) for weapons activities*
15 *for core research and development and allocated by the Sec-*
16 *retary for education initiatives, \$5,000,000 shall be made*
17 *available for carrying out paragraph (1). The amount made*
18 *available under this paragraph shall be allocated equally*
19 *among the laboratories referred to in subsection (a)(1).*

20 (c) *ESTABLISHMENT OF RETIREE CORPS.—As part of*
21 *the training and recruitment program, the Secretary, in co-*
22 *ordination with the directors of the laboratories referred to*
23 *in subsection (a)(1), shall establish a retiree corps for the*
24 *laboratories under which the directors shall hire on a part-*
25 *time basis retired scientists who have expertise in the re-*

1 *search and development of nuclear weapons to provide ap-*
2 *propriate assistance on nuclear weapons issues, to contrib-*
3 *ute relevant information to be archived, and to help to pro-*
4 *vide training to other scientists.*

5 *(d) REPORT.—(1) Not later than February 1, 1995,*
6 *the Secretary of Energy shall submit to the congressional*
7 *defense committees a report on the personnel demographic*
8 *trends at the laboratories referred to in subsection (a)(1)*
9 *and on actions taken by the Department of Energy to rem-*
10 *edy identified shortfalls in various skill areas.*

11 *(2) The report shall be prepared in coordination with*
12 *the Chairman of the Nuclear Weapons Council and the di-*
13 *rectors of the laboratories. Information included in the re-*
14 *port shall be aggregated and compiled into statistical cat-*
15 *egories.*

16 *(3) The report shall include the following:*

17 *(A) An inventory of the weapons-related tasks*
18 *that the laboratories need to perform to support their*
19 *nuclear weapons responsibilities.*

20 *(B) An inventory of the skills necessary to com-*
21 *plete the weapons-related tasks referred to in subpara-*
22 *graph (A).*

23 *(C) For each laboratory, a specification of the*
24 *number of scientists needed in each skill area to per-*
25 *form such tasks.*

1 (D) A statement of the number of scientists in
2 each skill area at each laboratory, by age.

3 (E) An assessment of which skill areas are
4 understaffed.

5 (F) A statement of the number of scientists enter-
6 ing the weapons program at each laboratory, and
7 their skill areas.

8 (G) A statement of the number of full-time equiv-
9 alent personnel with weapon skills, their distribution
10 by skill and, for each such skill, their distribution by
11 age.

12 (H) A statement of the number of scientists retir-
13 ing from the weapons program and the skill areas in
14 which they worked in the year preceding their retire-
15 ment.

16 (I) Based on the information contained in sub-
17 paragraphs (A) through (H), a projection of what
18 areas will become understaffed in the five years fol-
19 lowing the date of the submission of the report.

20 (J) A statement of alternatives for retaining and
21 recruiting scientists for the weapons programs at the
22 laboratories in order to preserve a sufficient skill base
23 and to fulfill stockpile stewardship responsibilities.

1 (K) *The recommendations of the Secretary for*
2 *implementing any of the alternatives referred to in*
3 *subparagraph (J).*

4 **SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PRO-**
5 **GRAM.**

6 *Of the funds authorized to be appropriated by this title*
7 *to the Department of Energy for fiscal year 1995,*
8 *\$176,473,000 shall be available for the defense inertial con-*
9 *finement fusion program, of which—*

10 (1) *not less than \$20,765,000 shall be available*
11 *for program activities at the University of Rochester,*
12 *Rochester, New York; and*

13 (2) *not less than \$8,750,000 shall be available for*
14 *program activities at the Naval Research Laboratory,*
15 *Washington, District of Columbia.*

16 **SEC. 3133. PAYMENT OF PENALTIES.**

17 *The Secretary of Energy may pay to the Hazardous*
18 *Substances Response Trust, from funds appropriated to the*
19 *Department of Energy for environmental restoration and*
20 *waste management activities pursuant to section 3102, stip-*
21 *ulated civil penalties assessed under the Comprehensive En-*
22 *vironmental Response, Compensation and Liability Act of*
23 *1980 (42 U.S.C. 9601 et seq.) in amounts as follows:*

1 (1) \$50,000, assessed against the Fernald Envi-
2 ronmental Management Project, Ohio, under such
3 Act.

4 (2) \$50,000, assessed against the Portsmouth
5 Gaseous Diffusion Plant, Ohio, under such Act.

6 **SEC. 3134. WATER MANAGEMENT PROGRAMS.**

7 From funds authorized to be appropriated pursuant
8 to section 3102 to the Department of Energy for environ-
9 mental restoration and waste management activities, the
10 Secretary of Energy may reimburse the cities of West-
11 minster, Broomfield, Thornton, and Northglenn, in the
12 State of Colorado, \$11,415,000 for the cost of implementing
13 water management programs. Reimbursements for the
14 water management programs shall not be considered a
15 major Federal action for purposes of section 102(2) of the
16 National Environmental Policy Act of 1969 (42 U.S.C.
17 4332(2)).

18 **SEC. 3135. WORKER PROTECTION AT NUCLEAR WEAPONS**
19 **FACILITIES.**

20 Of the funds authorized to be appropriated by this title
21 to the Department of Energy for fiscal year 1995 for waste
22 management activities for environmental restoration and
23 waste management activities necessary for national security
24 programs, \$11,000,000 shall be available to carry out ac-
25 tivities authorized under section 3131 of the National De-

1 *fense Authorization Act for Fiscal Years 1992 and 1993*
2 *(Public Law 102–190; 42 U.S.C. 7274d), relating to worker*
3 *protection at nuclear weapons facilities.*

4 **SEC. 3136. WORKER HEALTH AND PROTECTION.**

5 *Of amounts appropriated to the Department of Energy*
6 *for fiscal year 1995 pursuant to section 3101 for weapons*
7 *activities for operating expenses, \$2,500,000 shall be avail-*
8 *able for activities relating to the Hanford health informa-*
9 *tion network established pursuant to the authority set forth*
10 *in section 3138 of the National Defense Authorization Act*
11 *for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
12 *1834).*

13 **SEC. 3137. LIMITATION ON USE OF PROGRAM DIRECTION**
14 **FUNDS.**

15 *The Secretary of Energy may not obligate more than*
16 *50 percent of the funds appropriated pursuant to this title*
17 *for fiscal year 1995 for operating expenses for program di-*
18 *rection in carrying out environmental restoration and*
19 *waste management activities necessary for national security*
20 *programs until the Secretary submits to the Congress the*
21 *reports required to be submitted under subsections (a) and*
22 *(d) of section 3153 of the National Defense Authorization*
23 *Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.*
24 *1950) in the year during which that fiscal year ends.*

1 **SEC. 3138. LIMITATION ON USE OF FUNDS FOR NEW CON-**
2 **STRUCTION PROJECTS.**

3 *The Secretary of Energy may not obligate or expend*
4 *funds appropriated for a new construction project until the*
5 *Secretary has approved a conceptual design for that project.*
6 *In this section, the term “new construction project” means*
7 *a construction project necessary for national security pro-*
8 *grams of the Department of Energy for which funds were*
9 *initially requested for fiscal year 1995.*

10 **SEC. 3139. LIMITATION ON USE OF FUNDS FOR SPECIAL AC-**
11 **CESS PROGRAMS.**

12 *None of the funds appropriated or otherwise made*
13 *available to the Department of Energy for fiscal year 1995*
14 *pursuant to this title may be obligated for a limited access*
15 *program or special access program until the Secretary of*
16 *Energy submits to the congressional defense committees the*
17 *report required under section 93 of the Atomic Energy Act*
18 *of 1954 (42 U.S.C. 2122a).*

19 **SEC. 3140. PROHIBITION ON PREFINANCING.**

20 *The Secretary of Energy may not set aside funds ap-*
21 *propriated to the Secretary for national security programs*
22 *for any fiscal year for the purpose of retaining personnel*
23 *of the Department of Energy in the event that there is a*
24 *lapse of funds appropriated for such purpose for the follow-*
25 *ing fiscal year.*

1 **SEC. 3141. INTERNATIONAL CENTER FOR APPLIED RE-**
2 **SEARCH.**

3 (a) *ESTABLISHMENT.*—(1) *The Secretary of Energy*
4 *shall establish an International Center for Applied Research*
5 *to promote the following activities:*

6 (A) *The application in the United States of hy-*
7 *drogen technology research derived from tritium pro-*
8 *duction.*

9 (B) *The development of beneficial uses of nuclear*
10 *materials.*

11 (C) *The research and development of innovative*
12 *methods for the treatment and disposal of nuclear*
13 *materials.*

14 (D) *The development of specifications for the de-*
15 *commissioning of nuclear materials.*

16 (E) *The research and development of any tech-*
17 *nologies that the Secretary considers appropriate and*
18 *that are likely to be commercialized.*

19 (2) *The Center shall be established at a Department*
20 *of Energy nuclear weapon production facility at which the*
21 *Secretary has successfully demonstrated environmental*
22 *technologies as part of the Integrated Demonstration for*
23 *Volatile Organic Compounds Program conducted by the*
24 *Secretary.*

25 (3) *The Center shall be operated by a nonprofit entity*
26 *established by State statute to accomplish economic develop-*

1 *ment through applied science and technology that, as deter-*
2 *mined by the Secretary—*

3 *(A) has demonstrated successful management of*
4 *diverse teams of organizations who have technical ex-*
5 *perience in industrial research and development of*
6 *high technology programs; and*

7 *(B) has available facilities adjacent to the De-*
8 *partment of Energy nuclear weapon production facil-*
9 *ity to carry out the activities of the Center.*

10 *(b) AVAILABILITY OF FUNDS.—Of amounts authorized*
11 *to be appropriated in section 3101(c), \$12,000,000 shall be*
12 *available to establish the Center referred to in subsection*
13 *(a).*

14 **SEC. 3142. LIMITATION ON STUDY OR RELOCATION OF**
15 **TRITIUM-RELATED ACTIVITIES AND OPER-**
16 **ATIONS.**

17 *None of the funds appropriated or otherwise made*
18 *available to the Department of Energy for fiscal year 1995*
19 *pursuant to this title may be used to study or relocate trit-*
20 *ium-related activities and operations from the Mound*
21 *Plant, Ohio, to a facility other than a weapons production*
22 *facility having demonstrated tritium production and han-*
23 *dling experience as recommended by the Department's inde-*
24 *pendent consultants that reviewed the "Nonnuclear Recon-*
25 *figuration Cost Effectiveness Report" of January 1993.*

1 ***Subtitle D—Other Matters***

2 ***SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT***
3 ***OF ENERGY FUNDS.***

4 *The Secretary of Energy shall establish procedures to*
5 *account for the use of funds, in each fiscal year beginning*
6 *with fiscal year 1995, for the performance of the programs*
7 *and activities of the Department of Energy for which funds*
8 *are appropriated for national security programs of the De-*
9 *partment of Energy. The procedures shall account for funds*
10 *appropriated for such programs and activities which are*
11 *not used for the purpose for which such funds were appro-*
12 *priated. The procedures shall provide for an accounting of*
13 *all encumbered funds, unencumbered funds, unobligated*
14 *funds, costed funds, and uncosted obligations of the Depart-*
15 *ment of Energy in each such fiscal year.*

16 ***SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS AC-***
17 ***TIVITIES.***

18 *(a) APPROVAL BY NUCLEAR WEAPONS COUNCIL.—*
19 *Subsection (d) of section 179 of title 10, United States Code,*
20 *is amended—*

21 *(1) by redesignating paragraphs (8) and (9) as*
22 *paragraphs (9) and (10); and*

23 *(2) by inserting after paragraph (7) the follow-*
24 *ing new paragraph (8):*

1 “(8) *Coordinating and approving activities con-*
2 *ducted by the Department of Energy for the study, de-*
3 *velopment, production, and retirement of nuclear*
4 *warheads, including concept definition studies, fea-*
5 *sibility studies, engineering development, hardware*
6 *component fabrication, warhead production, and war-*
7 *head retirement.*”.

8 (b) *REPORT.*—*Such section is further amended by add-*
9 *ing at the end the following new subsection:*

10 “(e) *ANNUAL REPORT.*—(1) *Each fiscal year, before*
11 *the preparation of the annual budget request of the Depart-*
12 *ment of Energy, the Chairman of the Council shall submit*
13 *to the Secretary of Energy a report on the following:*

14 “(A) *The effectiveness and efficiency of the Coun-*
15 *cil, and of the deliberative and decisionmaking proc-*
16 *esses used by the Council, in carrying out the respon-*
17 *sibilities described in subsection (d).*

18 “(B) *A description of all activities conducted by*
19 *the Department of Energy during that fiscal year, or*
20 *planned to be conducted by the Department of Energy*
21 *during the next fiscal year, for the study, develop-*
22 *ment, production, and retirement of nuclear warheads*
23 *and that have been approved by the Council, includ-*
24 *ing a description of—*

1 “(i) the concept definition activities and
2 feasibility studies conducted or planned to be
3 conducted by the Department of Energy;

4 “(ii) the schedule for completion of each
5 such activity or study; and

6 “(iii) the degree to which each such activity
7 or study is consistent with United States policy
8 for new nuclear warhead development or war-
9 head modifications and with established or pro-
10 jected military requirements.

11 “(2) Each fiscal year, at the same time as the submis-
12 sion of the President’s budget, the Secretary of Energy shall
13 submit the report referred to in paragraph (1), in classified
14 form, to the Committees on Armed Services and Appropria-
15 tions of the Senate and House of Representatives.”.

16 (c) *TECHNICAL AMENDMENT.*—Subsections (a)(3) and
17 (b) of such section are amended by striking out “appointed”
18 each place it appears and inserting in lieu thereof “des-
19 ignated”.

20 **SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CER-**
21 **TAIN ACTIVITIES AT THE NEVADA TEST SITE,**
22 **NEVADA.**

23 Not later than March 1, 1995, the Secretary of Energy
24 shall submit to the Congress a report on the feasibility of

1 *conducting the following activities at the Nevada Test Site,*
2 *Nevada:*

3 (1) *The demilitarization of large rocket motor*
4 *and conventional ordnance.*

5 (2) *Disarmament and demilitarization, gen-*
6 *erally.*

7 (3) *The conduct of experiments that assist in*
8 *monitoring compliance with international agreements*
9 *on the nonproliferation of nuclear weapons.*

10 (4) *The provision of support to the Department*
11 *of Energy nuclear weapons complex.*

12 (5) *The conduct of programs for the Department*
13 *of Energy and the Department of Defense to develop*
14 *simulator technologies for nuclear weapons design*
15 *and effects, including advanced hydrodynamic sim-*
16 *ulators, inertial confinement fusion test facilities, and*
17 *nuclear weapons effects simulators (such as the Dec-*
18 *ade and Jupiter simulators).*

19 (6) *The conduct of the stockpile stewardship pro-*
20 *gram established pursuant to section 3138 of the Na-*
21 *tional Defense Authorization Act for Fiscal Year 1994*
22 *(107 Stat. 1946; Public Law 103–160).*

23 (7) *Experiments related to the non-proliferation*
24 *of nuclear weapons, including experiments with re-*

1 *spect to disablement, nuclear forensics, sensors, and*
2 *verification and monitoring.*

3 **SEC. 3154. REPORT ON WASTE STREAMS GENERATED BY**
4 **NUCLEAR WEAPONS PRODUCTION CYCLE.**

5 (a) *REPORT.*—Not later than March 31, 1995, the Sec-
6 *retary of Energy shall submit to the Congress a report that*
7 *contains a description of all waste streams generated during*
8 *each step of the complete cycle of production and disposition*
9 *of nuclear weapon components by the Department of En-*
10 *ergy. The description for each such step shall be based on*
11 *a unit of analysis that is appropriate for that step. The*
12 *report shall include an estimate of the volume of waste gen-*
13 *erated per unit of analysis and an analysis of the toxicity*
14 *of each waste stream.*

15 (b) *DEFINITIONS.*—In this section:

16 (1) *The term “waste stream” means waste mate-*
17 *rials the storage, treatment, or disposition of which is*
18 *regulated under Federal law, except that such term*
19 *does not include usable source materials and usable*
20 *special nuclear materials.*

21 (2) *The terms “source material” and “special*
22 *nuclear material” have the meaning given such terms*
23 *in section 11(z) and (aa), respectively, of the Atomic*
24 *Energy Act of 1954 (42 U.S.C. 2014(z), (aa)).*

1 **SEC. 3155. RELEASE OF CERTAIN RESTRICTED DATA.**

2 Subsection (f) of section 142 of the Atomic Energy Act
3 of 1954 (42 U.S.C. 2162(f)) is amended by adding at the
4 end the following: “This subsection does not preclude the
5 President from releasing to a degree and in a manner which
6 is more limited than a public release of such data any Re-
7 stricted Data which is exchanged with a member state of
8 the Commonwealth of Independent States pursuant to a bi-
9 lateral exchange of such data.”.

10 **SEC. 3156. DESIGNATION OF MARILYN LLOYD SCHOLAR-**
11 **SHIP AND FELLOWSHIP PROGRAM.**

12 (a) *DESIGNATION*.—Section 3132(a) of the National
13 Defense Authorization Act for Fiscal Years 1992 and 1993
14 (42 U.S.C. 7274e) is amended by adding at the end the
15 following: “The scholarship and fellowship program shall
16 be known as the ‘Marilyn Lloyd Scholarship and Fellow-
17 ship Program’.”.

18 (b) *EFFECTIVE DATE*.—The amendment made by sub-
19 section (a) shall take effect on January 3, 1995.

20 **SEC. 3157. REPORT ON ECONOMIC REDEVELOPMENT AND**
21 **CONVERSION ACTIVITIES RESULTING FROM**
22 **RECONFIGURATION OF DEPARTMENT OF EN-**
23 **ERGY NUCLEAR WEAPONS COMPLEX.**

24 (a) *IN GENERAL*.—Not later than March 1, 1995, the
25 Secretary of Energy shall submit to the Congress informa-
26 tion on economic redevelopment and conversion activities

1 *that, in the determination of the Secretary, may result from*
2 *the reconfiguration of the Department of Energy nuclear*
3 *weapons complex. The Secretary may submit the informa-*
4 *tion in a report or submit the programmatic environmental*
5 *impact statement referred to in section 3145(c) of the Na-*
6 *tional Defense Authorization Act for Fiscal Year 1994 (Pub-*
7 *lic Law 103–160; 107 Stat. 1949) and include the informa-*
8 *tion in that statement.*

9 *(b) CONTENTS.—The information referred to in sub-*
10 *section (a) shall include the following:*

11 *(1) An analysis of the existing condition and ca-*
12 *pabilities of the facilities of the nuclear weapons com-*
13 *plex.*

14 *(2) A description of the technologies and proc-*
15 *esses at such facilities that have the potential to be de-*
16 *veloped in collaboration with private industry, State,*
17 *local, or tribal governments, institutions of higher*
18 *education, or non-profit organizations.*

19 *(3) An estimate of the costs associated with eco-*
20 *nomie redevelopment and conversion activities as a*
21 *result of the reconfiguration of the nuclear weapons*
22 *complex.*

23 *(4) A description of how the Secretary will co-*
24 *ordinate with local interests regarding such activities.*

1 **SEC. 3158. PROHIBITION ON DISCLOSURE OF CERTAIN IN-**
2 **FORMATION ON EXPOSURE TO RADIATION**
3 **RELEASED FROM HANFORD NUCLEAR RES-**
4 **ERVATION.**

5 *Section 3138 of the National Defense Authorization*
6 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
7 *1834) is amended by adding at the end the following new*
8 *subsection:*

9 *“(d) PROHIBITION ON DISCLOSURE OF EXPOSURE IN-*
10 *FORMATION.—(1) Except as provided in paragraph (2), a*
11 *person (including the Secretary of Energy, an officer or em-*
12 *ployee of a State, or any other person participating in or*
13 *receiving assistance under a program established under this*
14 *section) may not disclose to the public any information ob-*
15 *tained through the program that identifies a person who*
16 *may have been exposed to radiation released from the Han-*
17 *ford Nuclear Reservation or that identifies a person partici-*
18 *pating in any of the programs developed under this section.*
19 *Information prohibited from disclosure under this sub-*
20 *section shall include—*

21 *“(A) the name, address, and telephone number of*
22 *a person requesting information referred to in sub-*
23 *section (b)(1);*

24 *“(B) the name, address, and telephone number of*
25 *a person who has been referred to a health care pro-*
26 *fessional under subsection (b)(2);*

1 “(C) the name, address, and telephone number of
2 a person who has been registered and monitored pur-
3 suant to subsection (b)(3);

4 “(D) information that identifies the person from
5 whom information referred to in this paragraph was
6 obtained under the program or any other third party
7 involved with, or identified, by any such information
8 so obtained; and

9 “(E) any other personal or medical information
10 that identifies a person or party referred to in sub-
11 paragraphs (A) through (D).

12 “(2) Information referred to in paragraph (1) may be
13 disclosed to the public if the person identified by the infor-
14 mation, or the person’s legal representative, has consented
15 in writing to the disclosure.

16 “(3) The States of Washington, Oregon, and Idaho
17 shall establish procedures for carrying out this subsection,
18 including procedures governing the disclosure of informa-
19 tion under paragraph (2).”.

20 **TITLE XXXII—DEFENSE NU-**
21 **CLEAR FACILITIES SAFETY**
22 **BOARD AUTHORIZATION**

23 **SEC. 3201. AUTHORIZATION.**

24 There are authorized to be appropriated for fiscal year
25 1995, \$18,000,000 for the operation of the Defense Nuclear

1 *Facilities Safety Board under chapter 21 of the Atomic En-*
 2 *ergy Act of 1954 (42 U.S.C. 2286 et seq.).*

3 ***TITLE XXXIII—NATIONAL***
 4 ***DEFENSE STOCKPILE***

5 ***SEC. 3301. CONDITIONS ON AUTHORITY TO DISPOSE OF***
 6 ***CERTAIN STRATEGIC AND CRITICAL MATE-***
 7 ***RIALS.***

8 *Section 3302(f) of the National Defense Authorization*
 9 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*
 10 *2649) is amended by striking out “before October 1, 1994.”*
 11 *and inserting in lieu thereof the following: “until after the*
 12 *President certifies to Congress that—*

13 *“(1) there is a reliable domestic source for the*
 14 *adequate and timely production of these materials;*
 15 *and*

16 *“(2) such source can be called upon in times of*
 17 *a national emergency or a significant mobilization of*
 18 *the Armed Forces.”.*

19 ***SEC. 3302. REJECTION OF CHANGE IN STOCKPILING PRIN-***
 20 ***CIPLES.***

21 *(a) ESTABLISHMENT OF PRINCIPLES.—Section 2(c) of*
 22 *the Strategic and Critical Materials Stock Piling Act (50*
 23 *U.S.C. 98a(c)) is amended—*

1 (1) in paragraph (2), by striking out “Before
2 October 1, 1994, the quantities” and inserting in lieu
3 thereof “The quantities”; and

4 (2) by striking out paragraph (3).

5 (b) *BIENNIAL REPORT ON STOCKPILE REQUIRE-*
6 *MENTS.—Section 14(b) of such Act (50 U.S.C. 98h–5(b))*
7 *is amended—*

8 (1) in the second sentence, by striking out “Be-
9 fore October 1, 1994, such assumptions” and inserting
10 in lieu thereof “Such assumptions”; and

11 (2) by striking out the third sentence.

12 ***SEC. 3303. LIMITATIONS ON THE DISPOSAL OF CHROMITE***
13 ***AND MANGANESE ORES.***

14 (a) *PREFERENCE FOR DOMESTIC UPGRADING.—In of-*
15 *fering to enter into agreements pursuant to any provision*
16 *of law for the disposal of chromite and manganese ores of*
17 *metallurgical grade from the National Defense Stockpile*
18 *provided for in section 4 of the Strategic and Critical Mate-*
19 *rials Stock Piling Act (50 U.S.C. 98c), the President shall*
20 *give a right of first refusal on all such offers to domestic*
21 *ferroalloy upgraders.*

22 (b) *DOMESTIC FERROALLOY UPGRADER DEFINED.—*
23 *For purposes of this section, the term “domestic ferroalloy*
24 *upgrader” means a company or other business entity that,*
25 *as determined by the President—*

1 (1) *is engaged in operations to upgrade chromite*
 2 *or manganese ores of metallurgical grade or is capa-*
 3 *ble of engaging in such operations; and*

4 (2) *conducts a significant level of its research,*
 5 *development, engineering, and upgrading operations*
 6 *in the United States.*

7 (c) *APPLICATION OF SECTION.—The requirements*
 8 *specified in subsection (a) shall apply during fiscal year*
 9 *1995.*

10 **SEC. 3304. CONDITIONAL PROHIBITION ON PROPOSED DIS-**
 11 **POSAL OF ZINC FROM NATIONAL DEFENSE**
 12 **STOCKPILE.**

13 (a) *PROHIBITION.—Except as provided in subsection*
 14 *(b), the President may not proceed with the disposal from*
 15 *the National Defense Stockpile of any portion of the 75,000*
 16 *short tons of zinc that was proposed for disposal in the an-*
 17 *nual materials plan submitted to Congress under section*
 18 *11(b) of such Act (50 U.S.C. 98h-2) in March 1994.*

19 (b) *EXCEPTION.—Subsection (a) shall not apply to the*
 20 *disposal of zinc from the National Defense Stockpile if the*
 21 *President certifies to Congress before proceeding with such*
 22 *disposal that any such disposal would not cause any undue*
 23 *disruption of the usual markets of producers, processors,*
 24 *and consumers of zinc.*

1 (c) *DEFINITION.*—For purposes of this section, the
 2 term “National Defense Stockpile” means the stockpile pro-
 3 vided for in section 4 of the Strategic and Critical Materials
 4 Stock Piling Act (50 U.S.C. 98c).

5 **SEC. 3305. SPECIAL PROGRAM FOR CONVERSION OF LOW**
 6 **CARBON FERRO CHROMIUM TO HIGH PURITY**
 7 **ELECTROLYTIC CHROMIUM METAL.**

8 (a) *REQUIRED UPGRADING.*—During each of the fiscal
 9 years 1995 and 1996, the President shall obtain bids from
 10 domestic producers of high purity electrolytic chromium
 11 metal for the conversion of low carbon ferro chromium held
 12 in the National Defense Stockpile. On the basis of such bids,
 13 the President shall award contracts for the conversion of
 14 such chromium into high purity electrolytic chromium
 15 metal for inclusion in the National Defense Stockpile.

16 (b) *QUANTITIES TO BE UPGRADED.*—Contracts
 17 awarded under subsection (a) shall provide for the addition
 18 of not less than 500 short tons of high purity electrolytic
 19 chromium metal to the National Defense Stockpile during
 20 each of the fiscal years covered by subsection (a).

21 (c) *USE OF BARTER.*—The President shall carry out
 22 this section only through the use of the barter authority pro-
 23 vided to the President under section 6(c) of the Strategic
 24 and Critical Materials Stock Piling Act (50 U.S.C. 98e(c))
 25 for the management of the National Defense Stockpile.

1 (d) *DEFINITION.*—For purposes of this section, the
 2 term “National Defense Stockpile” means the stockpile pro-
 3 vided for in section 4 of the Strategic and Critical Materials
 4 Stock Piling Act (50 U.S.C. 98c).

5 ***TITLE XXXIV—CIVIL DEFENSE***

6 ***SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.***

7 There is hereby authorized to be appropriated
 8 \$129,658,000 for fiscal year 1995 for the purpose of carry-
 9 ing out title VI of The Robert T. Stafford Disaster Relief
 10 and Emergency Assistance Act (42 U.S.C. 5121 et seq.), as
 11 added by section 3402.

12 ***SEC. 3402. TRANSFER OF FEDERAL CIVIL DEFENSE ACT OF*** 13 ***1950 TO THE ROBERT T. STAFFORD DISASTER*** 14 ***RELIEF AND EMERGENCY ASSISTANCE ACT.***

15 (a) *INCLUSION AS ADDITIONAL TITLE.*—The Robert T.
 16 Stafford Disaster Relief and Emergency Assistance Act (42
 17 U.S.C. 5121 et seq.) is amended—

18 (1) by redesignating title VI as title VII;

19 (2) by redesignating sections 601, 602, 603, and
 20 604 as sections 701, 702, 703, and 704, respectively;
 21 and

22 (3) by inserting after title V the following new
 23 title VI:

1 ***“TITLE VI—FEDERAL CIVIL***
2 ***DEFENSE***

3 ***“SEC. 601. DECLARATION OF POLICY.***

4 *“The purpose of this title is to provide a system of*
5 *civil defense for the protection of life and property in the*
6 *United States from hazards and to vest responsibility for*
7 *civil defense jointly in the Federal Government and the sev-*
8 *eral States and their political subdivisions. The Congress*
9 *recognizes that the organizational structure established*
10 *jointly by the Federal Government and the several States*
11 *and their political subdivisions for civil defense purposes*
12 *can be effectively utilized to provide relief and assistance*
13 *to people in areas of the United States struck by a hazard.*
14 *The Federal Government shall provide necessary direction,*
15 *coordination, and guidance and shall provide necessary as-*
16 *sistance as authorized in this title.*

17 ***“SEC. 602. DEFINITIONS.***

18 *“In this title:*

19 *“(1) The term ‘hazard’ means an emergency or*
20 *disaster resulting from—*

21 *“(A) a natural disaster; or*

22 *“(B) an accidental or man-caused event, in-*
23 *cluding a civil disturbance and an attack-related*
24 *disaster.*

1 “(2) The term ‘attack-related disaster’ means
2 any attack or series of attacks by an enemy of the
3 United States causing, or which may cause, substan-
4 tial damage or injury to civilian property or persons
5 in the United States in any manner by sabotage or
6 by the use of bombs, shellfire, or nuclear, radiological,
7 chemical, bacteriological, or biological means or other
8 weapons or processes.

9 “(3) The term ‘natural disaster’ means any hur-
10 ricane, tornado, storm, flood, high water, wind-driven
11 water, tidal wave, tsunami, earthquake, volcanic
12 eruption, landslide, mudslide, snowstorm, drought,
13 fire, or other catastrophe in any part of the United
14 States which causes, or which may cause, substantial
15 damage or injury to civilian property or persons.

16 “(4) The term ‘civil defense’ means all those ac-
17 tivities and measures designed or undertaken to mini-
18 mize the effects of a hazard upon the civilian popu-
19 lation, to deal with the immediate emergency condi-
20 tions which would be created by the hazard, and to
21 effectuate emergency repairs to, or the emergency res-
22 toration of, vital utilities and facilities destroyed or
23 damaged by the hazard. Such term shall include the
24 following:

1 “(A) Measures to be undertaken in prepara-
2 tion for anticipated hazards (including the estab-
3 lishment of appropriate organizations, oper-
4 ational plans, and supporting agreements, the
5 recruitment and training of personnel, the con-
6 duct of research, the procurement and stockpiling
7 of necessary materials and supplies, the provi-
8 sion of suitable warning systems, the construc-
9 tion or preparation of shelters, shelter areas, and
10 control centers, and, when appropriate, the non-
11 military evacuation of civil population).

12 “(B) Measures to be undertaken during a
13 hazard (including the enforcement of passive de-
14 fense regulations prescribed by duly established
15 military or civil authorities, the evacuation of
16 personnel to shelter areas, the control of traffic
17 and panic, and the control and use of lighting
18 and civil communications).

19 “(C) Measures to be undertaken following a
20 hazard (including activities for fire fighting, res-
21 cue, emergency medical, health and sanitation
22 services, monitoring for specific dangers of spe-
23 cial weapons, unexploded bomb reconnaissance,
24 essential debris clearance, emergency welfare

1 *measures, and immediately essential emergency*
2 *repair or restoration of damaged vital facilities).*

3 “(5) The term ‘organizational equipment’ means
4 *equipment determined by the Director to be necessary*
5 *to a civil defense organization, as distinguished from*
6 *personal equipment, and of such a type or nature as*
7 *to require it to be financed in whole or in part by*
8 *the Federal Government. Such term does not include*
9 *those items which the local community normally uti-*
10 *lizes in combating local disasters except when re-*
11 *quired in unusual quantities dictated by the require-*
12 *ments of the civil defense plans.*

13 “(6) The term ‘materials’ includes raw mate-
14 *rials, supplies, medicines, equipment, component*
15 *parts and technical information and processes nec-*
16 *essary for civil defense.*

17 “(7) The term ‘facilities’, except as otherwise
18 *provided in this title, includes buildings, shelters,*
19 *utilities, and land.*

20 “(8) The term ‘Director’ means the Director of
21 *the Federal Emergency Management Agency.*

22 “(9) The term ‘neighboring countries’ includes
23 *Canada and Mexico.*

24 “(10) The term ‘State’ includes interstate civil
25 *defense authorities established under section 611(g).*

1 ***“SEC. 603. ADMINISTRATION OF TITLE.***

2 *“This title shall be carried out by the Director of the*
3 *Federal Emergency Management Agency.*

4 ***“Subtitle A—Powers and Duties***

5 ***“SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.***

6 *“The Director is authorized, in order to carry out the*
7 *policy described in section 601 to perform the following*
8 *functions:*

9 *“(a) Prepare national plans and programs for*
10 *the civil defense of the United States, making such use*
11 *of plans and programs previously initiated by the*
12 *National Security Resources Board as is feasible;*
13 *sponsor and direct such plans and programs; and re-*
14 *quest such reports on State plans and operations for*
15 *civil defense as may be necessary to keep the Presi-*
16 *dent, Congress, and the several States advised of the*
17 *status of civil defense in the United States.*

18 *“(b) Delegate, with the approval of the President,*
19 *to the several departments and agencies of the Federal*
20 *Government appropriate civil defense responsibilities*
21 *and review and coordinate the civil defense activities*
22 *of the departments and agencies with each other and*
23 *with the activities of the States and neighboring coun-*
24 *tries.*

1 “(c) Make appropriate provision for necessary
2 civil defense communications and for dissemination of
3 warnings to the civilian population of a hazard.

4 “(d) Study and develop civil defense measures
5 designed to afford adequate protection of life and
6 property, including research and studies as to the best
7 methods of treating the effects of hazards, developing
8 shelter designs and materials for protective covering
9 or construction, and developing equipment or facili-
10 ties and effecting the standardization thereof to meet
11 civil defense requirements.

12 “(e) Conduct or arrange, by contract or other-
13 wise, for training programs for the instruction of civil
14 defense officials and other persons in the organiza-
15 tion, operation, and techniques of civil defense; con-
16 duct or operate schools or including the payment of
17 travel expenses, in accordance with subchapter I of
18 chapter 57 of title 5, United States Code, and the
19 Standardized Government Travel Regulations, and
20 per diem allowances, in lieu of subsistence for trainees
21 in attendance or the furnishing of subsistence and
22 quarters for trainees and instructors on terms pre-
23 scribed by the Director; and provide instructors and
24 training aids as deemed necessary. The terms pre-
25 scribed by the Director for the payment of travel ex-

1 *penses and per diem allowances authorized by this*
2 *subsection shall include a provision that such pay-*
3 *ment shall not exceed 1/2 of the total cost of such ex-*
4 *penses. Not more than one national civil defense col-*
5 *lege and three civil defense technical training schools*
6 *shall be established under the authority of this sub-*
7 *section. The Director is authorized to lease real prop-*
8 *erty required for the purpose of carrying out the pro-*
9 *visions of this subsection, but shall not acquire fee*
10 *title to property unless specifically authorized by law.*

11 *“(f) Publicly disseminate appropriate civil de-*
12 *fense information by all appropriate means.*

13 *“(g) Assist and encourage the States to negotiate*
14 *and enter into interstate civil defense compacts; re-*
15 *view the terms and conditions of such proposed com-*
16 *pacts in order to assist, to the extent feasible, in ob-*
17 *taining uniformity therein and consistency with the*
18 *national civil defense plans and programs; assist and*
19 *coordinate the activities thereunder; and aid and as-*
20 *assist in encouraging reciprocal civil defense legislation*
21 *by the States which will permit the furnishing of mu-*
22 *tual aid for civil defense purposes in the event of a*
23 *hazard which cannot be adequately met or controlled*
24 *by a State or political subdivision thereof threatened*
25 *with or experiencing a hazard. A copy of each such*

1 *civil defense compact shall be transmitted promptly to*
2 *the Senate and the House of Representatives. The con-*
3 *sent of Congress shall be granted to each such com-*
4 *compact, upon the expiration of the first period of 60 cal-*
5 *endar days of continuous session of the Congress fol-*
6 *lowing the date on which the compact is transmitted*
7 *to it; but only if, between the date of transmittal and*
8 *expiration of such 60-day period, there has not been*
9 *passed a concurrent resolution stating in substance*
10 *that the Congress does not approve the compact. Noth-*
11 *ing in this subsection shall be construed as preventing*
12 *Congress from withdrawing at any time its consent to*
13 *any such compact.*

14 *“(h) Procure by condemnation or otherwise, con-*
15 *struct, lease, transport, store, maintain, renovate or*
16 *distribute materials and facilities for civil defense,*
17 *with the right to take immediate possession thereof.*
18 *Facilities acquired by purchase, donation, or other*
19 *means of transfer may be occupied, used, and im-*
20 *proved for the purposes of this title, prior to the ap-*
21 *proval of title by the Attorney General as required by*
22 *section 355 of the Revised Statutes (40 U.S.C. 255).*
23 *The Director shall report not less often than quarterly*
24 *to the Congress all property acquisitions made pursu-*
25 *ant to this subsection. The Director is authorized to*

1 *lease real property required for the purpose of carry-*
2 *ing out the provisions of this subsection, but shall not*
3 *acquire fee title to property unless specifically author-*
4 *ized law. The Director is authorized to procure and*
5 *maintain under this subsection radiological instru-*
6 *ments and detection devices, protective masks, and*
7 *gas detection kits, and distribute the same by loan or*
8 *grant to the States for civil defense purposes, under*
9 *such terms and conditions as the Director shall pre-*
10 *scribe.*

11 “(i) *Make financial contributions, on the basis of*
12 *programs or projects approved by the Director, to the*
13 *States for civil defense purposes, including the pro-*
14 *curement, construction, leasing, or renovating of ma-*
15 *terials and facilities. Such contributions shall be*
16 *made on such terms or conditions as the Director*
17 *shall prescribe, including the method of purchase, the*
18 *quantity, quality, or specifications of the materials or*
19 *facilities, and such other factors or care or treatment*
20 *to assure the uniformity, availability, and good con-*
21 *dition of such materials or facilities. No contributions*
22 *shall be made under this subsection for the procure-*
23 *ment of land or for the purchase of personal equip-*
24 *ment for State or local civil defense workers. The*
25 *amounts authorized to be contributed by the Director*

1 to each State for organizational equipment shall be
2 equally matched by such State from any source it de-
3 termines is consistent with its laws. Financial con-
4 tributions to the States for shelters and other protec-
5 tive facilities shall be determined by taking the
6 amount of funds appropriated or available to the Di-
7 rector for such facilities in each fiscal year and ap-
8 portioning such funds among the States in the ratio
9 which the urban population of the critical target
10 areas (as determined by the Director, after consulta-
11 tion with the Secretary of Defense) in each State, at
12 the time of the determination, bears to the total urban
13 population of the critical target areas of all of the
14 States. The amounts authorized to be contributed by
15 the Director to each State for such shelters and pro-
16 tective facilities shall be equally matched by such
17 State from any source it determines is consistent with
18 its laws and, if not matched within a reasonable
19 time, the Director may reallocate same to other States
20 under the formula described in the preceding sentence.
21 The value of any land contributed by any State or
22 political subdivision thereof shall be excluded from the
23 computation of the State share under this subsection.
24 The amounts paid to any State under this subsection
25 shall be expended solely in carrying out the purposes

1 *set forth herein and in accordance with State civil de-*
2 *fense programs or projects approved by the Director.*
3 *The Director shall make no contribution toward the*
4 *cost of any program or project for the procurement,*
5 *construction, or leasing of any facility which (1) is*
6 *intended for use, in whole or in part, for any purpose*
7 *other than civil defense, and (2) is of such kind that*
8 *upon completion it will, in the judgment of the Direc-*
9 *tor, be capable of producing sufficient revenue to pro-*
10 *vide reasonable assurance of the retirement or repay-*
11 *ment of such cost; except that (subject to the preceding*
12 *sentences of this subsection) the Director may make a*
13 *contribution to any State toward that portion of the*
14 *cost of the construction, reconstruction, or enlarge-*
15 *ment of any facility which the Director determines to*
16 *be directly attributable to the incorporation in such*
17 *facility of any feature of construction or design not*
18 *necessary for the principal intended purpose thereof*
19 *but which is, in the judgment of the Director nec-*
20 *essary for the use of such facility for civil defense pur-*
21 *poses. The Director shall report not less often than*
22 *annually to Congress all contributions made pursuant*
23 *to this subsection. All laborers and mechanics em-*
24 *ployed by contractors or subcontractors in the per-*
25 *formance of construction work financed with the as-*

1 *sistance of any contribution of Federal funds made by*
2 *the Director under this subsection shall be paid wages*
3 *at rates not less than those prevailing on similar con-*
4 *struction in the locality as determined by the Sec-*
5 *retary of Labor in accordance with the Act of March*
6 *3, 1931 (commonly known as the Davis-Bacon Act*
7 *(40 U.S.C. 276a-276a-5)), and every such employee*
8 *shall receive compensation at a rate not less than one*
9 *and 1/2 times the basic rate of pay of the employee for*
10 *all hours worked in any workweek in excess of eight*
11 *hours in any workday or 40 hours in the workweek,*
12 *as the case may be. The Director shall make no con-*
13 *tribution of Federal funds without first obtaining*
14 *adequate assurance that these labor standards will be*
15 *maintained upon the construction work. The Sec-*
16 *retary of Labor shall have, with respect to the labor*
17 *standards specified in this subsection, the authority*
18 *and functions set forth in Reorganization Plan Num-*
19 *bered 14 of 1950 (5 U.S.C. App.), and section 2 of the*
20 *Act of June 13, 1934 (40 U.S.C. 276(c)).*

21 *“(j) Arrange for the sale or disposal of materials*
22 *and facilities found by the Director to be unnecessary*
23 *or unsuitable for civil defense purposes in the same*
24 *manner as provided for excess property under the*
25 *Federal Property and Administrative Services Act of*

1 1949 (40 U.S.C. 471 et seq.). Any funds received as
2 proceeds from the sale or other disposition of such
3 materials and facilities shall be covered into the
4 Treasury as miscellaneous receipts.

5 **“SEC. 612. MUTUAL AID PACTS BETWEEN SEVERAL STATES**
6 **AND NEIGHBORING COUNTRIES.**

7 “The Director shall give all practicable assistance to
8 States in arranging, through the Department of State, mu-
9 tual civil defense aid between the States and neighboring
10 countries.

11 **“SEC. 613. IDENTITY INSIGNIA.**

12 “The Director may prescribe insignia, arm bands, and
13 other distinctive articles (including designs previously cov-
14 ered under Letters Patent which were assigned to the United
15 States and held by the Office of Civilian Defense created
16 by Executive Order Numbered 8757 issued May 20, 1941)
17 which may be manufactured for or possessed or worn by
18 persons engaged in civil defense activities pursuant to rules
19 and regulations for the manufacture, possession, or wearing
20 thereof established by the Director. The manufacture, posses-
21 sion, or wearing of any such insignia, arm band, or other
22 distinctive article otherwise than in accordance with such
23 rules and regulations shall be unlawful and shall subject
24 such person to a fine of not more than \$1,000 or imprison-
25 ment of not more than one year, or both.

1 **“SEC. 614. CONTRIBUTIONS FOR PERSONNEL AND ADMIN-**
 2 **ISTRATIVE EXPENSES.**

3 “(a) *GENERAL AUTHORITY.*—To further assist in car-
 4 rying out the purposes of this title, the Director may make
 5 financial contributions to the States (including interstate
 6 civil defense authorities established pursuant to section
 7 611(g)) for necessary and essential State and local civil de-
 8 fense personnel and administrative expenses, on the basis
 9 of approved plans (which shall be consistent with the na-
 10 tional plan for civil defense approved by the Director) for
 11 the civil defense of the States. The financial contributions
 12 to the States under this section shall not exceed $\frac{1}{2}$ of the
 13 total cost of such necessary and essential State and local
 14 civil defense personnel and administrative expenses.

15 “(b) *PLAN REQUIREMENTS.*—Plans submitted under
 16 this section shall—

17 “(1) provide, pursuant to State law, that the
 18 plan shall be in effect in all political subdivisions of
 19 the State and be mandatory on them and be adminis-
 20 tered or supervised by a single State agency;

21 “(2) provide that the State shall share the finan-
 22 cial assistance with that provided by the Federal Gov-
 23 ernment under this section from any source deter-
 24 mined by it to be consistent with State law;

1 “(3) provide for the development of State and
2 local civil defense operational plans, pursuant to
3 standards approved by the Director;

4 “(4) provide for the employment of a full-time
5 civil defense director, or deputy director, by the State;

6 “(5) provide that the State shall make such re-
7 ports in such form and content as the Director may
8 require; and

9 “(6) make available to duly authorized represent-
10 atives of the Director and the Comptroller General,
11 books, records, and papers necessary to conduct audits
12 for the purposes of this section.

13 “(c) *TERMS AND CONDITIONS.*—The Director shall es-
14 tablish such other terms and conditions as the Director con-
15 siders necessary and proper to carry out this section.

16 “(d) *APPLICATION OF OTHER PROVISIONS.*—In carry-
17 ing out this section, the provisions of section 611(g) and
18 621(h) shall apply.

19 “(e) *ALLOCATION OF FUNDS.*—For each fiscal year
20 concerned, the Director shall allocate to each State, in ac-
21 cordance with regulations and the total sum appropriated
22 hereunder, amounts to be made available to the States for
23 the purposes of this section. Regulations governing alloca-
24 tions to the States under this subsection shall give due re-
25 gard to (1) the criticality of the target and support areas

1 *and the areas which may be affected by hazards with respect*
 2 *to the development of the total civil defense readiness of the*
 3 *Nation, (2) the relative state of development of civil defense*
 4 *readiness of the State, (3) population, and (4) such other*
 5 *factors as the Director shall prescribe. The Director may*
 6 *reallocate the excess of any allocation not utilized by a State*
 7 *in a plan submitted hereunder. Amounts paid to any State*
 8 *or political subdivision under this section shall be expended*
 9 *solely for the purposes set forth herein.*

10 “(f) *SUBMISSION OF PLAN.*—*In the event a State fails*
 11 *to submit a plan for approval as required by this section*
 12 *within 60 days after the Director notifies the States of the*
 13 *allocations hereunder, the Director may reallocate such*
 14 *funds, or portions thereof, among the other States in such*
 15 *amounts as, in the judgment of the Director will best assure*
 16 *the adequate development of the civil defense capability of*
 17 *the Nation.*

18 “(g) *ANNUAL REPORTS.*—*The Director shall report an-*
 19 *nually to the Congress all contributions made pursuant to*
 20 *this section.*

21 **“SEC. 615. REQUIREMENT FOR STATE MATCHING FUNDS**
 22 **FOR CONSTRUCTION OF EMERGENCY OPER-**
 23 **ATING CENTERS.**

24 “*Notwithstanding any other provision of this title,*
 25 *funds appropriated to carry out this title may not be used*

1 *for the purpose of constructing emergency operating centers*
 2 *(or similar facilities) in any State unless such State*
 3 *matches in an equal amount the amount made available*
 4 *to such State under this title for such purpose.*

5 ***“SEC. 616. USE OF FUNDS TO PREPARE FOR AND RESPOND***
 6 ***TO HAZARDS.***

7 *“Funds made available to the States under this title*
 8 *may be used by the States for the purposes of preparing*
 9 *for hazards and providing emergency assistance in response*
 10 *to hazards. Regulations prescribed to carry out this section*
 11 *shall authorize the use of civil defense personnel, materials,*
 12 *and facilities supported in whole or in part through con-*
 13 *tributions under this title for civil defense activities and*
 14 *measures related to hazards.*

15 ***“Subtitle B—General Provisions***

16 ***“SEC. 621. ADMINISTRATIVE AUTHORITY.***

17 *“For the purpose of carrying out the powers and duties*
 18 *assigned to the Director under this title, the Director may*
 19 *exercise the following administrative authorities:*

20 *“(a) Employ civilian personnel for duty in the*
 21 *United States, including the District of Columbia, or*
 22 *elsewhere, subject to the civil-service laws, and to fix*
 23 *the compensation of such personnel in accordance*
 24 *with subchapter III of chapter 51 and chapter 53 of*
 25 *title 5, United States Code.*

1 “(b) Employ not more than 100 such part-time
2 or temporary advisory personnel (including not to ex-
3 ceed 25 subjects of the United Kingdom and the Do-
4 minion of Canada) as are deemed necessary in carry-
5 ing out the provisions of this title. Persons holding
6 other offices or positions under the United States for
7 which they receive compensation, while serving as
8 members of such committees, shall receive no addi-
9 tional compensation for such service. Other members
10 of such committees and other part-time or temporary
11 advisory personnel so employed may serve without
12 compensation or may receive compensation at a rate
13 not to exceed \$50 for each day of service, as deter-
14 mined by the Director.

15 “(c) Utilize the services of Federal agencies and,
16 with the consent of any State or local government, ac-
17 cept and utilize the services of State and local civil
18 agencies; establish and utilize such regional and other
19 offices as may be necessary; utilize such voluntary
20 and uncompensated services by individuals or organi-
21 zations as may from time to time be needed; and au-
22 thorize the States to establish and organize such indi-
23 viduals and organizations into units to be known col-
24 lectively as the United States Civil Defense Corps.
25 The members of such corps shall not be deemed by

1 *reason of such membership to be appointees or em-*
2 *ployees of the United States.*

3 “(d) Notwithstanding any other provision of law,
4 *accept gifts of supplies, equipment, and facilities and*
5 *utilize or distribute such gifts for civil defense pur-*
6 *poses in accordance with the provisions of this title.*

7 “(e) Reimburse any Federal agency for any of its
8 *expenditures or for compensation of its personnel and*
9 *utilization or consumption of its materials and facili-*
10 *ties under this title to the extent funds are available.*

11 “(f) Purchase such printing, binding, and blank-
12 *book work from public, commercial, or private print-*
13 *ing establishments or binderies as the Director consid-*
14 *ers necessary upon orders placed by the Public Print-*
15 *er or upon waivers issued in accordance with section*
16 *504 of title 44, United States Code.*

17 “(g) Prescribe such rules and regulations as may
18 *be necessary and proper to carry out any of the pro-*
19 *visions of this title and perform any of the powers*
20 *and duties provided by this title through or with the*
21 *aid of such officials of the Federal Emergency Man-*
22 *agement Agency as the Director may designate.*

23 “(h) When, after reasonable notice and oppor-
24 *tunity for hearing to the State or other person, the*
25 *Director finds that there is a failure to expend funds*

1 *in accordance with the regulations, terms, and condi-*
2 *tions established under this title for approved civil de-*
3 *fense plans, programs, or projects, notify such State*
4 *or person that further payments will not be made to*
5 *the State or person from appropriations under this*
6 *title (or from funds otherwise available for the pur-*
7 *poses of this title for any approved plan, program, or*
8 *project with respect to which there is such failure to*
9 *comply) until the Director is satisfied that there will*
10 *no longer be any such failure. Until so satisfied, the*
11 *Director shall either withhold the payment of any fi-*
12 *nancial contribution to such State or person or limit*
13 *payments to those programs or projects with respect*
14 *to which there is substantial compliance with the reg-*
15 *ulations, terms, and conditions governing plans, pro-*
16 *grams, or projects hereunder. As used in this sub-*
17 *section, the term 'person' means the political subdivi-*
18 *sion of any State or combination or group thereof,*
19 *any interstate civil defense authority established pur-*
20 *suant to subsection 611(g), or any person, corpora-*
21 *tion, association, or other entity of any nature what-*
22 *soever, including instrumentalities of States and po-*
23 *litical subdivisions.*

1 **“SEC. 622. EXEMPTION FROM CERTAIN PROHIBITIONS.**

2 *“The authority granted in subsections (b) and (c) of*
3 *section 621 shall be exercised in accordance with regulations*
4 *of the President, who may also provide by regulation for*
5 *the exemption of persons employed or whose services are uti-*
6 *lized under the authority of such subsections from the oper-*
7 *ation of sections 203, 205, 207, 208, and 209 of title 18*
8 *of the United States Code.*

9 **“SEC. 623. SECURITY REGULATIONS.**

10 *“(a) ESTABLISHMENT.—The Director shall establish*
11 *such security requirements and safeguards, including re-*
12 *strictions with respect to access to information and prop-*
13 *erty as the Director considers necessary.*

14 *“(b) LIMITATIONS ON EMPLOYEE ACCESS TO INFOR-*
15 *MATION.—No employee of the Federal Emergency Manage-*
16 *ment Agency shall be permitted to have access to informa-*
17 *tion or property with respect to which access restrictions*
18 *have been established under this section, until it shall have*
19 *been determined that no information is contained in the*
20 *files of the Federal Bureau of Investigation or any other*
21 *investigative agency of the Government indicating that such*
22 *employee is of questionable loyalty or reliability for security*
23 *purposes, or if any such information is so disclosed, until*
24 *the Federal Bureau of Investigation shall have conducted*
25 *a full field investigation concerning such person and a re-*

1 port thereon shall have been evaluated in writing by the
2 Director.

3 “(c) *NATIONAL SECURITY POSITIONS.*—No employee of
4 the Federal Emergency Management Agency shall occupy
5 any position determined by the Director to be of critical
6 importance from the standpoint of national security until
7 a full field investigation concerning such employee shall
8 have been conducted by the Director of the Office of Person-
9 nel Management and a report thereon shall have been evalu-
10 ated in writing by the Director. In the event such full field
11 investigation by the Director of the Office of Personnel Man-
12 agement develops any data reflecting that such applicant
13 for a position of critical importance is of questionable loy-
14 alty or reliability for security purposes, or if the Director
15 for any other reason shall deem it to be advisable, such in-
16 vestigation shall be discontinued and a report thereon shall
17 be referred to the Director for evaluation in writing. There-
18 after the Director may refer the matter to the Federal Bu-
19 reau of Investigation for the conduct of a full field inves-
20 tigation by such Bureau. The result of such latter investiga-
21 tion by such Bureau shall be furnished to the Director for
22 action.

23 “(d) *EMPLOYEE OATHS.*—Each Federal employee of
24 the Federal Emergency Management Agency, except the sub-
25 jects of the United Kingdom and the Dominion of Canada

1 *specified in section 621(b), shall execute the loyalty oath*
2 *or appointment affidavits prescribed by the Director of the*
3 *Office of Personnel Management. Each person other than*
4 *a Federal employee who is appointed to serve in a State*
5 *or local organization for civil defense shall before entering*
6 *upon duties, take an oath in writing before a person author-*
7 *ized to administer oaths, which oath shall be substantially*
8 *as follows:*

9 *I, _____, do solemnly swear (or affirm)*
10 *that I will support and defend the Constitution of the*
11 *United States against all enemies, foreign and domes-*
12 *tic; that I will bear true faith and allegiance to the*
13 *same; that I take this obligation freely, without any*
14 *mental reservation or purpose of evasion; and that I*
15 *will well and faithfully discharge the duties upon*
16 *which I am about to enter.*

17 *'And I do further swear (or affirm) that I do not*
18 *advocate, nor am I a member or an affiliate of any*
19 *organization, group, or combination of persons that*
20 *advocates the overthrow of the Government of the*
21 *United States by force or violence; and that during*
22 *such time as I am a member of _____ (name*
23 *of civil defense organization), I will not advocate nor*
24 *become a member or an affiliate of any organization,*
25 *group, or combination of persons that advocates the*

1 *overthrow of the Government of the United States by*
2 *force or violence.'*

3 *After appointment and qualification for office, the director*
4 *of civil defense of any State, and any subordinate civil de-*
5 *fense officer within such State designated by the director*
6 *in writing, shall be qualified to administer any such oath*
7 *within such State under such regulations as the director*
8 *shall prescribe. Any person who shall be found guilty of hav-*
9 *ing falsely taken such oath shall be punished as provided*
10 *in section 1621 of title 18, United States Code.*

11 ***“SEC. 624. UTILIZATION OF EXISTING FACILITIES.***

12 *“In performing duties under this title, the Director*
13 *shall—*

14 *“(1) cooperate with the various departments and*
15 *agencies of the Federal Government;*

16 *“(2) utilize, to the maximum extent, the existing*
17 *facilities and resources of the Federal Government*
18 *and, with their consent, the facilities and resources of*
19 *the States and political subdivisions thereof, and of*
20 *other organizations and agencies; and*

21 *“(3) refrain from engaging in any form of activ-*
22 *ity which would duplicate or parallel activity of any*
23 *other Federal department or agency unless the Direc-*
24 *tor, with the written approval of the President, shall*

1 *determine that such duplication is necessary to ac-*
2 *complish the purposes of this title.*

3 ***“SEC. 625. ANNUAL REPORT TO CONGRESS.***

4 *“The Director shall annually submit a written report*
5 *to the President and Congress covering expenditures, con-*
6 *tributions, work, and accomplishments of the Federal Emer-*
7 *gency Management Agency pursuant to this title, accom-*
8 *panied by such recommendations as the Director shall deem*
9 *appropriate.*

10 ***“SEC. 626. APPLICABILITY OF TITLE.***

11 *“The provisions of this title shall be applicable to the*
12 *United States, its States, Territories and possessions, and*
13 *the District of Columbia, and their political subdivisions.*

14 ***“SEC. 627. AUTHORIZATION OF APPROPRIATIONS AND***
15 ***TRANSFERS OF FUNDS.***

16 *“There are authorized to be appropriated such sums*
17 *as may be necessary to carry out the provisions of this title.*
18 *Funds made available for the purposes of this title may be*
19 *allocated or transferred for any of the purposes of this title,*
20 *with the approval of the Bureau of the Budget, to any agen-*
21 *cy or government corporation designated to assist in carry-*
22 *ing out this title. Each such allocation or transfer shall be*
23 *reported in full detail to the Congress within thirty days*
24 *after such allocation or transfer.*

1 **“SEC. 628. ATOMIC ENERGY ACT OF 1946.**

2 *“Nothing in this title shall be construed to amend or*
 3 *modify the provisions of the Atomic Energy Act of 1954*
 4 *(42 U.S.C. 2011 et seq.).*

5 **“SEC. 629. FEDERAL BUREAU OF INVESTIGATION.**

6 *“Nothing in this title shall be construed to authorize*
 7 *investigations of espionage, sabotage, or subversive acts by*
 8 *any persons other than personnel of the Federal Bureau of*
 9 *Investigation.*

10 **“SEC. 630. SEPARABILITY.**

11 *“If any provision of this title or the application of such*
 12 *provision to any person or circumstances shall be held in-*
 13 *valid, the remainder of the title, and the application of such*
 14 *provisions to persons or circumstances other than those as*
 15 *to which it is held invalid, shall not be affected thereby.*

16 **“SEC. 631. APPLICABILITY OF REORGANIZATION PLAN NUM-**
 17 **BERED 1.**

18 *“The applicability of Reorganization Plan Numbered*
 19 *1 of 1958 (23 F.R. 4991) shall extend to any amendment*
 20 *of this title except as otherwise expressly provided in such*
 21 *amendment.”.*

22 (b) *CONFORMING REPEAL.—The Act entitled “An Act*
 23 *to authorize a Federal civil defense program, and for other*
 24 *purposes.”, approved January 12, 1951 (50 U.S.C. App.*
 25 *2251 et seq.), is repealed.*

1 (c) *CONFORMING AMENDMENTS.*—(1) *Section 202(c) of*
 2 *The Robert T. Stafford Disaster Relief and Emergency As-*
 3 *sistance Act (42 U.S.C. 5132(c)) is amended by striking*
 4 *“section 201(c) of the Federal Civil Defense Act of 1950,*
 5 *as amended (50 U.S.C. App. 2281(c)),” and inserting “sec-*
 6 *tion 611(c) of this Act”.*

7 (2) *The undesignated paragraph under the heading*
 8 *“CIVIL DEFENSE PROCUREMENT FUND” in chapter XI of the*
 9 *Third Supplemental Appropriation Act, 1951 (50 U.S.C.*
 10 *App. 2264; 65 Stat. 61) is repealed.*

11 (3) *Section 813(d) of the Agricultural Act of 1970 (7*
 12 *U.S.C. 1427a(d)) is amended by striking out “the provi-*
 13 *sions of the Federal Civil Defense Act of 1950, as amended*
 14 *(50 U.S.C. App. 2251–2297).” and inserting in lieu thereof*
 15 *“title VI of The Robert T. Stafford Disaster Relief and*
 16 *Emergency Assistance Act.”.*

17 **TITLE XXXV—NAVAL**
 18 **PETROLEUM RESERVES**

19 **SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.**

20 *There is hereby authorized to be appropriated to the*
 21 *Secretary of Energy \$199,456,000 for fiscal year 1995 for*
 22 *the purpose of carry out activities under chapter 641 of title*
 23 *10, United States Code, relating to the naval petroleum re-*
 24 *serves (as defined in section 7420(2) of such title). Funds*

1 *appropriated pursuant to such authorization shall remain*
 2 *available until expended.*

3 ***SEC. 3502. PRICE REQUIREMENT ON SALE OF CERTAIN PE-***
 4 ***TROLEUM DURING FISCAL YEAR 1995.***

5 *During fiscal year 1995, any sale of any part of the*
 6 *United States share of petroleum produced from Naval Pe-*
 7 *troleum Reserves Numbered 1, 2, and 3 shall be made at*
 8 *the price prescribed by section 7430(b)(2)(A) of title 10,*
 9 *United States Code.*

Attest:

Clerk.

S 2182 EAH—2

S 2182 EAH—3

S 2182 EAH—4

S 2182 EAH—5

S 2182 EAH—6

S 2182 EAH—7

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