

September 6 (legislative day, September 5), 1995

Ordered to be printed as passed

In the Senate of the United States,

September 6 (legislative day, September 5), 1995.

Resolved, That the bill from the House of Representatives (H.R. 1530) entitled “An Act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes”, 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 1996”.*

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

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

1 (1) *DIVISION A—Department of Defense Author-*
2 *izations.*

3 (2) *DIVISION B—Military Construction Author-*
4 *izations.*

5 (3) *DIVISION C—Department of Energy National*
6 *Security Authorizations and Other Authorizations.*

7 (4) *DIVISION D—Information Technology Man-*
8 *agement Reform.*

9 (b) *TABLE OF CONTENTS.—The table of contents for*
10 *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.

***DIVISION A—DEPARTMENT OF DEFENSE
AUTHORIZATIONS***

TITLE I—PROCUREMENT

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Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical demilitarization program.

Sec. 108. Defense health program.

Subtitle B—Army Programs

Sec. 111. AH-64D Longbow Apache attack helicopter.

Sec. 112. OH-58D AHIP Scout helicopter.

Sec. 113. Hydra 70 rocket.

Sec. 114. Report on AH-64D engine upgrades.

Subtitle C—Navy Programs

Sec. 121. Seawolf and new attack submarine programs.

Sec. 122. Repeal of prohibition on backfit of Trident submarines.

Sec. 123. Arleigh Burke class destroyer program.

Sec. 124. Split funding for construction of naval vessels.

Sec. 125. Seawolf submarine program.

Sec. 126. Crash attenuating seats acquisition program.

Subtitle D—Other Programs

- Sec. 131. Tier II predator unmanned aerial vehicle program.*
Sec. 132. Pioneer unmanned aerial vehicle program.
Sec. 133. Joint Primary Aircraft Training System program.

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

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- Sec. 201. Authorization of appropriations.*
Sec. 202. Amount for basic research and exploratory development.

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

- Sec. 211. A/F117X long-range, medium attack aircraft.*
Sec. 212. Navy mine countermeasures program.
Sec. 213. Marine Corps shore fire support.
Sec. 214. Space and missile tracking system program.
Sec. 215. Precision guided munitions.
Sec. 216. Defense Nuclear Agency programs.
Sec. 217. Counterproliferation support program.
Sec. 218. Nonlethal weapons program.
Sec. 219. Federally funded research and development centers.
Sec. 220. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.
Sec. 221. National defense technology and industrial base, defense reinvestment, and conversion.
Sec. 222. Revisions of Manufacturing Science and Technology Program.
Sec. 223. Preparedness of the Department of Defense to respond to military and civil defense emergencies resulting from a chemical, biological, radiological, or nuclear attack.
Sec. 224. Joint Seismic Program and Global Seismic Network.
Sec. 225. Depressed altitude guided gun round system.
Sec. 226. Army echelon above corps communications.
Sec. 227. Testing of theater missile defense interceptors.

Subtitle C—Missile Defense

- Sec. 231. Short title.*
Sec. 232. Findings.
Sec. 233. Missile defense policy.
Sec. 234. Theater missile defense architecture.
Sec. 235. National missile defense system architecture.
Sec. 236. Cruise missile defense initiative.
Sec. 237. Policy regarding the ABM Treaty.
Sec. 238. Prohibition on funds to implement an international agreement concerning theater missile defense systems.
Sec. 239. Ballistic Missile Defense program elements.
Sec. 240. ABM Treaty defined.
Sec. 241. Repeal of missile defense provisions.
Sec. 242. Sense of Senate on the Director of Operational Test and Evaluation.
Sec. 243. Ballistic Missile Defense Technology Center.

TITLE III—OPERATION AND MAINTENANCE

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- Sec. 301. Operation and maintenance funding.*
- Sec. 302. Working capital funds.*
- Sec. 303. Armed Forces Retirement Home.*
- Sec. 304. Transfer from National Defense Stockpile Transaction Fund.*
- Sec. 305. Increase in funding for the Civil Air Patrol.*

Subtitle B—Depot-Level Maintenance and Repair

- Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.*
- Sec. 312. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.*

Subtitle C—Environmental Provisions

- Sec. 321. Revision of requirements for agreements for services under environmental restoration program.*
- Sec. 322. Discharges from vessels of the Armed Forces.*
- Sec. 323. Revision of authorities relating to restoration advisory boards.*

Subtitle D—Civilian Employees

- Sec. 331. Minimum number of military reserve technicians.*
- Sec. 332. Exemption of Department of Defense from personnel ceilings for civilian personnel.*
- Sec. 333. Wearing of uniform by National Guard technicians.*
- Sec. 334. Extension of temporary authority to pay civilian employees with respect to the evacuation from Guantanamo, Cuba.*
- Sec. 335. Sharing of personnel of Department of Defense domestic dependent schools and Defense Dependents' Education System.*
- Sec. 336. Revision of authority for appointments of involuntarily separated military reserve technicians.*
- Sec. 337. Cost of continuing health insurance coverage for employees voluntarily separated from positions to be eliminated in a reduction in force.*
- Sec. 338. Elimination of 120-day limitation on details of certain employees.*
- Sec. 339. Repeal of requirement for part-time career opportunity employment reports.*
- Sec. 340. Authority of civilian employees of Department of Defense to participate voluntarily in reductions in force.*
- Sec. 341. Authority to pay severance payments in lump sums.*
- Sec. 342. Holidays for employees whose basic workweek is other than Monday through Friday.*
- Sec. 343. Coverage of nonappropriated fund employees under authority for flexible and compressed work schedules.*

Subtitle E—Defense Financial Management

- Sec. 351. Financial management training.*
- Sec. 352. Limitation on opening of new centers for Defense Finance and Accounting Service.*

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- Sec. 362. Office of Civil-Military Programs.*
- Sec. 363. Revision of authority for Civil-Military Cooperative Action Program.*
- Sec. 364. Office of Humanitarian and Refugee Affairs.*
- Sec. 365. Overseas humanitarian, disaster, and civic AID programs.*

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- Sec. 372. Elimination of certain restrictions on purchases and sales of items by exchange stores and other morale, welfare, and recreation facilities.*
- Sec. 373. Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities.*

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- Sec. 383. Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property.*
- Sec. 384. Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps.*
- Sec. 385. Conversion of Civilian Marksmanship Program to nonappropriated fund instrumentality and activities under program.*
- Sec. 386. Report on efforts to contract out certain functions of Department of Defense.*
- Sec. 387. Impact aid.*
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- Sec. 389. Authorizing the amounts requested in the budget for Junior ROTC.*
- Sec. 390. Report on private performance of certain functions performed by military aircraft.*
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- Sec. 401. End strengths for active forces.*
- Sec. 402. Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades.*
- Sec. 403. Certain general and flag officers awaiting retirement not to be counted.*

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- Sec. 412. End strengths for Reserves on active duty in support of the reserves.*
- Sec. 413. Increase in number of members in certain grades authorized to serve on active duty in support of the reserves.*
- Sec. 414. Reserves on active duty in support of Cooperative Threat Reduction programs not to be counted.*

Sec. 415. Reserves on active duty for military-to-military contacts and comparable activities not to be counted.

Subtitle C—Military Training Student Loads

Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

Sec. 431. Authorization of appropriations for military personnel.

TITLE V—MILITARY PERSONNEL POLICY

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Sec. 502. Revision of service obligation for graduates of the service academies.

Sec. 503. Qualifications for appointment as Surgeon General of an armed force.

Sec. 504. Deputy Judge Advocate General of the Air Force.

Sec. 505. Retiring general and flag officers: applicability of uniform criteria and procedures for retiring in highest grade in which served.

Sec. 506. Extension of certain reserve officer management authorities.

Sec. 507. Restrictions on wearing insignia for higher grade before promotion.

Sec. 508. Director of admissions, United States Military Academy: retirement for years of service.

Subtitle B—Matters Relating to Reserve Components

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Sec. 524. Refusal to testify before court-martial.

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Sec. 527. Deferment of confinement.

Sec. 528. Submission of matters to the convening authority for consideration.

Sec. 529. Proceedings in revision.

Sec. 530. Appeal by the United States.

Sec. 531. Flight from apprehension.

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Sec. 533. Time after accession for initial instruction in the Uniform Code of Military Justice.

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Sec. 535. Permanent authority concerning temporary vacancies on the Court of Appeals for the Armed Forces.

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Subtitle D—Decorations and Awards

- Sec. 541. Award of Purple Heart to certain former prisoners of war.*
Sec. 542. Meritorious and valorous service during Vietnam era: review and awards.
Sec. 543. Military intelligence personnel prevented by secrecy from being considered for decorations and awards.
Sec. 544. Review regarding awards of Distinguished-Service Cross to Asian-Americans and Pacific Islanders for certain World War II service.

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Sec. 552. Service not creditable for periods of unavailability or incapacity due to misconduct.
Sec. 553. Separation in cases involving extended confinement.
Sec. 554. Duration of field training or practice cruise required under the Senior Reserve Officers' Training Corps program.
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Sec. 602. Election of basic allowance for quarters instead of assignment to inadequate quarters.
Sec. 603. Payment of basic allowance for quarters to members of the uniformed services in pay grade E-6 who are assigned to sea duty.
Sec. 604. Limitation on reduction of variable housing allowance for certain members.
Sec. 605. Clarification of limitation on eligibility for family separation allowance.

Subtitle B—Bonuses and Special and Incentive Pays

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Sec. 632. Use of commissary stores by retired Reserves under age 60 and their survivors.

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Sec. 644. Automatic maximum coverage under Servicemen's Group Life Insurance.

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Sec. 646. Report on extending to junior noncommissioned officers privileges provided for senior noncommissioned officers.

Sec. 647. Payment to survivors of deceased members of the uniformed services for all leave accrued.

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- Sec. 712. Provision of TRICARE uniform benefits by uniformed services treatment facilities.*
- Sec. 713. Sense of Senate on access of medicare eligible beneficiaries of CHAMPUS to health care under TRICARE.*
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- Sec. 722. Applicability of Federal Acquisition Regulation to participation agreements with uniformed services treatment facilities.*
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- Sec. 742. Fisher House trust funds.*
- Sec. 743. Applicability of limitation on prices of pharmaceuticals procured for Coast Guard.*
- Sec. 744. Report on effect of closure of Fitzsimons Army Medical Center, Colorado, on provision of care to military personnel and dependents experiencing health difficulties associated with Persian Gulf Syndrome.*

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- Sec. 805. Naval salvage facilities.*
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- Sec. 1035. Date for annual report on Selected Reserve Educational Assistance Program.*
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- Sec. 2102. Family housing.*
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- Sec. 2104. Authorization of appropriations, Army.*
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- Sec. 2823. Clarification of funding for environmental restoration at installations approved for closure or realignment in 1995.*
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- Sec. 2832. Authority for Port Authority of State of Mississippi to use certain Navy property in Gulfport, Mississippi.*
- Sec. 2833. Conveyance of resource recovery facility, Fort Dix, New Jersey.*
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- Sec. 4621. Amendment to title 38, United States Code.*

TITLE XLVII—SAVINGS PROVISIONS

- Sec. 4701. Savings provisions.*

TITLE XLVIII—EFFECTIVE DATES

- Sec. 4801. Effective dates.*

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

2 *For purposes of this Act, the term “congressional de-*
 3 *fense committees” means—*

4 *(1) the Committee on Armed Services and the*
 5 *Committee on Appropriations of the Senate; and*

6 *(2) the Committee on National Security and the*
 7 *Committee on Appropriations of the House of Rep-*
 8 *resentatives.*

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

6 ***SEC. 101. ARMY.***

7 *Funds are hereby authorized to be appropriated for fis-*
8 *cal year 1996 for procurement for the Army as follows:*

9 *(1) For aircraft, \$1,396,451,000.*

10 *(2) For missiles, \$894,430,000.*

11 *(3) For weapons and tracked combat vehicles,*
12 *\$1,547,964,000.*

13 *(4) For ammunition, \$1,120,115,000.*

14 *(5) For other procurement, \$2,771,101,000.*

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

16 *(a) NAVY.—Funds are hereby authorized to be appro-*
17 *priated for fiscal year 1996 for procurement for the Navy*
18 *as follows:*

19 *(1) For aircraft, \$4,916,588,000.*

20 *(2) For weapons, including missiles and tor-*
21 *pedoes, \$1,771,421,000.*

22 *(3) For shipbuilding and conversion,*
23 *\$7,111,935,000.*

24 *(4) For other procurement, \$2,471,861,000.*

1 (b) *MARINE CORPS.*—Funds are hereby authorized to
2 be appropriated for fiscal year 1996 for procurement for
3 the Marine Corps in the amount of \$683,416,000.

4 **SEC. 103. AIR FORCE.**

5 Funds are hereby authorized to be appropriated for fis-
6 cal year 1996 for procurement for the Air Force as follows:

7 (1) For aircraft, \$6,318,586,000.

8 (2) For missiles, \$3,597,499,000.

9 (3) For other procurement, \$6,546,001,000.

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

11 Funds are hereby authorized to be appropriated for fis-
12 cal year 1996 for Defense-wide procurement in the amount
13 of \$2,118,324,000.

14 **SEC. 105. RESERVE COMPONENTS.**

15 Funds are hereby authorized to be appropriated for fis-
16 cal year 1996 for procurement of aircraft, vehicles, commu-
17 nications equipment, and other equipment for the reserve
18 components of the Armed Forces as follows:

19 (1) For the Army National Guard, \$209,400,000.

20 (2) For the Air National Guard, \$137,000,000.

21 (3) For the Army Reserve, \$62,000,000.

22 (4) For the Naval Reserve, \$74,000,000.

23 (5) For the Air Force Reserve, \$240,000,000.

24 (6) For the Marine Corps Reserve, \$55,000,000.

1 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

2 *Funds are hereby authorized to be appropriated for fis-*
3 *cal year 1996 for procurement for the Inspector General of*
4 *the Department of Defense in the amount of \$1,000,000.*

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

6 *There is hereby authorized to be appropriated for fiscal*
7 *year 1996 the amount of \$671,698,000 for—*

8 *(1) the destruction of lethal chemical weapons*
9 *and munitions in accordance with section 1412 of the*
10 *Department of Defense Authorization Act, 1986 (50*
11 *U.S.C. 1521); and*

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

15 **SEC. 108. DEFENSE HEALTH PROGRAM.**

16 *Funds are hereby authorized to be appropriated for fis-*
17 *cal year 1996 for the Department of Defense for procure-*
18 *ment for carrying out health care programs, projects, and*
19 *activities of the Department of Defense in the total amount*
20 *of \$288,033,000.*

21 ***Subtitle B—Army Programs***

22 **SEC. 111. AH-64D LONGBOW APACHE ATTACK HELICOPTER.**

23 *The Secretary of the Army may, in accordance with*
24 *section 2306b of title 10, United States Code, enter into*
25 *multiyear procurement contracts for procurement of AH-*
26 *64D Longbow Apache attack helicopters.*

1 **SEC. 112. OH-58D AHIP SCOUT HELICOPTER.**

2 *The prohibition in section 133(a)(2) of the National*
3 *Defense Authorization Act for Fiscal Years 1990 and 1991*
4 *(Public Law 101-189; 103 Stat. 1383) does not apply to*
5 *the obligation of funds in amounts not to exceed*
6 *\$125,000,000 for the procurement of not more than 20 OH-*
7 *58D AHIP Scout aircraft from funds appropriated for fis-*
8 *cal year 1996 pursuant to section 101.*

9 **SEC. 113. HYDRA 70 ROCKET.**

10 (a) *LIMITATION.*—*Funds appropriated or otherwise*
11 *made available for the Department of Defense for fiscal year*
12 *1996 may not be obligated to procure Hydra 70 rockets*
13 *until the Secretary of the Army submits to Congress a docu-*
14 *ment that contains the certifications described in subsection*
15 *(b)(1) together with a discussion of the matter described in*
16 *subsection (b)(2).*

17 (b) *CONTENT OF SUBMISSION.*—(1) *A document sub-*
18 *mitted under subsection (a) satisfies the certification re-*
19 *quirements of that subsection if it contains the certifications*
20 *of the Secretary that—*

21 (A) *the specific technical cause of Hydra 70*
22 *Rocket failures has been identified;*

23 (B) *the technical corrections necessary for elimi-*
24 *nating premature detonations of such rockets have*
25 *been validated;*

1 (C) the total cost of making the necessary correc-
2 tions on all Hydra 70 rockets that are in the Army
3 inventory or are being procured under any contract
4 in effect on the date of the enactment of this Act does
5 not exceed the amount equal to 15 percent of the non-
6 recurring costs that would be incurred by the Army
7 for acquisition of improved rockets, including com-
8 mercially developed nondevelopmental systems, to re-
9 place the Hydra 70 rockets; and

10 (D) a nondevelopmental composite rocket system
11 has been fully reviewed for, or has received oper-
12 ational and platform certifications for, full qualifica-
13 tion of an alternative composite rocket motor and
14 propellant.

15 (2) The document shall also contain a discussion of
16 whether the existence of the system referred to in the certifi-
17 cation under paragraph (1)(D) will result in—

18 (A) early and continued availability of training
19 rockets to meet the requirements of the Army for such
20 rockets; and

21 (B) the attainment of competition in future pro-
22 curements of training rockets to meet such require-
23 ments.

24 (c) *WAIVER AUTHORITY.*—The Secretary of Defense
25 may waive the requirement in subsection (a) for the Sec-

1 *retary to submit the document described in that subsection*
2 *before procuring Hydra 70 rockets if the Secretary deter-*
3 *mines that a delay in procuring the rockets pending compli-*
4 *ance with the requirement would result in a significant risk*
5 *to the national security of the United States. Any such*
6 *waiver may not take effect until the Secretary submits to*
7 *Congress a notification of that determination together with*
8 *the reasons for the determination.*

9 **SEC. 114. REPORT ON AH-64D ENGINE UPGRADES.**

10 *No later than February 1, 1996, the Secretary of the*
11 *Army shall submit to Congress a report on plans to procure*
12 *T700-701C engine upgrade kits for Army AH-64D heli-*
13 *copters. The report shall include—*

14 *(1) a plan to provide for the upgrade of all*
15 *Army AH-64D helicopters with T700-701C engine*
16 *kits commencing in fiscal year 1996.*

17 *(2) detailed timeline and funding requirements*
18 *for the engine upgrade program described in para-*
19 *graph (1).*

20 **Subtitle C—Navy Programs**

21 **SEC. 121. SEAWOLF AND NEW ATTACK SUBMARINE PRO-**
22 **GRAMS.**

23 *(a) FUNDING.—(1) Of the amount authorized to be ap-*
24 *propriated under section 102(a)(3)—*

1 (A) \$1,507,477,000 shall be available for the
2 final Seawolf attack submarine (SSN-23); and

3 (B) \$814,498,000 shall be available for design
4 and advance procurement in fiscal year 1996 for the
5 lead submarine and the second submarine under the
6 New Attack Submarine program, of which—

7 (i) \$10,000,000 shall be available only for
8 participation of Newport News Shipbuilding in
9 the New Attack Submarine design; and

10 (ii) \$100,000,000 shall be available only for
11 advance procurement and design of the second
12 submarine under the New Attack Submarine
13 program.

14 (2) Of amounts authorized under any provision of law
15 to be appropriated for procurement for the Navy for fiscal
16 year 1997 for shipbuilding and conversion, \$802,000,000
17 shall be available for design and advance procurement in
18 fiscal year 1997 for the lead submarine and the second sub-
19 marine under the New Attack Submarine program, of
20 which—

21 (A) \$75,000,000 shall be available only for par-
22 ticipation by Newport News Shipbuilding in the New
23 Attack Submarine design; and

1 (B) \$427,000,000 shall be available only for ad-
2 vance procurement and design of the second sub-
3 marine under the New Attack Submarine program.

4 (3) Of the amount authorized to be appropriated under
5 section 201(2), \$455,398,000 shall be available for research,
6 development, test, and evaluation for the New Attack Sub-
7 marine program.

8 (b) *COMPETITION REQUIRED.*—Funds referred to in
9 subsection (c) may not be obligated until the Secretary of
10 the Navy certifies in writing to the Committee on Armed
11 Services of the Senate and the Committee on National Secu-
12 rity of the House of Representatives that—

13 (1) the Secretary has restructured the New At-
14 tack Submarine program in accordance with this sec-
15 tion so as to provide for—

16 (A) procurement of the lead vessel under the
17 New Attack Submarine program from the Elec-
18 tric Boat Division beginning in fiscal year 1998,
19 if the price offered by Electric Boat Division is
20 determined by the Secretary as being fair and
21 reasonable;

22 (B) procurement of the second vessel under
23 the New Attack Submarine program from New-
24 port News Shipbuilding beginning in fiscal year
25 1999, if the price offered by Newport News Ship-

1 *building is determined by the Secretary as being*
2 *fair and reasonable; and*

3 (C) *procurement of other vessels under the*
4 *New Attack Submarine program under one or*
5 *more contracts that are entered into after com-*
6 *petition between potential competitors (as de-*
7 *fined in subsection (i)) in which the Secretary*
8 *shall solicit competitive proposals and award the*
9 *contract or contracts on the basis of price; and*
10 (2) *the Secretary has directed, as set forth in de-*
11 *tail in such certification, that no action prohibited in*
12 *subsection (d) will be taken to impair the design, en-*
13 *gineering, construction, and maintenance com-*
14 *petencies of either Electric Boat Division or Newport*
15 *News Shipbuilding to construct the New Attack Sub-*
16 *marine.*

17 (c) *COVERED FUNDS.*—*The funds referred to in sub-*
18 *section (b) are as follows:*

19 (1) *Funds available to the Navy for any fiscal*
20 *year after fiscal year 1995 for procurement of the*
21 *final Seawolf attack submarine (SSN-23) pursuant*
22 *to this Act or any Act enacted after the date of the*
23 *enactment of this Act.*

24 (2) *Funds available to the Navy for any such fis-*
25 *cal year for research, development, test, and evalua-*

1 *tion or for procurement (including design and ad-*
2 *vance procurement) for the New Attack Submarine*
3 *program pursuant to this Act or any Act enacted*
4 *after the date of the enactment of this Act.*

5 *(d) LIMITATION ON CERTAIN ACTIONS.—In order to*
6 *ensure that Electric Boat Division and Newport News Ship-*
7 *building retain the technical competencies to construct the*
8 *New Attack Submarine, the following actions are prohib-*
9 *ited:*

10 *(1) A termination of or failure to extend, except*
11 *by reason of a breach of contract by the contractor or*
12 *an insufficiency of appropriations—*

13 *(A) the existing Planning Yard contract for*
14 *the Trident class submarines; or*

15 *(B) the existing Planning Yard contract for*
16 *the SSN-688 Los Angeles class submarines.*

17 *(2) A termination of any existing Lead Design*
18 *Yard contract for the SSN-21 Seawolf class sub-*
19 *marines or for the SSN-688 Los Angeles class sub-*
20 *marines, except by reason of a breach of contract by*
21 *the contractor or an insufficiency of appropriations.*

22 *(3) A failure of, or refusal by, the Department*
23 *of the Navy to permit both Electric Boat Division*
24 *and Newport News Shipbuilding to have access to suf-*
25 *ficient information concerning the design of the New*

1 *Attack Submarine to ensure that each is capable of*
2 *constructing the New Attack Submarine.*

3 (e) *LIMITATION ON EXPENDITURE OF FUNDS FOR*
4 *SEAWOLF PROGRAM.—Of the funds referred to in subsection*
5 *(c)(1)—*

6 (1) *not more than \$700,000,000 may be ex-*
7 *pended in fiscal year 1996;*

8 (2) *not more than an additional \$200,000,000*
9 *may be expended in fiscal year 1997;*

10 (3) *not more than an additional \$200,000,000*
11 *may be expended in fiscal year 1998; and*

12 (4) *not more than an additional \$407,477,000*
13 *may be expended in fiscal year 1999.*

14 (f) *LIMITATION ON EXPENDITURE OF FUNDS FOR NEW*
15 *ATTACK SUBMARINE PROGRAM.—Funds referred to in sub-*
16 *section (c)(2) that are available for the lead and second ves-*
17 *sels under the New Attack Submarine program may not*
18 *be expended during fiscal year 1996 for the lead vessel*
19 *under that program (other than for class design) unless*
20 *funds are obligated or expended during such fiscal year for*
21 *a contract in support of procurement of the second vessel*
22 *under the program.*

23 (g) *REPORTS REQUIRED.—Not later than November 1,*
24 *1995, and every six months thereafter through November 1,*
25 *1998, the Secretary of the Navy shall submit to the Commit-*

1 *tee on Armed Services of the Senate and the Committee on*
2 *National Security of the House of Representatives a report*
3 *setting forth the obligations and expenditures of funds for—*

4 *(1) the procurement of the final Seawolf attack*
5 *submarine (SSN-23); and*

6 *(2) research, development, test, and evaluation or*
7 *for procurement (including design and advance pro-*
8 *urement) for the lead and second vessels under the*
9 *New Attack Submarine program.*

10 *(h) REFERENCES TO CONTRACTORS.—For purposes of*
11 *this section—*

12 *(1) the contractor referred to as “Electric Boat*
13 *Division” is General Dynamics Corporation Electric*
14 *Boat Division; and*

15 *(2) the contractor referred to as “Newport News*
16 *Shipbuilding” is Newport News Shipbuilding and*
17 *Drydock Company.*

18 *(i) DEFINITIONS.—In this section:*

19 *(1) The term “potential competitor” means any*
20 *source to which the Secretary of the Navy has award-*
21 *ed, within 10 years before the date of the enactment*
22 *of this Act, a contract or contracts to construct one*
23 *or more nuclear attack submarines.*

24 *(2) The term “New Attack Submarine” means*
25 *any submarine planned or programmed by the Navy*

1 **“§ 7315. Planning for funding construction**

2 “(a) *PLANNING FOR SPLIT FUNDING.*—The Secretary
3 of Defense may provide in the future-years defense program
4 for split funding of construction of new naval vessels satis-
5 fying the requirements of subsection (d).

6 “(b) *SPLIT FUNDING REQUESTS.*—In the case of con-
7 struction of a new naval vessel satisfying the requirements
8 of subsection (d), the Secretary of the Navy shall—

9 “(1) determine the total amount that is nec-
10 essary for construction of the vessel, including an al-
11 lowance for future inflation; and

12 “(2) request funding for construction of the vessel
13 in two substantially equal increments.

14 “(c) *CONTRACT AUTHORIZED UPON FUNDING OF*
15 *FIRST INCREMENT.*—(1) The Secretary of the Navy may
16 enter into a contract for the construction of a new naval
17 vessel upon appropriation of a first increment of funding
18 for construction of the vessel.

19 “(2) A contract entered into in accordance with para-
20 graph (1) shall include a liquidated damages clause for any
21 termination of the contract for the convenience of the Gov-
22 ernment that occurs before the remainder of the amount nec-
23 essary for full funding of the contract is appropriated.

24 “(d) *APPLICABILITY.*—This section applies to con-
25 struction of a naval vessel—

1 “(1) that is in a class of vessels for which the de-
2 sign is mature and there is sufficient construction ex-
3 perience for the costs of construction to be well under-
4 stood and predictable; and

5 “(2) for which—

6 “(A) provision is made in the future-years
7 defense program; or

8 “(B) the Chairman of the Joint Chiefs of
9 Staff, in consultation with the Secretary of the
10 Navy, has otherwise determined that there is a
11 valid military requirement.”.

12 (b) *CLERICAL AMENDMENT.*—The table of sections at
13 the beginning of chapter 633 of such title is amended by
14 adding at the end the following:

 “7315. Planning for funding construction.”.

15 **SEC. 125. SEAWOLF SUBMARINE PROGRAM.**

16 (a) *LIMITATION OF COSTS.*—Except as provided in
17 subsection (b), the total amount obligated or expended for
18 procurement of the SSN-21, SSN-22, and SSN-23 Seawolf
19 class submarines may not exceed \$7,223,659,000.

20 (b) *AUTOMATIC INCREASE OF LIMITATION AMOUNT.*—
21 The amount of the limitation set forth in subsection (a) is
22 increased after fiscal year 1995 by the following amounts:

23 (1) The amounts of outfitting costs and post-de-
24 livery costs incurred for the submarines referred to in
25 such subsection.

1 (2) *The amounts of increases in costs attrib-*
2 *utable to economic inflation after fiscal year 1995.*

3 (3) *The amounts of increases in costs attrib-*
4 *utable to compliance with changes in Federal, State,*
5 *or local laws enacted after fiscal year 1995.*

6 **SEC. 126. CRASH ATTENUATING SEATS ACQUISITION PRO-**
7 **GRAM.**

8 (a) *PROGRAM AUTHORIZED.*—*The Secretary of the*
9 *Navy may establish a program to procure for, and install*
10 *in, H-53E military transport helicopters commercially de-*
11 *veloped, energy absorbing, crash attenuating seats that the*
12 *Secretary determines are consistent with military specifica-*
13 *tions for seats for such helicopters.*

14 (b) *FUNDING.*—*To the extent provided in appropria-*
15 *tions Acts, of the unobligated balance of amounts appro-*
16 *priated for the Legacy Resource Management Program pur-*
17 *suant to the authorization of appropriations in section*
18 *301(5) of the National Defense Authorization Act for Fiscal*
19 *Year 1995 (Public Law 103-337; 108 Stat. 2706), not more*
20 *than \$10,000,000 shall be available to the Secretary of the*
21 *Navy, by transfer to the appropriate accounts, for carrying*
22 *out the program authorized in subsection (a).*

1 **Subtitle D—Other Programs**

2 **SEC. 131. TIER II PREDATOR UNMANNED AERIAL VEHICLE**
3 **PROGRAM.**

4 *Funds appropriated or otherwise made available for*
5 *the Department of Defense for fiscal year 1996 for procure-*
6 *ment or for research, development, test, and evaluation may*
7 *not be obligated or expended for the Tier II Predator un-*
8 *manned aerial vehicle program.*

9 **SEC. 132. PIONEER UNMANNED AERIAL VEHICLE PRO-**
10 **GRAM.**

11 *Not more than 1/6 of the amount appropriated pursu-*
12 *ant to this Act for the activities and operations of the Un-*
13 *manned Aerial Vehicle Joint Program Office (UAV-JPO),*
14 *and none of the unobligated balances of funds appropriated*
15 *for fiscal years before fiscal year 1996 for the activities and*
16 *operations of such office, may be obligated until the Sec-*
17 *retary of the Navy certifies to the Committee on Armed*
18 *Services of the Senate and the Committee on National Secu-*
19 *rity of the House of Representatives that the nine Pioneer*
20 *Unmanned Aerial Vehicle systems have been equipped with*
21 *the Common Automatic Landing and Recovery System*
22 *(CARS).*

1 **SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM**
2 **PROGRAM.**

3 *Of the amount authorized to be appropriated under*
4 *section 103(1), \$54,968,000 shall be available for the Joint*
5 *Primary Aircraft Training System program for procure-*
6 *ment of up to eight aircraft.*

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

10 **Subtitle A—Authorization of**
11 **Appropriations**

12 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

13 *Funds are hereby authorized to be appropriated for fis-*
14 *cal year 1996 for the use of the Department of Defense for*
15 *research, development, test, and evaluation as follows:*

16 *(1) For the Army, \$4,845,097,000.*

17 *(2) For the Navy, \$8,624,230,000.*

18 *(3) For the Air Force, \$13,087,389,000.*

19 *(4) For Defense-wide activities, \$9,533,148,000,*

20 *of which—*

21 *(A) \$239,341,000 is authorized for the ac-*
22 *tivities of the Director, Test and Evaluation;*

23 *(B) \$22,587,000 is authorized for the Direc-*
24 *tor of Operational Test and Evaluation; and*

25 *(C) \$475,470,000 is authorized for Other*
26 *Theater Missile Defense, of which up to*

1 \$25,000,000 may be made available for the oper-
2 ation of the Battlefield Integration Center.

3 **SEC. 202. AMOUNT FOR BASIC RESEARCH AND EXPLOR-**
4 **ATORY DEVELOPMENT.**

5 (a) *FISCAL YEAR 1996.*—Of the amounts authorized
6 to be appropriated by section 201, \$4,076,580,000 shall be
7 available for basic research and exploratory development
8 projects.

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

14 **Subtitle B—Program Requirements,**
15 **Restrictions, and Limitations**

16 **SEC. 211. A/F117X LONG-RANGE, MEDIUM ATTACK AIR-**
17 **CRAFT.**

18 Of the amount authorized to be appropriated by sec-
19 tion 201(2) for the Joint Advanced Strike Technology pro-
20 gram—

21 (1) \$25,000,000 shall be available for the con-
22 duct, during fiscal year 1996, of a 6-month program
23 definition phase for the A/F117X, an F-117 fighter
24 aircraft modified for use by the Navy as a long-range,
25 medium attack aircraft; and

1 (2) \$150,000,000 shall be available for engineer-
2 ing and manufacturing development of the A/
3 F117X aircraft, except that none of such amount may
4 be obligated until the Secretary of the Navy, after
5 considering the results of the program definition
6 phase, approves proceeding into engineering and
7 manufacturing development of the A/F117X aircraft.

8 **SEC. 212. NAVY MINE COUNTERMEASURES PROGRAM.**

9 Section 216(a) of the National Defense, Authorization
10 Act for Fiscal Years 1992 and 1993 (Public Law 102-190;
11 105 Stat. 1317) is amended—

12 (1) by striking out “Director, Defense Research
13 and Engineering” and inserting in lieu thereof
14 “Under Secretary of Defense for Acquisition and
15 Technology”; and

16 (2) by striking out “fiscal years 1995 through
17 1999” and inserting in lieu thereof “fiscal years 1997
18 through 1999”.

19 **SEC. 213. MARINE CORPS SHORE FIRE SUPPORT.**

20 Of the amount appropriated pursuant to section
21 201(2) for the Tomahawk Baseline Improvement Program,
22 not more than 50 percent of that amount may be obligated
23 until the Secretary of the Navy certifies to the Committee
24 on Armed Services of the Senate and the Committee on Na-
25 tional Security of the House of Representatives that the Sec-

1 *retary has structured, and planned for full funding of, a*
2 *program leading to a live-fire test of an Army Extended*
3 *Range Multiple Launch Rocket from an Army Multiple*
4 *Launch Rocket Launcher on a Navy ship before October 1,*
5 *1997.*

6 **SEC. 214. SPACE AND MISSILE TRACKING SYSTEM PRO-**
7 **GRAM.**

8 (a) *DEVELOPMENT AND DEPLOYMENT PLAN.*—The
9 *Secretary of the Air Force shall structure the development*
10 *schedule for the Space and Missile Tracking System so as*
11 *to achieve a first launch of a user operation evaluation sys-*
12 *tem (UOES) satellite in fiscal year 2001, and to attain ini-*
13 *tial operational capability (IOC) of a full constellation of*
14 *user operation evaluation systems and objective system sat-*
15 *ellites in fiscal year 2003.*

16 (b) *MANAGEMENT OVERSIGHT.*—In exercising the re-
17 *sponsibility for the Space and Missile Tracking System pro-*
18 *gram, the Secretary of the Air Force shall first obtain the*
19 *concurrence of the Director of the Ballistic Missile Defense*
20 *Organization before implementing any decision that would*
21 *have any of the following results regarding the program:*

22 (1) *A reduction in funds available for obligation*
23 *or expenditure for the program for a fiscal year below*
24 *the amount specifically authorized and appropriated*
25 *for the program for that fiscal year.*

1 (2) *An increase in the total program cost.*

2 (3) *A delay in a previously established develop-*
3 *ment or deployment schedule.*

4 (4) *A modification in the performance param-*
5 *eters or specifications.*

6 (c) *AUTHORIZATION.*—*Of the amount authorized to be*
7 *appropriated under section 201(3) for fiscal year 1996,*
8 *\$249,824,000 shall be available for the Space and Missile*
9 *Tracking System (SMTS) program.*

10 ***SEC. 215. PRECISION GUIDED MUNITIONS.***

11 (a) *ANALYSIS REQUIRED.*—*The Secretary of Defense*
12 *shall perform an analysis of the full range of precision guid-*
13 *ed munitions in production and in research, development,*
14 *test, and evaluation in order to determine the following:*

15 (1) *The numbers and types of precision guided*
16 *munitions that are needed to provide a complemen-*
17 *tary capability against each target class.*

18 (2) *The feasibility of carrying out joint develop-*
19 *ment and procurement of additional munition types*
20 *by more than one of the Armed Forces.*

21 (3) *The feasibility of integrating a particular*
22 *precision guided munition on multiple service plat-*
23 *forms.*

24 (4) *The economy and effectiveness of continuing*
25 *acquisition of—*

1 (A) *interim precision guided munitions; or*

2 (B) *precision guided munitions that, as a*
3 *result of being procured in decreasing numbers*
4 *to meet decreasing quantity requirements, have*
5 *increased in cost per unit by more than 50 per-*
6 *cent over the cost per unit for such munitions as*
7 *of December 1, 1991.*

8 (b) *REPORT.—(1) Not later than February 1, 1996,*
9 *the Secretary shall submit to Congress a report on the find-*
10 *ings and other results of the analysis.*

11 (2) *The report shall include a detailed discussion of*
12 *the process by which the Department of Defense—*

13 (A) *approves the development of new precision*
14 *guided munitions;*

15 (B) *avoids duplication and redundancy in the*
16 *precision guided munitions programs of the Army,*
17 *Navy, Air Force, and Marine Corps;*

18 (C) *ensures rationality in the relationship be-*
19 *tween the funding plans for precision guided muni-*
20 *tions modernization for fiscal years following fiscal*
21 *year 1996 and the costs of such modernization for*
22 *those fiscal years; and*

23 (D) *identifies by name and function each person*
24 *responsible for approving each new precision guided*
25 *munition for initial low-rate production.*

1 (c) *FUNDING LIMITATION.*—Funds authorized to be
2 appropriated by this Act may not be expended for research,
3 development, test, and evaluation or procurement of interim
4 precision guided munitions until the Secretary of Defense
5 submits the report under subsection (b).

6 (d) *INTERIM PRECISION GUIDED MUNITION DE-*
7 *FINED.*—For purposes of paragraph (1), a precision guided
8 munition is an interim precision guided munition if the
9 munition is being procured in fiscal year 1996, but funding
10 is not proposed for additional procurement of the munition
11 in the fiscal years after fiscal year 1996 in the future years
12 defense program submitted to Congress in 1995 under sec-
13 tion 221(a) of title 10, United States Code.

14 **SEC. 216. DEFENSE NUCLEAR AGENCY PROGRAMS.**

15 (a) *AGENCY FUNDING.*—Of the amounts authorized to
16 be appropriated to the Department of Defense in section
17 201, \$252,900,000 shall be available for the Defense Nuclear
18 Agency.

19 (b) *TUNNEL CHARACTERIZATION AND NEUTRALIZA-*
20 *TION PROGRAM.*—Of the amount available under subsection
21 (a), \$3,000,000 shall be available for a tunnel characteriza-
22 tion and neutralization program to be managed by the De-
23 fense Nuclear Agency as part of the counterproliferation ac-
24 tivities of the Department of Defense.

1 (c) *LONG-TERM RADIATION TOLERANT MICROELEC-*
2 *TRONICS PROGRAM.*—(1) *Of the amount available under*
3 *subsection (a), \$6,000,000 shall be available for the estab-*
4 *lishment of a long-term radiation tolerant microelectronics*
5 *program to be managed by the Defense Nuclear Agency for*
6 *the purposes of—*

7 (A) *providing for the development of affordable*
8 *and effective hardening technologies and for incorpo-*
9 *ration of such technologies into systems;*

10 (B) *sustaining the supporting industrial base;*
11 *and*

12 (C) *ensuring that a use of a nuclear weapon in*
13 *regional threat scenarios does not interrupt or defeat*
14 *the continued operability of systems of the Armed*
15 *Forces exposed to the combined effects of radiation*
16 *emitted by the weapon.*

17 (2) *Not later than 120 days after the date of the enact-*
18 *ment of this Act, the Secretary of Defense shall submit to*
19 *Congress a report on how the long-term radiation tolerant*
20 *microelectronics program is to be conducted and funded in*
21 *the fiscal years after fiscal year 1996 that are covered by*
22 *the future-years defense program submitted to Congress in*
23 *1995.*

1 **SEC. 217. COUNTERPROLIFERATION SUPPORT PROGRAM.**

2 (a) *FUNDING.*—Of the funds authorized to be appro-
3 priated to the Department of Defense under section 201(4),
4 \$144,500,000 shall be available for the Counterproliferation
5 Support Program, of which—

6 (1) \$30,000,000 shall be available for a tactical
7 antisatellite technologies program; and

8 (2) \$6,300,000 shall be available for research and
9 development of technologies for Special Operations
10 Command (SOCOM) counterproliferation activities.

11 (b) *ADDITIONAL AUTHORITY TO TRANSFER AUTHOR-*
12 *IZATIONS.*—(1) In addition to the transfer authority pro-
13 vided in section 1003, upon determination by the Secretary
14 of Defense that such action is necessary in the national in-
15 terest, the Secretary may transfer amounts of authoriza-
16 tions made available to the Department of Defense in this
17 division for fiscal year 1996 to counterproliferation pro-
18 grams, projects, and activities identified as areas for
19 progress by the Counterproliferation Program Review Com-
20 mittee established by section 1605 of the National Defense
21 Authorization Act for Fiscal Year 1994 (Public Law 103–
22 160). Amounts of authorizations so transferred shall be
23 merged with and be available for the same purposes as the
24 authorization to which transferred.

1 (2) *The total amount of authorizations that the Sec-*
2 *retary may transfer under the authority of this subsection*
3 *may not exceed \$50,000,000.*

4 (3) *The authority provided by this subsection to trans-*
5 *fer authorizations—*

6 (A) *may only be used to provide authority for*
7 *items that have a higher priority than the items from*
8 *which authority is transferred; and*

9 (B) *may not be used to provide authority for an*
10 *item that has been denied authorization by Congress.*

11 (4) *A transfer made from one account to another under*
12 *the authority of this subsection shall be deemed to increase*
13 *the amount authorized for the account to which the amount*
14 *is transferred by an amount equal to the amount trans-*
15 *ferred.*

16 (5) *The Secretary of Defense shall promptly notify*
17 *Congress of transfers made under the authority of this sub-*
18 *section.*

19 **SEC. 218. NONLETHAL WEAPONS PROGRAM.**

20 (a) *ESTABLISHMENT OF PROGRAM OFFICE.—The Sec-*
21 *retary of Defense shall establish in the Office of the Under*
22 *Secretary of Defense for Acquisition and Technology a Pro-*
23 *gram Office for Nonlethal Systems and Technologies to con-*
24 *duct research, development, testing, and evaluation of*

1 *nonlethal weapons applicable to forces engaged in both tra-*
2 *ditional and nontraditional military operations.*

3 (b) *FUNDING.*—*Of the amount authorized to be appro-*
4 *priated under section 201(4), \$37,200,000 shall be available*
5 *for the Program Office for Nonlethal Systems and Tech-*
6 *nologies.*

7 ***SEC. 219. FEDERALLY FUNDED RESEARCH AND DEVELOP-***
8 ***MENT CENTERS.***

9 (a) *CENTERS COVERED.*—*Funds appropriated or oth-*
10 *erwise made available for the Department of Defense for fis-*
11 *cal year 1996 pursuant to an authorization of appropria-*
12 *tions in section 201 may be obligated to procure work from*
13 *a federally funded research and development center only in*
14 *the case of a center named in the report required by sub-*
15 *section (b) and, in the case of such a center, only in an*
16 *amount not in excess of the amount of the proposed funding*
17 *level set forth for that center in such report.*

18 (b) *REPORT ON ALLOCATIONS FOR CENTERS.*—(1) *Not*
19 *later than 30 days after the date of the enactment of this*
20 *Act, the Secretary of Defense shall submit to the Committee*
21 *on Armed Services of the Senate and the Committee on Na-*
22 *tional Security of the House of Representatives a report*
23 *containing—*

24 (A) *the name of each federally funded research*
25 *and development center from which work is proposed*

1 *to be procured for the Department of Defense for fiscal*
2 *year 1996; and*

3 *(B) for each such center, the proposed funding*
4 *level and the estimated personnel level for fiscal year*
5 *1996.*

6 *(2) The total of the proposed funding levels set forth*
7 *in the report for all federally funded research and develop-*
8 *ment centers may not exceed the amount set forth in sub-*
9 *section (d).*

10 *(c) LIMITATION PENDING SUBMISSION OF REPORT.—*
11 *No funds appropriated or otherwise made available for the*
12 *Department of Defense for fiscal year 1996 may be obligated*
13 *to procure work from a federally funded research and devel-*
14 *opment center until the Secretary of Defense submits the*
15 *report required by subsection (b).*

16 *(d) FUNDING.—Of the amounts authorized to be ap-*
17 *propriated by section 201, not more than a total of*
18 *\$1,162,650,000 may be obligated to procure services from*
19 *the federally funded research and development centers*
20 *named in the report required by subsection (b).*

21 *(e) AUTHORITY TO WAIVE FUNDING LIMITATION.—*
22 *The Secretary of Defense may waive the limitation regard-*
23 *ing the maximum funding amount that applies under sub-*
24 *section (a) to a federally funded research and development*
25 *center. Whenever the Secretary proposes to make such a*

1 waiver, the Secretary shall submit to the Committee on
2 Armed Services of the Senate and the Committee on Na-
3 tional Security of the House of Representatives notice of
4 the proposed waiver and the reasons for the waiver. The
5 waiver may then be made only after the end of the 60-day
6 period that begins on the date on which the notice is submit-
7 ted to those committees, unless the Secretary determines that
8 it is essential to the national security that funds be obli-
9 gated for work at that center in excess of that limitation
10 before the end of such period and notifies the Committee
11 on Armed Services of the Senate and the Committee on Na-
12 tional Security of the House of Representatives of that de-
13 termination and the reasons for the determination.

14 (f) *UNDISTRIBUTED REDUCTION.*—The total amount
15 authorized to be appropriated for research, development,
16 test, and evaluation in section 201 is hereby reduced by
17 \$90,000,000.

18 **SEC. 220. STATES ELIGIBLE FOR ASSISTANCE UNDER DE-**
19 **FENSE EXPERIMENTAL PROGRAM TO STIMU-**
20 **LATE COMPETITIVE RESEARCH.**

21 Subparagraph (A) of section 257(d)(2) of the National
22 Defense Authorization Act for Fiscal Year 1995 (Public
23 Law 103–337; 108 Stat. 2705; 10 U.S.C. 2358 note) is
24 amended to read as follows:

1 “(A) the amount of all Department of Defense
2 obligations for science and engineering research and
3 development that were in effect with institutions of
4 higher education in the State for the fiscal year pre-
5 ceding the fiscal year for which the designation is ef-
6 fective or for the last fiscal year for which statistics
7 are available is less than the amount determined by
8 multiplying 60 percent times $\frac{1}{50}$ of the total amount
9 of all Department of Defense obligations for science
10 and engineering research and development that were
11 in effect with institutions of higher education in the
12 United States for such preceding or last fiscal year,
13 as the case may be (to be determined in consultation
14 with the Secretary of Defense);”.

15 **SEC. 221. NATIONAL DEFENSE TECHNOLOGY AND INDUS-**
16 **TRIAL BASE, DEFENSE REINVESTMENT, AND**
17 **CONVERSION.**

18 (a) *REPEAL OF CERTAIN AUTHORITIES AND REQUIRE-*
19 *MENTS.—Chapter 148 of title 10, United States Code, is*
20 *amended—*

21 (1) *in section 2491—*

22 (A) *by striking out paragraphs (12), (13),*
23 *(14), and (15); and*

24 (B) *by redesignating paragraph (16) as*
25 *paragraph (12);*

1 (2) in section 2501—

2 (A) by striking out subsection (b); and

3 (B) by redesignating subsection (c) as sub-
4 section (b); and

5 (3) by striking out sections 2512, 2513, 2516,
6 2520, 2523, and 2524.

7 (b) *CRITERIA FOR SELECTION OF DEFENSE ADVANCED*
8 *MANUFACTURING TECHNOLOGY PARTNERSHIPS.*—Sub-
9 section (d) of section 2522 of such title is amended to read
10 as follows:

11 “(d) *SELECTION CRITERIA.*—The criteria for the selec-
12 tion of proposed partnerships for establishment under this
13 section shall be the criteria specified in section 2511(f) of
14 this title.”.

15 (c) *CONFORMING AMENDMENTS.*—(1) Section 2516(b)
16 of such title is amended—

17 (A) by inserting “and” at the end of paragraph
18 (2);

19 (B) by striking out “; and” at the end of para-
20 graph (3) and inserting in lieu thereof a period; and

21 (C) by striking out paragraph (4).

22 (2) Section 2524 of such title is amended—

23 (A) in subsection (a), by striking out “and the
24 defense reinvestment, diversification, and conversion

1 (2) by adding at the end the following:

2 “(2) The Secretary shall seek, to the extent practicable,
3 the participation of manufacturers of manufacturing equip-
4 ment in the projects under the program.”.

5 **SEC. 223. PREPAREDNESS OF THE DEPARTMENT OF DE-**
6 **FENSE TO RESPOND TO MILITARY AND CIVIL**
7 **DEFENSE EMERGENCIES RESULTING FROM A**
8 **CHEMICAL, BIOLOGICAL, RADIOLOGICAL, OR**
9 **NUCLEAR ATTACK.**

10 (a) *REPORT.*—Not later than February 28, 1996, the
11 Secretary of Defense and the Secretary of Energy, in con-
12 sultation with the Director of the Federal Emergency Man-
13 agement Agency, shall jointly submit to Congress a report
14 on the plans and programs of the Department of Defense
15 to prepare for and respond to military and civil defense
16 emergencies resulting from a chemical, biological, radiologi-
17 cal, or nuclear attack on the United States.

18 (b) *CONTENT OF REPORT.*—The report shall contain
19 the following:

20 (1) A discussion of—

21 (A) the consequences of an attack for which
22 the Department of Defense has a responsibility to
23 provide a primary response; and

24 (B) the plans and programs for preparing
25 for and providing that response.

1 (2) *A discussion of—*

2 (A) *the consequences of an attack for which*
3 *the Department of Defense has a responsibility to*
4 *provide a supporting response; and*

5 (B) *the plans and programs for preparing*
6 *for and providing that response.*

7 (3) *Any actions and recommended legislation*
8 *that the Secretary considers necessary for improving*
9 *the preparedness of the Department of Defense to re-*
10 *spond effectively to the consequences of a chemical, bi-*
11 *ological, radiological, or nuclear attack on the United*
12 *States.*

13 **SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC**
14 **NETWORK.**

15 *To the extent provided in appropriations Acts,*
16 *\$9,500,000 of the unobligated balance of funds available to*
17 *the Air Force for research, development, test, and evaluation*
18 *for fiscal year 1995 shall be available for continuation of*
19 *the Joint Seismic Program and Global Seismic Network.*

20 **SEC. 225. DEPRESSED ALTITUDE GUIDED GUN ROUND SYS-**
21 **TEM.**

22 *Of the amount authorized to be appropriated under*
23 *section 201(1), \$5,000,000 is authorized to be appropriated*
24 *for continued development of the depressed altitude guided*
25 *gun round system.*

1 **SEC. 226. ARMY ECHELON ABOVE CORPS COMMUNICA-**
2 **TIONS.**

3 *Of the amount authorized to be appropriated under*
4 *section 201(3), \$40,000,000 is hereby transferred to the au-*
5 *thorization of appropriations under section 101(5) for pro-*
6 *curement of communications equipment for Army echelons*
7 *above corps.*

8 **SEC. 227. TESTING OF THEATER MISSILE DEFENSE INTER-**
9 **CEPTORS.**

10 *(a) The Secretary of Defense may not approve a thea-*
11 *ter missile defense interceptor program proceeding beyond*
12 *the low-rate initial production acquisition stage until the*
13 *Secretary certifies to the congressional defense committees*
14 *that such program has successfully completed initial oper-*
15 *ational test and evaluation, and is found to be a suitable*
16 *and effective system.*

17 *(b) In order to be certified under subsection (a) as hav-*
18 *ing been successfully completed, the initial operational test*
19 *and evaluation conducted with respect to an interceptor*
20 *program must have included flight tests—*

21 *(1) that were conducted with multiple intercep-*
22 *tors and multiple targets in the presence of realistic*
23 *countermeasures; and*

24 *(2) the results of which demonstrate the achieve-*
25 *ment by the interceptors of the baseline performance*
26 *thresholds.*

1 (c) For purposes of this section, the baseline perform-
2 ance thresholds with respect to a program are the weapons
3 systems performance thresholds specified in the baseline de-
4 scription for the system established (pursuant to section
5 2435(a)(1) of title 10, United States Code) before the pro-
6 gram entered the engineering and manufacturing develop-
7 ment stage.

8 (d) The number of flight tests described in subsection
9 (b) that are required in order to make the certification
10 under subsection (a) shall be a number determined by the
11 Director of Operational Test and Evaluation to be sufficient
12 for the purposes of this section.

13 (e) The Secretary may augment flight testing to dem-
14 onstrate weapons system performance goals for purposes of
15 the certification under subsection (a) through the use of
16 modeling and simulation that is validated by ground and
17 flight testing.

18 (f) The Director of Operational Test and Evaluation
19 and Ballistic Missile Defense Organization shall include in
20 their annual reports to Congress plans to adequately test
21 theater missile defense interceptor programs throughout the
22 acquisition process. As these theater missile defense systems
23 progress through the acquisition process, the Director of
24 Operational Test and Evaluation and Ballistic Missile De-
25 fense Organization shall include in their annual reports to

1 Congress an assessment of how these programs satisfy
2 planned test objectives.

3 **Subtitle C—Missile Defense**

4 **SEC. 231. SHORT TITLE.**

5 *This subtitle may be cited as the “Missile Defense Act*
6 *of 1995”.*

7 **SEC. 232. FINDINGS.**

8 *Congress makes the following findings:*

9 *(1) The threat that is posed to the national secu-*
10 *rity of the United States by the proliferation of ballis-*
11 *tic and cruise missiles is significant and growing,*
12 *both quantitatively and qualitatively.*

13 *(2) The deployment of effective Theater Missile*
14 *Defense systems can deny potential adversaries the*
15 *option of escalating a conflict by threatening or at-*
16 *tacking United States forces, coalition partners of the*
17 *United States, or allies of the United States with bal-*
18 *listic missiles armed with weapons of mass destruc-*
19 *tion to offset the operational and technical advantages*
20 *of the United States and its coalition partners and*
21 *allies.*

22 *(3) The intelligence community of the United*
23 *States has estimated that (A) the missile proliferation*
24 *trend is toward longer range and more sophisticated*
25 *ballistic missiles, (B) North Korea may deploy an*

1 *intercontinental ballistic missile capable of reaching*
2 *Alaska or beyond within 5 years, and (C) although a*
3 *new indigenously developed ballistic missile threat to*
4 *the continental United States is not forecast within*
5 *the next 10 years there is a danger that determined*
6 *countries will acquire intercontinental ballistic mis-*
7 *siles in the near future and with little warning by*
8 *means other than indigenous development.*

9 (4) *The deployment by the United States and its*
10 *allies of effective defenses against ballistic missiles of*
11 *all ranges, as well as against cruise missiles, can re-*
12 *duce the incentives for countries to acquire such mis-*
13 *siles or to augment existing missile capabilities.*

14 (5) *The Cold War distinction between strategic*
15 *ballistic missiles and nonstrategic ballistic missiles*
16 *and, therefore, the ABM Treaty's distinction between*
17 *strategic defense and nonstrategic defense, has*
18 *changed because of technological advancements and*
19 *should be reviewed.*

20 (6) *The concept of mutual assured destruction,*
21 *which was one of the major philosophical rationales*
22 *for the ABM Treaty, is now questionable as a basis*
23 *for stability in a multipolar world in which the Unit-*
24 *ed States and the states of the former Soviet Union*

1 *are seeking to normalize relations and eliminate Cold*
2 *War attitudes and arrangements.*

3 (7) *Theater and national missile defenses can*
4 *contribute to the maintenance of stability as missile*
5 *threats proliferate and as the United States and the*
6 *former Soviet Union significantly reduce the number*
7 *of strategic nuclear forces in their respective inven-*
8 *tories.*

9 (8) *Although technology control regimes and*
10 *other forms of international arms control can contrib-*
11 *ute to nonproliferation, such measures alone are inad-*
12 *equately for dealing with missile proliferation, and*
13 *should not be viewed as alternatives to missile de-*
14 *fenses and other active and passive defenses.*

15 (9) *Due to limitations in the ABM Treaty which*
16 *preclude deployment of more than 100 ground-based*
17 *ABM interceptors at a single site, the United States*
18 *is currently prohibited from deploying a national*
19 *missile defense system capable of defending the con-*
20 *tinental United States, Alaska, and Hawaii against*
21 *even the most limited ballistic missile attacks.*

22 **SEC. 233. MISSILE DEFENSE POLICY.**

23 *It is the policy of the United States to—*

24 (1) *deploy as soon as possible affordable and*
25 *operationally effective theater missile defenses capable*

1 *of countering existing and emerging theater ballistic*
2 *missiles;*

3 *(2)(A) develop for deployment a multiple-site na-*
4 *tional missile defense system that: (i) is affordable*
5 *and operationally effective against limited, acciden-*
6 *tal, and unauthorized ballistic missile attacks on the*
7 *territory of the United States, and (ii) can be aug-*
8 *mented over time as the threat changes to provide a*
9 *layered defense against limited, accidental, or unau-*
10 *thorized ballistic missile threats;*

11 *(B) initiate negotiations with the Russian Fed-*
12 *eration as necessary to provide for the national mis-*
13 *sile defense systems specified in section 235; and*

14 *(C) consider, if those negotiations fail, the option*
15 *of withdrawing from the ABM Treaty in accordance*
16 *with the provisions of Article XV of the Treaty, sub-*
17 *ject to consultations between the President and the*
18 *Senate;*

19 *(3) ensure congressional review, prior to a deci-*
20 *sion to deploy the system developed for deployment*
21 *under paragraph (2), of: (A) the affordability and*
22 *operational effectiveness of such a system; (B) the*
23 *threat to be countered by such a system; and (C)*
24 *ABM Treaty considerations with respect to such a*
25 *system.*

1 (4) improve existing cruise missile defenses and
2 deploy as soon as practical defenses that are afford-
3 able and operationally effective against advanced
4 cruise missiles;

5 (5) pursue a focused research and development
6 program to provide follow-on ballistic missile defense
7 options;

8 (6) employ streamlined acquisition procedures to
9 lower the cost and accelerate the pace of developing
10 and deploying theater missile defenses, cruise missile
11 defenses, and national missile defenses;

12 (7) seek a cooperative transition to a regime that
13 does not feature mutual assured destruction and an
14 offense-only form of deterrence as the basis for strate-
15 gic stability; and

16 (8) carry out the policies, programs, and require-
17 ments of subtitle C of title II of this Act through proc-
18 esses specified within, or consistent with, the ABM
19 Treaty, which anticipates the need and provides the
20 means for amendment to the Treaty.

21 **SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.**

22 (a) *ESTABLISHMENT OF CORE PROGRAM.*—To imple-
23 ment the policy established in section 233, the Secretary
24 of Defense shall establish a top priority core theater missile
25 defense program consisting of the following systems:

1 (1) *The Patriot PAC-3 system, with a first unit*
2 *equipped (FUE) in fiscal year 1998.*

3 (2) *The Navy Lower Tier (Area) system, with a*
4 *user operational evaluation system (UOES) capabil-*
5 *ity in fiscal year 1997 and an initial operational ca-*
6 *pability (IOC) in fiscal year 1999.*

7 (3) *The Theater High-Altitude Area Defense*
8 *(THAAD) system, with a user operational evaluation*
9 *system (UOES) capability in fiscal year 1997 and an*
10 *initial operational capability (IOC) no later than fis-*
11 *cal year 2002.*

12 (4) *The Navy Upper Tier (Theater Wide) system,*
13 *with a user operational evaluation system (UOES)*
14 *capability in fiscal year 1999 and an initial oper-*
15 *ational capability (IOC) in fiscal year 2001.*

16 (b) *INTEROPERABILITY AND SUPPORT OF CORE SYS-*
17 *TEMS.—To maximize effectiveness and flexibility, the Sec-*
18 *retary of Defense shall ensure that core theater missile de-*
19 *fense systems are interoperable and fully capable of exploit-*
20 *ing external sensor and battle management support from*
21 *systems such as the Navy's Cooperative Engagement Capa-*
22 *bility (CEC), the Army's Battlefield Integration Center*
23 *(BIC), air and space-based sensors including, in particular,*
24 *the Space and Missile Tracking System (SMTS).*

1 (c) *TERMINATION OF PROGRAMS.*—*The Secretary of*
2 *Defense shall terminate the Boost Phase Interceptor (BPI)*
3 *program.*

4 (d) *FOLLOW-ON SYSTEMS.*—(1) *The Secretary of De-*
5 *fense shall develop an affordable development plan for fol-*
6 *low-on theater missile defense systems which leverages exist-*
7 *ing systems, technologies, and programs, and focuses invest-*
8 *ments to satisfy military requirements not met by the core*
9 *program.*

10 (2) *Before adding new theater missile defense systems*
11 *to the core program from among the follow-on activities,*
12 *the Secretary of Defense shall submit to the congressional*
13 *defense committees a report describing—*

14 (A) *the requirements for the program and the*
15 *specific threats to be countered;*

16 (B) *how the new program will relate to, support,*
17 *and leverage off existing core programs;*

18 (C) *the planned acquisition strategy; and*

19 (D) *a preliminary estimate of total program cost*
20 *and budgetary impact.*

21 (e) *REPORT.*—(1) *Not later than the date on which the*
22 *President submits the budget for fiscal year 1997 under sec-*
23 *tion 1105 of title 31, United States Code, the Secretary of*
24 *Defense shall submit to the congressional defense committees*

1 a report detailing the Secretary's plans for implementing
2 the guidance specified in this section.

3 (2) For each deployment date for each system described
4 in subsection (a), the report required by paragraph (1) of
5 this subsection shall include the funding required for re-
6 search, development, testing, evaluation, and deployment
7 for each fiscal year beginning with fiscal year 1997 through
8 the end of the fiscal year in which deployment is projected
9 under subsection (a).

10 **SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITEC-**
11 **TURE.**

12 (a) *IN GENERAL.*—To implement the policy established
13 in section 233, the Secretary of Defense shall develop an
14 affordable and operationally effective national missile de-
15 fense system to counter a limited, accidental, or unauthor-
16 ized ballistic missile attack, and which is capable of attain-
17 ing initial operational capability (IOC) by the end of 2003.
18 Such system shall include the following:

19 (1) Ground-based interceptors capable of being
20 deployed at multiple sites, the locations and numbers
21 of which are to be determined so as to optimize the
22 defensive coverage of the continental United States,
23 Alaska, and Hawaii against limited, accidental, or
24 unauthorized ballistic missile attacks.

1 (2) *Fixed ground-based radars and space-based*
2 *sensors, including the Space and Missile Tracking*
3 *system, the mix, siting and numbers of which are to*
4 *be determined so as to optimize sensor support and*
5 *minimize total system cost.*

6 (3) *Battle management, command, control, and*
7 *communications (BM/C3).*

8 (b) *INTERIM OPERATIONAL CAPABILITY.—To provide*
9 *a hedge against the emergence of near-term ballistic missile*
10 *threats against the United States and to support the devel-*
11 *opment and deployment of the objective system specified in*
12 *subsection (a), the Secretary of Defense shall develop an in-*
13 *terim national missile defense plan that would give the*
14 *United States the ability to field a limited operational ca-*
15 *pability by the end of 1999 if required by the threat. In*
16 *developing this plan the Secretary shall make use of—*

17 (1) *developmental, or user operational evaluation*
18 *system (UOES) interceptors, radars, and battle man-*
19 *agement, command, control, and communications*
20 *(BM/C3), to the extent that such use directly supports,*
21 *and does not significantly increase the cost of, the ob-*
22 *jective system specified in subsection (a);*

23 (2) *one or more of the sites that will be used as*
24 *deployment locations for the objective system specified*
25 *in subsection (a);*

1 (3) *upgraded early warning radars; and*

2 (4) *space-based sensors.*

3 (c) *USE OF STREAMLINED ACQUISITION PROCEDURE*
4 *DURES.—The Secretary of Defense shall prescribe and use*
5 *streamlined acquisition procedures to—*

6 (1) *reduce the cost and increase the efficiency of*
7 *developing the national missile defense system speci-*
8 *fied in subsection (a); and*

9 (2) *ensure that any interim national missile de-*
10 *fense capabilities developed pursuant to subsection (b)*
11 *are operationally effective and on a path to fulfill the*
12 *technical requirements and schedule of the objective*
13 *system.*

14 (d) *ADDITIONAL COST SAVING MEASURES.—In addi-*
15 *tion to the procedures prescribed pursuant to subsection (c),*
16 *the Secretary of Defense shall employ cost saving measures*
17 *that do not decrease the operational effectiveness of the sys-*
18 *tems specified in subsections (a) and (b), and which do not*
19 *pose unacceptable technical risk. The cost saving measures*
20 *should include the following:*

21 (1) *The use of existing facilities and infrastruc-*
22 *ture.*

23 (2) *The use, where appropriate, of existing or*
24 *upgraded systems and technologies, except that Min-*

1 *uteman boosters may not be used as part of a Na-*
2 *tional Missile Defense architecture.*

3 *(3) Development of systems and components that*
4 *do not rely on a large and permanent infrastructure*
5 *and are easily transported, emplaced, and moved.*

6 *(e) REPORT ON PLAN FOR DEPLOYMENT.—Not later*
7 *than the date on which the President submits the budget*
8 *for fiscal year 1997 under section 1105 of title 31, United*
9 *States Code, the Secretary of Defense shall submit to the*
10 *congressional defense committees a report containing the*
11 *following matters:*

12 *(1) The Secretary's plan for carrying out this*
13 *section.*

14 *(2) For each deployment date in subsections (a)*
15 *and (b), the report shall include the funding required*
16 *for research, development, testing, evaluation, and de-*
17 *ployment for each fiscal year beginning with fiscal*
18 *year 1997 through the end of the fiscal year in which*
19 *deployment is projected under subsection (a) or (b).*
20 *The report shall also describe the specific threat to be*
21 *countered and provide the Secretary's assessment as*
22 *to whether deployment is affordable and operationally*
23 *effective.*

24 *(3) An analysis of options for supplementing or*
25 *modifying the national missile defense architecture*

1 *specified in subsection (a) before attaining initial*
2 *operational capability, or evolving such architecture*
3 *in a building block manner after attaining initial*
4 *operational capability, to improve the cost-effective-*
5 *ness or the operational effectiveness of such system by*
6 *adding one or a combination of the following:*

7 *(A) Additional ground-based interceptors at*
8 *existing or new sites.*

9 *(B) Sea-based missile defense systems.*

10 *(C) Space-based kinetic energy interceptors.*

11 *(D) Space-based directed energy systems.*

12 **SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.**

13 *(a) IN GENERAL.—The Secretary of Defense shall un-*
14 *dertake an initiative to coordinate and strengthen the cruise*
15 *missile defense programs, projects, and activities of the*
16 *military departments, the Advanced Research Projects*
17 *Agency and the Ballistic Missile Defense Organization to*
18 *ensure that the United States develops and deploys afford-*
19 *able and operationally effective defenses against existing*
20 *and future cruise missile threats.*

21 *(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In*
22 *carrying out subsection (a), the Secretary of Defense shall*
23 *ensure that—*

24 *(1) to the extent practicable, the ballistic missile*
25 *defense and cruise missile defense efforts of the De-*

1 *partment of Defense are coordinated and mutually re-*
2 *inforcing;*

3 (2) *existing air defense systems are adequately*
4 *upgraded to provide an affordable and operationally*
5 *effective defense against existing and near-term cruise*
6 *missile threats; and*

7 (3) *the Department of Defense undertakes a high*
8 *priority and well coordinated technology development*
9 *program to support the future deployment of systems*
10 *that are affordable and operationally effective against*
11 *advanced cruise missiles, including cruise missiles*
12 *with low observable features.*

13 (c) *IMPLEMENTATION PLAN.—Not later than the date*
14 *on which the President submits the budget for fiscal year*
15 *1997 under section 1105 of title 31, United States Code,*
16 *the Secretary of Defense shall submit to the congressional*
17 *defense committees a detailed plan, in unclassified and clas-*
18 *sified forms, as necessary, for carrying out this section. The*
19 *plan shall include an assessment of—*

20 (1) *the systems that currently have cruise missile*
21 *defense capabilities, and existing programs to im-*
22 *prove these capabilities;*

23 (2) *the technologies that could be deployed in the*
24 *near- to mid-term to provide significant advances*
25 *over existing cruise missile defense capabilities, and*

1 *the investments that would be required to ready the*
2 *technologies for deployment;*

3 *(3) the cost and operational tradeoffs, if any, be-*
4 *tween upgrading existing air and missile defense sys-*
5 *tems and accelerating follow-on systems with signifi-*
6 *cantly improved capabilities against advanced cruise*
7 *missiles; and*

8 *(4) the organizational and management changes*
9 *that would strengthen and further coordinate the*
10 *cruise missile defense efforts of the Department of De-*
11 *fense, including the disadvantages, if any, of imple-*
12 *menting such changes.*

13 **SEC. 237. POLICY REGARDING THE ABM TREATY.**

14 *(a) Congress makes the following findings:*

15 *(1) Article XIII of the ABM Treaty envisions*
16 *“possible changes in the strategic situation which*
17 *have a bearing on the provisions of this treaty”.*

18 *(2) Articles XIII and XIV of the ABM Treaty es-*
19 *tablish means for the Parties to amend the Treaty,*
20 *and the Parties have employed these means to amend*
21 *the Treaty.*

22 *(3) Article XV of the ABM Treaty establishes the*
23 *means for a party to withdraw from the Treaty, upon*
24 *6 months notice, “if it decides that extraordinary*

1 *events related to the subject matter of this treaty have*
2 *jeopardized its supreme interests”.*

3 *(4) The policies, programs, and requirements of*
4 *subtitle C of title II of this Act can be accomplished*
5 *through processes specified within, or consistent with,*
6 *the ABM Treaty, which anticipates the need and pro-*
7 *vides the means for amendment to the Treaty.*

8 *(b) SENSE OF CONGRESS.—In light of the findings and*
9 *policies provided in this subtitle, it is the sense of Congress*
10 *that—*

11 *(1) Given the fundamental responsibility of the*
12 *Government of the United States to protect the secu-*
13 *rity of the United States, the increasingly serious*
14 *threat posed to the United States by the proliferation*
15 *of weapons of mass destruction and ballistic missile*
16 *technology, and the effect this threat could have on the*
17 *options of the United States to act in a time of cri-*
18 *sis—*

19 *(A) it is in the vital national security inter-*
20 *est of the United States to defend itself from the*
21 *threat of a limited, accidental, or unauthorized*
22 *ballistic missile attack, whatever its source; and*

23 *(B) the deployment of a national missile de-*
24 *fense system, in accord with section 233, to pro-*
25 *tect the territory of the United States against a*

1 *limited, accidental, or unauthorized missile at-*
2 *tack can strengthen strategic stability and deter-*
3 *rence; and*

4 (2)(A) *the Senate should undertake a comprehen-*
5 *sive review of the continuing value and validity of the*
6 *ABM Treaty with the intent of providing additional*
7 *policy guidance on the future of the ABM Treaty dur-*
8 *ing the second session of the One Hundred Fourth*
9 *Congress; and*

10 (B) *upon completion of the review, the Commit-*
11 *tee on Foreign Relations, in consultation with the*
12 *Committee on Armed Services and other appropriate*
13 *committees, should report its findings to the Senate.*

14 **SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT AN**
15 **INTERNATIONAL AGREEMENT CONCERNING**
16 **THEATER MISSILE DEFENSE SYSTEMS.**

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

18 (1) *Section 234 of the National Defense Author-*
19 *ization Act for Fiscal Year 1994 provides that the*
20 *ABM Treaty does not apply to or limit research, de-*
21 *velopment, testing, or deployment of missile defense*
22 *systems, system upgrades, or system components that*
23 *are designed to counter modern theater ballistic mis-*
24 *siles, regardless of the capabilities of such missiles,*
25 *unless those systems, system upgrades, or system com-*

1 ponents are tested against or have demonstrated capa-
2 bilities to counter modern strategic ballistic missiles.

3 (2) Section 232 of the National Defense Author-
4 ization Act for Fiscal Year 1995 provides that the
5 United States shall not be bound by any inter-
6 national agreement that would substantially modify
7 the ABM Treaty unless the agreement is entered into
8 pursuant to the treaty making power of the President
9 under the Constitution.

10 (3) the demarcation standard described in sub-
11 section (b)(1) is based upon current technology.

12 (b) SENSE OF CONGRESS.—It is the sense of Congress
13 that—

14 (1) unless a missile defense system, system up-
15 grade, or system component, including one that ex-
16 ploits data from space-based or other external sensors,
17 is flight tested against a ballistic missile target that
18 exceeds a range of 3,500 kilometers or a velocity of 5
19 kilometers per second, such missile defense system,
20 system upgrade, or system component has not been
21 tested in an ABM mode nor deemed to have been
22 given capabilities to counter strategic ballistic mis-
23 siles, and

24 (2) any international agreement that would
25 limit the research, development, testing, or deploy-

1 *ment of missile defense systems, system upgrades, or*
2 *system components that are designed to counter mod-*
3 *ern theater ballistic missiles in a manner that would*
4 *be more restrictive than the criteria in paragraph (1)*
5 *should be entered into only pursuant to the treaty*
6 *making powers of the President under the Constitu-*
7 *tion.*

8 *(c) PROHIBITION ON FUNDING.—Funds appropriated*
9 *or otherwise made available to the Department of Defense*
10 *for fiscal year 1996 may not be obligated or expended to*
11 *implement an agreement with any of the independent states*
12 *of the former Soviet Union entered into after January 1,*
13 *1995 that would establish a demarcation between theater*
14 *missile defense systems and anti-ballistic missile systems for*
15 *purposes of the ABM Treaty or that would restrict the per-*
16 *formance, operation, or deployment of United States theater*
17 *missile defense systems except: (1) to the extent provided*
18 *in an Act enacted subsequent to this Act; (2) to implement*
19 *that portion of any such agreement that implements the cri-*
20 *teria in subsection (b)(1); or (3) to implement any such*
21 *agreement that is entered into pursuant to the treaty mak-*
22 *ing power of the President under the Constitution.*

1 **SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELE-**
2 **MENTS.**

3 (a) *ELEMENTS SPECIFIED.*—In the budget justifica-
4 tion materials submitted to Congress in support of the De-
5 partment of Defense budget for any fiscal year after fiscal
6 year 1996 (as submitted in the budget of the President
7 under section 1105(a) of title 31, United States Code), the
8 amount requested for activities of the Ballistic Missile De-
9 fense Organization shall be set forth in accordance with the
10 following program elements:

11 (1) *The Patriot system.*

12 (2) *The Navy Lower Tier (Area) system.*

13 (3) *The Theater High-Altitude Area Defense*
14 *(THAAD) system.*

15 (4) *The Navy Upper Tier (Theater Wide) system.*

16 (5) *Other Theater Missile Defense Activities.*

17 (6) *National Missile Defense.*

18 (7) *Follow-On and Support Technologies.*

19 (b) *TREATMENT OF NON-CORE TMD IN OTHER THEA-*
20 *TER MISSILE DEFENSE ACTIVITIES ELEMENT.*—Funding
21 for theater missile defense programs, projects, and activities,
22 other than core theater missile defense programs, shall be
23 covered in the “Other Theater Missile Defense Activities”
24 program element.

25 (c) *TREATMENT OF CORE THEATER MISSILE DE-*
26 *FENSE PROGRAMS.*—Funding for core theater missile de-

1 *fense programs specified in section 234, shall be covered in*
2 *individual, dedicated program elements and shall be avail-*
3 *able only for activities covered by those program elements.*

4 (d) *BM/C3I PROGRAMS.—Funding for programs,*
5 *projects, and activities involving battle management, com-*
6 *mand, control, communications, and intelligence (BM/C3I)*
7 *shall be covered in the “Other Theater Missile Defense Ac-*
8 *tivities” program element or the “National Missile Defense”*
9 *program element, as determined on the basis of the primary*
10 *objectives involved.*

11 (e) *MANAGEMENT AND SUPPORT.—Each program ele-*
12 *ment shall include requests for the amounts necessary for*
13 *the management and support of the programs, projects, and*
14 *activities contained in that program element.*

15 **SEC. 240. ABM TREATY DEFINED.**

16 *For purposes of this subtitle, the term “ABM Treaty”*
17 *means the Treaty Between the United States of America*
18 *and the Union of Soviet Socialist Republics on the Limita-*
19 *tion of Anti-Ballistic Missiles, signed at Moscow on May*
20 *26, 1972, and includes the Protocols to that Treaty, signed*
21 *at Moscow on July 3, 1974.*

22 **SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.**

23 *The following provisions of law are repealed:*

24 (1) *The Missile Defense Act of 1991 (part C of*
25 *title II of Public Law 102–190; 10 U.S.C. 2431 note).*

1 (2) *Section 237 of the National Defense Author-*
2 *ization Act for Fiscal Year 1994 (Public Law 103-*
3 *160).*

4 (3) *Section 242 of the National Defense Author-*
5 *ization Act for Fiscal Year 1994 (Public Law 103-*
6 *160).*

7 (4) *Section 222 of the Department of Defense*
8 *Authorization Act, 1986 (Public Law 99-145; 99*
9 *Stat. 613; 10 U.S.C. 2431 note).*

10 (5) *Section 225 of the Department of Defense*
11 *Authorization Act, 1986 (Public Law 99-145; 99*
12 *Stat. 614).*

13 (6) *Section 226 of the National Defense Author-*
14 *ization Act for Fiscal Years 1988 and 1989 (Public*
15 *Law 100-180; 101 Stat. 1057; 10 U.S.C. 2431 note).*

16 (7) *Section 8123 of the Department of Defense*
17 *Appropriations Act, 1989 (Public Law 100-463; 102*
18 *Stat. 2270-40).*

19 (8) *Section 8133 of the Department of Defense*
20 *Appropriations Act, 1992 (Public Law 102-172; 105*
21 *Stat. 1211).*

22 (9) *Section 234 of the National Defense Author-*
23 *ization Act for Fiscal Year 1994 (Public Law 103-*
24 *160; 107 Stat. 1595; 10 U.S.C. 2431 note).*

1 (10) Section 235 of the National Defense Author-
2 ization Act for Fiscal Year 1995 (Public Law 103-
3 337; 108 Stat. 2701; 10 U.S.C. 221 note).

4 **SEC. 242. SENSE OF SENATE ON THE DIRECTOR OF OPER-**
5 **ATIONAL TEST AND EVALUATION.**

6 (a) *FINDINGS.*—The Senate makes the following find-
7 ings:

8 (1) *The Office of the Director of Operational Test*
9 *and Evaluation of the Department of Defense was cre-*
10 *ated by Congress to provide an independent valida-*
11 *tion and verification on the suitability and effective-*
12 *ness of new weapons, and to ensure that the United*
13 *States military departments acquire weapons that are*
14 *proven in an operational environment before they are*
15 *produced and used in combat.*

16 (2) *The office is currently making significant*
17 *contributions to the process by which the Department*
18 *of Defense acquires new weapons by providing vital*
19 *insights on operational weapons tests to be used in*
20 *this acquisition process.*

21 (3) *The office provides vital services to Congress*
22 *in providing an independent certification on the per-*
23 *formance of new weapons that have been operation-*
24 *ally tested.*

1 (4) *A provision of H.R.1530, an Act entitled*
2 *“An Act to authorize appropriations for fiscal year*
3 *1996 for military activities of the Department of De-*
4 *fense, for military construction, and for defense ac-*
5 *tivities of the Department of Energy, to prescribe per-*
6 *sonnel strengths for such fiscal year for the Armed*
7 *Forces, and for other purposes”*, agreed to by the
8 *House of Representatives on June 15, 1995, contains*
9 *a provision that could substantially diminish the au-*
10 *thority and responsibilities of the office and perhaps*
11 *cause the elimination of the office and its functions.*

12 **(b) SENSE OF THE SENATE.**—*It is the sense of the Sen-*
13 *ate that—*

14 *(1) the authority and responsibilities of the Of-*
15 *fice of the Director of Operational Test and Evalua-*
16 *tion of the Department of Defense should not be di-*
17 *minished or eliminated; and*

18 *(2) the conferees on H.R.1530, an Act entitled*
19 *“An Act to authorize appropriations for fiscal year*
20 *1996 for military activities of the Department of De-*
21 *fense, for military construction, and for defense ac-*
22 *tivities of the Department of Energy, to prescribe per-*
23 *sonnel strengths for such fiscal year for the Armed*
24 *Forces, and for other purposes” should not propose to*
25 *Congress a conference report on that Act that would*

1 *either diminish or eliminate the Office of the Director*
2 *of Operational Test and Evaluation or its functions.*

3 **SEC. 243. BALLISTIC MISSILE DEFENSE TECHNOLOGY CEN-**
4 **TER.**

5 (a) *ESTABLISHMENT.*—*The Director of the Ballistic*
6 *Missile Defense Organization shall establish a Ballistic Mis-*
7 *sile Defense Technology Center within the Space and Stra-*
8 *tegic Defense Command of the Army.*

9 (b) *MISSION.*—*The missions of the Center are as fol-*
10 *lows:*

11 (1) *To maximize common application of ballistic*
12 *missile defense component technology programs, target*
13 *test programs, functional analysis and phenomenol-*
14 *ogy investigations.*

15 (2) *To store data from the missile defense tech-*
16 *nology programs of the Armed Forces using computer*
17 *facilities of the Missile Defense Data Center.*

18 (c) *TECHNOLOGY PROGRAM COORDINATION WITH*
19 *CENTER.*—*The Secretary of Defense, acting through the Di-*
20 *rector of the Ballistic Missile Defense Organization, shall*
21 *require the head of each element or activity of the Depart-*
22 *ment of Defense beginning a new missile defense program*
23 *referred to in subsection (b)(1) to first coordinate the pro-*
24 *gram with the Ballistic Missile Defense Technology Center*
25 *in order to prevent duplication of effort.*

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

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

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal year 1996 for the use of the Armed Forces and other*
8 *activities and agencies of the Department of Defense for ex-*
9 *penses, not otherwise provided for, for operation and main-*
10 *tenance, in amounts as follows:*

11 (1) *For the Army, \$18,073,206,000.*

12 (2) *For the Navy, \$21,343,960,000.*

13 (3) *For the Marine Corps, \$2,405,711,000.*

14 (4) *For the Air Force, \$18,224,893,000.*

15 (5) *For Defense-wide activities, \$10,021,162,000.*

16 (6) *For the Army Reserve, \$1,062,591,000.*

17 (7) *For the Naval Reserve, \$840,842,000.*

18 (8) *For the Marine Corps Reserve, \$90,283,000.*

19 (9) *For the Air Force Reserve, \$1,482,947,000.*

20 (10) *For the Army National Guard,*
21 *\$2,304,108,000.*

22 (11) *For the Air National Guard,*
23 *\$2,734,221,000.*

24 (12) *For the Defense Inspector General,*
25 *\$138,226,000.*

1 (13) For the United States Court of Appeals for
2 the Armed Forces, \$6,521,000.

3 (14) For Environmental Restoration, Defense,
4 \$1,601,800,000.

5 (15) For Drug Interdiction and Counter-drug
6 Activities, Defense-wide, \$680,432,000.

7 (16) For Medical Programs, Defense,
8 \$9,943,825,000.

9 (17) For support for the 1996 Summer Olym-
10 pics, \$15,000,000.

11 (18) For Cooperative Threat Reduction pro-
12 grams, \$365,000,000.

13 (19) For Overseas Humanitarian, Disaster, and
14 Civic Aid programs, \$60,000,000.

15 The amount authorized to be appropriated by section
16 301(5) is hereby reduced by \$40,000,000.

17 **SEC. 302. WORKING CAPITAL FUNDS.**

18 Funds are hereby authorized to be appropriated for fis-
19 cal year 1996 for the use of the Armed Forces and other
20 activities and agencies of the Department of Defense for
21 providing capital for working capital and revolving funds
22 in amounts as follows:

23 (1) For the Defense Business Operations Fund,
24 \$878,700,000.

1 (2) *For the National Defense Sealift Fund,*
2 *\$1,084,220,000.*

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

4 (a) *AUTHORIZATION OF APPROPRIATIONS TO TRUST*
5 *FUND.—There is hereby authorized to be appropriated to*
6 *the Armed Forces Retirement Home Trust Fund the sum*
7 *of \$45,000,000, to remain available until expended.*

8 (b) *AUTHORIZATION OF APPROPRIATIONS FROM*
9 *TRUST FUND.—There is hereby authorized to be appro-*
10 *priated for fiscal year 1996 from the Armed Forces Retire-*
11 *ment Home Trust Fund the sum of \$59,120,000 for the op-*
12 *eration of the Armed Forces Retirement Home, including*
13 *the United States Soldiers' and Airmen's Home and the*
14 *Naval Home.*

15 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
16 **PILE TRANSACTION FUND.**

17 (a) *TRANSFER AUTHORITY.—To the extent provided in*
18 *appropriations Acts, not more than \$150,000,000 is author-*
19 *ized to be transferred from the National Defense Stockpile*
20 *Transaction Fund to operation and maintenance accounts*
21 *for fiscal year 1996 in amounts as follows:*

22 (1) *For the Army, \$50,000,000.*

23 (2) *For the Navy, \$50,000,000.*

24 (3) *For the Air Force, \$50,000,000.*

1 (b) *TREATMENT OF TRANSFERS.*—Amounts trans-
2 ferred under this section—

3 (1) *shall be merged with, and be available for the*
4 *same purposes and the same period as, the amounts*
5 *in the accounts to which transferred; and*

6 (2) *may not be expended for an item that has*
7 *been denied authorization of appropriations by Con-*
8 *gress.*

9 (c) *RELATIONSHIP TO OTHER TRANSFER AUTHOR-*
10 *ITY.*—*The transfer authority provided in this section is in*
11 *addition to the transfer authority provided in section 1001.*

12 **SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PA-**
13 **TROL.**

14 (a) *INCREASE.*—(1) *The amount of funds authorized*
15 *to be appropriated by this Act for operation and mainte-*
16 *nance of the Air Force for the Civil Air Patrol Corporation*
17 *is hereby increased by \$5,000,000.*

18 (2) *The amount authorized to be appropriated for op-*
19 *eration and maintenance for the Civil Air Patrol Corpora-*
20 *tion under paragraph (1) is in addition to any other funds*
21 *authorized to be appropriated under this Act for that pur-*
22 *pose.*

23 (b) *OFFSETTING REDUCTION.*—*The amount author-*
24 *ized to be appropriated under this Act for Air Force support*
25 *of the Civil Air Patrol is hereby reduced by \$2,900,000. The*

1 amount of the reduction shall be allocated among funds au-
2 thorized to be appropriated for Air Force personnel sup-
3 porting the Civil Air Patrol and for Air Force operation
4 and maintenance support for the Civil Air Patrol.

5 **Subtitle B—Depot-Level**
6 **Maintenance and Repair**

7 **SEC. 311. POLICY REGARDING PERFORMANCE OF DEPOT-**
8 **LEVEL MAINTENANCE AND REPAIR FOR THE**
9 **DEPARTMENT OF DEFENSE.**

10 (a) *REQUIREMENT FOR POLICY.*—Not later than
11 March 31, 1996, the Secretary of Defense shall develop and
12 report to the Committee on Armed Services of the Senate
13 and the Committee on National Security of the House of
14 Representatives a comprehensive policy on the performance
15 of depot-level maintenance and repair for the Department
16 of Defense.

17 (b) *PRIMARY OBJECTIVE OF POLICY.*—In developing
18 the policy, it shall be the primary objective of the Secretary
19 to ensure a ready and controlled source of technical com-
20 petence and repair and maintenance capabilities necessary
21 for national security across a full range of current and pro-
22 jected training and operational requirements, including re-
23 quirements in peacetime, contingency operations, mobiliza-
24 tion, and other emergencies.

25 (c) *CONTENT OF POLICY.*—The policy shall—

1 (1) *define, in terms of the requirements of the*
2 *Department of Defense for performance of mainte-*
3 *nance and repair, the purpose for having public de-*
4 *posits for performing those functions;*

5 (2) *provide for performance of core depot-level*
6 *maintenance and repair capabilities in facilities*
7 *owned and operated by the United States;*

8 (3) *provide for the core capabilities to include*
9 *sufficient skilled personnel, equipment, and facilities*
10 *to achieve the objective set forth in subsection (b);*

11 (4) *address environmental liability;*

12 (5) *in the case of depot-level maintenance and*
13 *repair workloads in excess of the workload required to*
14 *be performed by Department of Defense depots, pro-*
15 *vide for competition for those workloads between pub-*
16 *lic and private entities when there is sufficient poten-*
17 *tial for realizing cost savings based on adequate pri-*
18 *vate sector competition and technical capabilities;*

19 (6) *provide for selection on the basis of merit*
20 *whenever the workload of a Department of Defense*
21 *depot is changed;*

22 (7) *provide transition provisions appropriate for*
23 *persons in the Department of Defense depot-level*
24 *workforce; and*

1 (8) address issues concerning exchange of tech-
2 nical data between the Federal Government and the
3 private sector, environmental liability, efficient and
4 effective performance of depot functions, and adverse
5 effects of the policy on the Federal Government work
6 force.

7 (d) *CONSIDERATION.*—In developing the policy, the
8 Secretary shall take into consideration the capabilities of
9 the public depots and the capabilities of businesses in the
10 private sector to perform the maintenance and repair work
11 required by the Department of Defense.

12 (e) *REPEAL OF 60/40 REQUIREMENT AND REQUIRE-*
13 *MENT RELATING TO COMPETITION.*—(1) Sections 2466 and
14 2469 of title 10, United States Code, are repealed.

15 (2) The table of sections at the beginning of chapter
16 146 of such title is amended by striking out the items relat-
17 ing to sections 2466 and 2469.

18 (3) The amendments made by paragraphs (1) and (2)
19 shall take effect on the date (after the date of the enactment
20 of this Act) on which legislation is enacted that contains
21 a provision that specifically states one of the following:

22 (A) “The policy on the performance of depot-level
23 maintenance and repair for the Department of De-
24 fense that was submitted by the Secretary of Defense
25 to the Committee on Armed Services of the Senate

1 *and the Committee on National Security of the House*
2 *of Representatives pursuant to section 311 of the Na-*
3 *tional Defense Authorization Act for Fiscal Year 1996*
4 *is approved.”; or*

5 *(B) “The policy on the performance of depot-level*
6 *maintenance and repair for the Department of De-*
7 *fense that was submitted by the Secretary of Defense*
8 *to the Committee on Armed Services of the Senate*
9 *and the Committee on National Security of the House*
10 *of Representatives pursuant to section 311 of the Na-*
11 *tional Defense Authorization Act for Fiscal Year 1996*
12 *is approved with the following modifications:” (with*
13 *the modifications being stated in matter appearing*
14 *after the colon).*

15 *(f) REVIEW BY THE GENERAL ACCOUNTING OFFICE.—*
16 *(1) The Secretary shall make available to the Comptroller*
17 *General of the United States all information used by the*
18 *Department in developing the policy under subsections (a)*
19 *through (d) of this section.*

20 *(2) Not later than 45 days after the Secretary submits*
21 *to Congress the report required by subsection (a), the Comp-*
22 *troller General shall transmit to Congress a report contain-*
23 *ing a detailed analysis of the Secretary’s proposed policy*
24 *as reported under subsection (a).*

1 **SEC. 312. EXTENSION OF AUTHORITY FOR AVIATION DE-**
2 **POTS AND NAVAL SHIPYARDS TO ENGAGE IN**
3 **DEFENSE-RELATED PRODUCTION AND SERV-**
4 **ICES.**

5 *Section 1425(e) of the National Defense Authorization*
6 *Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.*
7 *1684), as amended by section 370(b) of Public Law 103–*
8 *160 (107 Stat. 1634) and section 386(b) of Public Law 103–*
9 *337 (108 Stat. 2742), is further amended by striking out*
10 *“September 30, 1995” and inserting in lieu thereof “Sep-*
11 *tember 30, 1996”.*

12 **Subtitle C—Environmental**
13 **Provisions**

14 **SEC. 321. REVISION OF REQUIREMENTS FOR AGREEMENTS**
15 **FOR SERVICES UNDER ENVIRONMENTAL RES-**
16 **TORATION PROGRAM.**

17 *(a) REQUIREMENTS.—(1) Section 2701(d) of title 10,*
18 *United States Code, is amended to read as follows:*

19 *“(d) SERVICES OF OTHER AGENCIES.—*

20 *“(1) IN GENERAL.—Subject to paragraph (2), the*
21 *Secretary may enter into agreements on a reimburs-*
22 *able or other basis with any other Federal agency, or*
23 *with any State or local government agency, to obtain*
24 *the services of the agency to assist the Secretary in*
25 *carrying out any of the Secretary’s responsibilities*
26 *under this section. Services which may be obtained*

1 *under this subsection include the identification, inves-*
2 *tigation, and cleanup of any off-site contamination*
3 *resulting from the release of a hazardous substance or*
4 *waste at a facility under the Secretary's jurisdiction.*

5 *“(2) LIMITATION ON REIMBURSABLE AGREE-*
6 *MENTS.—An agreement with an agency under para-*
7 *graph (1) may provide for reimbursement of the agen-*
8 *cy only for technical or scientific services obtained*
9 *from the agency.”.*

10 *(2)(A) Except as provided in subparagraph (B), the*
11 *total amount of funds available for reimbursements under*
12 *agreements entered into under section 2710(d) of title 10,*
13 *United States Code, as amended by paragraph (1), in fiscal*
14 *year 1996 may not exceed \$5,000,000.*

15 *(B) The Secretary of Defense may pay in fiscal year*
16 *1996 an amount for reimbursements under agreements re-*
17 *ferred to in subparagraph (A) in excess of the amount speci-*
18 *fied in that subparagraph for that fiscal year if—*

19 *(i) the Secretary certifies to Congress that the*
20 *payment of the amount under this subparagraph is*
21 *essential for the management of the Defense Environ-*
22 *mental Restoration Program under chapter 160 of*
23 *title 10, United States Code; and*

1 (ii) a period of 60 days has expired after the
2 date on which the certification is received by Con-
3 gress.

4 (b) *REPORT ON SERVICES OBTAINED.*—The Secretary
5 of Defense shall include in the report submitted to Congress
6 with respect to fiscal year 1998 under section 2706(a) of
7 title 10, United States Code, information on the services,
8 if any, obtained by the Secretary during fiscal year 1996
9 pursuant to each agreement on a reimbursable basis entered
10 into with a State or local government agency under section
11 2701(d) of title 10, United States Code, as amended by sub-
12 section (a). The information shall include a description of
13 the services obtained under each agreement and the amount
14 of the reimbursement provided for the services.

15 **SEC. 322. DISCHARGES FROM VESSELS OF THE ARMED**
16 **FORCES.**

17 (a) *PURPOSES.*—The purposes of this section are to—

18 (1) enhance the operational flexibility of vessels
19 of the Armed Forces domestically and internationally;

20 (2) stimulate the development of innovative ves-
21 sel pollution control technology; and

22 (3) advance the development by the United
23 States Navy of environmentally sound ships.

24 (b) *UNIFORM NATIONAL DISCHARGE STANDARDS DE-*
25 *VELOPMENT.*—Section 312 of the Federal Water Pollution

1 *Control Act (33 U.S.C. 1322) is amended by adding at the*
2 *end the following:*

3 “(n) *UNIFORM NATIONAL DISCHARGE STANDARDS*
4 *FOR VESSELS OF THE ARMED FORCES.*—

5 “(1) *APPLICABILITY.*—*This subsection shall*
6 *apply to vessels of the Armed Forces and discharges,*
7 *other than sewage, incidental to the normal operation*
8 *of a vessel of the Armed Forces, unless the Secretary*
9 *of Defense finds that compliance with this subsection*
10 *would not be in the national security interests of the*
11 *United States.*

12 “(2) *DETERMINATION OF DISCHARGES REQUIRED*
13 *TO BE CONTROLLED BY MARINE POLLUTION CONTROL*
14 *DEVICES.*—

15 “(A) *IN GENERAL.*—*The Administrator and*
16 *the Secretary of Defense, after consultation with*
17 *the Secretary of the department in which the*
18 *Coast Guard is operating, the Secretary of Com-*
19 *merce, and interested States, shall jointly deter-*
20 *mine the discharges incidental to the normal op-*
21 *eration of a vessel of the Armed Forces for which*
22 *it is reasonable and practicable to require use of*
23 *a marine pollution control device to mitigate ad-*
24 *verse impacts on the marine environment. Not-*
25 *withstanding subsection (a)(1) of section 553 of*

1 *title 5, United States Code, the Administrator*
2 *and the Secretary of Defense shall promulgate*
3 *the determinations in accordance with the sec-*
4 *tion.*

5 “(B) *CONSIDERATIONS.—In making a de-*
6 *termination under subparagraph (A), the Ad-*
7 *ministrator and the Secretary of Defense shall*
8 *take into consideration—*

9 “(i) *the nature of the discharge;*

10 “(ii) *the environmental effects of the*
11 *discharge;*

12 “(iii) *the practicability of using the*
13 *marine pollution control device;*

14 “(iv) *the effect that installation or use*
15 *of the marine pollution control device would*
16 *have on the operation or operational capa-*
17 *bility of the vessel;*

18 “(v) *applicable United States law;*

19 “(vi) *applicable international stand-*
20 *ards; and*

21 “(vii) *the economic costs of the instal-*
22 *lation and use of the marine pollution con-*
23 *trol device.*

24 “(3) *PERFORMANCE STANDARDS FOR MARINE*
25 *POLLUTION CONTROL DEVICES.—*

1 “(A) *IN GENERAL.*—For each discharge for
2 which a marine pollution control device is deter-
3 mined to be required under paragraph (2), the
4 Administrator and the Secretary of Defense, in
5 consultation with the Secretary of the depart-
6 ment in which the Coast Guard is operating, the
7 Secretary of State, the Secretary of Commerce,
8 other interested Federal agencies, and interested
9 States, shall jointly promulgate Federal stand-
10 ards of performance for each marine pollution
11 control device required with respect to the dis-
12 charge. Notwithstanding subsection (a)(1) of sec-
13 tion 553 of title 5, United States Code, the Ad-
14 ministrator and the Secretary of Defense shall
15 promulgate the standards in accordance with the
16 section.

17 “(B) *CONSIDERATIONS.*—In promulgating
18 standards under this paragraph, the Adminis-
19 trator and the Secretary of Defense shall take
20 into consideration the matters set forth in para-
21 graph (2)(B).

22 “(C) *CLASSES, TYPES, AND SIZES OF VES-*
23 *SELS.*—The standards promulgated under this
24 paragraph may—

1 “(i) distinguish among classes, types,
2 and sizes of vessels;

3 “(ii) distinguish between new and ex-
4 isting vessels; and

5 “(iii) provide for a waiver of the ap-
6 plicability of the standards as necessary or
7 appropriate to a particular class, type, age,
8 or size of vessel.

9 “(4) REGULATIONS FOR USE OF MARINE POLLU-
10 TION CONTROL DEVICES.—The Secretary of Defense,
11 after consultation with the Administrator and the
12 Secretary of the department in which the Coast
13 Guard is operating, shall promulgate such regulations
14 governing the design, construction, installation, and
15 use of marine pollution control devices on board ves-
16 sels of the Armed Forces as are necessary to achieve
17 the standards promulgated under paragraph (3).

18 “(5) DEADLINES; EFFECTIVE DATE.—

19 “(A) DETERMINATIONS.—The Adminis-
20 trator and the Secretary of Defense shall—

21 “(i) make the initial determinations
22 under paragraph (2) not later than 2 years
23 after the date of enactment of this sub-
24 section; and

25 “(ii) every 5 years—

1 “(I) review the determinations;
2 and

3 “(II) if necessary, revise the deter-
4 minations based on significant new in-
5 formation.

6 “(B) STANDARDS.—The Administrator and
7 the Secretary of Defense shall—

8 “(i) promulgate standards of perform-
9 ance for a marine pollution control device
10 under paragraph (3) not later than 2 years
11 after the date of a determination under
12 paragraph (2) that the marine pollution
13 control device is required; and

14 “(ii) every 5 years—

15 “(I) review the standards; and

16 “(II) if necessary, revise the
17 standards, consistent with paragraph
18 (3)(B) and based on significant new
19 information.

20 “(C) REGULATIONS.—The Secretary of De-
21 fense shall promulgate regulations with respect to
22 a marine pollution control device under para-
23 graph (4) as soon as practicable after the Ad-
24 ministrator and the Secretary of Defense pro-
25 mulgate standards with respect to the device

1 under paragraph (3), but not later than 1 year
2 after the Administrator and the Secretary of De-
3 fense promulgate the standards. The regulations
4 promulgated by the Secretary of Defense under
5 paragraph (4) shall become effective upon pro-
6 mulgation unless another effective date is speci-
7 fied in the regulations.

8 “(D) *PETITION FOR REVIEW.*—The Gov-
9 ernor of any State may submit a petition re-
10 questing that the Secretary of Defense and the
11 Administrator review a determination under
12 paragraph (2) or a standard under paragraph
13 (3), if there is significant new information, not
14 considered previously, that could reasonably re-
15 sult in a change to the particular determination
16 or standard after consideration of the matters set
17 forth in paragraph (2)(B). The petition shall be
18 accompanied by the scientific and technical in-
19 formation on which the petition is based. The
20 Administrator and the Secretary of Defense shall
21 grant or deny the petition not later than 2 years
22 after the date of receipt of the petition.

23 “(6) *EFFECT ON OTHER LAWS.*—

1 “(A) *PROHIBITION ON REGULATION BY*
2 *STATES OR POLITICAL SUBDIVISIONS OF*
3 *STATES.—Beginning on the effective date of—*

4 “(i) *a determination under paragraph*
5 *(2) that it is not reasonable and practicable*
6 *to require use of a marine pollution control*
7 *device regarding a particular discharge in-*
8 *cidental to the normal operation of a vessel*
9 *of the Armed Forces; or*

10 “(ii) *regulations promulgated by the*
11 *Secretary of Defense under paragraph (4);*
12 *except as provided in paragraph (7), neither a*
13 *State nor a political subdivision of a State may*
14 *adopt or enforce any statute or regulation of the*
15 *State or political subdivision with respect to the*
16 *discharge or the design, construction, installa-*
17 *tion, or use of any marine pollution control de-*
18 *vice required to control the discharge.*

19 “(B) *FEDERAL LAWS.—This subsection*
20 *shall not affect the application of section 311 to*
21 *discharges incidental to the normal operation of*
22 *a vessel.*

23 “(7) *ESTABLISHMENT OF STATE NO-DISCHARGE*
24 *ZONES.—*

25 “(A) *STATE PROHIBITION.—*

1 “(i) *IN GENERAL.*—After the effective
2 date of—

3 “(I) a determination under para-
4 graph (2) that it is not reasonable and
5 practicable to require use of a marine
6 pollution control device regarding a
7 particular discharge incidental to the
8 normal operation of a vessel of the
9 Armed Forces; or

10 “(II) regulations promulgated by
11 the Secretary of Defense under para-
12 graph (4);

13 if a State determines that the protection
14 and enhancement of the quality of some or
15 all of the waters within the State require
16 greater environmental protection, the State
17 may prohibit 1 or more discharges inciden-
18 tal to the normal operation of a vessel,
19 whether treated or not treated, into the wa-
20 ters. No prohibition shall apply until the
21 Administrator makes the determinations de-
22 scribed in subclauses (II) and (III) of sub-
23 paragraph (B)(i).

24 “(ii) *DOCUMENTATION.*—To the extent
25 that a prohibition under this paragraph

1 *would apply to vessels of the Armed Forces*
2 *and not to other types of vessels, the State*
3 *shall document the technical or environ-*
4 *mental basis for the distinction.*

5 “(B) *PROHIBITION BY THE ADMINIS-*
6 *TRATOR.—*

7 “(i) *IN GENERAL.—Upon application*
8 *of a State, the Administrator shall by regu-*
9 *lation prohibit the discharge from a vessel*
10 *of 1 or more discharges incidental to the*
11 *normal operation of a vessel, whether treat-*
12 *ed or not treated, into the waters covered by*
13 *the application if the Administrator deter-*
14 *mines that—*

15 “(I) *the protection and enhance-*
16 *ment of the quality of the specified wa-*
17 *ters within the State require a prohibi-*
18 *tion of the discharge into the waters;*

19 “(II) *adequate facilities for the*
20 *safe and sanitary removal of the dis-*
21 *charge incidental to the normal oper-*
22 *ation of a vessel are reasonably avail-*
23 *able for the waters to which the prohi-*
24 *bition would apply; and*

1 “(III) the prohibition will not
2 have the effect of discriminating
3 against a vessel of the Armed Forces by
4 reason of the ownership or operation
5 by the Federal Government, or the
6 military function, of the vessel.

7 “(i) APPROVAL OR DISAPPROVAL.—
8 The Administrator shall approve or dis-
9 approve an application submitted under
10 clause (i) not later than 90 days after the
11 date on which the application is submitted
12 to the Administrator. Notwithstanding
13 clause (i)(II), the Administrator shall not
14 disapprove an application for the sole rea-
15 son that there are not adequate facilities to
16 remove any discharge incidental to the nor-
17 mal operation of a vessel from vessels of the
18 Armed Forces.

19 “(C) APPLICABILITY TO FOREIGN FLAGGED
20 VESSELS.—A prohibition under this para-
21 graph—

22 “(i) shall not impose any design, con-
23 struction, manning, or equipment standard
24 on a foreign flagged vessel engaged in inno-
25 cent passage unless the prohibition imple-

1 *ments a generally accepted international*
2 *rule or standard; and*

3 “(ii) *that relates to the prevention, re-*
4 *duction, and control of pollution shall not*
5 *apply to a foreign flagged vessel engaged in*
6 *transit passage unless the prohibition im-*
7 *plements an applicable international regu-*
8 *lation regarding the discharge of oil, oily*
9 *waste, or any other noxious substance into*
10 *the waters.*

11 “(8) *PROHIBITION RELATING TO VESSELS OF*
12 *THE ARMED FORCES.—After the effective date of the*
13 *regulations promulgated by the Secretary of Defense*
14 *under paragraph (4), it shall be unlawful for any ves-*
15 *sel of the Armed Forces subject to the regulations to—*

16 “(A) *operate in the navigable waters of the*
17 *United States or the waters of the contiguous*
18 *zone, if the vessel is not equipped with any re-*
19 *quired marine pollution control device meeting*
20 *standards established under this subsection; or*

21 “(B) *discharge overboard any discharge in-*
22 *cidental to the normal operation of a vessel in*
23 *waters with respect to which a prohibition on the*
24 *discharge has been established under paragraph*
25 *(7).*

1 “(9) *ENFORCEMENT.*—*This subsection shall be*
2 *enforceable, as provided in subsections (j) and (k),*
3 *against any agency of the United States responsible*
4 *for vessels of the Armed Forces notwithstanding any*
5 *immunity asserted by the agency.*”.

6 (c) *CONFORMING AMENDMENTS.*—

7 (1) *DEFINITIONS.*—*Section 312(a) of the Federal*
8 *Water Pollution Control Act (33 U.S.C. 1322(a)) is*
9 *amended—*

10 (A) *in paragraph (8)—*

11 (i) *by striking “or”; and*

12 (ii) *by inserting “or agency of the*
13 *United States” after “association,”;*

14 (B) *in paragraph (11), by striking the pe-*
15 *riod at the end and inserting a semicolon; and*

16 (C) *by adding at the end the following:*

17 “(12) *‘discharge incidental to the normal oper-*
18 *ation of a vessel’—*

19 “(A) *means a discharge, including—*

20 “(i) *graywater, bilge water, cooling*
21 *water, weather deck runoff, ballast water,*
22 *oil water separator effluent, and any other*
23 *pollutant discharge from the operation of a*
24 *marine propulsion system, shipboard ma-*
25 *neuversing system, crew habitability system,*

1 or installed major equipment, such as an
2 aircraft carrier elevator or a catapult, or
3 from a protective, preservative, or absorp-
4 tive application to the hull of the vessel; and

5 “(ii) a discharge in connection with
6 the testing, maintenance, and repair of a
7 system described in clause (i) whenever the
8 vessel is waterborne; and

9 “(B) does not include—

10 “(i) a discharge of rubbish, trash, gar-
11 bage, or other such material discharged
12 overboard;

13 “(ii) an air emission resulting from
14 the operation of a vessel propulsion system,
15 motor driven equipment, or incinerator; or

16 “(iii) a discharge that is not covered
17 by part 122.3 of title 40, Code of Federal
18 Regulations (as in effect on the date of en-
19 actment of subsection (n));

20 “(13) ‘marine pollution control device’ means
21 any equipment or management practice, for installa-
22 tion or use on board a vessel of the Armed Forces,
23 that is—

1 “(A) *designed to receive, retain, treat, con-*
2 *trol, or discharge a discharge incidental to the*
3 *normal operation of a vessel; and*

4 “(B) *determined by the Administrator and*
5 *the Secretary of Defense to be the most effective*
6 *equipment or management practice to reduce the*
7 *environmental impacts of the discharge consist-*
8 *ent with the considerations set forth in sub-*
9 *section (n)(2)(B); and*

10 “(14) ‘*vessel of the Armed Forces*’ means—

11 “(A) *any vessel owned or operated by the*
12 *Department of Defense, other than a time or voy-*
13 *age chartered vessel; and*

14 “(B) *any vessel owned or operated by the*
15 *Department of Transportation that is designated*
16 *by the Secretary of the department in which the*
17 *Coast Guard is operating as a vessel equivalent*
18 *to a vessel described in subparagraph (A).”.*

19 (2) *ENFORCEMENT.*—*The first sentence of section*
20 *312(j) of the Federal Water Pollution Control Act (33*
21 *U.S.C. 1322(j)) is amended—*

22 (A) *by striking “of this section or” and in-*
23 *serting a comma; and*

24 (B) *by striking “of this section shall” and*
25 *inserting “, or subsection (n)(8) shall”.*

1 (3) *OTHER DEFINITIONS.*—Subparagraph (A) of
2 the second sentence of section 502(6) of the Federal
3 Water Pollution Control Act (33 U.S.C. 1362(6)) is
4 amended by striking “‘sewage from vessels’” and in-
5 serting “‘sewage from vessels or a discharge incidental
6 to the normal operation of a vessel of the Armed
7 Forces’”.

8 (d) *COOPERATION IN STANDARDS DEVELOPMENT.*—
9 The Administrator of the Environmental Protection Agency
10 and the Secretary of Defense may, by mutual agreement,
11 with or without reimbursement, provide for the use of infor-
12 mation, reports, personnel, or other resources of the Envi-
13 ronmental Protection Agency or the Department of Defense
14 to carry out section 312(n) of the Federal Water Pollution
15 Control Act (as added by subsection (b)), including the use
16 of the resources to—

17 (1) determine—

18 (A) the nature and environmental effect of
19 discharges incidental to the normal operation of
20 a vessel of the Armed Forces;

21 (B) the practicability of using marine pol-
22 lution control devices on vessels of the Armed
23 Forces; and

24 (C) the effect that installation or use of ma-
25 rine pollution control devices on vessels of the

1 *Armed Forces would have on the operation or*
2 *operational capability of the vessels; and*

3 *(2) establish performance standards for marine*
4 *pollution control devices on vessels of the Armed*
5 *Forces.*

6 **SEC. 323. REVISION OF AUTHORITIES RELATING TO RES-**
7 **TORATION ADVISORY BOARDS.**

8 *(a) REGULATIONS.—Paragraph (2) of subsection (d)*
9 *of section 2705 of title 10, United States Code, is amended*
10 *to read as follows:*

11 *“(2)(A) The Secretary shall prescribe regulations re-*
12 *garding the establishment of restoration advisory boards*
13 *pursuant to this subsection.*

14 *“(B) The regulations shall set forth the following mat-*
15 *ters:*

16 *“(i) The functions of the boards.*

17 *“(ii) Funding for the boards.*

18 *“(iii) Accountability of the boards for expendi-*
19 *tures of funds.*

20 *“(iv) The routine administrative expenses that*
21 *may be paid pursuant to paragraph (3).*

22 *“(C) The issuance of regulations under subparagraph*
23 *(A) shall not be a precondition to the establishment of res-*
24 *toration advisory boards under this subsection.”.*

1 (b) *FUNDING FOR ADMINISTRATIVE EXPENSES.*—
2 *Paragraph (3) of such subsection is amended to read as fol-*
3 *lows:*

4 “(3) *The Secretary may authorize the commander of*
5 *an installation to pay routine administrative expenses of*
6 *a restoration advisory board established for that installa-*
7 *tion. Such payments shall be made from funds available*
8 *under subsection (g).”.*

9 (c) *TECHNICAL ASSISTANCE.*—*Such section is further*
10 *amended by striking out subsection (e) and inserting in lieu*
11 *thereof the following new subsection (e):*

12 “(e) *TECHNICAL ASSISTANCE.*—(1) *The Secretary may*
13 *authorize the commander of an installation, upon the re-*
14 *quest of the technical review committee or restoration advi-*
15 *sory board for the installation, to obtain for the committee*
16 *or advisory board, as the case may be, from private sector*
17 *sources technical assistance for interpreting scientific and*
18 *engineering issues with regard to the nature of environ-*
19 *mental hazards at the installation and the restoration ac-*
20 *tivities proposed for or conducted at the installation. The*
21 *commander of an installation shall use funds made avail-*
22 *able under subsection (g) for obtaining assistance under this*
23 *paragraph.*

1 “(2) The commander of an installation may obtain
2 technical assistance under paragraph (1) for a technical re-
3 view committee or restoration advisory board only if—

4 “(A) the technical review committee or restora-
5 tion advisory board demonstrates that the Federal,
6 State, and local agencies responsible for overseeing en-
7 vironmental restoration at the installation, and avail-
8 able Department of Defense personnel, do not have the
9 technical expertise necessary for achieving the objec-
10 tive for which the technical assistance is to be ob-
11 tained;

12 “(B) the technical assistance is likely to contrib-
13 ute to the efficiency, effectiveness, or timeliness of en-
14 vironmental restoration activities at the installation;
15 and

16 “(C) the technical assistance is likely to contrib-
17 ute to community acceptance of environmental res-
18 toration activities at the installation.”.

19 (d) FUNDING.—(1) Such section is further amended by
20 adding at the end the following:

21 “(g) FUNDING.—The Secretary shall, to the extent pro-
22 vided in appropriations Acts, make funds available under
23 subsections (d)(3) and (e)(1) using funds in the following
24 accounts:

1 “(1) In the case of a military installation not
2 approved for closure pursuant to a base closure law,
3 the Defense Environmental Restoration Account es-
4 tablished under section 2703(a) of this title.

5 “(2) In the case of an installation approved for
6 closure pursuant to such a law, the Department of
7 Defense Base Closure Account 1990 established under
8 section 2906(a) of the Defense Base Closure and Re-
9 alignment Act of 1990 (part A of title XXIX of Public
10 Law 101–510; 10 U.S.C. 2687 note).”.

11 (2)(A) Subject to subparagraph (B), the total amount
12 of funds made available under section 2705(g) of title 10,
13 United States Code, as added by paragraph (1), for fiscal
14 year 1996 may not exceed \$4,000,000.

15 (B) Amounts may not be made available under sub-
16 section (g) of such section 2705 after March 1, 1996, unless
17 the Secretary of Defense prescribes the regulations required
18 under subsection (d) of such section, as amended by sub-
19 section (a).

20 (e) DEFINITION.—Such section is further amended by
21 adding at the end the following:

22 “(h) DEFINITION.—In this section, the term ‘base clo-
23 sure law’ means the following:

1 (3) *For the Air National Guard, 23,250.*

2 (4) *For the Air Force Reserve, 10,000.*

3 **SEC. 332. EXEMPTION OF DEPARTMENT OF DEFENSE FROM**
4 **PERSONNEL CEILINGS FOR CIVILIAN PER-**
5 **SONNEL.**

6 *Section 129 of title 10, United States Code, is amend-*
7 *ed—*

8 (1) *in subsection (a), by striking out “man-year*
9 *constraint or limitation” and inserting in lieu thereof*
10 *“constraint or limitation in terms of man years, end*
11 *strength, full-time equivalent (FTE) employees, or*
12 *maximum number of employees”;* and

13 (2) *in subsection (b)(2), by striking out “any*
14 *end-strength” and inserting in lieu thereof “any con-*
15 *straint or limitation in terms of man years, end*
16 *strength, full-time equivalent (FTE) employees, or*
17 *maximum number of employees”.*

18 **SEC. 333. WEARING OF UNIFORM BY NATIONAL GUARD**
19 **TECHNICIANS.**

20 (a) *REQUIREMENT.*—*Section 709(b) of title 32, United*
21 *States Code, is amended to read as follows:*

22 “(b) *Except as prescribed by the Secretary concerned,*
23 *a technician employed under subsection (a) shall, while so*
24 *employed—*

25 “(1) *be a member of the National Guard;*

1 “(2) hold the military grade specified by the Sec-
2 retary concerned for that position; and

3 “(3) wear the uniform appropriate for the mem-
4 ber’s grade and component of the armed forces while
5 performing duties as a technician.”.

6 (b) *UNIFORM ALLOWANCES FOR OFFICERS.*—Section
7 417 of title 37, United States Code, is amended by adding
8 at the end the following:

9 “(d)(1) For purposes of sections 415 and 416 of this
10 title, a period for which an officer of an armed force, while
11 employed as a National Guard technician, is required to
12 wear a uniform under section 709(b) of title 32 shall be
13 treated as a period of active duty (other than for training).

14 “(2) A uniform allowance may not be paid, and uni-
15 forms may not be furnished, to an officer under section 1593
16 of title 10 or section 5901 of title 5 for a period of employ-
17 ment referred to in paragraph (1) for which an officer is
18 paid a uniform allowance under section 415 or 416 of this
19 title.”.

20 (c) *CLOTHING OR ALLOWANCES FOR ENLISTED MEM-*
21 *BERS.*—Section 418 of title 37, United States Code, is
22 amended—

23 (1) by inserting “(a)” before “The President”;
24 and

25 (2) by adding at the end the following:

1 “(b) In determining the quantity and kind of clothing
2 or allowances to be furnished pursuant to regulations pre-
3 scribed under this section to persons employed as National
4 Guard technicians under section 709 of title 32, the Presi-
5 dent shall take into account the requirement under sub-
6 section (b) of such section for such persons to wear a uni-
7 form.

8 “(c) A uniform allowance may not be paid, and uni-
9 forms may not be furnished, under section 1593 of title 10
10 or section 5901 of title 5 to a person referred to in sub-
11 section (b) for a period of employment referred to in that
12 subsection for which a uniform allowance is paid under sec-
13 tion 415 or 416 of this title.”.

14 **SEC. 334. EXTENSION OF TEMPORARY AUTHORITY TO PAY**
15 **CIVILIAN EMPLOYEES WITH RESPECT TO THE**
16 **EVACUATION FROM GUANTANAMO, CUBA.**

17 (a) *EXTENSION FOR 120 Days.*—The authority pro-
18 vided in section 103 of Public Law 104–6 (109 Stat.79)
19 shall be effective until the end of January 31, 1996.

20 (b) *MONTHLY REPORT.*—On the first day of each
21 month, the Secretary of the Navy shall transmit to the Com-
22 mittee on Armed Services of the Senate and the Committee
23 on National Security of the House of Representatives a re-
24 port regarding the employees being paid pursuant to section
25 103 of Public Law 104–6. The report shall include the num-

1 *ber of the employees, their positions of employment, the*
2 *number and location of the employees' dependents, and the*
3 *actions that the Secretary is taking to eliminate the condi-*
4 *tions making the payments necessary.*

5 **SEC. 335. SHARING OF PERSONNEL OF DEPARTMENT OF**
6 **DEFENSE DOMESTIC DEPENDENT SCHOOLS**
7 **AND DEFENSE DEPENDENTS' EDUCATION**
8 **SYSTEM.**

9 *Section 2164(e) of title 10, United States Code, is*
10 *amended by adding at the end the following:*

11 *“(4)(A) The Secretary may, without regard to the pro-*
12 *visions of any law relating to the number, classification,*
13 *or compensation of employees—*

14 *“(i) transfer civilian employees in schools estab-*
15 *lished under this section to schools in the defense de-*
16 *pendents' education system in order to provide the*
17 *services referred to in subparagraph (B) to such sys-*
18 *tem; and*

19 *“(ii) transfer employees in such system to such*
20 *schools in order to provide such services to such*
21 *schools.*

22 *“(B) The services referred to in subparagraph (A) are*
23 *the following:*

24 *“(i) Administrative services.*

25 *“(ii) Logistical services.*

1 “(iii) Personnel services.

2 “(iv) Such other services as the Secretary consid-
3 ers appropriate.

4 “(C) Transfers under this paragraph shall extend for
5 such periods as the Secretary considers appropriate. The
6 Secretary shall provide appropriate compensation for em-
7 ployees so transferred.

8 “(D) The Secretary may provide that the transfer of
9 any employee under this paragraph occur without reim-
10 bursement of the school or system concerned.

11 “(E) In this paragraph, the term ‘defense dependents’
12 education system’ means the program established and oper-
13 ated under section 1402(a) of the Defense Dependents’ Edu-
14 cation Act of 1978 (20 U.S.C. 921(a)).”.

15 **SEC. 336. REVISION OF AUTHORITY FOR APPOINTMENTS**
16 **OF INVOLUNTARILY SEPARATED MILITARY**
17 **RESERVE TECHNICIANS.**

18 (a) REVISION OF AUTHORITY.—Section 3329 of title
19 5, United States Code, as added by section 544 of the Na-
20 tional Defense Authorization Act for Fiscal Year 1993 (Pub-
21 lic Law 102–484; 106 Stat. 2415), is amended—

22 (1) in subsection (b), by striking out “be offered”
23 and inserting in lieu thereof “be provided placement
24 consideration in a position described in subsection (c)

1 *through a priority placement program of the Depart-*
2 *ment of Defense”; and*

3 *(2) by striking out subsection (c) and inserting*
4 *in lieu thereof the following new subsection (c):*

5 *“(c)(1) The position to be offered a former military*
6 *technician under subsection (b) shall be a position—*

7 *“(A) in either the competitive service or the ex-*
8 *cepted service;*

9 *“(B) within the Department of Defense; and*

10 *“(C) in which the person is qualified to serve,*
11 *taking into consideration whether the employee in*
12 *that position is required to be a member of a reserve*
13 *component of the armed forces as a condition of em-*
14 *ployment.*

15 *“(2) To the maximum extent practicable, the position*
16 *shall also be in a pay grade or other pay classification suffi-*
17 *cient to ensure that the rate of basic pay of the former mili-*
18 *tary technician, upon appointment to the position, is not*
19 *less than the rate of basic pay last received by the former*
20 *military technician for technician service before separa-*
21 *tion.”.*

22 *(b) TECHNICAL AND CLERICAL AMENDMENTS.—(1)*
23 *The section 3329 of title 5, United States Code, that was*
24 *added by section 4431 of the National Defense Authoriza-*

1 *tion Act for Fiscal Year 1993 (Public Law 102–484; 106*
 2 *Stat. 2719) is redesignated as section 3330 of such title.*

3 (2) *The table of sections at the beginning of chapter*
 4 *33 of such title is amended by striking out the item relating*
 5 *to section 3329, as added by section 4431(b) of such Act*
 6 *(106 Stat. 2720), and inserting in lieu thereof the following*
 7 *new item:*

“3330. Government-wide list of vacant positions.”.

8 ***SEC. 337. COST OF CONTINUING HEALTH INSURANCE COV-***
 9 ***ERAGE FOR EMPLOYEES VOLUNTARILY SEPA-***
 10 ***RATED FROM POSITIONS TO BE ELIMINATED***
 11 ***IN A REDUCTION IN FORCE.***

12 *Section 8905a(d)(4) of title 5, United States Code, is*
 13 *amended—*

14 (1) *in subparagraph (A)—*

15 (A) *by striking out “from a position” and*
 16 *inserting in lieu thereof “or voluntary separa-*
 17 *tion from a surplus position”; and*

18 (B) *by striking out “force—” and inserting*
 19 *in lieu thereof “force or a closure or realignment*
 20 *of a military installation pursuant to a base clo-*
 21 *sure law—”; and*

22 (2) *by adding at the end the following new sub-*
 23 *paragraph:*

24 *“(C) In this paragraph:*

1 “(i) The term ‘surplus position’ means a posi-
2 tion that, as determined under regulations prescribed
3 by the Secretary of Defense, is identified during plan-
4 ning for a reduction in force as being no longer re-
5 quired and is designated for elimination during the
6 reduction in force.

7 “(ii) The term ‘base closure law’ means the fol-
8 lowing:

9 “(I) Section 2687 of title 10.

10 “(II) Title II of the Defense Authorization
11 Amendments and Base Closure and Realignment
12 Act (Public Law 100–526; 10 U.S.C. 2687 note).

13 “(III) The Defense Base Closure and Re-
14 alignment Act of 1990 (part A of title XXIX of
15 Public Law 101–510; 10 U.S.C. 2687 note).

16 “(iii) The term ‘military installation’—

17 “(I) in the case of an installation covered
18 by section 2687 of title 10, has the meaning
19 given such term in subsection (e)(1) of such sec-
20 tion;

21 “(II) in the case of an installation covered
22 by the Act referred to in subclause (II) of clause
23 (ii), has the meaning given such term in section
24 209(6) of such Act;

1 “(III) in the case of an installation covered
2 by the Act referred to in subclause (III) of that
3 clause, has the meaning given such term in sec-
4 tion 2910(4) of such Act.”.

5 **SEC. 338. ELIMINATION OF 120-DAY LIMITATION ON DE-**
6 **TAILS OF CERTAIN EMPLOYEES.**

7 Subsection (b) of section 3341 of title 5, United States
8 Code, is amended—

9 (1) by inserting “(1)” after “(b)”; and

10 (2) by adding at the end the following:

11 “(2) Details of employees of the Department of Defense
12 under subsection (a) of this section may be made only by
13 written order of the Secretary of the military department
14 concerned (or by the Secretary of Defense, in the case of
15 an employee of the Department of Defense who is not an
16 employee of a military department) or a designee of the
17 Secretary. Paragraph (1) does not apply to the Department
18 of Defense.”.

19 **SEC. 339. REPEAL OF REQUIREMENT FOR PART-TIME CA-**
20 **REER OPPORTUNITY EMPLOYMENT REPORTS.**

21 Section 3407 of title 5, United States Code, is amended
22 by adding at the end the following:

23 “(c) This section does not apply to the Department of
24 Defense.”.

1 **SEC. 340. AUTHORITY OF CIVILIAN EMPLOYEES OF DE-**
2 **PARTMENT OF DEFENSE TO PARTICIPATE**
3 **VOLUNTARILY IN REDUCTIONS IN FORCE.**

4 *Section 3502 of title 5, United States Code, is amended*
5 *by adding at the end the following:*

6 *“(f)(1) The Secretary of Defense or the Secretary of*
7 *a military department may—*

8 *“(A) release in a reduction in force an employee*
9 *who volunteers for the release even though the em-*
10 *ployee is not otherwise subject to release in the reduc-*
11 *tion in force under the criteria applicable under the*
12 *other provisions of this section; and*

13 *“(B) for each employee voluntarily released in*
14 *the reduction in force under subparagraph (A), retain*
15 *an employee who would otherwise be released in the*
16 *reduction in force under such criteria.*

17 *“(2) A voluntary release of an employee in a reduction*
18 *in force pursuant to paragraph (1) shall be treated as an*
19 *involuntary release in the reduction in force.*

20 *“(3) The regulations prescribed under this section shall*
21 *incorporate the authority provided in this subsection.*

22 *“(4) The authority under paragraph (1) may not be*
23 *exercised after September 30, 1996.”.*

1 **SEC. 341. AUTHORITY TO PAY SEVERANCE PAYMENTS IN**
2 **LUMP SUMS.**

3 *Section 5595 of title 5, United States Code, is amended*
4 *by adding at the end the following:*

5 *“(i)(1) In the case of an employee of the Department*
6 *of Defense who is entitled to severance pay under this sec-*
7 *tion, the Secretary of Defense or the Secretary of the mili-*
8 *tary department concerned may, upon application by the*
9 *employee, pay the total amount of the severance pay to the*
10 *employee in one lump sum.*

11 *“(2)(A) If an employee paid severance pay in a lump*
12 *sum under this subsection is reemployed by the Government*
13 *of the United States or the government of the District of*
14 *Columbia at such time that, had the employee been paid*
15 *severance pay in regular pay periods under subsection (b),*
16 *the payments of such pay would have been discontinued*
17 *under subsection (d) upon such reemployment, the employee*
18 *shall refund to the Department of Defense (for the military*
19 *department that formerly employed the employee, if appli-*
20 *cable) an amount equal to the amount of severance pay to*
21 *which the employee was entitled under this section that*
22 *would not have been paid to the employee under subsection*
23 *(d) by reason of such reemployment.*

24 *“(B) The period of service represented by an amount*
25 *of severance pay refunded by an employee under subpara-*
26 *graph (A) shall be considered service for which severance*

1 *pay has not been received by the employee under this sec-*
2 *tion.*

3 “(C) Amounts refunded to an agency under this para-
4 *graph shall be credited to the appropriation available for*
5 *the pay of employees of the agency for the fiscal year in*
6 *which received. Amounts so credited shall be merged with,*
7 *and shall be available for the same purposes and the same*
8 *period as, the other funds in that appropriation.*

9 “(3) This subsection applies with respect to severance
10 *payable under this section for separations taking effect on*
11 *or after the date of the enactment of the National Defense*
12 *Authorization Act for Fiscal Year 1996 and before October*
13 *1, 1999.”*

14 **SEC. 342. HOLIDAYS FOR EMPLOYEES WHOSE BASIC WORK-**
15 **WEEK IS OTHER THAN MONDAY THROUGH**
16 **FRIDAY.**

17 *Section 6103(b) of title 5, United States Code, is*
18 *amended—*

19 (1) *in paragraph (2), by striking out “Instead”*
20 *and inserting in lieu thereof “Except as provided in*
21 *paragraph (3), instead”; and*

22 (2) *by adding at the end the following:*

23 “(3)(A) *In the case of an employee of a military*
24 *department or any other employee of the Department*
25 *of Defense, subject to the discretion of the Secretary*

1 *concerned, instead of a holiday that occurs on a regu-*
2 *lar weekly non-workday of an employee whose basic*
3 *workweek is other than Monday through Friday, the*
4 *legal holiday for the employee is—*

5 *“(i) the workday of the employee imme-*
6 *diately before the regular weekly non-workday; or*

7 *“(ii) if the holiday occurs on a regular*
8 *weekly non-workday administratively scheduled*
9 *for the employee instead of Sunday, the next im-*
10 *mediately following workday of the employee.*

11 *“(B) For purposes of subparagraph (A), the term*
12 *‘Secretary concerned’ has the meaning given that*
13 *term in subparagraphs (A), (B), and (C) of section*
14 *101(a)(9) of title 10 and includes the Secretary of De-*
15 *fense with respect to an employee of the Department*
16 *of Defense who is not an employee of a military de-*
17 *partment.”.*

18 **SEC. 343. COVERAGE OF NONAPPROPRIATED FUND EM-**
19 **PLOYEES UNDER AUTHORITY FOR FLEXIBLE**
20 **AND COMPRESSED WORK SCHEDULES.**

21 *Paragraph (2) of section 6121 of title 5, United States*
22 *Code, is amended to read as follows:*

23 *“(2) ‘employee’ has the meaning given the term*
24 *in subsection (a) of section 2105 of this title, except*

1 *that such term also includes an employee described*
2 *in subsection (c) of that section;”.*

3 ***Subtitle E—Defense Financial***
4 ***Management***

5 ***SEC. 351. FINANCIAL MANAGEMENT TRAINING.***

6 (a) *LIMITATION.*—*Funds authorized by this Act to be*
7 *appropriated for the Department of Defense may not be ob-*
8 *ligated for a capital lease for the establishment of a Depart-*
9 *ment of Defense financial management training center be-*
10 *fore the date that is 90 days after the date on which the*
11 *Secretary of Defense submits, in accordance with subsection*
12 *(b), a certification of the need for such a center and a report*
13 *on financial management training for Department of De-*
14 *fense personnel.*

15 (b) *CERTIFICATION AND REPORT.*—(1) *Before obligat-*
16 *ing funds for a Department of Defense financial manage-*
17 *ment training center, the Secretary of Defense shall—*

18 (A) *certify to the Committee on Armed Services*
19 *of the Senate and the Committee on National Secu-*
20 *rity of the House of Representatives the need for such*
21 *a center; and*

22 (B) *submit to such committees, with the certifi-*
23 *cation, a report on financial management training*
24 *for Department of Defense personnel.*

1 (2) Any report under paragraph (1) shall contain the
2 following:

3 (A) The Secretary's analysis of the requirements
4 for providing financial management training for em-
5 ployees of the Department of Defense.

6 (B) The alternatives considered by the Secretary
7 for meeting those requirements.

8 (C) A detailed plan for meeting those require-
9 ments.

10 (D) A financial analysis of the estimated short-
11 term and long-term costs of carrying out the plan.

12 (E) If, after the analysis referred to in subpara-
13 graph (A) and after considering alternatives as de-
14 scribed in subparagraph (B), the Secretary deter-
15 mines to meet the requirements through a financial
16 management training center—

17 (i) the determination of the Secretary re-
18 garding the location for the university; and

19 (ii) a description of the process used by the
20 Secretary for selecting that location.

21 **SEC. 352. LIMITATION ON OPENING OF NEW CENTERS FOR**
22 **DEFENSE FINANCE AND ACCOUNTING SERV-**
23 **ICE.**

24 (a) *LIMITATION.*—During fiscal year 1996, the Sec-
25 retary of Defense may not establish any center for the De-

1 *fense Finance and Accounting Service that is not operating*
2 *on the date of the enactment of this Act.*

3 (b) *EXCEPTION.*—*If the Secretary submits to Congress*
4 *not later than March 31, 1996, a report containing a dis-*
5 *cussion of the need for establishing a new center prohibited*
6 *by subsection (a), the prohibition in such subsection shall*
7 *not apply to the center effective 30 days after the date on*
8 *which Congress receives the report.*

9 (c) *REEXAMINATION OF NEED REQUIRED.*—*Before*
10 *submitting a report regarding a new center that the Sec-*
11 *retary planned before the date of the enactment of this Act*
12 *to establish on or after that date, the Secretary shall recon-*
13 *sider the need for establishing that center.*

14 ***Subtitle F—Miscellaneous***
15 ***Assistance***

16 ***SEC. 361. DEPARTMENT OF DEFENSE FUNDING FOR NA-***
17 ***TIONAL GUARD PARTICIPATION IN JOINT***
18 ***DISASTER AND EMERGENCY ASSISTANCE EX-***
19 ***ERCISES.***

20 *Section 503(a) of title 32, United States Code, is*
21 *amended—*

22 (1) *by inserting “(1)” after “(a)”;* and

23 (2) *by adding at the end the following:*

24 “(2) *Paragraph (1) includes authority to provide for*
25 *participation of the National Guard in conjunction with*

1 *the Army or the Air Force, or both, in joint exercises for*
2 *instruction to prepare the National Guard for response to*
3 *civil emergencies and disasters.”.*

4 **SEC. 362. OFFICE OF CIVIL-MILITARY PROGRAMS.**

5 *None of the funds authorized to be appropriated by this*
6 *or any other Act may be obligated or expended for the Office*
7 *of Civil-Military Programs within the Office of the Assist-*
8 *ant Secretary of Defense for Reserve Affairs.*

9 **SEC. 363. REVISION OF AUTHORITY FOR CIVIL-MILITARY**
10 **COOPERATIVE ACTION PROGRAM.**

11 *(a) RESERVE COMPONENTS TO BE USED FOR COOP-*
12 *ERATIVE ACTION.—Section 410 of title 10, United States*
13 *Code, is amended in the second sentence of subsection (a)*
14 *by inserting “of the reserve components and of the combat*
15 *support and combat service support elements of the regular*
16 *components” after “resources”.*

17 *(b) PROGRAM OBJECTIVES.—Subsection (b) of such*
18 *section is amended by striking out paragraphs (1), (2), (3),*
19 *(4), (5), and (6) and inserting in lieu thereof the following:*

20 *“(1) To enhance individual and unit training*
21 *and morale in the armed forces.*

22 *“(2) To encourage cooperation between civilian*
23 *and military sectors of society.”.*

1 (c) *REGULATIONS.*—Subsection (d) of such section is
2 amended by striking out paragraphs (5) and (6) and insert-
3 ing in lieu thereof the following:

4 “(5) Procedures to ensure that Department of
5 Defense resources are not applied exclusively to the
6 program.

7 “(6) A requirement that a commander of a unit
8 of the armed forces involved in providing assistance
9 certify that the assistance is consistent with the mili-
10 tary missions of the unit.”.

11 **SEC. 364. OFFICE OF HUMANITARIAN AND REFUGEE AF-**
12 **FAIRS.**

13 None of the funds authorized to be appropriated by this
14 or any other Act may be obligated or expended for the Office
15 of Humanitarian and Refugee Affairs within the Office of
16 the Assistant Secretary of Defense for Special Operations
17 and Low Intensity Conflict.

18 **SEC. 365. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC**
19 **AID PROGRAMS.**

20 (a) *GAO REPORT.*—Not later than December 15, 1995,
21 the Comptroller General of the United States shall provide
22 to the congressional defense committees a report on—

23 (1) existing funding mechanisms available to
24 cover the costs associated with the Overseas Human-
25 tarian, Disaster, and Civic Assistance activities

1 *through funds provided to the Department of State or*
2 *the Agency for International Development, and*

3 *(2) if such mechanisms do not exist, actions nec-*
4 *essary to institute such mechanisms, including any*
5 *changes in existing law or regulations.*

6 ***Subtitle G—Operation of Morale,***
7 ***Welfare, and Recreation Activities***

8 ***SEC. 371. DISPOSITION OF EXCESS MORALE, WELFARE, AND***
9 ***RECREATION FUNDS.***

10 *Section 2219 of title 10, United States Code, is amend-*
11 *ed—*

12 *(1) in the first sentence, by striking out “a mili-*
13 *tary department” and inserting in lieu thereof “an*
14 *armed force”;*

15 *(2) in the second sentence—*

16 *(A) by striking out “, department-wide”;*
17 *and*

18 *(B) by striking out “of the military depart-*
19 *ment” and inserting in lieu thereof “for that*
20 *armed force”; and*

21 *(3) by adding at the end the following: “This sec-*
22 *tion does not apply to the Coast Guard.”.*

1 **SEC. 372. ELIMINATION OF CERTAIN RESTRICTIONS ON**
2 **PURCHASES AND SALES OF ITEMS BY EX-**
3 **CHANGE STORES AND OTHER MORALE, WEL-**
4 **FARE, AND RECREATION FACILITIES.**

5 (a) *RESTRICTIONS ELIMINATED.*—(1) Subchapter II of
6 chapter 134 of title 10, United States Code, is amended by
7 adding at the end the following new section:

8 **“§2255. Military exchange stores and other morale,**
9 **welfare, and recreation facilities: sale of**
10 **items**

11 “(a) *AUTHORITY.*—The MWR retail facilities may sell
12 items in accordance with regulations prescribed by the Sec-
13 retary of Defense.

14 “(b) *CERTAIN RESTRICTIONS PROHIBITED.*—The reg-
15 ulations may not include any of the following restrictions
16 on the sale of items:

17 “(1) A restriction on the prices of items offered
18 for sale, including any requirement to establish prices
19 on the basis of a specific relationship between the
20 prices charged for the merchandise and the cost of the
21 merchandise to the MWR retail facilities concerned.

22 “(2) A restriction on price of purchase of an
23 item.

24 “(3) A restriction on the categories of items that
25 may be offered for sale.

1 “(4) A restriction on the size of items that may
2 be offered for sale.

3 “(5) A restriction on the basis of—

4 “(A) whether the item was manufactured,
5 produced, or mined in the United States; or

6 “(B) the extent to which the merchandise
7 contains components or materials manufactured,
8 produced, or mined in the United States.

9 “(c) *MWR RETAIL FACILITY DEFINED.*—In this sec-
10 tion, the term ‘MWR retail facilities’ means exchange stores
11 and other revenue generating facilities operated by
12 nonappropriated fund activities of the Department of De-
13 fense for the morale, welfare, and recreation of members of
14 the armed forces.”.

15 (2) The table of sections at the beginning of subchapter
16 II of chapter 134 of such title is amended by adding at
17 the end the following:

 “2255. Military exchange stores and other morale, welfare, and recreation facili-
 ties: sale of items.”.

18 (b) *REPORT.*—Not later than June 1, 1996, the Sec-
19 retary of Defense shall submit to the Committee on Armed
20 Services of the Senate and the Committee on National Secu-
21 rity of the House of Representatives a report that identifies
22 each restriction in effect immediately before the date of the
23 enactment of this Act that is terminated or made inapplica-
24 ble by section 2255 of title 10, United States Code (as added

1 *by subsection (a)), to exchange stores and other revenue gen-*
2 *erating facilities operated by nonappropriated fund activi-*
3 *ties of the Department of Defense for the morale, welfare,*
4 *and recreation of members of the Armed Forces.*

5 **SEC. 373. REPEAL OF REQUIREMENT TO CONVERT SHIPS'**
6 **STORES TO NONAPPROPRIATED FUND IN-**
7 **STRUMENTALITIES.**

8 (a) *REPEAL.*—Section 371 of the National Defense Au-
9 thorization Act for Fiscal Year 1994 (Public Law 103–160;
10 107 Stat. 1634; 10 U.S.C. 7604 note) is amended by strik-
11 ing out subsections (a), (b), and (d).

12 (b) *REPEAL OF RELATED CODIFIED PROVISIONS.*—
13 Section 7604 of title 10, United States Code, is amended—

14 (1) in subsection (a), by striking out “(a) *IN*
15 *GENERAL.*—”; and

16 (2) by striking out subsections (b) and (c).

17 **Subtitle H—Other Matters**

18 **SEC. 381. NATIONAL DEFENSE SEALIFT FUND: AVAILABIL-**
19 **ITY FOR THE NATIONAL DEFENSE RESERVE**
20 **FLEET.**

21 Section 2218 of title 10, United States Code is amend-
22 ed—

23 (1) in subsection (c)(1)—

24 (A) by striking out “and” at the end of sub-
25 paragraph (C);

1 (B) by striking out the period at the end of
2 subparagraph (D) and inserting in lieu thereof
3 “; and”; and

4 (C) by adding at the end the following:

5 “(E) expenses of the National Defense Re-
6 serve Fleet, as established by section 11 of the
7 Merchant Ship Sales Act of 1946 (50 U.S.C.
8 App. 1744).”; and

9 (2) in subsection (i), by striking out “Nothing”
10 and inserting in lieu thereof “Except as provided in
11 subsection (c)(1)(E), nothing”.

12 **SEC. 382. AVAILABILITY OF RECOVERED LOSSES RESULT-**
13 **ING FROM CONTRACTOR FRAUD.**

14 (a) DEPARTMENT OF DEFENSE TO RECEIVE 3 PER-
15 CENT.—Subchapter I of chapter 134 of title 10, United
16 States Code, is amended by adding at the end the following
17 new section:

18 **“§2250. Recoveries of losses and expenses resulting**
19 **from contractor fraud**

20 “(a) RETENTION OF PART OF RECOVERY.—(1) Not-
21 withstanding any other provision of law, a portion of the
22 amount recovered by the Government in a fiscal year for
23 losses and expenses incurred by the Department of Defense
24 as a result of contractor fraud at military installations
25 shall be credited to appropriations accounts of the Depart-

1 *ment of Defense for that fiscal year in accordance with allo-*
2 *cations made pursuant to subsection (b).*

3 “(2) *The total amount credited to appropriations ac-*
4 *counts for a fiscal year pursuant to paragraph (1) shall*
5 *be the lesser of—*

6 “(A) *the amount equal to three percent of the*
7 *amount referred to in such paragraph that is recov-*
8 *ered in that fiscal year; or*

9 “(B) *\$500,000.*

10 “(b) *ALLOCATION OF RECOVERED FUNDS.—The Sec-*
11 *retary of Defense shall allocate amounts recovered in a con-*
12 *tractor fraud case through the Secretary of the military de-*
13 *partment concerned to each installation that incurred a loss*
14 *or expense as a result of the fraud.*

15 “(c) *USE BY MILITARY DEPARTMENTS.—The Sec-*
16 *retary of a military department receiving an allocation*
17 *under subsection (b) in a fiscal year with respect to a con-*
18 *tractor fraud case—*

19 “(1) *shall credit (for use by each installation*
20 *concerned) the amount equal to the costs incurred by*
21 *the military department in carrying out or support-*
22 *ing an investigation or litigation of the contractor*
23 *fraud case to appropriations accounts of the depart-*
24 *ment for such fiscal year that are used for paying the*

1 *costs of carrying out or supporting investigations or*
2 *litigation of contractor fraud cases; and*

3 *“(2) may credit to any appropriation account of*
4 *the department for that fiscal year (for use by each*
5 *installation concerned) the amount, if any, that ex-*
6 *ceeds the amount credited to appropriations accounts*
7 *under paragraph (1).*

8 *“(d) RECOVERIES INCLUDED.—(1) Subject to para-*
9 *graph (2)(B), subsection (a) applies to amounts recovered*
10 *in civil or administrative actions (including settlements)*
11 *as actual damages, restitution, and investigative costs.*

12 *“(2) Subsection (a) does not apply to—*

13 *“(A) criminal fines, forfeitures, civil penalties,*
14 *and damages in excess of actual damages; or*

15 *“(B) recoveries of losses or expenses incurred by*
16 *working-capital funds managed through the Defense*
17 *Business Operations Fund.”.*

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

“2248. Recoveries of losses and expenses resulting from contractor fraud.”.

21 **SEC. 383. PERMANENT AUTHORITY FOR USE OF PROCEEDS**
22 **FROM THE SALE OF CERTAIN LOST, ABAN-**
23 **DONED, OR UNCLAIMED PROPERTY.**

24 *(a) PERMANENT AUTHORITY.—Section 2575 of title 10*
25 *is amended—*

1 (1) *by striking out subsection (b) and inserting*
2 *in lieu thereof the following:*

3 “(b)(1) *In the case of property found on a military*
4 *installation, the proceeds from the sale of the property*
5 *under this section shall be credited to the operation and*
6 *maintenance account of that installation and used—*

7 “(A) *to reimburse the installation for any costs*
8 *incurred by the installation to collect, transport,*
9 *store, protect, or sell the property; and*

10 “(B) *if all such costs are reimbursed, to support*
11 *morale, welfare, and recreation activities under the*
12 *jurisdiction of the armed forces conducted for the com-*
13 *fort, pleasure, contentment, or physical or mental im-*
14 *provement of members of the armed forces at that in-*
15 *stallation.*

16 “(2) *The net proceeds from the sale of other property*
17 *under this section shall be covered into the Treasury as mis-*
18 *cellaneous receipts.”; and*

19 (2) *by adding at the end the following:*

20 “(d)(1) *The owner (or heirs, next of kin, or legal rep-*
21 *resentative of the owner) of personal property the proceeds*
22 *of which are credited to a military installation under sub-*
23 *section (b)(1) may file a claim with the Secretary of Defense*
24 *for the amount equal to the proceeds (less costs referred to*
25 *in subparagraph (A) of such subsection). Amounts to pay*

1 *the claim shall be drawn from the morale, welfare, and*
2 *recreation account for the installation that received the pro-*
3 *ceeds.*

4 “(2) *The owner (or heirs, next of kin, or legal rep-*
5 *resentative of the owner) may file a claim with the General*
6 *Accounting Office for proceeds covered into the Treasury*
7 *under subsection (b)(2).*

8 “(3) *Unless a claim is filed under this subsection with-*
9 *in 5 years after the date of the disposal of the property*
10 *to which the claim relates, the claim may not be considered*
11 *by a court, the Secretary of Defense (in the case of a claim*
12 *filed under paragraph (1)), or the General Accounting Of-*
13 *fice (in the case of a claim filed under paragraph (2)).”.*

14 (b) *REPEAL OF AUTHORITY FOR DEMONSTRATION*
15 *PROGRAM.—Section 343 of the National Defense Authoriza-*
16 *tion Act for Fiscal Years 1992 and 1993 (Public Law 102–*
17 *190; 105 Stat. 1343) is repealed.*

18 **SEC. 384. SALE OF MILITARY CLOTHING AND SUBSISTENCE**
19 **AND OTHER SUPPLIES OF THE NAVY AND MA-**
20 **RINE CORPS.**

21 (a) *IN GENERAL.—Chapter 651 of title 10, United*
22 *States Code, is amended by adding at the end the following*
23 *new section:*

1 **“§ 7606. Subsistence and other supplies: members of**
2 **armed forces; veterans; executive or mili-**
3 **tary departments and employees; prices**

4 “(a) *The Secretary of the Navy shall procure and sell,*
5 *for cash or credit—*

6 “(1) *articles designated by the Secretary to mem-*
7 *bers of the Navy and Marine Corps; and*

8 “(2) *items of individual clothing and equipment*
9 *to members of the Navy and Marine Corps, under*
10 *such restrictions as the Secretary may prescribe.*

11 *An account of sales on credit shall be kept and the amount*
12 *due reported to the Secretary. Except for articles and items*
13 *acquired through the use of working capital funds under*
14 *section 2208 of this title, sales of articles shall be at cost,*
15 *and sales of individual clothing and equipment shall be at*
16 *average current prices, including overhead, as determined*
17 *by the Secretary.*

18 “(b) *The Secretary shall sell subsistence supplies to*
19 *members of other armed forces at the prices at which like*
20 *property is sold to members of the Navy and Marine Corps.*

21 “(c) *The Secretary may sell serviceable supplies, other*
22 *than subsistence supplies, to members of other armed forces*
23 *for the buyers’ use in the service. The prices at which the*
24 *supplies are sold shall be the same prices at which like prop-*
25 *erty is sold to members of the Navy and Marine Corps.*

1 “(d) A person who has been discharged honorably or
2 under honorable conditions from the Army, Navy, Air Force
3 or Marine Corps and who is receiving care and medical
4 treatment from the Public Health Service or the Depart-
5 ment of Veterans Affairs may buy subsistence supplies and
6 other supplies, except articles of uniform, at the prices at
7 which like property is sold to members of the Navy and
8 Marine Corps.

9 “(e) Under such conditions as the Secretary may pre-
10 scribe, exterior articles of uniform may be sold to a person
11 who has been discharged from the Navy or Marine Corps
12 honorably or under honorable conditions, at the prices at
13 which like articles are sold to members of the Navy or Ma-
14 rine Corps. This subsection does not modify sections 772
15 or 773 of this title.

16 “(f) Payment for subsistence supplies sold under this
17 section shall be made in cash.

18 “(g)(1) The Secretary may provide for the procurement
19 and sale of stores designated by the Secretary to such civil-
20 ian officers and employees of the United States, and such
21 other persons, as the Secretary considers proper—

22 “(A) at military installations outside the United
23 States; and

24 “(B) subject to paragraph (2), at military in-
25 stallations inside the United States where the Sec-

1 *Program shall be operated as a nonappropriated fund in-*
2 *strumentality of the United States within the Department*
3 *of Defense for the benefit of members of the armed forces*
4 *and for the promotion of rifle practice and firearms safety*
5 *among civilians.*

6 “(b) *ADVISORY COMMITTEE.—(1) The Civilian Marks-*
7 *manship Program shall be under the general supervision*
8 *of an Advisory Committee for the Promotion of Rifle Prac-*
9 *tice and Firearms Safety, which shall replace the National*
10 *Board for the Promotion of Rifle Practice. The Advisory*
11 *Committee shall be appointed by the Secretary of the Army.*

12 “(2) *Members of the Advisory Committee shall serve*
13 *without compensation, except that members shall be allowed*
14 *travel expenses, including per diem in lieu of subsistence,*
15 *at rates authorized for employees of agencies under sub-*
16 *chapter I of chapter 57 of title 5, while away from their*
17 *homes or regular places of business in the performance of*
18 *Advisory Committee services.*

19 “(c) *DIRECTOR.—The Secretary of the Army shall ap-*
20 *point a person to serve as Director of the Civilian Marks-*
21 *manship Program.*

22 “(d) *FUNDING.—(1) The Advisory Committee and the*
23 *Director may solicit, accept, hold, use, and dispose of, in*
24 *furtherance of the activities of the Civilian Marksmanship*
25 *Program, donations of money, property, and services re-*

1 *ceived by gift, devise, bequest, or otherwise. Donations may*
2 *be accepted notwithstanding any legal restrictions otherwise*
3 *arising from procurement relationships of the donors with*
4 *the United States.*

5 “(2) *All amounts collected under the Civilian Marks-*
6 *manship Program, including the proceeds from the sale of*
7 *arms, ammunition, targets, and other supplies and appli-*
8 *ances under section 4308 of this title, shall be credited to*
9 *the Civilian Marksmanship Program and shall be available*
10 *to carry out the Civilian Marksmanship Program. Amounts*
11 *collected by, and available to, the National Board for the*
12 *Promotion of Rifle Practice before the date of the enactment*
13 *of this section from sales programs and from fees in connec-*
14 *tion with competitions sponsored by that Board shall be*
15 *transferred to the nonappropriated funds account estab-*
16 *lished for the Civilian Marksmanship Program and shall*
17 *be available to carry out the Civilian Marksmanship Pro-*
18 *gram.*

19 “(3) *Funds held on behalf of the Civilian Marksman-*
20 *ship Program shall not be construed to be Government or*
21 *public funds or appropriated funds and shall not be avail-*
22 *able to support other nonappropriated fund instrumental-*
23 *ities of the Department of Defense. Expenditures on behalf*
24 *of the Civilian Marksmanship Program, including com-*
25 *pensation and benefits for civilian employees, may not ex-*

1 *ceed \$5,000,000 during any fiscal year. The approval of the*
2 *Advisory Committee shall be required for any expenditure*
3 *in excess of \$50,000. Notwithstanding any other provision*
4 *of law, funds held on behalf of the Civilian Marksmanship*
5 *Program shall remain available until expended.*

6 “(e) *INAPPLICABILITY OF ADVISORY COMMITTEE*
7 *ACT.—The Federal Advisory Committee Act (5 U.S.C.*
8 *App.) does not apply to the Advisory Committee.*

9 “(f) *DEFINITIONS.—In this section and sections 4308*
10 *through 4313 of this title:*

11 “(1) *The term ‘Civilian Marksmanship Program’*
12 *means the rifle practice and firearms safety program*
13 *carried out under section 4308 of this title and in-*
14 *cludes the National Matches and small-arms firing*
15 *schools referred to in section 4312 of this title.*

16 “(2) *The term ‘Advisory Committee’ means the*
17 *Advisory Committee for the Promotion of Rifle Prac-*
18 *tice and Firearms Safety.*

19 “(3) *The term ‘Director’ means the Director of*
20 *the Civilian Marksmanship Program.’’.*

21 “(b) *ACTIVITIES.—Section 4308 of such title is amended*
22 *to read as follows:*

1 **“§ 4308. Promotion of rifle practice and firearms safe-**
2 **ty: activities**

3 “(a) *INSTRUCTION, SAFETY, AND COMPETITION PRO-*
4 *GRAMS.—(1) The Civilian Marksmanship Program shall*
5 *provide for—*

6 “(A) *the operation and maintenance of indoor*
7 *and outdoor rifle ranges and their accessories and ap-*
8 *pliances;*

9 “(B) *the instruction of citizens of the United*
10 *States in marksmanship, and the employment of nec-*
11 *essary instructors for that purpose;*

12 “(C) *the promotion of safe and responsible prac-*
13 *tice in the use of rifled arms and the maintenance*
14 *and management of matches or competitions in the*
15 *use of those arms; and*

16 “(D) *the award to competitors of trophies, prizes,*
17 *badges, and other insignia.*

18 “(2) *In carrying out this subsection, the Civilian*
19 *Marksmanship Program shall give priority to activities*
20 *that benefit firearms safety training and competition for*
21 *youth and reach as many youth participants as possible.*

22 “(3) *Before a person may participate in any activity*
23 *sponsored or supported by the Civilian Marksmanship Pro-*
24 *gram under this subsection, the person shall be required to*
25 *certify that the person has not violated any Federal or State*
26 *firearms laws.*

1 “(b) *SALE AND ISSUANCE OF ARMS AND AMMUNI-*
2 *TION.—(1) The Civilian Marksmanship Program may*
3 *issue, without cost, the arms, ammunition (including cali-*
4 *ber .22 and caliber .30 ammunition), targets, and other*
5 *supplies and appliances necessary for activities conducted*
6 *under subsection (a). Issuance shall be made only to gun*
7 *clubs under the direction of the Director of the program that*
8 *provide training in the use of rifled arms to youth, the Jun-*
9 *ior Reserve Officers’ Training Corps, the Boy Scouts of*
10 *America, 4-H Clubs, Future Farmers of America, and other*
11 *youth-oriented organizations for training and competition.*

12 “(2) *The Director of the Civilian Marksmanship Pro-*
13 *gram may sell at fair market value caliber .30 rifles and*
14 *accoutrements, caliber .22 rifles, and air rifles, and ammu-*
15 *nition for such rifles, to gun clubs that are under the direc-*
16 *tion of the Director and provide training in the use of rifled*
17 *arms. In lieu of sales, the Director may loan such rifles*
18 *to such gun clubs.*

19 “(3) *The Director of the Civilian Marksmanship Pro-*
20 *gram may sell at fair market value small arms, ammu-*
21 *nition, targets, and other supplies and appliances necessary*
22 *for target practice to citizens of the United States over 18*
23 *years of age who are members of a gun club under the direc-*
24 *tion of the Director.*

1 “(4) *Before conveying any weapon or ammunition to*
2 *a person, whether by sale or lease, the Director shall provide*
3 *for a criminal records check of the person with appropriate*
4 *Federal and State law enforcement agencies.*

5 “(c) *OTHER AUTHORITIES.*—*The Director shall pro-*
6 *vide for—*

7 “(1) *the procurement of necessary supplies, ap-*
8 *pliances, trophies, prizes, badges, and other insignia,*
9 *clerical and other services, and labor to carry out the*
10 *Civilian Marksmanship Program; and*

11 “(2) *the transportation of employees, instructors,*
12 *and civilians to give or to receive instruction or to as-*
13 *sist or engage in practice in the use of rifled arms,*
14 *and the transportation and subsistence, or an allow-*
15 *ance instead of subsistence, of members of teams au-*
16 *thorized by the Advisory Committee to participate in*
17 *matches or competitions in the use of rifled arms.*

18 “(d) *FEES.*—*The Director, in consultation with the*
19 *Advisory Committee, may impose reasonable fees for per-*
20 *sons and gun clubs participating in any program or com-*
21 *petition conducted under the Civilian Marksmanship Pro-*
22 *gram for the promotion of rifle practice and firearms safety*
23 *among civilians.*

24 “(e) *RECEIPT OF EXCESS ARMS AND AMMUNITION.*—
25 (1) *The Secretary of the Army shall reserve for the Civilian*

1 *Marksmanship Program all remaining M-1 Garand rifles,*
2 *accoutrements, and ammunition for such rifles, still held*
3 *by the Army. After the date of the enactment of the National*
4 *Defense Authorization Act for Fiscal Year 1996, the Sec-*
5 *retary of the Army shall cease demilitarization of remain-*
6 *ing M-1 Garand rifles in the Army inventory unless such*
7 *rifles are determined to be irreparable.*

8 “(2) *Transfers under this subsection shall be made*
9 *without cost to the Civilian Marksmanship Program, except*
10 *for the costs of transportation for the transferred small arms*
11 *and ammunition.*

12 “(f) *PARTICIPATION CONDITIONS.—(1) All partici-*
13 *pants in the Civilian Marksmanship Program and activi-*
14 *ties sponsored or supported by the Advisory Committee shall*
15 *be required, as a condition of participation, to sign affida-*
16 *vits stating that—*

17 “(A) *they have never been convicted of a firearms*
18 *violation under State or Federal law; and*

19 “(B) *they are not members of any organization*
20 *which advocates the violent overthrow of the United*
21 *States Government.*

22 “(2) *Any person found to have violated this subsection*
23 *shall be ineligible to participate in the Civilian Marksman-*
24 *ship Program and future activities.”.*

1 *“Nonappropriated funds available to the Civilian*
2 *Marksmanship Program shall”.*

3 (e) *CLERICAL AMENDMENTS.*—*The table of sections at*
4 *the beginning of chapter 401 of such title is amended by*
5 *striking out the items relating to sections 4307, 4308, 4309,*
6 *and 4310 and inserting in lieu thereof the following new*
7 *items:*

“4307. Promotion of rifle practice and firearms safety: administration.

“4308. Promotion of rifle practice and firearms safety: activities.

“4309. Rifle ranges: availability for use by members and civilians.

“4310. Rifle instruction and competitions: participation of members.”.

8 (f) *EFFECTIVE DATE.*—*The amendments made by this*
9 *section shall take effect on October 1, 1995.*

10 ***SEC. 386. REPORT ON EFFORTS TO CONTRACT OUT CER-***
11 ***TAIN FUNCTIONS OF DEPARTMENT OF DE-***
12 ***FENSE.***

13 *Not later than March 1, 1996, the Secretary of Defense*
14 *shall submit to Congress a report describing the advantages*
15 *and disadvantages of using contractor personnel, rather*
16 *than civilian employees of the Department of Defense, to*
17 *perform functions of the Department that are not essential*
18 *to the warfighting mission of the Armed Forces. The report*
19 *shall specify all legislative and regulatory impediments to*
20 *contracting those functions for private performance.*

21 ***SEC. 387. IMPACT AID.***

22 (a) *SPECIAL RULE FOR 1994 PAYMENTS.*—*The Sec-*
23 *retary of Education shall not consider any payment to a*

1 *local educational agency by the Department of Defense, that*
2 *is available to such agency for current expenditures and*
3 *used for capital expenses, as funds available to such agency*
4 *for purposes of making a determination for fiscal year 1994*
5 *under section 3(d)(2)(B)(i) of the Act of September 30, 1950*
6 *(Public Law 874, 81st Congress) (as such Act was in effect*
7 *on September 30, 1994).*

8 *(b) PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED*
9 *CHILDREN.—Subsection (f) of section 8003 of the Elemen-*
10 *tary and Secondary Education Act of 1965 (20 U.S.C.*
11 *7703) is amended—*

12 *(1) in paragraph (2)—*

13 *(A) in the matter preceding clause (i) of*
14 *subparagraph (A), by striking “only if such*
15 *agency” and inserting “if such agency is eligible*
16 *for a supplementary payment in accordance*
17 *with subparagraph (B) or such agency”; and*

18 *(B) by adding at the end the following new*
19 *subparagraph:*

20 *“(C) A local educational agency shall only*
21 *be eligible to receive additional assistance under*
22 *this subsection if the Secretary determines that—*

23 *“(i) such agency is exercising due dili-*
24 *gence in availing itself of State and other*
25 *financial assistance; and*

1 “(ii) the eligibility of such agency
2 under State law for State aid with respect
3 to the free public education of children de-
4 scribed in subsection (a)(1) and the amount
5 of such aid are determined on a basis no
6 less favorable to such agency than the basis
7 used in determining the eligibility of local
8 educational agencies for State aid, and the
9 amount of such aid, with respect to the free
10 public education of other children in the
11 State.”; and

12 (2) in paragraph (3)—

13 (A) in subparagraph (A)—

14 (i) in the matter preceding clause (i),
15 by inserting “(other than any amount re-
16 ceived under paragraph (2)(B))” after “sub-
17 section”;

18 (ii) in subclause (I) of clause (i), by
19 striking “or the average per-pupil expendi-
20 ture of all the States”;

21 (iii) by amending clause (ii) to read as
22 follows:

23 “(ii) The Secretary shall next multiply
24 the amount determined under clause (i) by
25 the total number of students in average

1 *daily attendance at the schools of the local*
2 *educational agency.”; and*

3 *(iv) by amending clause (iii) to read*
4 *as follows:*

5 *“(iii) The Secretary shall next subtract*
6 *from the amount determined under clause*
7 *(ii) all funds available to the local edu-*
8 *cational agency for current expenditures,*
9 *but shall not so subtract funds provided—*

10 *“(I) under this Act; or*

11 *“(II) by any department or agen-*
12 *cy of the Federal Government (other*
13 *than the Department) that are used for*
14 *capital expenses.”; and*

15 *(B) by amending subparagraph (B) to read*
16 *as follows:*

17 *“(B) SPECIAL RULE.—With respect to pay-*
18 *ments under this subsection for a fiscal year for*
19 *a local educational agency described in clause*
20 *(ii) or (iii) of paragraph (2)(A), the maximum*
21 *amount of payments under this subsection shall*
22 *be equal to—*

23 *“(i) the product of—*

24 *“(I) the average per-pupil expend-*
25 *iture in all States multiplied by 0.7,*

1 *except that such amount may not ex-*
2 *ceed 125 percent of the average per-*
3 *pupil expenditure in all local edu-*
4 *cational agencies in the State; multi-*
5 *plied by*

6 *“(II) the number of students de-*
7 *scribed in subparagraph (A) or (B) of*
8 *subsection (a)(1) for such agency;*
9 *minus*

10 *“(ii) the amount of payments such*
11 *agency receives under subsections (b) and*
12 *(d) for such year.”.*

13 *(c) CURRENT YEAR DATA.—Paragraph (4) of section*
14 *8003(f) of such Act (20 U.S.C. 7703(f)) is amended to read*
15 *as follows:*

16 *“(4) CURRENT YEAR DATA.—For purposes of*
17 *providing assistance under this subsection the Sec-*
18 *retary—*

19 *“(A) shall use student and revenue data*
20 *from the fiscal year for which the local edu-*
21 *cational agency is applying for assistance under*
22 *this subsection; and*

23 *“(B) shall derive the per pupil expenditure*
24 *amount for such year for the local educational*
25 *agency’s comparable school districts by increas-*

1 *ing or decreasing the per pupil expenditure data*
2 *for the second fiscal year preceding the fiscal*
3 *year for which the determination is made by the*
4 *same percentage increase or decrease reflected be-*
5 *tween the per pupil expenditure data for the*
6 *fourth fiscal year preceding the fiscal year for*
7 *which the determination is made and the per*
8 *pupil expenditure data for such second year.”.*

9 **SEC. 388. FUNDING FOR TROOPS TO TEACHERS PROGRAM**
10 **AND TROOPS TO COPS PROGRAM.**

11 *(a) FUNDING.—Of the amount authorized to be appro-*
12 *priated under section 431—*

13 *(1) \$42,000,000 shall be available for the Troops-*
14 *to-Teachers program; and*

15 *(2) \$10,000,000 shall be available for the Troops-*
16 *to-Cops program.*

17 *(b) DEFINITION.—In this section:*

18 *(1) The term “Troops-to-Cops program” means*
19 *the program of assistance to separated members and*
20 *former members of the Armed Forces to obtain em-*
21 *ployment with law enforcement agencies established,*
22 *or carried out, under section 1152 of title 10, United*
23 *States Code.*

24 *(2) The term “Troops-to-Teachers program”*
25 *means the program of assistance to separated mem-*

1 (b) *CONTENT OF REPORT.*—The report shall include
2 a discussion of the following:

3 (1) *Contracting for the performance of the func-*
4 *tions referred to in subsection (a).*

5 (2) *Converting to private ownership and oper-*
6 *ation the Department of Defense VIP air fleets, per-*
7 *sonnel and cargo aircraft, and in-flight refueling air-*
8 *craft, and other Department of Defense aircraft.*

9 (3) *The wartime requirements for the various*
10 *VIP and transport fleets.*

11 (4) *The assumptions used in the cost-benefit*
12 *analysis.*

13 (5) *The effect on military personnel and facili-*
14 *ties of using private sources, as described in para-*
15 *graphs (1) and (2), for the purposes described in sub-*
16 *section (a).*

17 **SEC. 391. ALLEGANY BALLISTICS LABORATORY.**

18 *Of the amount authorized to be appropriated under*
19 *section 301(2), \$2,000,000 shall be available for the Alle-*
20 *gany Ballistics Laboratory for essential safety functions.*

21 **SEC. 392. ENCOURAGEMENT OF USE OF LEASING AUTHOR-**
22 **ITY.**

23 (a) *IN GENERAL.*—(1) *Chapter 137 of title 10, United*
24 *States Code, is amended by inserting after section 2316 the*
25 *following new section:*

1 **“§ 2317. Equipment Leasing**

2 *“The Secretary of Defense is authorized to use leasing*
3 *in the acquisition of commercial vehicles when such leasing*
4 *is practicable and efficient.”.*

5 *(2) The table of sections at the beginning of such chap-*
6 *ter is amended by adding at the end the following new item:*
“2317. Equipment leasing.”.

7 *(b) REPORT.—Not later than 90 days after the date*
8 *of enactment of this Act, the Secretary of Defense shall sub-*
9 *mit a report to the congressional defense committees setting*
10 *forth changes in legislation that would be required to facili-*
11 *tate the use of leases by the Department of Defense in the*
12 *acquisition of equipment.*

13 *(c) PILOT PROGRAM.—The Secretary of the Army may*
14 *conduct a pilot program for leasing of commercial utility*
15 *cargo vehicles as follows:*

16 *(1) Existing commercial utility cargo vehicles*
17 *may be traded in for credit against new replacement*
18 *commercial utility cargo vehicle lease costs;*

19 *(2) Quantities of commercial utility cargo vehi-*
20 *cles to be traded in and their value to be credited*
21 *shall be subject to negotiation between the parties;*

22 *(3) New commercial utility cargo vehicle lease*
23 *agreements may be executed with or without options*
24 *to purchase at the end of each lease period;*

1 (4) *New commercial utility cargo vehicle lease*
2 *periods may not exceed five years;*

3 (5) *Such leasing pilot program shall consist of*
4 *replacing no more than forty percent of the validated*
5 *requirement for commercial utility cargo vehicles, but*
6 *may include an option or options for the remaining*
7 *validated requirement which may be executed subject*
8 *to the requirements of subsection (c)(7);*

9 (6) *The Army shall enter into such pilot pro-*
10 *gram only if the Secretary—*

11 (A) *awards such program in accordance*
12 *with the provisions of section 2304 of title 10,*
13 *United States Code;*

14 (B) *has notified the congressional defense*
15 *committees of his plans to execute the pilot pro-*
16 *gram;*

17 (C) *has provided a report detailing the ex-*
18 *pected savings in operating and support costs*
19 *from retiring older commercial utility cargo ve-*
20 *hicles compared to the expected costs of leasing*
21 *newer commercial utility cargo vehicles; and*

22 (D) *has allowed 30 calendar days to elapse*
23 *after such notification.*

24 (7) *One year after the date of execution of an*
25 *initial leasing contract, the Secretary of the Army*

1 *shall submit a report setting forth the status of the*
2 *pilot program. Such report shall be based upon at*
3 *least six months of operating experience. The Sec-*
4 *retary may exercise an option or options for subse-*
5 *quent commercial utility cargo vehicles only after he*
6 *has allowed 60 calendar days to elapse after submit-*
7 *ting this report.*

8 (8) *EXPIRATION OF AUTHORITY.—No lease of*
9 *commercial utility cargo vehicles may be entered into*
10 *under the pilot program after September 30, 2000.*

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

13 ***Subtitle A—Active Forces***

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

15 (a) *FISCAL YEAR 1996.—The Armed Forces are au-*
16 *thorized strengths for active duty personnel as of September*
17 *30, 1996, as follows:*

18 (1) *The Army, 495,000, of which not more than*
19 *81,300 may be commissioned officers.*

20 (2) *The Navy, 428,340, of which not more than*
21 *58,870 may be commissioned officers.*

22 (3) *The Marine Corps, 174,000, of which not*
23 *more than 17,978 may be commissioned officers.*

24 (4) *The Air Force, 388,200, of which not more*
25 *than 75,928 may be commissioned officers.*

1 (b) *FISCAL YEAR 1997.*—*The Armed Forces are au-*
2 *thorized strengths for active duty personnel as of September*
3 *30, 1997, as follows:*

4 (1) *The Army, 495,000, of which not more than*
5 *80,312 may be commissioned officers.*

6 (2) *The Navy, 409,740, of which not more than*
7 *56,615 may be commissioned officers.*

8 (3) *The Marine Corps, 174,000, of which not*
9 *more than 17,978 may be commissioned officers.*

10 (4) *The Air Force, 385,400, of which not more*
11 *than 76,494 may be commissioned officers.*

12 **SEC. 402. TEMPORARY VARIATION IN DOPMA AUTHORIZED**
13 **END STRENGTH LIMITATIONS FOR ACTIVE**
14 **DUTY AIR FORCE AND NAVY OFFICERS IN**
15 **CERTAIN GRADES.**

16 (a) *AIR FORCE OFFICERS.*—(1) *In the administration*
17 *of the limitation under section 523(a)(1) of title 10, United*
18 *States Code, for fiscal years 1996 and 1997, the numbers*
19 *applicable to officers of the Air Force serving on active duty*
20 *in the grades of major, lieutenant colonel, and colonel shall*
21 *be the numbers set forth for that fiscal year in paragraph*
22 *(2) (rather than the numbers determined in accordance with*
23 *the table in that section).*

24 (2) *The numbers referred to in paragraph (1) are as*
25 *follows:*

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Major	Lieutenant colonel	Colonel
1996	15,566	9,876	3,609
1997	15,645	9,913	3,627

1 (b) *NAVY OFFICERS.*—(1) *In the administration of the*
2 *limitation under section 523(a)(2) of title 10, United States*
3 *Code, for fiscal years 1996 and 1997, the numbers applica-*
4 *ble to officers of the Navy serving on active duty in the*
5 *grades of lieutenant commander, commander, and captain*
6 *shall be the numbers set forth for that fiscal year in para-*
7 *graph (2) (rather than the numbers determined in accord-*
8 *ance with the table in that section).*

9 (2) *The numbers referred to in paragraph (1) are as*
10 *follows:*

Fiscal year:	Number of officers who may be serving on active duty in the grade of:		
	Lieutenant com- mander	Commander	Captain
1996	11,924	7,390	3,234
1997	11,732	7,297	3,188

11 **SEC. 403. CERTAIN GENERAL AND FLAG OFFICERS AWAIT-**
12 **ING RETIREMENT NOT TO BE COUNTED.**

13 (a) *DISTRIBUTION OF OFFICERS ON ACTIVE DUTY IN*
14 *GENERAL AND FLAG OFFICER GRADES.*—*Section 525 of*
15 *title 10, United States Code, is amended by adding at the*
16 *end the following:*

17 “(d) *An officer continuing to hold the grade of general*
18 *or admiral under section 601(b)(4) of this title after relief*

1 *from the position of Chairman of the Joint Chiefs of Staff,*
2 *Chief of Staff of the Army, Chief of Naval Operations, Chief*
3 *of Staff of the Air Force, or Commandant of the Marine*
4 *Corps shall not be counted for purposes of this section.”.*

5 (b) *NUMBER OF OFFICERS ON ACTIVE DUTY IN GRADE*
6 *OF GENERAL OR ADMIRAL.—Section 528(b) of title 10,*
7 *United States Code, is amended—*

8 (1) *by inserting “(1)” after “(b)”;* and

9 (2) *by adding at the end the following:*

10 “(2) *An officer continuing to hold the grade of general*
11 *or admiral under section 601(b)(4) of this title after relief*
12 *from the position of Chairman of the Joint Chiefs of Staff,*
13 *Chief of Staff of the Army, Chief of Naval Operations, Chief*
14 *of Staff of the Air Force, or Commandant of the Marine*
15 *Corps shall not be counted for purposes of this section.”.*

16 ***Subtitle B—Reserve Forces***

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

18 (a) *FISCAL YEAR 1996.—The Armed Forces are au-*
19 *thorized strengths for Selected Reserve personnel of the re-*
20 *serve components as of September 30, 1996, as follows:*

21 (1) *The Army National Guard of the United*
22 *States, 373,000.*

23 (2) *The Army Reserve, 230,000.*

24 (3) *The Naval Reserve, 98,894.*

25 (4) *The Marine Corps Reserve, 42,274.*

1 (5) *The Air National Guard of the United*
2 *States, 112,707.*

3 (6) *The Air Force Reserve, 73,969.*

4 (7) *The Coast Guard Reserve, 8,000.*

5 (b) *FISCAL YEAR 1997.—The Armed Forces are au-*
6 *thorized strengths for Selected Reserve personnel of the re-*
7 *serve components as of September 30, 1997, as follows:*

8 (1) *The Army National Guard of the United*
9 *States, 367,000.*

10 (2) *The Army Reserve, 215,000.*

11 (3) *The Naval Reserve, 96,694.*

12 (4) *The Marine Corps Reserve, 42,682.*

13 (5) *The Air National Guard of the United*
14 *States, 107,151.*

15 (6) *The Air Force Reserve, 73,160.*

16 (7) *The Coast Guard Reserve, 8,000.*

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

20 (d) *ADJUSTMENTS.—The end strengths prescribed by*
21 *subsection (a) or (b) for the Selected Reserve of any reserve*
22 *component for a fiscal year shall be proportionately reduced*
23 *by—*

24 (1) *the total authorized strength of units orga-*
25 *nized to serve as units of the Selected Reserve of such*

1 *component which are on active duty (other than for*
2 *training) at the end of the fiscal year, and*

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

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

15 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
16 **DUTY IN SUPPORT OF THE RESERVES.**

17 *(a) FISCAL YEAR 1996.—Within the end strengths pre-*
18 *scribed in section 411(a), the reserve components of the*
19 *Armed Forces are authorized, as of September 30, 1996, the*
20 *following number of Reserves to be serving on full-time ac-*
21 *tive duty or, in the case of members of the National Guard,*
22 *full-time National Guard duty for the purpose of organiz-*
23 *ing, administering, recruiting, instructing, or training the*
24 *reserve components:*

1 (1) *The Army National Guard of the United*
2 *States, 23,390.*

3 (2) *The Army Reserve, 11,575.*

4 (3) *The Naval Reserve, 17,587.*

5 (4) *The Marine Corps Reserve, 2,559.*

6 (5) *The Air National Guard of the United*
7 *States, 10,066.*

8 (6) *The Air Force Reserve, 628.*

9 (b) *FISCAL YEAR 1997.—Within the end strengths pre-*
10 *scribed in section 411(b), the reserve components of the*
11 *Armed Forces are authorized, as of September 30, 1997, the*
12 *following number of Reserves to be serving on full-time ac-*
13 *tive duty or, in the case of members of the National Guard,*
14 *full-time National Guard duty for the purpose of organiz-*
15 *ing, administering, recruiting, instructing, or training the*
16 *reserve components:*

17 (1) *The Army National Guard of the United*
18 *States, 23,040.*

19 (2) *The Army Reserve, 11,550.*

20 (3) *The Naval Reserve, 17,171.*

21 (4) *The Marine Corps Reserve, 2,976.*

22 (5) *The Air National Guard of the United*
23 *States, 9,824.*

24 (6) *The Air Force Reserve, 625.*

1 **SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN**
 2 **GRADES AUTHORIZED TO SERVE ON ACTIVE**
 3 **DUTY IN SUPPORT OF THE RESERVES.**

4 (a) *OFFICERS.*—The table at the end of section
 5 12011(a) of title 10, United States Code, is amended to read
 6 as follows:

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>Major or Lieutenant Commander</i>	<i>3,219</i>	<i>1,071</i>	<i>643</i>	<i>140</i>
<i>Lieutenant Colonel or Commander</i>	<i>1,524</i>	<i>520</i>	<i>672</i>	<i>90</i>
<i>Colonel or Navy Captain</i>	<i>412</i>	<i>188</i>	<i>274</i>	<i>30”.</i>

7 (b) *SENIOR ENLISTED MEMBERS.*—The table at the
 8 end of section 12012(a) of such title is amended to read
 9 as follows:

<i>“Grade</i>	<i>Army</i>	<i>Navy</i>	<i>Air Force</i>	<i>Marine Corps</i>
<i>E-9</i>	<i>603</i>	<i>202</i>	<i>366</i>	<i>20</i>
<i>E-8</i>	<i>2,585</i>	<i>429</i>	<i>890</i>	<i>94”.</i>

10 **SEC. 414. RESERVES ON ACTIVE DUTY IN SUPPORT OF CO-**
 11 **OPERATIVE THREAT REDUCTION PROGRAMS**
 12 **NOT TO BE COUNTED.**

13 Section 115(d) of title 10, United States Code, is
 14 amended by adding at the end the following:

15 “(8) Members of the Selected Reserve of the
 16 Ready Reserve on active duty for more than 180 days
 17 to support programs described in section 1203(b) of
 18 the Cooperative Threat Reduction Act of 1993 (title

1 *XII of Public Law 103–160; 107 Stat. 1778; 22*
2 *U.S.C. 5952(b)).”.*

3 **SEC. 415. RESERVES ON ACTIVE DUTY FOR MILITARY-TO-**
4 **MILITARY CONTACTS AND COMPARABLE AC-**
5 **TIVITIES NOT TO BE COUNTED.**

6 *Section 168 of title 10, United States Code, is amend-*
7 *ed—*

8 *(1) by redesignating subsection (f) as subsection*
9 *(g); and*

10 *(2) by inserting after subsection (e) the following*
11 *new subsection (f):*

12 *“(f) ACTIVE DUTY END STRENGTHS.—(1) A member*
13 *of a reserve component referred to in paragraph (2) shall*
14 *not be counted for purposes of the following personnel*
15 *strength limitations:*

16 *“(A) The end strength for active-duty personnel*
17 *authorized pursuant to section 115(a)(1) of this title*
18 *for the fiscal year in which the member carries out*
19 *the activities referred to in paragraph (2).*

20 *“(B) The authorized daily average for members*
21 *in pay grades E–8 and E–9 under section 517 of this*
22 *title for the calendar year in which the member car-*
23 *ries out such activities.*

1 “(C) *The authorized strengths for commissioned*
2 *officers under section 523 of this title for the fiscal*
3 *year in which the member carries out such activities.*

4 “(2) *A member of a reserve component referred to in*
5 *paragraph (1) is any member on active duty under an*
6 *order to active duty for 180 days or more who is engaged*
7 *in activities authorized under this section.”.*

8 ***Subtitle C—Military Training***
9 ***Student Loads***

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

11 (a) *FISCAL YEAR 1996.—For fiscal year 1996, the*
12 *Armed Forces are authorized average military training stu-*
13 *dent loads as follows:*

14 (1) *The Army, 75,013.*

15 (2) *The Navy, 44,238.*

16 (3) *The Marine Corps, 26,095.*

17 (4) *The Air Force, 33,232.*

18 (b) *FISCAL YEAR 1997.—For fiscal year 1997, the*
19 *Armed Forces are authorized average military training stu-*
20 *dent loads as follows:*

21 (1) *The Army, 79,275.*

22 (2) *The Navy, 44,121.*

23 (3) *The Marine Corps, 27,255.*

24 (4) *The Air Force, 35,522.*

1 (c) *SCOPE.*—The average military training student
2 load authorized for an armed force for a fiscal year under
3 subsection (a) or (b) applies to the active and reserve com-
4 ponents of that armed force for that fiscal year.

5 (d) *ADJUSTMENTS.*—The average military training
6 student load authorized for a fiscal year in subsection (a)
7 or (b) shall be adjusted consistent with the end strengths
8 authorized for that fiscal year in subtitles A and B. The
9 Secretary of Defense shall prescribe the manner in which
10 such adjustments shall be apportioned.

11 **Subtitle D—Authorization of**
12 **Appropriations**

13 **SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILI-**
14 **TARY PERSONNEL.**

15 There is hereby authorized to be appropriated to the
16 Department of Defense for military personnel for fiscal year
17 1996 a total of \$68,896,863,000. The authorization in the
18 preceding sentence supersedes any other authorization of
19 appropriations (definite or indefinite) for such purpose for
20 fiscal year 1996.

1 **TITLE V—MILITARY PERSONNEL**
2 **POLICY**

3 **Subtitle A—Officer Personnel Policy**

4 **SEC. 501. JOINT OFFICER MANAGEMENT.**

5 (a) *CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.*—
6 Section 661(d)(2)(A) of title 10, United States Code, is
7 amended by striking out “1,000” and inserting in lieu
8 thereof “500”.

9 (b) *ADDITIONAL QUALIFYING JOINT SERVICE.*—Sec-
10 tion 664 of such title is amended by adding at the end the
11 following:

12 “(i) *JOINT DUTY CREDIT FOR CERTAIN JOINT TASK*
13 *FORCE ASSIGNMENTS.*—(1) The Secretary of Defense, in
14 consultation with the Chairman of the Joint Chiefs of Staff,
15 may credit an officer with having completed a full tour of
16 duty in a joint duty assignment upon the officer’s comple-
17 tion of service described in paragraph (2) or may grant
18 credit for such service for purposes of determining the cu-
19 mulative service of the officer in joint duty assignments.
20 The credit for such service may be granted without regard
21 to the length of the service (except as provided in regulations
22 pursuant to subparagraphs (A) and (B) of paragraph (4))
23 and without regard to whether the assignment in which the
24 service was performed is a joint duty assignment as defined
25 in regulations pursuant to section 668 of this title.

1 “(2) Service performed by an officer in a temporary
2 assignment on a joint task force or a multinational force
3 headquarters staff may be considered for credit under para-
4 graph (1) if—

5 “(A) the Secretary of Defense determines that the
6 service in that assignment provided significant expe-
7 rience in joint matters;

8 “(B) any portion of the service in that assign-
9 ment was performed on or after the date of the enact-
10 ment of the National Defense Authorization Act for
11 Fiscal Year 1996; and

12 “(C) the officer is recommended for such credit
13 by the Chief of Staff of the Army (for an officer in
14 the Army), the Chief of Naval Operations (for an offi-
15 cer in the Navy), the Chief of Staff of the Air Force
16 (for an officer in the Air Force), or the Commandant
17 of the Marine Corps (for an officer in the Marine
18 Corps).

19 “(3) Credit shall be granted under paragraph (1) on
20 a case-by-case basis.

21 “(4) The Secretary of Defense shall prescribe uniform
22 criteria for determining whether to grant an officer credit
23 under paragraph (1). The criteria shall include the follow-
24 ing:

1 “(A) For an officer to be credited as having com-
2 pleted a full tour of duty in a joint duty assignment,
3 the officer accumulated at least 24 months of service
4 in a temporary assignment referred to in paragraph
5 (2).

6 “(B) For an officer to be credited with service in
7 a joint duty assignment for purposes of determining
8 cumulative service in joint duty assignments, the offi-
9 cer accumulated at least 30 consecutive days of service
10 or 60 days of total service in a temporary assignment
11 referred to in paragraph (2).

12 “(C) The service was performed in support of a
13 mission that was directed by the President or was as-
14 signed by the President to United States forces in the
15 joint task force or multinational force involved.

16 “(D) The joint task force or multinational force
17 involved was constituted or designated by the Sec-
18 retary of Defense, by a commander of a combatant
19 command or of another force, or by a multinational
20 or United Nations command authority.

21 “(E) The joint task force or multinational force
22 involved conducted military combat or combat-related
23 operations or military operations other than war in
24 a unified action under joint, multinational, or United
25 Nations command and control.

1 “(5) Officers for whom joint duty credit is granted
2 pursuant to this subsection shall not be taken into account
3 for the purposes of section 661(d)(1) of this title, subsections
4 (a)(3) and (b) of section 662 of this title, section 664(a)
5 of this title, or paragraph (7), (8), (9), (11), or (12) of sec-
6 tion 667 of this title.

7 “(6) In the case of an officer credited with having com-
8 pleted a full tour of duty in a joint duty assignment pursu-
9 ant to this subsection, the Secretary of Defense may waive
10 the requirement in paragraph (1)(B) of section 661(c) of
11 this title that the tour of duty in a joint duty assignment
12 be performed after the officer completes a program of edu-
13 cation referred to in paragraph (1)(A) of that section.”.

14 (c) INFORMATION IN ANNUAL REPORT.—Section 667
15 of such title is amended—

16 (1) by redesignating paragraph (18) as para-
17 graph (19); and

18 (2) by inserting after paragraph (17) the follow-
19 ing new paragraph (18):

20 “(18) The number of officers granted credit for
21 service in joint duty assignments under section 664(i)
22 of this title and—

23 “(A) of those officers—

1 “(i) the number of officers credited
2 with having completed a tour of duty in a
3 joint duty assignment; and

4 “(ii) the number of officers granted
5 credit for purposes of determining cumu-
6 lative service in joint duty assignments;
7 and

8 “(B) the identity of each operation for
9 which an officer has been granted credit pursu-
10 ant to section 664(i) of this title and a brief de-
11 scription of the mission of the operation.”.

12 (d) *GENERAL AND FLAG OFFICER EXEMPTION FROM*
13 *WAIVER LIMITS.*—Section 661(c)(3)(D) of such title is
14 amended by inserting “, other than for general or flag offi-
15 cers,” in the third sentence after “during any fiscal year”.

16 (e) *LENGTH OF SECOND JOINT TOUR.*—Section 664
17 of such title is amended—

18 (1) in subsection (e)(2), by inserting after sub-
19 paragraph (B) the following:

20 “(C) Service described in subsection (f)(6), except
21 that no more than 10 percent of all joint duty assign-
22 ments shown on the list published pursuant to section
23 668(b)(2)(A) of this title may be so excluded in any
24 year.”; and

25 (2) in subsection (f)—

1 (A) by striking out “or” at the end of para-
2 graph (4);

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

6 (C) by adding at the end the following:

7 “(6) a second joint duty assignment that is less
8 than the period required under subsection (a), but not
9 less than 2 years, without regard to whether a waiver
10 was granted for such assignment under subsection
11 (b).”.

12 **SEC. 502. REVISION OF SERVICE OBLIGATION FOR GRAD-**
13 **UATES OF THE SERVICE ACADEMIES.**

14 (a) *MILITARY ACADEMY*.—Section 4348(a)(2)(B) of
15 such title is amended by striking out “six years” and insert-
16 ing in lieu thereof “five years”.

17 (b) *NAVAL ACADEMY*.—Section 6959(a)(2)(B) of such
18 title is amended by striking out “six years” and inserting
19 in lieu thereof “five years”.

20 (c) *AIR FORCE ACADEMY*.—Section 9348(a)(2)(B) of
21 such title is amended by striking out “six years” and insert-
22 ing in lieu thereof “five years”.

23 (d) *REQUIREMENT FOR REVIEW AND REPORT*.—Not
24 later than April 1, 1996, the Secretary of Defense shall—

1 (1) review the effects that each of various periods
2 of obligated active duty service for graduates of the
3 United States Military Academy, the United States
4 Naval Academy, and the United States Air Force
5 Academy would have on the number and quality of
6 the eligible and qualified applicants seeking appoint-
7 ment to such academies; and

8 (2) submit to the Committee on Armed Services
9 of the Senate and the Committee on National Secu-
10 rity of the House of Representatives a report on the
11 Secretary's findings together with any recommended
12 legislation regarding the minimum periods of obli-
13 gated active duty service for graduates of the United
14 States Military Academy, the United States Naval
15 Academy, and the United States Air Force Academy.

16 (e) *EFFECTIVE DATE.*—(1) The amendments made by
17 this section shall apply to persons who are first admitted
18 to military service academies after December 31, 1991.

19 (2) Section 511(e) of the National Defense Authoriza-
20 tion Act for Fiscal Years 1990 and 1991 (Public Law 101-
21 189; 103 Stat. 1439; 10 U.S.C. 2114 note) is amended—

22 (A) by striking out “amendments made by this
23 section” and inserting in lieu thereof “amendment
24 made by subsection (a)”; and

1 (B) by striking out “or one of the service acad-
2 emies”.

3 **SEC. 503. QUALIFICATIONS FOR APPOINTMENT AS SUR-**
4 **GEON GENERAL OF AN ARMED FORCE.**

5 (a) *SURGEON GENERAL OF THE ARMY.*—Section 3036
6 of title 10, United States Code, is amended—

7 (1) in subsection (b), by inserting after the third
8 sentence the following: “The Surgeon General shall be
9 appointed as prescribed in subsection (f).”; and

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

12 “(f) The President shall appoint the Surgeon General
13 from among commissioned officers in any corps of the Army
14 Medical Department who are educationally and profes-
15 sionally qualified to furnish health care to other persons,
16 including doctors of medicine, dentistry, and osteopathy,
17 nurses, and clinical psychologists.”.

18 (b) *SURGEON GENERAL OF THE NAVY.*—Section 5137
19 of title 10, United States Code, is amended—

20 (1) in the first sentence of subsection (a), by
21 striking out “in the Medical Corps” and inserting in
22 lieu thereof “who are educationally and professionally
23 qualified to furnish health care to other persons, in-
24 cluding doctors of medicine, dentistry, and osteop-
25 athy, nurses, and clinical psychologists”; and

1 (2) *in subsection (b), by striking out “in the*
2 *Medical Corps” and inserting in lieu thereof “who is*
3 *qualified to be the Chief of the Bureau of Medicine*
4 *and Surgery”.*

5 (c) *SURGEON GENERAL OF THE AIR FORCE.*—The
6 *first sentence of section 8036 of title 10, United States Code,*
7 *is amended by striking out “designated as medical officers*
8 *under section 8067(a) of this title” and inserting in lieu*
9 *thereof “educationally and professionally qualified to fur-*
10 *nish health care to other persons, including doctors of medi-*
11 *cine, dentistry, and osteopathy, nurses, and clinical*
12 *psychologists”.*

13 **SEC. 504. DEPUTY JUDGE ADVOCATE GENERAL OF THE AIR**
14 **FORCE.**

15 (a) *TENURE AND GRADE OF DEPUTY JUDGE ADVO-*
16 *CATE GENERAL.*—Section 8037(d)(1) of such title is amend-
17 *ed—*

18 (1) *by striking out “two years” in the second*
19 *sentence and inserting in lieu thereof “four years”,*
20 *and*

21 (2) *by striking out the last sentence and insert-*
22 *ing in lieu thereof the following: “An officer ap-*
23 *pointed as Deputy Judge Advocate General who holds*
24 *a lower regular grade shall be appointed in the regu-*
25 *lar grade of major general.”.*

1 (b) *SAVINGS PROVISION.*—*The amendments made by*
2 *this section shall not apply to a person serving pursuant*
3 *to appointment in the position of Deputy Judge Advocate*
4 *General of the Air Force while such person is serving the*
5 *term for which the person was appointed to such position*
6 *before the date of the enactment of this Act and any exten-*
7 *sion of such term.*

8 ***SEC. 505. RETIRING GENERAL AND FLAG OFFICERS: APPLI-***
9 ***CABILITY OF UNIFORM CRITERIA AND PROCE-***
10 ***DURES FOR RETIRING IN HIGHEST GRADE IN***
11 ***WHICH SERVED.***

12 (a) *APPLICABILITY OF TIME-IN-GRADE REQUIRE-*
13 *MENTS.*—*Section 1370 of title 10, United States Code, is*
14 *amended—*

15 (1) *in subsection (a)(2)(A), by striking out “and*
16 *below lieutenant general or vice admiral”;* and

17 (2) *in the first sentence of subsection (d)(2)(B),*
18 *as added by section 1641 of the Reserve Officer Per-*
19 *sonnel Management Act (title XVI of Public Law*
20 *103–337; 108 Stat. 2968), by striking out “and below*
21 *lieutenant general or vice admiral”.*

22 (b) *RETIREMENT IN HIGHEST GRADE UPON CERTIFI-*
23 *CATION OF SATISFACTORY SERVICE.*—*Section 1370(c) of*
24 *title 10, United States Code, is amended—*

1 (1) *by striking out “Upon retirement an officer”*
2 *and inserting in lieu thereof “An officer”; and*

3 (2) *by striking out “may, in the discretion” and*
4 *all that follows and inserting in lieu thereof “may be*
5 *retired in the higher grade under subsection (a) only*
6 *after the Secretary of Defense certifies in writing to*
7 *the President and the Senate that the officer served on*
8 *active duty satisfactorily in that grade. The 3-year*
9 *time-in-grade requirement in paragraph (2)(A) of*
10 *subsection (a) may not be reduced or waived under*
11 *such subsection in the case of such an officer while the*
12 *officer is under investigation for alleged misconduct*
13 *or while disposition of an adverse personnel action is*
14 *pending against the officer for alleged misconduct.”.*

15 (c) *CONFORMING AMENDMENTS.—Sections 3962(a),*
16 *5034, and 8962(a) of title 10, United States Code, are re-*
17 *pealed.*

18 (d) *TECHNICAL AND CLERICAL AMENDMENTS.—(1)*
19 *Sections 3962(b) and 8962(b) of such title are amended by*
20 *striking out “(b) Upon” and inserting in lieu thereof*
21 *“Upon”.*

22 (2) *The table of sections at the beginning of chapter*
23 *505 of such title is amended by striking out the item relat-*
24 *ing to section 5034.*

1 **SEC. 507. RESTRICTIONS ON WEARING INSIGNIA FOR HIGH-**
2 **ER GRADE BEFORE PROMOTION.**

3 (a) *ACTIVE-DUTY LIST.*—(1) *Subchapter II of chapter*
4 *36 of title 10, United States Code, is amended by inserting*
5 *after section 624 the following:*

6 **“§ 624a. Restrictions on frocking**

7 “(a) *RESTRICTIONS.*—*An officer may not be frocked*
8 *to a grade unless—*

9 “(1) *the Senate has confirmed by advice and*
10 *consent a nomination of the officer for promotion to*
11 *that grade; and*

12 “(2) *the officer is serving in, or has been ordered*
13 *to, a position for which that grade is authorized.*

14 “(b) *BENEFITS NOT TO ACCRUE.*—(1) *An officer*
15 *frocked to a grade may not, on the basis of the frocking—*

16 “(A) *be paid the rate of pay provided for an offi-*
17 *cer in that grade having the same number of years of*
18 *service as the frocked officer; or*

19 “(B) *assume any legal authority associated with*
20 *that grade.*

21 “(2) *The period for which an officer is frocked to a*
22 *grade may not be taken into account for any of the follow-*
23 *ing purposes:*

24 “(A) *Seniority in that grade.*

25 “(B) *Time of service in that grade.*

1 “(c) *NUMBERS OF ACTIVE-DUTY LIST OFFICERS*
2 *FROCKED TO GRADE O-7.*—The number of officers on the
3 active-duty list who are authorized by frocking to wear the
4 insignia for the grade of brigadier general or, in the Navy,
5 rear admiral (lower half) may not exceed 35.

6 “(d) *NUMBERS OF ACTIVE-DUTY LIST OFFICERS*
7 *FROCKED TO GRADES O-4, O-5, AND O-6.*—The number
8 of officers of an armed force on the active-duty list who are
9 authorized by frocking to wear the insignia for a grade to
10 which a limitation on total number applies under section
11 523(a) of this title for a fiscal year may not exceed one
12 percent of the total number provided for the officers in that
13 grade in that armed force in the administration of the limi-
14 tation under such section 523(a) for such fiscal year.

15 “(e) *DEFINITION.*—In this section, the term ‘frock’,
16 with respect to an officer, means to authorize the officer to
17 wear the insignia of a higher grade before being promoted
18 to that grade.”.

19 (2) The table of sections at the beginning of subchapter
20 II of chapter 36 of such title is amended by inserting after
21 the item relating to section 624 the following:

“624a. Restrictions on frocking.”.

22 (b) *TEMPORARY VARIATION OF LIMITATIONS ON NUM-*
23 *BERS OF FROCKED OFFICERS.*—(1) In the administration
24 of section 624a(c) of title 10, United States Code (as added
25 by subsection (a)), for fiscal years 1996 and 1997, the maxi-

1 *num number applicable to officers on the active-duty list*
2 *who are authorized by frocking to wear the insignia for the*
3 *grade of brigadier general or, in the Navy, rear admiral*
4 *(lower half) is as follows:*

5 (A) *During fiscal year 1996, 75 officers.*

6 (B) *During fiscal year 1997, 55 officers.*

7 (2) *In the administration of section 624a(d) of title*
8 *10, United States Code (as added by subsection (a)), for*
9 *fiscal year 1996, the percent limitation applied under that*
10 *section shall be two percent instead of one percent.*

11 (c) *DEFINITION.—In this section, the term ‘frock’, with*
12 *respect to an officer, means to authorize the officer to wear*
13 *the insignia of a higher grade before being promoted to that*
14 *grade.*

15 **SEC. 508. DIRECTOR OF ADMISSIONS, UNITED STATES MILI-**
16 **TARY ACADEMY: RETIREMENT FOR YEARS OF**
17 **SERVICE.**

18 (a) *AUTHORITY TO DIRECT RETIREMENT.—Section*
19 *3920 of title 10, United States Code, is amended to read*
20 *as follows:*

21 **“§ 3920. More than thirty years: permanent professors**
22 **and the Director of Admissions of United**
23 **States Military Academy**

24 *“(a) AUTHORITY TO DIRECT RETIREMENT.—The Sec-*
25 *retary of the Army may retire any of the personnel of the*

1 *United States Military Academy described in subsection (b)*
 2 *who has more than 30 years of service as a commissioned*
 3 *officer.*

4 “(b) *APPLICABILITY.*—*The authority under subsection*
 5 *(a) may be exercised in the case of the following personnel:*

6 “(1) *A permanent professor.*

7 “(2) *The Director of Admissions.*”

8 (b) *CLERICAL AMENDMENT.*—*The item relating to*
 9 *such section in the table of sections at the beginning of chap-*
 10 *ter 367 of such title is amended to read as follows:*

“3920. More than thirty years: permanent professors and the Director of Admissions of United States Military Academy.”.

11 ***Subtitle B—Matters Relating to***
 12 ***Reserve Components***

13 ***SEC. 511. MOBILIZATION INCOME INSURANCE PROGRAM***
 14 ***FOR MEMBERS OF READY RESERVE.***

15 (a) *ESTABLISHMENT OF PROGRAM.*—(1) *Subtitle E of*
 16 *title 10, United States Code, is amended by inserting after*
 17 *chapter 1213 the following new chapter:*

18 ***“CHAPTER 1214—READY RESERVE INCOME***
 19 ***INSURANCE***

“Sec.

“12521. Definitions.

“12522. Establishment of insurance program.

“12523. Risk insured.

“12524. Enrollment and election of benefits.

“12525. Benefit amounts.

“12526. Premiums.

“12527. Payment of premiums.

“12528. Department of Defense Ready Reserve Income Insurance Fund.

“12529. Board of Actuaries.

“12530. Payment of benefits.

“12531. Purchase of insurance.

“12532. Termination for nonpayment of premiums; forfeiture.

1 **“§ 12521. Definitions**

2 *“In this chapter:*

3 *“(1) The term ‘insurance program’ means the*
4 *Department of Defense Ready Reserve Income Insur-*
5 *ance Program established under section 12522 of this*
6 *title.*

7 *“(2) The term ‘covered service’ means active duty*
8 *performed by a member of a reserve component under*
9 *an order to active duty for a period of more than 30*
10 *days which specifies that the member’s service—*

11 *“(A) is in support of an operational mis-*
12 *sion for which members of the reserve compo-*
13 *nents have been ordered to active duty without*
14 *their consent; or*

15 *“(B) is in support of forces activated during*
16 *a period of war declared by Congress or a period*
17 *of national emergency declared by the President*
18 *or Congress.*

19 *“(3) The term ‘insured member’ means a member*
20 *of the Ready Reserve who is enrolled for coverage*
21 *under the insurance program in accordance with sec-*
22 *tion 12524 of this title.*

23 *“(4) The term ‘Secretary’ means the Secretary of*
24 *Defense.*

1 “(5) The term ‘Department’ means the Depart-
2 ment of Defense.

3 “(6) The term ‘Board of Actuaries’ means the
4 Department of Defense Education Benefits Board of
5 Actuaries referred to in section 2006(e)(1) of this title.

6 “(7) The term ‘Fund’ means the Department of
7 Defense Ready Reserve Income Insurance Fund estab-
8 lished by section 12528(a) of this title.

9 **“§ 12522. Establishment of insurance program**

10 “(a) *ESTABLISHMENT.*—The Secretary shall establish
11 for members of the Ready Reserve an insurance program
12 to be known as the ‘Department of Defense Ready Reserve
13 Income Insurance Program’.

14 “(b) *ADMINISTRATION.*—The insurance program shall
15 be administered by the Secretary. The Secretary may pre-
16 scribe in regulations such rules, procedures, and policies as
17 the Secretary considers necessary or appropriate to carry
18 out the insurance program.

19 **“§ 12523. Risk insured**

20 “(a) *IN GENERAL.*—The insurance program shall in-
21 sure members of the Ready Reserve against the risk of being
22 ordered into covered service.

23 “(b) *ENTITLEMENT TO BENEFITS.*—(1) An insured
24 member ordered into covered service shall be entitled to pay-
25 ment of a benefit for each month (and fraction thereof) of

1 covered service that exceeds 30 days of covered service, ex-
2 cept that no member may be paid under the insurance pro-
3 gram for more than 12 months of covered service served dur-
4 ing any period of 18 consecutive months.

5 “(2) Payment shall be based solely on the insured sta-
6 tus of a member and on the period of covered service served
7 by the member. Proof of loss of income or of expenses in-
8 curred as a result of covered service may not be required.

9 **“§ 12524. Enrollment and election of benefits**

10 “(a) ENROLLMENT.—(1) Except as provided in sub-
11 section (f), upon first becoming a member of the Ready Re-
12 serve, a member shall be automatically enrolled for coverage
13 under the insurance program. An automatic enrollment of
14 a member shall be void if within 30 days after first becom-
15 ing a member of the Ready Reserve the member declines
16 insurance under the program in accordance with the regu-
17 lations prescribed by the Secretary.

18 “(2) Promptly after the insurance program is estab-
19 lished, the Secretary shall offer to members of the reserve
20 components who are then members of the Ready Reserve
21 (other than members ineligible under subsection (f)) an op-
22 portunity to enroll for coverage under the insurance pro-
23 gram. A member who fails to enroll within 30 days after
24 being offered the opportunity shall be considered as having
25 declined to be insured under the program.

1 “(3) A member of the Ready Reserve ineligible to enroll
2 under subsection (f) shall be afforded an opportunity to en-
3 roll upon being released from active duty if the member has
4 not previously had the opportunity to be enrolled under
5 paragraph (1) or (2). A member who fails to enroll within
6 30 days after being afforded that opportunity shall be con-
7 sidered as having declined to be insured under the program.

8 “(b) *ELECTION OF BENEFIT AMOUNT.*—The amount of
9 a member’s monthly benefit under an enrollment shall be
10 the basic benefit under subsection (a) of section 12525 of
11 this title unless the member elects a different benefit under
12 subsection (b) of such section within 30 days after first be-
13 coming a member of the Ready Reserve or within 30 days
14 after being offered the opportunity to enroll, as the case may
15 be.

16 “(c) *ELECTIONS IRREVOCABLE.*—(1) An election to de-
17 cline insurance pursuant to paragraph (1) or (2) of sub-
18 section (a) is irrevocable.

19 “(2) Subject to subsection (d), the amount of coverage
20 may not be changed after enrollment.

21 “(d) *ELECTION TO TERMINATE.*—A member may ter-
22 minate an enrollment at any time.

23 “(e) *INFORMATION TO BE FURNISHED.*—The Sec-
24 retary shall ensure that members referred to in subsection
25 (a) are given a written explanation of the insurance pro-

1 gram and are advised that they have the right to decline
2 to be insured and, if not declined, to elect coverage for a
3 reduced benefit or an enhanced benefit under subsection (b).

4 “(f) MEMBERS INELIGIBLE TO ENROLL.—Members of
5 the Ready Reserve serving on active duty (or full-time Na-
6 tional Guard duty) are not eligible to enroll for coverage
7 under the insurance program. The Secretary may define
8 any additional category of members of the Ready Reserve
9 to be excluded from eligibility to purchase insurance under
10 this chapter.

11 **“§ 12525. Benefit amounts**

12 “(a) BASIC BENEFIT.—The basic benefit for an in-
13 sured member under the insurance program is \$1,000 per
14 month (as adjusted under subsection (d)).

15 “(b) REDUCED AND ENHANCED BENEFITS.—Under
16 the regulations prescribed by the Secretary, a person en-
17 rolled for coverage under the insurance program may
18 elect—

19 “(1) a reduced coverage benefit equal to one-half
20 the amount of the basic benefit; or

21 “(2) an enhanced benefit in the amount of
22 \$1,500, \$2,000, \$2,500, \$3,000, \$3,500, \$4,000,
23 \$4,500, or \$5,000 per month (as adjusted under sub-
24 section (d)).

1 “(c) *AMOUNT FOR PARTIAL MONTH.*—The amount of
2 insurance payable to an insured member for any period
3 of covered service that is less than one month shall be deter-
4 mined by multiplying $\frac{1}{30}$ of the monthly benefit rate for
5 the member by the number of days of the covered service
6 served by the member during such period.

7 “(d) *ADJUSTMENT OF AMOUNTS.*—(1) The Secretary
8 shall determine annually the effect of inflation on benefits
9 and shall adjust the amounts set forth in subsections (a)
10 and (b)(2) to maintain the constant dollar value of the bene-
11 fit.

12 “(2) If the amount of a benefit as adjusted under para-
13 graph (1) is not evenly divisible by \$10, the amount shall
14 be rounded to the nearest multiple of \$10, except that an
15 amount evenly divisible by \$5 but not by \$10 shall be
16 rounded to the next lower amount that is evenly divisible
17 by \$10.

18 **“§ 12526. Premiums**

19 “(a) *ESTABLISHMENT OF RATES.*—(1) The Secretary,
20 in consultation with the Board of Actuaries, shall prescribe
21 the premium rates for insurance under the insurance pro-
22 gram.

23 “(2) The Secretary shall prescribe a fixed premium
24 rate for each \$1,000 of monthly insurance benefit. The pre-
25 mium amount shall be equal to the share of the cost attrib-

1 *utable to insuring the member and shall be the same for*
2 *all members of the Ready Reserve who are insured under*
3 *the insurance program for the same benefit amount. The*
4 *Secretary shall prescribe the rate on the basis of the best*
5 *available estimate of risk and financial exposure, levels of*
6 *subscription by members, and other relevant factors.*

7 “(b) *LEVEL PREMIUMS.—The premium rate pre-*
8 *scribed for the first year of insurance coverage of an insured*
9 *member shall be continued without change for subsequent*
10 *years of insurance coverage, except that the Secretary, after*
11 *consultation with the Board of Actuaries, may adjust the*
12 *premium rate in order to fund inflation-adjusted benefit in-*
13 *creases on an actuarially sound basis.*

14 **“§ 12527. Payment of premiums**

15 “(a) *METHODS OF PAYMENT.—(1) The monthly pre-*
16 *mium for coverage of a member under the insurance pro-*
17 *gram shall be deducted and withheld from the insured mem-*
18 *ber’s basic pay for inactive duty training each month.*

19 “(2) *An insured member who does not receive pay on*
20 *a monthly basis shall pay the Secretary directly the pre-*
21 *mium amount applicable for the level of benefits for which*
22 *the member is insured.*

23 “(b) *ADVANCE PAY FOR PREMIUM.—The Secretary*
24 *concerned may advance to an insured member the amount*
25 *equal to the first insurance premium payment due under*

1 *this chapter. The advance may be paid out of appropria-*
2 *tions for military pay. An advance to a member shall be*
3 *collected from the member either by deducting and withhold-*
4 *ing the amount from basic pay payable for the member or*
5 *by collecting it from the member directly. No disbursing or*
6 *certifying officer shall be responsible for any loss resulting*
7 *from an advance under this subsection.*

8 “(c) *PREMIUMS TO BE DEPOSITED IN FUND.—Pre-*
9 *mium amounts deducted and withheld from the basic pay*
10 *of insured members and premium amounts paid directly*
11 *to the Secretary shall be credited to the Fund.*

12 **“§ 12528. Department of Defense Ready Reserve In-**
13 **come Insurance Fund**

14 “(a) *ESTABLISHMENT.—There is established on the*
15 *books of the Treasury a fund to be known as the ‘Depart-*
16 *ment of Defense Ready Reserve Income Insurance Fund’,*
17 *which shall be administered by the Secretary of the Treas-*
18 *ury. The Fund shall be used for the accumulation of funds*
19 *in order to finance the liabilities of the insurance program*
20 *on an actuarially sound basis.*

21 “(b) *ASSETS OF FUND.—There shall be deposited into*
22 *the Fund the following:*

23 “(1) *Premiums paid under section 12527 of this*
24 *title.*

25 “(2) *Any amount appropriated to the Fund.*

1 “(3) Any return on investment of the assets of
2 the Fund.

3 “(c) AVAILABILITY.—Amounts in the Fund shall be
4 available for paying insurance benefits under the insurance
5 program.

6 “(d) INVESTMENT OF ASSETS OF FUND.—The Sec-
7 retary of the Treasury shall invest such portion of the Fund
8 as is not in the judgment of the Secretary of Defense re-
9 quired to meet current liabilities. Such investments shall
10 be in public debt securities with maturities suitable to the
11 needs of the Fund, as determined by the Secretary of De-
12 fense, and bearing interest at rates determined by the Sec-
13 retary of the Treasury, taking into consideration current
14 market yields on outstanding marketable obligations of the
15 United States of comparable maturities. The income on
16 such investments shall be credited to the Fund.

17 “(e) ANNUAL ACCOUNTING.—At the beginning of each
18 fiscal year, the Secretary, in consultation with the Board
19 of Actuaries and the Secretary of the Treasury, shall deter-
20 mine the following:

21 “(1) The projected amount of the premiums to be
22 collected, investment earnings to be received, and any
23 transfers or appropriations to be made for the Fund
24 for that fiscal year.

1 “(2) *The amount for that fiscal year of any cu-*
2 *mulative unfunded liability (including any negative*
3 *amount or any gain to the Fund) resulting from pay-*
4 *ments of benefits.*

5 “(3) *The amount for that fiscal year (including*
6 *any negative amount) of any cumulative actuarial*
7 *gain or loss to the Fund.*

8 **“§ 12529. Board of Actuaries**

9 “(a) *ACTUARIAL RESPONSIBILITY.—The Board of Ac-*
10 *tuaries shall have the actuarial responsibility for the insur-*
11 *ance program.*

12 “(b) *VALUATIONS AND PREMIUM RECOMMENDA-*
13 *TIONS.—The Board of Actuaries shall carry out periodic*
14 *actuarial valuations of the benefits under the insurance pro-*
15 *gram and determine a premium rate methodology for the*
16 *Secretary to use in setting premium rates for the insurance*
17 *program. The Board shall conduct the first valuation and*
18 *determine a premium rate methodology not later than six*
19 *months after the insurance program is established.*

20 “(c) *EFFECTS OF CHANGED BENEFITS.—If at the time*
21 *of any actuarial valuation under subsection (b) there has*
22 *been a change in benefits under the insurance program that*
23 *has been made since the last such valuation and such*
24 *change in benefits increases or decreases the present value*
25 *of amounts payable from the Fund, the Board of Actuaries*

1 *shall determine a premium rate methodology, and rec-*
2 *ommend to the Secretary a premium schedule, for the liq-*
3 *uidation of any liability (or actuarial gain to the Fund)*
4 *resulting from such change and any previous such changes*
5 *so that the present value of the sum of the scheduled pre-*
6 *mium payments (or reduction in payments that would oth-*
7 *erwise be made) equals the cumulative increase (or decrease)*
8 *in the present value of such benefits.*

9 “(d) *ACTUARIAL GAINS OR LOSSES.—If at the time*
10 *of any such valuation the Board of Actuaries determines*
11 *that there has been an actuarial gain or loss to the Fund*
12 *as a result of changes in actuarial assumptions since the*
13 *last valuation or as a result of any differences, between ac-*
14 *tual and expected experience since the last valuation, the*
15 *Board shall recommend to the Secretary a premium rate*
16 *schedule for the amortization of the cumulative gain or loss*
17 *to the Fund resulting from such changes in assumptions*
18 *and any previous such changes in assumptions or from the*
19 *differences in actual and expected experience, respectively,*
20 *through an increase or decrease in the payments that would*
21 *otherwise be made to the Fund.*

22 “(e) *INSUFFICIENT ASSETS.—If at any time liabilities*
23 *of the Fund exceed assets of the Fund as a result of members*
24 *of the Ready Reserve being ordered to active duty as de-*
25 *scribed in section 12521(2) of this title, and funds are un-*

1 available to pay benefits completely, the Secretary shall re-
2 quest the President to submit to Congress a request for a
3 special appropriation to cover the unfunded liability. If ap-
4 propriations are not made to cover an unfunded liability
5 in any fiscal year, the Secretary shall reduce the amount
6 of the benefits paid under the insurance program to a total
7 amount that does not exceed the assets of the Fund expected
8 to accrue by the end of such fiscal year. Benefits that cannot
9 be paid because of such a reduction shall be deferred and
10 may be paid only after and to the extent that additional
11 funds become available.

12 “(f) DEFINITION OF PRESENT VALUE.—The Board of
13 Actuaries shall define the term ‘present value’ for purposes
14 of this subsection.

15 **“§ 12530. Payment of benefits**

16 “(a) COMMENCEMENT OF PAYMENT.—An insured
17 member who serves in excess of 30 days of covered service
18 shall be paid the amount to which such member is entitled
19 on a monthly basis beginning not later than one month
20 after the 30th day of covered service.

21 “(b) METHOD OF PAYMENT.—The Secretary shall pre-
22 scribe in the regulations the manner in which payments
23 shall be made to the member or to a person designated in
24 accordance with subsection (c).

1 “(c) *DESIGNATED RECIPIENTS.*—(1) *A member may*
2 *designate in writing another person (including a spouse,*
3 *parent, or other person with an insurable interest, as deter-*
4 *mined in accordance with the regulations prescribed by the*
5 *Secretary) to receive payments of insurance benefits under*
6 *the insurance program.*

7 “(2) *A member may direct that payments of insurance*
8 *benefits for a person designated under paragraph (1) be de-*
9 *posited with a bank or other financial institution to the*
10 *credit of the designated person.*

11 “(d) *RECIPIENTS IN EVENT OF DEATH OF INSURED*
12 *MEMBER.*—*Any insurance payable under the insurance*
13 *program on account of a deceased member’s period of cov-*
14 *ered service shall be paid, upon the establishment of a valid*
15 *claim, to the beneficiary or beneficiaries which the deceased*
16 *member designated in writing. If no such designation has*
17 *been made, the amount shall be payable in accordance with*
18 *the laws of the State of the member’s domicile.*

19 “**§ 12531. Purchase of insurance**

20 “(a) *PURCHASE AUTHORIZED.*—*The Secretary may,*
21 *instead of or in addition to underwriting the insurance pro-*
22 *gram through the Fund, purchase from one or more insur-*
23 *ance companies a policy or policies of group insurance in*
24 *order to provide the benefits required under this chapter.*
25 *The Secretary may waive any requirement for full and open*

1 *competition in order to purchase an insurance policy under*
2 *this subsection.*

3 “(b) *ELIGIBLE INSURERS.*—*In order to be eligible to*
4 *sell insurance to the Secretary for purposes of subsection*
5 *(a), an insurance company shall—*

6 “(1) *be licensed to issue insurance in each of the*
7 *50 States and in the District of Columbia; and*

8 “(2) *as of the most recent December 31 for which*
9 *information is available to the Secretary, have in ef-*
10 *fect at least one percent of the total amount of insur-*
11 *ance that all such insurance companies have in effect*
12 *in the United States.*

13 “(c) *ADMINISTRATIVE PROVISIONS.*—(1) *An insurance*
14 *company that issues a policy for purposes of subsection (a)*
15 *shall establish an administrative office at a place and under*
16 *a name designated by the Secretary.*

17 “(2) *For the purposes of carrying out this chapter, the*
18 *Secretary may use the facilities and services of any insur-*
19 *ance company issuing any policy for purposes of subsection*
20 *(a), may designate one such company as the representative*
21 *of the other companies for such purposes, and may contract*
22 *to pay a reasonable fee to the designated company for its*
23 *services.*

24 “(d) *REINSURANCE.*—*The Secretary shall arrange*
25 *with each insurance company issuing any policy for pur-*

1 10, United States Code, are amended by inserting after the
2 item relating to chapter 1213 the following new item:

“1214. Ready Reserve Income Insurance 12521”.

3 (b) *EFFECTIVE DATE*.—The insurance program pro-
4 vided for in chapter 1214 of title 10, United States Code,
5 as added by subsection (a), and the requirement for deduc-
6 tions and contributions for that program shall take effect
7 on September 30, 1996, or on any earlier date declared by
8 the Secretary and published in the Federal Register.

9 **SEC. 512. ELIGIBILITY OF DENTISTS TO RECEIVE ASSIST-**
10 **ANCE UNDER THE FINANCIAL ASSISTANCE**
11 **PROGRAM FOR HEALTH CARE PROFES-**
12 **SIONALS IN RESERVE COMPONENTS.**

13 Section 16201(b) of title 10, United States Code, is
14 amended—

15 (1) by striking out “(b) *PHYSICIANS IN CRITICAL*
16 *SPECIALTIES*.—” and inserting in lieu thereof “(b)
17 *PHYSICIANS AND DENTISTS IN CRITICAL SPECIAL-*
18 *TIES*.—”;

19 (2) in paragraph (1)—

20 (A) by inserting “or dental school” in sub-
21 paragraph (A) after “medical school”;

22 (B) by inserting “or as a dental officer” in
23 subparagraph (B) after “medical officer”; and

24 (C) by striking out “physicians in a medi-
25 cal specialty designated” and inserting in lieu

1 *thereof “physicians or dentists in a medical spe-*
2 *cialty or dental specialty, respectively, that is*
3 *designated”;* and

4 (3) in paragraph (2)(B), by inserting “or dental
5 officer” after “medical officer”.

6 **SEC. 513. LEAVE FOR MEMBERS OF RESERVE COMPONENTS**

7 **PERFORMING PUBLIC SAFETY DUTY.**

8 (a) *ELECTION OF LEAVE TO BE CHARGED.*—Sub-
9 *section (b) of section 6323 of title 5, United States Code,*
10 *is amended by adding at the end the following: “Upon the*
11 *request of an employee, the period for which an employee*
12 *is absent to perform service described in paragraph (2) may*
13 *be charged to the employee’s accrued annual leave or to com-*
14 *pensatory time available to the employee instead of being*
15 *charged as leave to which the employee is entitled under*
16 *this subsection. The period of absence may not be charged*
17 *to sick leave.”.*

18 (b) *PAY FOR PERIOD OF ABSENCE.*—Section 5519 of
19 *such title is amended by striking out “entitled to leave” and*
20 *inserting in lieu thereof “granted military leave”.*

1 **Subtitle C—Uniform Code of**
2 **Military Justice**

3 **SEC. 521. REFERENCES TO UNIFORM CODE OF MILITARY**
4 **JUSTICE.**

5 *Except as otherwise expressly provided, whenever in*
6 *this subtitle an amendment or repeal is expressed in terms*
7 *of an amendment to, or repeal of, a section or other provi-*
8 *sion, the reference shall be considered to be made to a section*
9 *or other provision of chapter 47 of title 10, United States*
10 *Code (the Uniform Code of Military Justice).*

11 **SEC. 522. DEFINITIONS.**

12 *Section 801 (article 1) is amended by inserting after*
13 *paragraph (14) the following new paragraphs:*

14 “(15) The term ‘classified information’ means
15 *any information or material that has been deter-*
16 *mined by an official of the United States pursuant to*
17 *law, an Executive order, or regulation to require pro-*
18 *tection against unauthorized disclosure for reasons of*
19 *national security, and any restricted data, as defined*
20 *in section 11(y) of the Atomic Energy Act of 1954 (42*
21 *U.S.C. 2014(y)).*

22 “(16) The term ‘national security’ means the na-
23 *tional defense and foreign relations of the United*
24 *States.”.*

1 **SEC. 523. ARTICLE 32 INVESTIGATIONS.**

2 *Section 832 (article 32) is amended—*

3 *(1) by redesignating subsection (d) as subsection*
4 *(e); and*

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

7 *“(d) If evidence adduced in an investigation under this*
8 *article indicates that the accused committed an uncharged*
9 *offense, the investigating officer is authorized to investigate*
10 *the subject matter of such offense without the accused having*
11 *first been charged with the offense. If the accused was*
12 *present at such investigation, was informed of the nature*
13 *of each uncharged offense investigated, and was afforded the*
14 *opportunities for representation, cross-examination, and*
15 *presentation prescribed in subsection (b), no further inves-*
16 *tigation of such offense or offenses is necessary under this*
17 *article.”.*

18 **SEC. 524. REFUSAL TO TESTIFY BEFORE COURT-MARTIAL.**

19 *Section 847(b) (article 47(b)) is amended—*

20 *(1) by inserting “indictment or” in the first sen-*
21 *tence after “shall be tried on”; and*

22 *(2) in the second sentence, by striking out “shall*
23 *be” and all that follows and inserting in lieu thereof*
24 *“shall be fined or imprisoned, or both, at the court’s*
25 *discretion.”.*

1 **SEC. 525. COMMITMENT OF ACCUSED TO TREATMENT FA-**
2 **CILITY BY REASON OF LACK OF MENTAL CA-**
3 **PACITY OR MENTAL RESPONSIBILITY.**

4 (a) *APPLICABLE PROCEDURES.*—(1) Chapter 47 is
5 amended by inserting after section 850a (article 50a) the
6 following:

7 **“§ 850b. Art. 50b. Lack of mental capacity or mental**
8 **responsibility: commitment of accused for**
9 **examination and treatment**

10 “(a) *PERSONS INCOMPETENT TO STAND TRIAL.*—(1)
11 *In the case of a person determined under this chapter to*
12 *be presently suffering from a mental disease or defect ren-*
13 *dering the person mentally incompetent to the extent that*
14 *the person is unable to understand the nature of the pro-*
15 *ceedings against that person or to conduct or cooperate in-*
16 *telligently in the defense of the case, the general court-mar-*
17 *tial convening authority for that person shall commit the*
18 *person to the custody of the Attorney General.*

19 “(2) *The Attorney General shall take action in accord-*
20 *ance with section 4241(d) of title 18.*

21 “(3) *If at the end of the period for hospitalization pro-*
22 *vided for in section 4241(d) of title 18, it is determined*
23 *that the committed person’s mental condition has not so im-*
24 *proved as to permit the trial to proceed, action shall be*
25 *taken in accordance with section 4246 of such title.*

1 “(4)(A) When the director of a facility in which a per-
2 son is hospitalized pursuant to paragraph (2) determines
3 that the person has recovered to such an extent that the per-
4 son is able to understand the nature of the proceedings
5 against the person and to conduct or cooperate intelligently
6 in the defense of the case, the director shall promptly trans-
7 mit a notification of that determination to the Attorney
8 General and to the general court-martial convening author-
9 ity for the person. The director shall send a copy of the
10 notification to the person’s counsel.

11 “(B) Upon receipt of a notification, the general court-
12 martial convening authority shall promptly take custody
13 of the person unless the person covered by the notification
14 is no longer subject to this chapter. If the person is no longer
15 subject to this chapter, the Attorney General shall take any
16 action within the authority of the Attorney General that
17 the Attorney General considers appropriate regarding the
18 person.

19 “(C) The director of the facility may retain custody
20 of the person for not more than 30 days after transmitting
21 the notifications required by subparagraph (A).

22 “(5) In the application of section 4246 of title 18 to
23 a case under this subsection, references to the court that or-
24 dered the commitment of a person, and to the clerk of such
25 court, shall be deemed to refer to the general court-martial

1 *convening authority for that person. However, if the person*
2 *is no longer subject to this chapter at a time relevant to*
3 *the application of such section to the person, the United*
4 *States district court for the district where the person is hos-*
5 *pitalized or otherwise may be found shall be considered as*
6 *the court that ordered the commitment of the person.*

7 “(b) *PERSONS FOUND NOT GUILTY BY REASON OF*
8 *LACK OF MENTAL RESPONSIBILITY.—(1) If a person is*
9 *found by a court-martial not guilty only by reason of lack*
10 *of mental responsibility, the person shall be committed to*
11 *a suitable facility until the person is eligible for release in*
12 *accordance with this section.*

13 “(2) *The court-martial shall conduct a hearing on the*
14 *mental condition in accordance with subsection (c) of sec-*
15 *tion 4243 of title 18. Subsections (b) and (d) of that section*
16 *shall apply with respect to the hearing.*

17 “(3) *A report of the results of the hearing shall be made*
18 *to the general court-martial convening authority for the*
19 *person.*

20 “(4) *If the court-martial fails to find by the standard*
21 *specified in subsection (d) of section 4243 of title 18 that*
22 *the person’s release would not create a substantial risk of*
23 *bodily injury to another person or serious damage of prop-*
24 *erty of another due to a present mental disease or defect—*

1 “(A) the general court-martial convening author-
2 ity may commit the person to the custody of the At-
3 torney General; and

4 “(B) the Attorney General shall take action in
5 accordance with subsection (e) of section 4243 of title
6 18.

7 “(5) Subsections (f), (g), and (h) of section 4243 of
8 title 18 shall apply in the case of a person hospitalized pur-
9 suant to paragraph (4)(B), except that the United States
10 district court for the district where the person is hospital-
11 ized shall be considered as the court that ordered the per-
12 son’s commitment.

13 “(c) GENERAL PROVISIONS.—(1) Except as otherwise
14 provided in this subsection and subsection (d)(1), the provi-
15 sions of section 4247 of title 18 apply in the administration
16 of this section.

17 “(2) In the application of section 4247(d) of title 18
18 to hearings conducted by a court-martial under this section
19 or by (or by order of) a general court-martial convening
20 authority under this section, the reference in that section
21 to section 3006A of such title does not apply.

22 “(d) APPLICABILITY.—(1) The provisions of chapter
23 313 of title 18 referred to in this section apply according
24 to the provisions of this section notwithstanding section
25 4247(j) of title 18.

1 “(2) If the status of a person as described in section
2 802 of this title (article 2) terminates while the person is,
3 pursuant to this section, in the custody of the Attorney Gen-
4 eral, hospitalized, or on conditional release under a pre-
5 scribed regimen of medical, psychiatric, or psychological
6 care or treatment, the provisions of this section establishing
7 requirements and procedures regarding a person no longer
8 subject to this chapter shall continue to apply to that person
9 notwithstanding the change of status.”.

10 (2) The table of sections at the beginning of subchapter
11 VII of such chapter is amended by inserting after the item
12 relating to section 850a (article 50a) the following:

*“850b. 50b. Lack of mental capacity or mental responsibility: commitment of ac-
cused for examination and treatment.”.*

13 (b) *CONFORMING AMENDMENT.*—Section 802 of title
14 10, United States Code (article 2 of the Uniform Code of
15 Military Justice), is amended by adding at the end the fol-
16 lowing:

17 “(e) The provisions of this section are subject to section
18 850b(d)(2) of this title (article 50b(d)(2)).”.

19 (c) *EFFECTIVE DATE.*—Section 850b of title 10, Unit-
20 ed States Code (article 50b of the Uniform Code of Military
21 Justice), as added by subsection (a), shall take effect 180
22 days after the date of the enactment of this Act and shall
23 apply with respect to charges referred to courts-martial on
24 or after that effective date.

1 **SEC. 526. FORFEITURE OF PAY AND ALLOWANCES AND RE-**
2 **DUCTION IN GRADE.**

3 (a) *EFFECTIVE DATE OF PUNISHMENTS.*—Section
4 857(a) (article 57(a)) is amended to read as follows:

5 “(a)(1) Any forfeiture of pay, forfeiture of allowances,
6 or reduction in grade included in a sentence of a court-
7 martial takes effect on the earlier of—

8 “(A) the date that is 14 days after the date on
9 which the sentence is adjudged; or

10 “(B) the date on which the sentence is approved
11 by the convening authority.

12 “(2) On application by an accused, the convening au-
13 thority may defer any forfeiture of pay, forfeiture of allow-
14 ances, or reduction in grade that would otherwise become
15 effective under paragraph (1)(A) until the date on which
16 the sentence is approved by the convening authority. The
17 deferment may be rescinded at any time by the convening
18 authority.

19 “(3) A forfeiture of pay or allowances shall be collected
20 from pay accruing on and after the date on which the sen-
21 tence takes effect under paragraph (1). Periods during
22 which a sentence to forfeiture of pay or forfeiture of allow-
23 ances is suspended or deferred shall be excluded in comput-
24 ing the duration of the forfeiture.

25 “(4) In this subsection, the term ‘convening authority’,
26 with respect to a sentence of a court-martial, means any

1 *person authorized to act on the sentence under section 860*
2 *of this title (article 60).”.*

3 *(b) EFFECT OF PUNITIVE SEPARATION OR CONFINEMENT FOR ONE YEAR OR MORE.—(1) Subchapter VIII is*
4 *amended by inserting after section 858a (article 58a) the*
5 *following new section (article):*

6 ***“§ 858b. Art. 58b. Sentences: forfeiture of pay and al-***
7 ***lowances***
8

9 *“(a) A sentence adjudged by a court-martial that in-*
10 *cludes confinement for one year or more, death, dishonor-*
11 *able discharge, bad-conduct discharge, or dismissal shall re-*
12 *sult in the forfeiture of all pay and allowances due that*
13 *member during any period of confinement or parole. The*
14 *forfeiture required by this section shall take effect on the*
15 *date determined under section 857(a) of this title (article*
16 *57(a)) and may be deferred in accordance with that section.*

17 *“(b) In a case involving an accused who has depend-*
18 *ents, the convening authority or other person acting under*
19 *section 860 of this title (article 60) may waive any or all*
20 *of the forfeitures of pay and allowances required by sub-*
21 *section (a) for a period not to exceed six months. Any*
22 *amount of pay or allowances that, except for a waiver under*
23 *this subsection, would be forfeited shall be paid, as the con-*
24 *vening authority or other person taking action directs, to*
25 *the dependents of the accused.*

1 “(c) If the sentence of a member who forfeits pay and
2 allowances under subsection (a) is set aside or disapproved
3 or, as finally approved, does not provide for a punishment
4 referred to in subsection (a), the member shall be paid the
5 pay and allowances which the member would have been
6 paid, except for the forfeiture, for the period during which
7 the forfeiture was in effect.”.

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

 “858b. 58b. Sentences: forfeiture of pay and allowances.”.

11 (c) *APPLICABILITY.*—The amendments made by this
12 section shall apply to a case in which a sentence is adjudged
13 by a court-martial on or after the first day of the first
14 month that begins at least 30 days after the date of the
15 enactment of this Act.

16 **SEC. 527. DEFERMENT OF CONFINEMENT.**

17 Section 857 (article 57) is amended by striking out
18 subsection (e) and inserting in lieu thereof the following:

19 “(e)(1) When an accused in the custody of a State or
20 foreign country is returned temporarily to military au-
21 thorities for trial by court-martial and is later returned to
22 that State or foreign country under the authority of a mu-
23 tual agreement or treaty, the convening authority of the
24 court-martial may defer the service of the sentence to con-
25 finement without the consent of the accused. The deferment

1 *shall terminate when the accused is released permanently*
2 *to military authorities by the State or foreign country hav-*
3 *ing custody of the accused.*

4 “(2) *In this subsection, the term ‘State’ includes the*
5 *District of Columbia and any commonwealth, territory, or*
6 *possession of the United States.*

7 “(f) *While a review of a case under section 867(a)(2)*
8 *of this title (article 67(a)(2)) is pending, the Secretary con-*
9 *cerned or, when designated by the Secretary, an Under Sec-*
10 *retary, an Assistant Secretary, the Judge Advocate General,*
11 *or a commanding officer may defer further service of a sen-*
12 *tence to confinement which has been ordered executed in*
13 *such case.”.*

14 **SEC. 528. SUBMISSION OF MATTERS TO THE CONVENING**
15 **AUTHORITY FOR CONSIDERATION.**

16 *Section 860(b)(1) (article 60(b)(1)) is amended by in-*
17 *serting after the first sentence the following: “Any such sub-*
18 *mission shall be in writing.”.*

19 **SEC. 529. PROCEEDINGS IN REVISION.**

20 *Section 860(e)(2) (article 60(e)(2)) is amended by*
21 *striking out the first sentence and inserting in lieu thereof*
22 *the following: “A proceeding in revision may be ordered be-*
23 *fore authentication of the record of trial in order to correct*
24 *a clerical mistake in a judgment, order, or other part of*

1 *the record or any error in the record arising from oversight*
2 *or omission.”.*

3 **SEC. 530. APPEAL BY THE UNITED STATES.**

4 *Section 862(a)(1) (article 62(a)(1)) is amended to read*
5 *as follows:*

6 *“(a)(1)(A) In a trial by court-martial in which a mili-*
7 *tary judge presides and in which a punitive discharge may*
8 *be adjudged, the United States may appeal the following:*

9 *“(i) An order or ruling of the military judge*
10 *which terminates the proceedings with respect to a*
11 *charge or specification.*

12 *“(ii) An order or ruling which excludes evidence*
13 *that is substantial proof of a fact material in the pro-*
14 *ceeding.*

15 *“(iii) An order or ruling which directs the dis-*
16 *closure of classified information.*

17 *“(iv) An order or ruling which imposes sanctions*
18 *for nondisclosure of classified information.*

19 *“(v) A refusal of the military judge to issue a*
20 *protective order sought by the United States to pre-*
21 *vent the disclosure of classified information.*

22 *“(vi) A refusal by the military judge to enforce*
23 *an order described in clause (v) that has previously*
24 *been issued by appropriate authority.*

1 “(2) who has not attained the age of sixteen
2 years;
3 is guilty of carnal knowledge and shall be punished as a
4 court-martial may direct.”.

5 (b) *MISTAKE OF FACT*.—Such section (article) is fur-
6 ther amended by adding at the end the following new sub-
7 section:

8 “(d)(1) In a prosecution under subsection (b), it is an
9 affirmative defense that—

10 “(A) the person with whom the accused commit-
11 ted the act of sexual intercourse had at the time of the
12 alleged offense attained the age of twelve years; and

13 “(B) the accused reasonably believed that that
14 person had at the time of the alleged offense attained
15 the age of sixteen years.

16 “(2) The accused has the burden of proving a defense
17 under paragraph (1) by a preponderance of the evidence.”.

18 **SEC. 533. TIME AFTER ACCESSION FOR INITIAL INSTRUC-**
19 **TION IN THE UNIFORM CODE OF MILITARY**
20 **JUSTICE.**

21 Section 937(a)(1) (article 137(a)(1)) is amended by
22 striking out “within six days” and inserting in lieu thereof
23 “within fourteen days”.

1 **SEC. 534. TECHNICAL AMENDMENT.**

2 *Section 866(f) (article 66(f)) is amended by striking*
3 *out “Courts of Military Review” both places it appears and*
4 *inserting in lieu thereof “Courts of Criminal Appeals”.*

5 **SEC. 535. PERMANENT AUTHORITY CONCERNING TEM-**
6 **PORARY VACANCIES ON THE COURT OF AP-**
7 **PEALS FOR THE ARMED FORCES.**

8 *Section 1301 of the National Defense Authorization*
9 *Act for Fiscal Years 1990 and 1991 (Public Law 101-189;*
10 *103 Stat. 1569; 10 U.S.C. 942 note) is amended by striking*
11 *out subsection (i).*

12 **SEC. 536. ADVISORY PANEL ON UCMJ JURISDICTION OVER**
13 **CIVILIANS ACCOMPANYING THE ARMED**
14 **FORCES IN TIME OF ARMED CONFLICT.**

15 *(a) ESTABLISHMENT.—Not later than December 15,*
16 *1996, the Secretary of Defense and the Attorney General*
17 *shall jointly establish an advisory panel to review and make*
18 *recommendations on jurisdiction over civilians accompa-*
19 *nying the Armed Forces in time of armed conflict.*

20 *(b) MEMBERSHIP.—The panel shall be composed of at*
21 *least 5 individuals, including experts in military law,*
22 *international law, and federal civilian criminal law. In*
23 *making appointments to the panel, the Secretary and the*
24 *Attorney General shall ensure that the members of the panel*
25 *reflect diverse experiences in the conduct of prosecution and*
26 *defense functions.*

1 (c) *DUTIES.*—*The panel shall—*

2 (1) *review historical experiences and current*
3 *practices concerning the employment, training, dis-*
4 *cipline, and functions of civilians accompanying the*
5 *Armed Forces in the field;*

6 (2) *make specific recommendations (in accord-*
7 *ance with subsection (d)) concerning—*

8 (A) *establishing court-martial jurisdiction*
9 *over civilians accompanying the Armed Forces*
10 *in the field during time of armed conflict not in-*
11 *volving a war declared by Congress;*

12 (B) *revisions to the jurisdiction of the Arti-*
13 *cle III courts over such persons; and*

14 (C) *establishment of Article I courts to exer-*
15 *cise jurisdiction over such persons; and*

16 (3) *make such additional recommendations (in*
17 *accordance with subsection (d)) as the panel considers*
18 *appropriate as a result of the review.*

19 (d) *REPORT.*—(1) *Not later than December 15, 1996,*
20 *the advisory panel shall transmit a report on the findings*
21 *and recommendations of the panel to the Secretary of De-*
22 *fense and the Attorney General.*

23 (2) *Not later than January 15, 1997, the Secretary*
24 *of Defense and the Attorney General shall jointly transmit*
25 *the report of the advisory panel to Congress. The Secretary*

1 *and the Attorney General may include in the transmittal*
2 *any joint comments on the report that they consider appro-*
3 *priate, and either such official may include in the transmit-*
4 *tal any separate comments on the report that such official*
5 *considers appropriate.*

6 (e) *DEFINITIONS.—In this section:*

7 (1) *The term “Article I court” means a court es-*
8 *tablished under Article I of the Constitution.*

9 (2) *The term “Article III court” means a court*
10 *established under Article III of the Constitution.*

11 (f) *TERMINATION OF PANEL.—The panel shall termi-*
12 *nate 30 days after the date of submission of the report to*
13 *the Secretary of Defense and the Attorney General under*
14 *subsection (d).*

15 ***Subtitle D—Decorations and***
16 ***Awards***

17 ***SEC. 541. AWARD OF PURPLE HEART TO CERTAIN FORMER***
18 ***PRISONERS OF WAR.***

19 (a) *AUTHORITY TO MAKE AWARD.—The President*
20 *may award the Purple Heart to a person who, while serving*
21 *in the Armed Forces of the United States before April 25,*
22 *1962—*

23 (1) *was taken prisoner or held captive—*

24 (A) *in an action against an enemy of the*
25 *United States;*

1 (B) in military operations involving con-
2 flict with an opposing foreign force;

3 (C) during service with friendly forces en-
4 gaged in an armed conflict against an opposing
5 armed force in which the United States was not
6 a belligerent party;

7 (D) as the result of an action of any such
8 enemy or opposing armed force; or

9 (E) as the result of an act of any foreign
10 hostile force; and

11 (2) was wounded while being taken prisoner or
12 held captive.

13 (b) *STANDARDS.*—An award of the Purple Heart may
14 be made under subsection (a) only in accordance with the
15 standards in effect on the date of the enactment of this Act
16 for the award of the Purple Heart to a member of the Armed
17 Forces who, on or after April 25, 1962, has been taken pris-
18 oner and held captive under circumstances described in that
19 subsection.

20 (c) *EXCEPTION FOR AIDING THE ENEMY.*—An award
21 of a Purple Heart may not be made under this section to
22 any person convicted by a court of competent jurisdiction
23 of rendering assistance to any enemy of the United States.

24 (d) *COVERED WOUNDS.*—A wound determined by the
25 Secretary of Veterans Affairs as being a service-connected

1 *injury arising from being taken prisoner or held captive*
2 *under circumstances described in subsection (a) satisfies the*
3 *condition set forth in paragraph (2) of that subsection.*

4 *(e) RELATIONSHIP TO OTHER AUTHORITY TO AWARD*
5 *THE PURPLE HEART.—The authority under this section is*
6 *in addition to any other authority of the President to award*
7 *the Purple Heart.*

8 **SEC. 542. MERITORIOUS AND VALOROUS SERVICE DURING**
9 **VIETNAM ERA: REVIEW AND AWARDS.**

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

11 *(1) The Ia Drang Valley (Pleiku) campaign, car-*
12 *ried out by the Armed Forces of the United States in*
13 *the Ia Drang Valley of Vietnam from October 23,*
14 *1965, to November 26, 1965, is illustrative of the*
15 *many battles which pitted forces of the United States*
16 *against North Vietnamese Army regulars and Viet*
17 *Cong in vicious fighting in which many members of*
18 *the Armed Forces displayed extraordinary heroism,*
19 *sacrifice, and bravery which has not yet been offi-*
20 *cially recognized through award of appropriate deco-*
21 *rations.*

22 *(2) Accounts of these battles published since the*
23 *war ended authoritatively document repeated acts of*
24 *extraordinary heroism, sacrifice, and bravery on the*
25 *part of many members of the Armed Forces who were*

1 *engaged in these battles, many of whom have never*
2 *been officially recognized for those acts.*

3 *(3) In some of the battles United States military*
4 *units suffered substantial losses, in some cases a ma-*
5 *jority of the strength of the units.*

6 *(4) The incidence of heavy casualties throughout*
7 *the war inhibited the timely collection of comprehen-*
8 *sive and detailed information to support rec-*
9 *ommendations for awards for the acts of heroism, sac-*
10 *rifice, and bravery performed.*

11 *(5) Requests to the Secretaries of the military de-*
12 *partments for review of award recommendations for*
13 *those acts have been denied because of restrictions in*
14 *law and regulations that require timely filing of rec-*
15 *ommendations and documented justification.*

16 *(6) Acts of heroism, sacrifice, and bravery per-*
17 *formed in combat by members of the Armed Forces of*
18 *the United States deserve appropriate and timely rec-*
19 *ognition by the people of the United States.*

20 *(7) It is appropriate to recognize military per-*
21 *sonnel for acts of extraordinary heroism, sacrifice, or*
22 *bravery that are belatedly, but properly, documented*
23 *by persons who witnessed those acts.*

24 *(b) WAIVER OF RESTRICTIONS ON AWARDS.—(1) Not-*
25 *withstanding any other provision of law, the Secretary of*

1 *Defense or the Secretary of the military department con-*
2 *cerned may award or upgrade a decoration to any person*
3 *for an act, an achievement, or service that the person per-*
4 *formed in a campaign while serving on active duty during*
5 *the Vietnam era.*

6 (2) *Paragraph (1) applies to any decoration (includ-*
7 *ing any device in lieu of a decoration) that, during or after*
8 *the Vietnam era and before the date of the enactment of*
9 *this Act, was authorized by law or under regulations of the*
10 *Department of Defense or the military department con-*
11 *cerned to be awarded to a person for an act, an achieve-*
12 *ment, or service performed by that person while serving on*
13 *active duty.*

14 (c) *REVIEW OF AWARD RECOMMENDATIONS.—(1) The*
15 *Secretary of each military department shall review all rec-*
16 *ommendations for awards for acts, achievements, or service*
17 *described in subsection (b)(1) that have been received by the*
18 *Secretary during the period of the review.*

19 (2) *The Secretaries shall begin the review within 30*
20 *days after the date of the enactment of this Act and shall*
21 *complete the review within one year after such date.*

22 (3) *The Secretary may use the same process for carry-*
23 *ing out the review as the Secretary uses for reviewing other*
24 *recommendations for awarding decorations to members of*

1 *the armed force or armed forces under the Secretary's juris-*
2 *isdiction for acts, achievements, or service.*

3 (4)(A) *Upon completing the review, the Secretary shall*
4 *submit a report on the review to the Committee on Armed*
5 *Services of the Senate and the Committee on National Secu-*
6 *rity of the House of Representatives.*

7 (B) *The report shall contain the following information*
8 *on each recommendation for award reviewed:*

9 (i) *A summary of the recommendation.*

10 (ii) *The findings resulting from the review.*

11 (iii) *The final action taken on the recommenda-*
12 *tion.*

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

14 (1) *The term “Vietnam era” has the meaning*
15 *given that term in section 101(29) of title 38, United*
16 *States Code.*

17 (2) *The term “active duty” has the meaning*
18 *given such term in section 101(d)(1) of title 10, Unit-*
19 *ed States Code.*

20 **SEC. 543. MILITARY INTELLIGENCE PERSONNEL PRE-**
21 **VENTED BY SECRECY FROM BEING CONSID-**
22 **ERED FOR DECORATIONS AND AWARDS.**

23 (a) *WAIVER ON RESTRICTIONS OF AWARDS.—(1) Not-*
24 *withstanding any other provision of law, the President, the*
25 *Secretary of Defense, or the Secretary of the military de-*

1 *partment concerned may award a decoration to any person*
2 *for an act, achievement, or service that the person performed*
3 *in carrying out military intelligence duties during the pe-*
4 *riod January 1, 1940, through December 31, 1990.*

5 *(2) Paragraph (1) applies to any decoration (includ-*
6 *ing any device in lieu of a decoration) that, during or after*
7 *the period described in paragraph (1) and before the date*
8 *of the enactment of this Act, was authorized by law or under*
9 *the regulations of the Department of Defense or the military*
10 *department concerned to be awarded to a person for an act,*
11 *achievement, or service performed by that person while serv-*
12 *ing on active duty.*

13 *(b) REVIEW OF AWARD RECOMMENDATIONS.—(1) The*
14 *Secretary of each military department shall review all rec-*
15 *ommendations for awards of decorations for acts, achieve-*
16 *ments, or service described in subsection (a)(1) that have*
17 *been received by the Secretary during the period of the re-*
18 *view.*

19 *(2) The Secretary shall begin the review within 30*
20 *days after the date of the enactment of this Act and shall*
21 *complete the review within one year after such date.*

22 *(3) The Secretary may use the same process for carry-*
23 *ing out the review as the Secretary uses for reviewing other*
24 *recommendations for awarding decorations to members of*

1 *the armed force or armed forces under the Secretary's juris-*
2 *isdiction for acts, achievements, or service.*

3 (4) *The Secretary may reject a recommendation if the*
4 *Secretary determines that there is a justifiable basis for con-*
5 *cluding that the recommendation is specious.*

6 (5) *The Secretary shall take reasonable actions to pub-*
7 *licize widely the opportunity to recommend awards of deco-*
8 *rations under this section.*

9 (6)(A) *Upon completing the review, the Secretary shall*
10 *submit a report on the review to the Committee on Armed*
11 *Services of the Senate and the Committee on National Secu-*
12 *rity of the House of Representatives.*

13 (B) *The report shall contain the following information*
14 *on each recommendation for an award reviewed:*

15 (i) *A summary of the recommendation.*

16 (ii) *The findings resulting from the review.*

17 (iii) *The final action taken on the recommenda-*
18 *tion.*

19 (iv) *Administrative or legislative recommenda-*
20 *tions to improve award procedures with respect to*
21 *military intelligence personnel.*

22 (c) *DEFINITION.—In this section, the term “active*
23 *duty” has the meaning given such term in section 101(d)(1)*
24 *of title 10, United States Code.*

1 **SEC. 544. REVIEW REGARDING AWARDS OF DISTINGUISHED-**
2 **SERVICE CROSS TO ASIAN-AMERICANS AND**
3 **PACIFIC ISLANDERS FOR CERTAIN WORLD**
4 **WAR II SERVICE.**

5 (a) *REVIEW REQUIRED.*—The Secretary of the Army
6 shall—

7 (1) review the records relating to the award of
8 the Distinguished-Service Cross to Asian-Americans
9 and Native American Pacific Islanders for service as
10 members of the Army during World War II in order
11 to determine whether the award should be upgraded
12 to the Medal of Honor; and

13 (2) submit to the President a recommendation
14 that the President award a Medal of Honor to each
15 such person for whom the Secretary determines an
16 upgrade to be appropriate.

17 (b) *WAIVER OF TIME LIMITATIONS.*—The President is
18 authorized to award a Medal of Honor to any person re-
19 ferred to in subsection (a) in accordance with a rec-
20 ommendation of the Secretary of the Army submitted under
21 that subsection. The following restrictions do not apply in
22 the case of any such person:

23 (1) Sections 3744 and 8744 of title 10, United
24 States Code.

25 (2) Any regulation or other administrative re-
26 striction on—

1 (A) the time for awarding a Medal of
2 Honor; or

3 (B) the awarding of a Medal of Honor for
4 service for which a Distinguished-Service Cross
5 has been awarded.

6 (c) DEFINITIONS.—In this section:

7 (1) The term “Native American Pacific Is-
8 lander” means a Native Hawaiian and any other Na-
9 tive American Pacific Islander within the meaning of
10 the Native American Programs Act of 1974 (42
11 U.S.C. 2991 et seq.).

12 (2) The term “World War II” has the meaning
13 given that term in section 101(8) of title 38, United
14 States Code.

15 **Subtitle E—Other Matters**

16 **SEC. 551. DETERMINATION OF WHEREABOUTS AND STA-** 17 **TUS OF MISSING PERSONS.**

18 (a) PURPOSE.—The purpose of this section is to ensure
19 that any member of the Armed Forces is accounted for by
20 the United States (by the return of such person alive, by
21 the return of the remains of such person, or by the decision
22 that credible evidence exists to support another determina-
23 tion of the status of such person) and, as a general rule,
24 is not declared dead solely because of the passage of time.

1 (b) *IN GENERAL.*—(1) *Part II of subtitle A of title 10,*
 2 *United States Code, is amended by inserting after chapter*
 3 *75 the following new chapter:*

4 **“CHAPTER 76—MISSING PERSONS**

“Sec.

“1501. *System for accounting for missing persons.*

“1502. *Missing persons: initial report.*

“1503. *Actions of Secretary concerned; initial board inquiry.*

“1504. *Subsequent board of inquiry.*

“1505. *Further review.*

“1506. *Personnel files.*

“1507. *Recommendation of status of death.*

“1508. *Return alive of person declared missing or dead.*

“1509. *Effect on State law.*

“1510. *Definitions.*

5 **“§ 1501. System for accounting for missing persons**

6 “(a) *OFFICE FOR MISSING PERSONNEL.*—(1) *The Sec-*
 7 *retary of Defense shall establish within the Office of the Sec-*
 8 *retary of Defense an office to have responsibility for Depart-*
 9 *ment of Defense policy relating to missing persons. Subject*
 10 *to the authority, direction, and control of the Secretary of*
 11 *Defense, the responsibilities of the office shall include—*

12 “(A) *policy, control, and oversight within the*
 13 *Department of Defense of the entire process for inves-*
 14 *tigation and recovery related to missing persons; and*

15 “(B) *coordination for the Department of Defense*
 16 *with other departments and agencies of the United*
 17 *States on all matters concerning missing persons.*

18 “(2) *In carrying out the responsibilities of the office*
 19 *established under this subsection, the head of the office shall*
 20 *coordinate the efforts of that office with those of other de-*

1 *partments and agencies and other elements of the Depart-*
2 *ment of Defense for such purposes and shall be responsible*
3 *for the coordination for such purposes within the Depart-*
4 *ment of Defense among the military departments, the Joint*
5 *Staff, and the commanders of the combatant commands.*

6 “(3) *The office shall establish policies, which shall*
7 *apply uniformly throughout the Department of Defense, for*
8 *personnel recovery.*

9 “(4) *The office shall establish procedures to be followed*
10 *by Department of Defense boards of inquiry, and by offi-*
11 *cials reviewing the reports of such boards, under this chap-*
12 *ter.*

13 “(b) *SEARCH AND RESCUE.—Notwithstanding sub-*
14 *section (a), responsibility for search and rescue policies*
15 *within the Department of Defense shall be established by*
16 *the Assistant Secretary of Defense for Special Operations*
17 *and Low Intensity Conflict.*

18 “(c) *UNIFORM DOD PROCEDURES.—(1) The Secretary*
19 *of Defense shall prescribe procedures, to apply uniformly*
20 *throughout the Department of Defense, for—*

21 “(A) *the determination of the status of persons*
22 *described in subsection (e); and*

23 “(B) *for the systematic, comprehensive, and*
24 *timely collection, analysis, review, dissemination, and*

1 *periodic update of information related to such per-*
2 *sons.*

3 “(2) *Such procedures may provide for the delegation*
4 *by the Secretary of Defense of any responsibility of the Sec-*
5 *retary under this chapter to the Secretary of a military de-*
6 *partment.*

7 “(3) *Such procedures shall be prescribed in a single*
8 *directive applicable to all elements of the Department of De-*
9 *fense, other than the elements carrying out activities relat-*
10 *ing to search and rescue.*

11 “(4) *As part of such procedures, the Secretary may*
12 *provide for the extension, on a case by-case basis, of any*
13 *time limit specified in section 1503 or 1504 of this title.*
14 *Any such extension may not be for a period in excess of*
15 *the period with respect to which the extension is provided.*
16 *Subsequent extensions may be provided on the same basis.*

17 “(d) *COAST GUARD.—(1) The Secretary of Transpor-*
18 *tation shall designate an officer of the Department of*
19 *Transportation to have responsibility within the Depart-*
20 *ment of Transportation for matters relating to missing per-*
21 *sons who are Coast Guard personnel.*

22 “(2) *The Secretary of Transportation shall prescribe*
23 *procedures for the determination of the status of persons de-*
24 *scribed in subsection (e) who are personnel of the Coast*
25 *Guard and for the collection, analysis, review, and update*

1 *of information on such persons. To the maximum extent*
2 *practicable, the procedures prescribed under this paragraph*
3 *shall be similar to the procedures prescribed by the Sec-*
4 *retary of Defense under subsection (c).*

5 “(e) *COVERED PERSONS.*—Section 1502 of this title
6 *applies in the case of any member of the armed forces on*
7 *active duty who becomes involuntarily absent as a result*
8 *of a hostile action, or under circumstances suggesting that*
9 *the involuntary absence is a result of a hostile action, and*
10 *whose status is undetermined or who is unaccounted for.*

11 “(f) *PRIMARY NEXT OF KIN.*—The individual who is
12 *primary next of kin of any person prescribed in subsection*
13 *(e) may for purposes of this chapter designate another indi-*
14 *vidual to act on behalf of that individual as primary next*
15 *of kin. The Secretary concerned shall treat an individual*
16 *so designated as if the individual designated were the pri-*
17 *mary next of kin for purposes of this chapter. A designation*
18 *under this subsection may be revoked at any time by the*
19 *person who made the designation.*

20 “(g) *TERMINATION OF APPLICABILITY OF PROCE-*
21 *DURES WHEN MISSING PERSON IS ACCOUNTED FOR.*—The
22 *provisions of this chapter relating to boards of inquiry and*
23 *to the actions by the Secretary concerned on the reports of*
24 *those boards shall cease to apply in the case of a missing*

1 *person upon the person becoming accounted for or otherwise*
2 *being determined to be in a status other than missing.*

3 **“§ 1502. Missing persons: initial report**

4 “(a) *PRELIMINARY ASSESSMENT AND RECOMMENDA-*
5 *TION BY COMMANDER.*—After receiving information that
6 *the whereabouts or status of a person described in section*
7 *1501(e) of this title is uncertain and that the absence of*
8 *the person may be involuntary, the commander of the unit,*
9 *facility, or area to or in which the person is assigned shall*
10 *make a preliminary assessment of the circumstances. If, as*
11 *a result of that assessment, the commander concludes that*
12 *the person is missing, the commander shall—*

13 “(1) *recommend that the person be placed in a*
14 *missing status; and*

15 “(2) *transmit that recommendation to the Sec-*
16 *retary of Defense or the Secretary having jurisdiction*
17 *over the missing person in accordance with proce-*
18 *dures prescribed under section 1501 of this title.*

19 “(b) *FORWARDING OF RECORDS.*—The commander
20 *making the initial assessment shall (in accordance with*
21 *procedures prescribed under section 1501 of this title) safe-*
22 *guard and forward for official use any information relating*
23 *to the whereabouts or status of a missing person that result*
24 *from the preliminary assessment or from actions taken to*
25 *locate the person.*

1 **“§ 1503. Actions of Secretary concerned; initial board**
2 **inquiry**

3 “(a) *DETERMINATION BY SECRETARY.*—(1) Upon re-
4 ceiving a recommendation on the status of a person under
5 section 1502(a)(2) of this title, the Secretary receiving the
6 recommendation shall review the recommendation.

7 “(2) After reviewing the recommendation on the status
8 of a person, the Secretary shall—

9 “(A) make a determination whether the person
10 shall be declared missing; or

11 “(B) if the Secretary determines that a status
12 other than missing may be warranted for the person,
13 appoint a board under this section to carry out an
14 inquiry into the whereabouts or status of the person.

15 “(b) *INQUIRIES INVOLVING MORE THAN ONE MISSING*
16 *PERSON.*—If it appears to the Secretary who appoints a
17 board under this section that the absence or missing status
18 of two or more persons is factually related, the Secretary
19 may appoint a single board under this section to conduct
20 the inquiry into the whereabouts or status of such persons.

21 “(c) *COMPOSITION.*—(1) A board appointed under this
22 section to inquire into the whereabouts or status of a person
23 shall consist of at least one military officer who has experi-
24 ence with and understanding of military operations or ac-
25 tivities similar to the operation or activity in which the
26 person disappeared.

1 “(2) An individual may be appointed as a member
2 of a board under this section only if the individual has a
3 security clearance that affords the individual access to all
4 information relating to the whereabouts and status of the
5 missing persons covered by the inquiry.

6 “(3) The Secretary who appoints a board under this
7 subsection shall, for purposes of providing legal counsel to
8 the board, assign to the board a judge advocate, or appoint
9 to the board an attorney, who has expertise in the law relat-
10 ing to missing persons, the determination of death of such
11 persons, and the rights of family members and dependents
12 of such persons.

13 “(d) DUTIES OF BOARD.—A board appointed to con-
14 duct an inquiry into the whereabouts or status of a missing
15 person under this section shall—

16 “(1) collect, develop, and investigate all facts and
17 evidence relating to the disappearance, whereabouts,
18 or status of the person;

19 “(2) collect appropriate documentation of the
20 facts and evidence covered by the investigation;

21 “(3) analyze the facts and evidence, make find-
22 ings based on that analysis, and draw conclusions as
23 to the current whereabouts and status of the person;
24 and

1 “(4) with respect to each person covered by the
2 inquiry, recommend to the Secretary who appointed
3 the board that—

4 “(A) the person be placed in a missing sta-
5 tus; or

6 “(B) the person be declared to have deserted,
7 to be absent without leave, or to be dead.

8 “(e) *BOARD PROCEEDINGS.*—During the proceedings
9 of an inquiry under this section, a board shall—

10 “(1) collect, record, and safeguard all facts, docu-
11 ments, statements, photographs, tapes, messages,
12 maps, sketches, reports, and other information (wheth-
13 er classified or unclassified) relating to the where-
14 abouts or status of each person covered by the in-
15 quiry;

16 “(2) gather information relating to actions taken
17 to find the person, including any evidence of the
18 whereabouts or status of the person arising from such
19 actions; and

20 “(3) maintain a record of its proceedings.

21 “(f) *ACCESS TO PROCEEDINGS.*—The proceedings of a
22 board during an inquiry under this section shall be closed
23 to the public (including, with respect to the person covered
24 by the inquiry, the primary next of kin, other members of

1 *the immediate family, and any other previously designated*
2 *person of the person).*

3 “(g) *RECOMMENDATION ON STATUS OF MISSING PER-*
4 *SONS.—(1) Upon completion of its inquiry, a board ap-*
5 *pointed under this section shall make a recommendation to*
6 *the Secretary who appointed the board as to the appropriate*
7 *determination of the current whereabouts or status of each*
8 *person whose whereabouts and status were covered by the*
9 *inquiry.*

10 “(2)(A) *A board may not recommend under paragraph*
11 *(1) that a person be declared dead unless the board deter-*
12 *mines that the evidence before it established conclusive proof*
13 *of the death of the person.*

14 “(B) *In this paragraph, the term ‘conclusive proof of*
15 *death’ means credible evidence establishing that death is the*
16 *only credible explanation for the absence of the person.*

17 “(h) *REPORT.—(1) A board appointed under this sec-*
18 *tion shall submit to the Secretary who appointed the board*
19 *a report on the inquiry carried out by the board. The report*
20 *shall include—*

21 “(A) *a discussion of the facts and evidence con-*
22 *sidered by the board in the inquiry;*

23 “(B) *the recommendation of the board under sub-*
24 *section (g) with respect to each person covered by the*
25 *report; and*

1 “(C) disclosure of whether classified documents
2 and information were reviewed by the board or were
3 otherwise used by the board in forming recommenda-
4 tions under subparagraph (B).

5 “(2) A board shall submit a report under this sub-
6 section with respect to the inquiry carried out by the board
7 not later than 30 days after the date of the appointment
8 of the board to carry out the inquiry.

9 “(3) A report submitted under this subsection with re-
10 spect to a missing person may not be made public until
11 one year after the date on which the report is submitted,
12 and not without the approval of the primary next of kin
13 of the person.

14 “(i) DETERMINATION BY SECRETARY.—(1) Not later
15 than 30 days after the receipt of a report from a board
16 under subsection (j), the Secretary receiving the report shall
17 review the report.

18 “(2) In reviewing a report under paragraph (1) the
19 Secretary shall determine whether or not the report is com-
20 plete and free of administrative error. If the Secretary de-
21 termines that the report is incomplete, or that the report
22 is not free of administrative error, the Secretary may return
23 the report to the board for further action on the report by
24 the board.

1 “(3) Upon a determination by the Secretary that a
2 report reviewed under this subsection is complete and free
3 of administrative error, the Secretary shall make a deter-
4 mination concerning the status of each person covered by
5 the report, including whether the person shall—

6 “(A) be declared missing;

7 “(B) be declared to have deserted;

8 “(C) be declared to be absent without leave; or

9 “(D) be declared to be dead.

10 “(j) REPORT TO FAMILY MEMBERS AND OTHER IN-
11 TERESTED PERSONS.—Not later than 30 days after the date
12 on which the Secretary concerned makes a determination
13 of the status of a person under subsection (a)(2) or (i), the
14 Secretary shall take reasonable actions to—

15 “(1) provide to the primary next of kin, the other
16 members of the immediate family, and any other pre-
17 viously designated person of the person—

18 “(A) an unclassified summary of the unit
19 commander’s report with respect to the person
20 under section 1502(a) of this title; and

21 “(B) if a board was appointed to carry out
22 an inquiry into the person under this section,
23 the report of the board (including the names of
24 the members of the board) under subsection (h);
25 and

1 “(2) inform each individual referred to in para-
2 graph (1) that the United States will conduct a subse-
3 quent inquiry into the whereabouts or status of the
4 person on or about one year after the date of the first
5 official notice of the disappearance of the person, un-
6 less information becomes available sooner that may
7 result in a change in status of the person.

8 “(k) TREATMENT OF DETERMINATION.—Any deter-
9 mination of the status of a missing person under subsection
10 (a)(2) or (i) shall be treated as the determination of the
11 status of the person by all departments and agencies of the
12 United States.

13 **“§ 1504. Subsequent board of inquiry**

14 “(a) ADDITIONAL BOARD.—If information that may
15 result in a change of status of a person covered by a deter-
16 mination under subsection (a)(2) or (i) of section 1503 of
17 this title becomes available within one year after the date
18 of the transmission of a report with respect to the person
19 under section 1502(a)(2) of this title, the Secretary con-
20 cerned shall appoint a board under this section to conduct
21 an inquiry into the information.

22 “(b) DATE OF APPOINTMENT.—The Secretary con-
23 cerned shall appoint a board under this section to conduct
24 an inquiry into the whereabouts and status of a missing
25 person on or about one year after the date of the trans-

1 mission of a report concerning the person under section
2 1502(a)(2) of this title.

3 “(c) *COMBINED INQUIRIES.*—If it appears to the Sec-
4 retary concerned that the absence or status of two or more
5 persons is factually related, the Secretary may appoint one
6 board under this section to conduct the inquiry into the
7 whereabouts or status of such persons.

8 “(d) *COMPOSITION.*—(1) Subject to paragraphs (2)
9 and (3), a board appointed under this section shall consist
10 of not less than three officers having the grade of major or
11 lieutenant commander or above.

12 “(2) The Secretary concerned shall designate one mem-
13 ber of a board appointed under this section as president
14 of the board. The president of the board shall have a security
15 clearance that affords the president access to all information
16 relating to the whereabouts and status of each person cov-
17 ered by the inquiry.

18 “(3) One member of each board appointed under this
19 subsection shall be an individual who—

20 “(A) has a occupational specialty similar to that
21 of one or more of the persons covered by the inquiry;
22 and

23 “(B) has an understanding of and expertise in
24 the type of official activities that one or more such

1 *persons were engaged in at the time such person or*
2 *persons disappeared.*

3 *“(4) The Secretary who appoints a board under this*
4 *subsection shall, for purposes of providing legal counsel to*
5 *the board, assign to the board a judge advocate, or appoint*
6 *to the board an attorney, who has expertise in the law relat-*
7 *ing to missing persons, the determination of death of such*
8 *persons, and the rights of family members and dependents*
9 *of such persons.*

10 *“(e) DUTIES OF BOARD.—A board appointed under*
11 *this section to conduct an inquiry into the whereabouts or*
12 *status of a person shall—*

13 *“(1) review the report with respect to the person*
14 *transmitted under section 1502(a)(2) of this title, and*
15 *the report, if any, submitted under subsection (h) of*
16 *section 1503 of this title by the board appointed to*
17 *conduct inquiry into the status of the person under*
18 *such section 1503;*

19 *“(2) collect and evaluate any document, fact, or*
20 *other evidence with respect to the whereabouts or sta-*
21 *tus of the person that has become available since the*
22 *determination of the status of the person under sec-*
23 *tion 1503 of this title;*

24 *“(3) draw conclusions as to the whereabouts or*
25 *status of the person;*

1 “(4) determine on the basis of the activities
2 under paragraphs (1) and (2) whether the status of
3 the person should be continued or changed; and

4 “(5) submit to the Secretary concerned a report
5 describing the findings and conclusions of the board,
6 together with a recommendation for a determination
7 by the Secretary concerning the whereabouts or status
8 of the person.

9 “(f) ATTENDANCE OF FAMILY MEMBERS AND CERTAIN
10 OTHER INTERESTED PERSONS AT PROCEEDINGS.—(1)
11 With respect to any person covered by a inquiry under this
12 section, the primary next of kin, other members of the im-
13 mediate family, and any other previously designated person
14 of the person may attend the proceedings of the board dur-
15 ing the inquiry.

16 “(2) The Secretary concerned shall take reasonable ac-
17 tions to notify each individual referred to in paragraph (1)
18 of the opportunity to attend the proceedings of a board.
19 Such notice shall be provided not less than 60 days before
20 the first meeting of the board.

21 “(3) An individual who receives notice under para-
22 graph (2) shall notify the Secretary of the intent, if any,
23 of that individual to attend the proceedings of the board
24 not later than 21 days after the date on which the individ-
25 ual receives the notice.

1 “(4) Each individual who notifies the Secretary under
2 paragraph (3) of the individual’s intent to attend the pro-
3 ceedings of the board—

4 “(A) in the case of a individual who is the pri-
5 mary next of kin or other member of the immediate
6 family of a missing person whose status is a subject
7 of the inquiry and whose receipt of the pay or allow-
8 ances (including allotments) of the person could be re-
9 duced or terminated as a result of a revision in the
10 status of the person, may attend the proceedings of the
11 board with private counsel;

12 “(B) shall have access to the personnel file of the
13 missing person, to unclassified reports, if any, of the
14 board appointed under section 1503 of this title to
15 conduct the inquiry into the whereabouts and status
16 of the person, and to any other unclassified informa-
17 tion or documents relating to the whereabouts and
18 status of the person;

19 “(C) shall be afforded the opportunity to present
20 information at the proceedings of the board that such
21 individual considers to be relevant to those proceed-
22 ings; and

23 “(D) subject to paragraph (5), shall be given the
24 opportunity to submit in writing an objection to any

1 *recommendation of the board under subsection (h) as*
2 *to the status of the missing person.*

3 *“(5)(A) Individuals who wish to file objections under*
4 *paragraph (4)(D) to any recommendation of the board*
5 *shall—*

6 *“(i) submit a letter of intent to the president of*
7 *the board not later than 2 days after the date on*
8 *which the recommendations are made; and*

9 *“(ii) submit to the president of the board the ob-*
10 *jections in writing not later than 15 days after the*
11 *date on which the recommendations are made.*

12 *“(B) The president of a board shall include any objec-*
13 *tions to a recommendation of the board that are submitted*
14 *to the president of the board under subparagraph (A) in*
15 *the report of the board containing the recommendation*
16 *under subsection (h).*

17 *“(6) An individual referred to in paragraph (1) who*
18 *attends the proceedings of a board under this subsection*
19 *shall not be entitled to reimbursement by the United States*
20 *for any costs (including travel, lodging, meals, local trans-*
21 *portation, legal fees, transcription costs, witness expenses,*
22 *and other expenses) incurred by that individual in attend-*
23 *ing such proceedings.*

24 *“(g) AVAILABILITY OF INFORMATION TO BOARDS.—(1)*
25 *In conducting proceedings in an inquiry under this section,*

1 a board may secure directly from any department or agency
2 of the United States any information that the board consid-
3 ers necessary in order to conduct the proceedings.

4 “(2) Upon written request from the president of a
5 board, the head of a department or agency of the United
6 States shall release information covered by the request to
7 the board. In releasing such information, the head of the
8 department or agency shall—

9 “(A) declassify to an appropriate degree classi-
10 fied information; or

11 “(B) release the information in a manner not re-
12 quiring the removal of markings indicating the classi-
13 fied nature of the information.

14 “(3)(A) If a request for information under paragraph
15 (2) covers classified information that cannot be declassified,
16 cannot be removed before release from the information cov-
17 ered by the request, or cannot be summarized in a manner
18 that prevents the release of classified information, the classi-
19 fied information shall be made available only to the presi-
20 dent of the board making the request.

21 “(B) The president of a board shall close to persons
22 who do not have appropriate security clearances the pro-
23 ceeding of the board at which classified information is dis-
24 cussed. Participants at a proceeding of a board at which
25 classified information is discussed shall comply with all ap-

1 *plicable laws and regulations relating to the disclosure of*
2 *classified information. The Secretary concerned shall assist*
3 *the president of a board in ensuring that classified informa-*
4 *tion is not compromised through board proceedings.*

5 “(h) *RECOMMENDATION ON STATUS.—(1) Upon com-*
6 *pletion of an inquiry under this subsection, a board shall*
7 *make a recommendation as to the current whereabouts or*
8 *status of each missing person covered by the inquiry.*

9 “(2) *A board may not recommend under paragraph*
10 *(1) that a person be declared dead unless—*

11 “(A) *proof of death is established by the board;*
12 *or*

13 “(B) *in making the recommendation, the board*
14 *complies with section 1507 of this title.*

15 “(i) *REPORT.—A board appointed under this section*
16 *shall submit to the Secretary concerned a report on the in-*
17 *quiry carried out by the board, together with the evidence*
18 *considered by the board during the inquiry. The report may*
19 *include a classified annex.*

20 “(j) *ACTIONS BY SECRETARY CONCERNED.—(1) Not*
21 *later than 30 days after the receipt of a report from a board*
22 *under subsection (i), the Secretary shall review—*

23 “(A) *the report; and*

1 “(B) the objections, if any, to the report submit-
2 ted to the president of the board under subsection
3 (f)(5).

4 “(2) In reviewing a report under paragraph (1) (in-
5 cluding the objections described in subparagraph (B) of that
6 paragraph), the Secretary concerned shall determine wheth-
7 er or not the report is complete and free of administrative
8 error. If the Secretary determines that the report is incom-
9 plete, or that the report is not free of administrative error,
10 the Secretary may return the report to the board for further
11 action on the report by the board.

12 “(3) Upon a determination by the Secretary that a
13 report reviewed under this subsection is complete and free
14 of administrative error, the Secretary shall make a deter-
15 mination concerning the status of each person covered by
16 the report.

17 “(k) REPORT TO FAMILY MEMBERS AND OTHER IN-
18 TERESTED PERSONS.—Not later than 60 days after the date
19 on which the Secretary concerned makes a determination
20 with respect to a missing person under subsection (j), the
21 Secretary shall—

22 “(1) provide an unclassified summary of the re-
23 port reviewed by the Secretary in making the deter-
24 mination to the primary next of kin, the other mem-

1 *bers of the immediate family, and any other pre-*
2 *viously designated person of the person; and*

3 *“(2) in the case of a person who continues to be*
4 *in a missing status, inform each individual referred*
5 *to in paragraph (1) that the United States will con-*
6 *duct subsequent inquiries into the whereabouts or sta-*
7 *tus of the person upon obtaining credible information*
8 *that may result in a change in the status of the per-*
9 *son.*

10 *“(1) TREATMENT OF DETERMINATION.—Any deter-*
11 *mination of the status of a missing person under subsection*
12 *(j) shall supersede the determination of the status of the per-*
13 *son under section 1503 of this title and shall be treated as*
14 *the determination of the status of the person by all depart-*
15 *ments and agencies of the United States.*

16 **“§ 1505. Further review**

17 *“(a) SUBSEQUENT REVIEW.—(1) The Secretary con-*
18 *cerned shall conduct subsequent inquiries into the where-*
19 *abouts or status of any person determined by the Secretary*
20 *under section 1504 of this title to be in a missing status.*

21 *“(2) The Secretary concerned shall appoint a board*
22 *to conduct an inquiry with respect to a person under this*
23 *subsection upon obtaining credible information that may*
24 *result in a change of status of the person.*

1 “(b) *CONDUCT OF PROCEEDINGS.*—The appointment
2 of, and activities before, a board appointed under this sec-
3 tion shall be governed by the provisions of section 1504 of
4 this title with respect to a board appointed under that sec-
5 tion.

6 “**§ 1506. Personnel files**

7 “(a) *INFORMATION IN FILES.*—Except as provided in
8 subsections (b), (c), and (d), the Secretary of the department
9 having jurisdiction over a missing person at the time of
10 the person’s disappearance shall, to the maximum extent
11 practicable, ensure that the personnel file of the person con-
12 tains all information in the possession of the United States
13 relating to the disappearance and whereabouts or status of
14 the person.

15 “(b) *CLASSIFIED INFORMATION.*—(1) The Secretary
16 concerned may withhold classified information from a per-
17 sonnel file under this section.

18 “(2) If the Secretary concerned withholds classified in-
19 formation from a personnel file, the Secretary shall ensure
20 that the file contains the following:

21 “(A) A notice that the withheld information ex-
22 ists.

23 “(B) A notice of the date of the most recent re-
24 view of the classification of the withheld information.

1 “(c) *PROTECTION OF PRIVACY.*—The Secretary con-
2 cerned shall maintain personnel files under this section,
3 and shall permit disclosure of or access to such files, in ac-
4 cordance with the provisions of section 552a of title 5 and
5 with other applicable laws and regulations pertaining to
6 the privacy of the persons covered by the files.

7 “(d) *PRIVILEGED INFORMATION.*—The Secretary con-
8 cerned shall withhold reports obtained as privileged infor-
9 mation from the personnel files under this section. If the
10 Secretary withholds a report from a personnel file under
11 this subsection, the Secretary shall ensure that the file con-
12 tains a notice that the withheld information exists.

13 “(e) *WRONGFUL WITHHOLDING.*—Except as otherwise
14 provided by law, any person who knowingly and willfully
15 withholds from the personnel file of a missing person any
16 information relating to the disappearance or whereabouts
17 or status of a missing person shall be fined as provided in
18 title 18 or imprisoned not more than one year, or both.

19 “(f) *AVAILABILITY OF INFORMATION.*—The Secretary
20 concerned shall, upon request, make available the contents
21 of the personnel file of a missing person to the primary
22 next of kin, the other members of the immediate family, or
23 any other previously designated person of the person.

1 **“§ 1507. Recommendation of status of death**

2 “(a) *REQUIREMENTS RELATING TO RECOMMENDA-*
3 *TION.*—A board appointed under section 1504 or 1505 of
4 *this title may not recommend that a person be declared*
5 *dead unless—*

6 “(1) *credible evidence exists to suggest that the*
7 *person is dead;*

8 “(2) *the United States possesses no credible evi-*
9 *dence that suggests that the person is alive;*

10 “(3) *representatives of the United States have*
11 *made a complete search of the area where the person*
12 *was last seen (unless, after making a good faith effort*
13 *to obtain access to such area, such representatives are*
14 *not granted such access); and*

15 “(4) *representatives of the United States have ex-*
16 *amined the records of the government or entity having*
17 *control over the area where the person was last seen*
18 *(unless, after making a good faith effort to obtain ac-*
19 *cess to such records, such representatives are not*
20 *granted such access).*

21 “(b) *SUBMITTAL OF INFORMATION ON DEATH.*—If a
22 *board appointed under section 1504 or 1505 of this title*
23 *makes a recommendation that a missing person be declared*
24 *dead, the board shall, to the maximum extent practicable,*
25 *include in the report of the board with respect to the person*
26 *under such section the following:*

1 *gratuity or other payment from the United States on behalf*
2 *of a person referred to in subsection (a) before the date of*
3 *the enactment of this chapter.*

4 **“§ 1509. Effect on State law**

5 *“Nothing in this chapter shall be construed to invali-*
6 *date or limit the power of any State court or administrative*
7 *entity, or the power of any court or administrative entity*
8 *of any political subdivision thereof, to find or declare a per-*
9 *son dead for purposes of such State or political subdivision.*

10 **“§ 1510. Definitions**

11 *“In this chapter:*

12 *“(1) The term ‘missing person’ means a member*
13 *of the armed forces on active duty who is in a miss-*
14 *ing status.*

15 *“(2) The term ‘missing status’ means the status*
16 *of a missing person who is determined to be absent*
17 *in a category of—*

18 *“(A) missing;*

19 *“(B) missing in action;*

20 *“(C) interned in a foreign country;*

21 *“(D) captured;*

22 *“(E) beleaguered;*

23 *“(F) besieged; or*

24 *“(G) detained.*

1 “(3) The term ‘accounted for’, with respect to a
2 person in a missing status, means that—

3 “(A) the person is returned to United States
4 control alive;

5 “(B) the remains of the person are identi-
6 fied by competent authority; or

7 “(C) credible evidence exists to support an-
8 other determination of the person’s status.

9 “(4) The term ‘primary next of kin’, in the case
10 of a missing person, means the individual authorized
11 to direct disposition of the remains of the person
12 under section 1482(c) of this title.

13 “(5) The term ‘member of the immediate family’,
14 in the case of a missing person, means the following:

15 “(A) The spouse of the person.

16 “(B) A natural child, adopted child, step
17 child, or illegitimate child (if acknowledged by
18 the person or parenthood has been established by
19 a court of competent jurisdiction) of the person,
20 except that if such child has not attained the age
21 of 18 years, the term means a surviving parent
22 or legal guardian of such child.

23 “(C) A biological parent of the person, un-
24 less legal custody of the person by the parent has

1 *been previously terminated by reason of a court*
2 *decree or otherwise under law and not restored.*

3 “(D) *A brother or sister of the person, if*
4 *such brother or sister has attained the age of 18*
5 *years.*

6 “(E) *Any other blood relative or adoptive*
7 *relative of the person, if such relative was given*
8 *sole legal custody of the person by a court decree*
9 *or otherwise under law before the person attained*
10 *the age of 18 years and such custody was not*
11 *subsequently terminated before that time.*

12 “(6) *The term ‘previously designated person’, in*
13 *the case of a missing person, means an individual*
14 *designated by the person under section 655 of this*
15 *title for purposes of this chapter.*

16 “(7) *The term ‘classified information’ means any*
17 *information determined as such under applicable*
18 *laws and regulations of the United States.*

19 “(8) *The term ‘State’ includes the District of Co-*
20 *lumbia, the Commonwealth of Puerto Rico, and any*
21 *territory or possession of the United States.*

22 “(9) *The term ‘Secretary concerned’ includes the*
23 *Secretary of Transportation with respect to the Coast*
24 *Guard when it is not operating as a service in the*
25 *Department of the Navy.*

1 “(10) The term ‘armed forces’ includes Coast
2 Guard personnel operating in conjunction with, in
3 support of, or under the command of a unified com-
4 batant command (as that term is used in section 6
5 of this title).”.

6 (2) The tables of chapters at the beginning of subtitle
7 A, and at the beginning of part II of subtitle A, of title
8 10, United States Code, are amended by inserting after the
9 item relating to chapter 75 the following new item:

 “76. Missing Persons 1501”.

10 (c) CONFORMING AMENDMENTS.—Chapter 10 of title
11 37, United States Code, is amended as follows:

12 (1) Section 555 is amended—

13 (A) in subsection (a), by striking out “when
14 a member” and inserting in lieu thereof “except
15 as provided in subsection (d), when a member”;
16 and

17 (B) by adding at the end the following new
18 subsection:

19 “(d) This section does not apply in a case to which
20 section 1502 of title 10 applies.”.

21 (2) Section 552 is amended—

22 (A) in subsection (a), by striking out “for
23 all purposes,” in the second sentence of the mat-
24 ter following paragraph (2) and all that follows

1 *through the end of the sentence and inserting in*
2 *lieu thereof “for all purposes.”;*

3 *(B) in subsection (b), by inserting “or*
4 *under chapter 76 of title 10” before the period at*
5 *the end; and*

6 *(C) in subsection (e), by inserting “or under*
7 *chapter 76 of title 10” after “section 555 of this*
8 *title” after “section 555 of this title”.*

9 *(3) Section 553 is amended—*

10 *(A) in subsection (f), by striking out “the*
11 *date the Secretary concerned receives evidence*
12 *that” and inserting in lieu thereof “the date on*
13 *which, in a case covered by section 555 of this*
14 *title, the Secretary concerned receives evidence,*
15 *or, in a case covered by chapter 76 of title 10,*
16 *the Secretary concerned determines pursuant to*
17 *that chapter that”;* and

18 *(B) in subsection (g), by inserting “or*
19 *under chapter 76 of title 10” after section 555 of*
20 *this title”.*

21 *(4) Section 556 is amended—*

22 *(A) in subsection (a), by inserting after*
23 *paragraph (7) the following: “Paragraphs (1),*
24 *(5), (6), and (7) shall only apply with respect to*
25 *a case to which section 555 of this title applies.”;*

1 (B) in subsection (b), by inserting “, in a
2 case to which section 555 of this title applies,”
3 after “When the Secretary concerned”; and

4 (C) In subsection (h)—

5 (i) in the first sentence, by striking out
6 “status” and inserting in lieu thereof
7 “pay”; and

8 (ii) in the second sentence, by inserting
9 “in a case to which section 555 of this title
10 applies” after “under this section”.

11 (d) *DESIGNATION OF INDIVIDUALS HAVING INTEREST*
12 *IN STATUS OF SERVICE MEMBERS.*—(1) Chapter 37 of title
13 10, United States Code, is amended by adding at the end
14 the following new section:

15 **“§655. Designation of persons having interest in sta-**
16 **tus of a missing member**

17 “(a) The Secretary concerned shall, upon the enlist-
18 ment or appointment of a person in the armed forces, re-
19 quire that the person specify in writing the person or per-
20 sons, if any, other than that person’s primary next of kin
21 or immediate family, to whom information on the where-
22 abouts or status of the member shall be provided if such
23 whereabouts or status are investigated under chapter 76 of
24 this title. The Secretary shall periodically, and whenever
25 the member is deployed as part of a contingency operation

1 *or in other circumstances specified by the Secretary, require*
2 *that such designation be reconfirmed, or modified, by the*
3 *member.*

4 *“(b) The Secretary concerned shall, upon the request*
5 *of a member, permit the member to revise the person or*
6 *persons specified by the member under subsection (a) at any*
7 *time. Any such revision shall be in writing.”.*

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

“655. Designation of persons having interest in status of a missing member.”.

10 *(e) ACCOUNTING FOR CIVILIAN EMPLOYEE AND CON-*
11 *TRACTORS OF THE UNITED STATES.—(1) The Secretary of*
12 *State shall carry out a comprehensive study of the Missing*
13 *Persons Act of 1942 (56 Stat. 143), and any other laws*
14 *and regulations establishing procedures for the accounting*
15 *for of civilian employees of the United States or contractors*
16 *of the United States who serve with or accompany the*
17 *Armed Forces in the field. The purpose of the study is to*
18 *determine the means, if any, by which such procedures may*
19 *be improved.*

20 *(2) The Secretary of State shall carry out the study*
21 *required under paragraph (1) in consultation with the Sec-*
22 *retary of Defense, the Secretary of Transportation, the Di-*
23 *rector of Central Intelligence, and the heads of such other*
24 *departments and agencies of the Federal Government as the*
25 *President shall designate for that purpose.*

1 (3) *In carrying out the study, the Secretary of State*
2 *shall examine the procedures undertaken when a civilian*
3 *employee referred to in paragraph (1) becomes involuntar-*
4 *ily absent as a result of a hostile action, or under cir-*
5 *cumstances suggesting that the involuntary absence is a re-*
6 *sult of a hostile action, and whose status is undetermined*
7 *or who is unaccounted for, including procedures for—*

8 (A) *search and rescue for the employee;*

9 (B) *determining the status of the employee;*

10 (C) *reviewing and changing the status of the em-*
11 *ployee;*

12 (D) *determining the rights and benefits accorded*
13 *to the family of the employee; and*

14 (E) *maintaining and providing appropriate ac-*
15 *cess to the records of the employee and the investiga-*
16 *tion into the status of the employee.*

17 (4) *Not later than one year after the date of the enact-*
18 *ment of this Act, the Secretary of State shall submit to the*
19 *Committee on Armed Services of the Senate and the Com-*
20 *mittee on National Security of the House of Representatives*
21 *a report on the study carried out by the Secretary under*
22 *this subsection. The report shall include the recommenda-*
23 *tions, if any, of the Secretary for legislation to improve the*
24 *procedures covered by the study.*

1 **SEC. 552. SERVICE NOT CREDITABLE FOR PERIODS OF UN-**
2 **AVAILABILITY OR INCAPACITY DUE TO MIS-**
3 **CONDUCT.**

4 (a) *ENLISTED SERVICE CREDIT.*—Section 972 of title
5 10, United States Code, is amended—

6 (1) by striking out paragraphs (3) and (4) and
7 inserting in lieu thereof the following:

8 “(3) is confined by military or civilian authori-
9 ties for more than one day in connection with a trial,
10 whether before, during, or after the trial; or”; and

11 (2) by redesignating paragraph (5) paragraph
12 (4).

13 (b) *OFFICER SERVICE CREDIT.*—Chapter 49 of title
14 10, United States Code, is amended by inserting after sec-
15 tion 972 the following new section:

16 **“§972a. Officers: service not creditable**

17 “(a) *IN GENERAL.*—Except as provided in subsection
18 (b), an officer of an armed force may not receive credit for
19 service in the armed forces for any purpose for a period
20 for which the officer—

21 “(1) deserts;

22 “(2) is absent from the officer’s organization,
23 station, or duty for more than one day without prop-
24 er authority, as determined by competent authority;

1 *ability or incapacity to perform duties that is required*
2 *under section 972 of this title to be made up by performance*
3 *of service for an additional period.*

4 “(b) *OFFICERS.*—A period for which service credit is
5 *denied under section 972a(a) of this title may not be count-*
6 *ed for purposes of computing years of service under this*
7 *chapter.”.*

8 (e) *AIR FORCE COMPUTATION OF YEARS OF SERV-*
9 *ICE.*—Section 8926 of title 10, United States Code, is
10 *amended by adding at the end the following new subsection:*

11 “(d) A period for which service credit is denied under
12 *section 972a(a) of this title may not be counted for purposes*
13 *of computing years of service under this section.”.*

14 (f) *CLERICAL AMENDMENTS.*—(1) *The table of sections*
15 *at the beginning of chapter 49 of title 10, United States*
16 *Code, is amended by inserting after the item relating to*
17 *section 972 the following:*

“972a. Officers: service not creditable.”.

18 (2) *The table of sections at the beginning of chapter*
19 *571 of title 10, United States Code, is amended by inserting*
20 *after the item relating to section 6327 the following new*
21 *item:*

“6328. Computation of years of service: service not creditable.”.

22 (g) *EFFECTIVE DATE AND APPLICABILITY.*—*The*
23 *amendments made by this section shall take effect on Octo-*
24 *ber 1, 1995, and shall apply to occurrences on or after that*

1 *date of unavailability or incapacity to perform duties as*
2 *described in section 972 or 972a of title 10, United States*
3 *Code, as the case may be.*

4 **SEC. 553. SEPARATION IN CASES INVOLVING EXTENDED**
5 **CONFINEMENT.**

6 (a) *SEPARATION.—(1)(A) Chapter 59 of title 10, Unit-*
7 *ed States Code, is amended by adding at the end the follow-*
8 *ing:*

9 **“§ 1178. Persons under confinement for one year or**
10 **more**

11 *“Except as otherwise provided in regulations pre-*
12 *scribed by the Secretary of Defense, a person sentenced by*
13 *a court-martial to a period of confinement for one year or*
14 *more may be separated from the person’s armed force at*
15 *any time after the sentence to confinement has become final*
16 *under chapter 47 of this title and the person has served*
17 *in confinement for a period of one year.”.*

18 (B) *The table of sections at the beginning of chapter*
19 *59 of such title is amended by inserting at the end thereof*
20 *the following new item:*

“1178. Persons under confinement for one year or more.”.

21 (2)(A) *Chapter 1221 of title 10, United States Code,*
22 *is amended by adding at the end the following:*

1 **“§ 12687. Persons under confinement for one year or**
2 **more**

3 *“Except as otherwise provided in regulations pre-*
4 *scribed by the Secretary of Defense, a Reserve sentenced by*
5 *a court-martial to a period of confinement for one year or*
6 *more may be separated from the person’s armed force at*
7 *any time after the sentence to confinement has become final*
8 *under chapter 47 of this title and the person has served*
9 *in confinement for a period of one year.”.*

10 *(B) The table of sections at the beginning of chapter*
11 *1221 of such title is amended by inserting at the end thereof*
12 *the following new item:*

“12687. Persons under confinement for one year or more.”.

13 *(b) DROP FROM ROLLS.—(1) Section 1161(b) of title*
14 *10, United States Code, is amended by striking out “or (2)”*
15 *and inserting in lieu thereof “(2) who may be separated*
16 *under section 1178 of this title by reason of a sentence to*
17 *confinement adjudged by a court-martial, or (3)”.*

18 *(2) Section 12684 of such title is amended—*

19 *(A) by striking out “or” at the end of paragraph*
20 *(1);*

21 *(B) by redesignating paragraph (2) as para-*
22 *graph (3); and*

23 *(C) by inserting after paragraph (1) the follow-*
24 *ing new paragraph (2):*

1 “(2) who may be separated under section 12687
2 of this title by reason of a sentence to confinement ad-
3 judged by a court-martial; or”.

4 **SEC. 554. DURATION OF FIELD TRAINING OR PRACTICE**
5 **CRUISE REQUIRED UNDER THE SENIOR RE-**
6 **SERVE OFFICERS’ TRAINING CORPS PRO-**
7 **GRAM.**

8 Section 2104(b)(6)(A)(ii) of title 10, United States
9 Code, is amended by striking out “not less than six weeks’
10 duration” and inserting in lieu thereof “a duration”.

11 **SEC. 555. CORRECTION OF MILITARY RECORDS.**

12 (a) *REVIEW OF PROCEDURES.*—The Secretary of each
13 military department shall review the system and procedures
14 used by the Secretary in the exercise of authority under sec-
15 tion 1552 of title 10, United States Code, in order to iden-
16 tify potential improvements that could be made in the proc-
17 ess for correcting military records to ensure fairness, equity,
18 and, consistent with appropriate service to applicants,
19 maximum efficiency.

20 (b) *ISSUES REVIEWED.*—In conducting the review, the
21 Secretary shall consider the following issues:

22 (1) *The composition of the board for correction*
23 *of military records and of the support staff for the*
24 *board.*

25 (2) *Timeliness of final action.*

1 *the number of medical personnel of the Department of De-*
2 *fense—*

3 *(1) in fiscal year 1996, to a number that is less*
4 *than—*

5 *(A) 95 percent of the number of such per-*
6 *sonnel at the end of fiscal year 1994; or*

7 *(B) 90 percent of the number of such per-*
8 *sonnel at the end of fiscal year 1993; and*

9 *(2) in any fiscal year beginning after September*
10 *30, 1996, to a number that is less than—*

11 *(A) 95 percent of the number of such per-*
12 *sonnel at the end of the immediately preceding*
13 *fiscal year; or*

14 *(B) 90 percent of the number of such per-*
15 *sonnel at the end of the third fiscal year preced-*
16 *ing the fiscal year.*

17 *(b) CERTIFICATION.—The Secretary may make a re-*
18 *duction described in subsection (a) if the Secretary certifies*
19 *to Congress that—*

20 *(1) the number of medical personnel of the De-*
21 *partment that is being reduced is excess to the current*
22 *and projected needs of the military departments; and*

23 *(2) such reduction will not result in an increase*
24 *in the cost of health care services provided under the*

1 *Civilian Health and Medical Program of the Uni-*
2 *formed Services.*

3 (c) *REPORT ON PLANNED REDUCTIONS.*—Not later
4 *than March 1, 1996, the Assistant Secretary of Defense hav-*
5 *ing responsibility for health affairs, in consultation with*
6 *Surgeon General of the Army, the Surgeon General of the*
7 *Navy, and the Surgeon General of the Air Force, shall sub-*
8 *mit to the congressional defense committees a plan for the*
9 *reduction of the number of medical personnel of the Depart-*
10 *ment of Defense over the 5-year period beginning on October*
11 *1, 1996.*

12 (d) *REPEAL OF OBSOLETE PROVISIONS OF LAW.*—(1)
13 *Section 711 of the National Defense Authorization Act for*
14 *Fiscal Year 1991 (10 U.S.C. 115 note) is repealed.*

15 (2) *Section 718 of the National Defense Authorization*
16 *Act for Fiscal Years 1992 and 1993 (Public Law 102–190;*
17 *105 Stat. 1404; 10 U.S.C. 115 note) is amended by striking*
18 *out subsection (b).*

19 (3) *Section 518 of the National Defense Authorization*
20 *Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat.*
21 *2407) is repealed.*

22 (e) *DEFINITION.*—*For purposes of this section, the*
23 *term “medical personnel” has the meaning given such term*
24 *in section 115a(g)(2) of title 10, United States Code, except*

1 *that such term includes civilian personnel of the Depart-*
2 *ment of Defense assigned to military medical facilities.*

3 **SEC. 557. REPEAL OF REQUIREMENT FOR ATHLETIC DIREC-**
4 **TOR AND NONAPPROPRIATED FUND AC-**
5 **COUNT FOR THE ATHLETICS PROGRAMS AT**
6 **THE SERVICE ACADEMIES.**

7 (a) *UNITED STATES MILITARY ACADEMY.—(1) Section*
8 *4357 of title 10, United States Code, is repealed.*

9 (2) *The table of sections at the beginning of chapter*
10 *403 of such title is amended by striking out the item relat-*
11 *ing to section 4357.*

12 (b) *UNITED STATES NAVAL ACADEMY.—Section 556 of*
13 *the National Defense Authorization Act for Fiscal Year*
14 *1995 (Public Law 103–337; 108 Stat. 2774) is amended*
15 *by striking out subsections (b), (d), and (e).*

16 (c) *UNITED STATES AIR FORCE ACADEMY.—(1) Sec-*
17 *tion 9356 of title 10, United States Code, is repealed.*

18 (2) *The table of sections at the beginning of chapter*
19 *903 of such title is amended by striking out the item relat-*
20 *ing to section 9356.*

21 **SEC. 558. PROHIBITION ON USE OF FUNDS FOR SERVICE**
22 **ACADEMY PREPARATORY SCHOOL TEST PRO-**
23 **GRAM.**

24 *Notwithstanding any other provision of law, none of*
25 *the funds authorized to be appropriated by this Act, or oth-*

1 *erwise made available, to the Department of Defense may*
2 *be obligated to carry out a test program for determining*
3 *the cost effectiveness of transferring to the private sector the*
4 *mission of operating one or more preparatory schools for*
5 *the United States Military Academy, the United States*
6 *Naval Academy, and the United States Air Force Academy.*

7 **SEC. 559. CENTRALIZED JUDICIAL REVIEW OF DEPART-**
8 **MENT OF DEFENSE PERSONNEL ACTIONS.**

9 *(a) ESTABLISHMENT.—The Secretary of Defense and*
10 *the Attorney General shall jointly establish an advisory*
11 *panel on centralized review of Department of Defense ad-*
12 *ministrative personnel actions.*

13 *(b) MEMBERSHIP.—(1) The panel shall be composed*
14 *of five members appointed as follows:*

15 *(A) One member appointed by the Chief Justice*
16 *of the United States.*

17 *(B) Three members appointed by the Secretary of*
18 *Defense.*

19 *(C) One member appointed by the Attorney Gen-*
20 *eral.*

21 *(2) The Secretary of Defense shall designate one of the*
22 *members appointed under paragraph (1)(B) to serve as*
23 *chairman of the panel.*

24 *(3) All members shall be appointed not later than 30*
25 *days after the date of the enactment of this Act.*

1 (4) *The panel shall meet at the call of the chairman.*
2 *The panel shall hold its first meeting not later than 30 days*
3 *after the date on which all members have been appointed.*

4 (c) *DUTIES.*—*The panel shall review, and provide*
5 *findings and recommendations in accordance with sub-*
6 *section (d) regarding, the following matters:*

7 (1) *Whether the existing practices with regard to*
8 *judicial review of administrative personnel actions of*
9 *the Department of Defense are appropriate and ade-*
10 *quate.*

11 (2) *Whether a centralized judicial review of ad-*
12 *ministrative personnel actions should be established.*

13 (3) *Whether the United States Court of Appeals*
14 *for the Armed Forces should conduct such reviews.*

15 (d) *REPORT.*—(1) *Not later than December 15, 1996,*
16 *the panel shall submit a report on the findings and rec-*
17 *ommendations of the panel to the Secretary of Defense and*
18 *the Attorney General.*

19 (2) *Not later than January 1, 1997, the Secretary of*
20 *Defense and the Attorney General shall jointly transmit the*
21 *panel's report to Congress. The Secretary and the Attorney*
22 *General may include in the transmittal any joint com-*
23 *ments on the report that they consider appropriate, and ei-*
24 *ther such official may include in the transmittal any sepa-*

1 rate comments on the report that such official considers ap-
2 propriate.

3 (e) *TERMINATION OF PANEL.*—The panel shall termi-
4 nate 30 days after the date of submission of the report to
5 the Secretary of Defense and the Attorney General under
6 subsection (d).

7 **SEC. 560. DELAY IN REORGANIZATION OF ARMY ROTC RE-**
8 **REGIONAL HEADQUARTERS STRUCTURE.**

9 (a) *DELAY.*—The Secretary of the Army may not take
10 any action to reorganize the regional headquarters and
11 basic camp structure of the Reserve Officers Training Corps
12 program of the Army until six months after the date on
13 which the report required by subsection (d) is submitted.

14 (b) *COST-BENEFIT ANALYSIS.*—The Secretary of the
15 Army shall conduct a comparative cost-benefit analysis of
16 various options for the reorganization of the regional head-
17 quarters and basic camp structure of the Army ROTC pro-
18 gram. As part of such analysis, the Secretary shall measure
19 each reorganization option considered against a common
20 set of criteria.

21 (c) *SELECTION OF REORGANIZATION OPTION FOR IM-*
22 *PLEMENTATION.*—Based on the findings resulting from the
23 cost-benefit analysis under subsection (b) and such other
24 factors as the Secretary considers appropriate, the Sec-
25 retary shall select one reorganization option for implemen-

1 *tation. The Secretary may select an option for implementa-*
2 *tion only if the Secretary finds that the cost-benefit analysis*
3 *and other factors considered clearly demonstrate that such*
4 *option, better than any other option considered—*

5 *(1) provides the structure to meet projected mis-*
6 *sion requirements;*

7 *(2) achieves the most significant personnel and*
8 *cost savings;*

9 *(3) uses existing basic and advanced camp facili-*
10 *ties to the maximum extent possible;*

11 *(4) minimizes additional military construction*
12 *costs; and*

13 *(5) makes maximum use of the reserve compo-*
14 *nents to support basic and advanced camp oper-*
15 *ations, thereby minimizing the effect of those oper-*
16 *ations on active duty units.*

17 *(d) REPORT.—Not later than 60 days after the date*
18 *of the enactment of this Act, the Secretary of the Army shall*
19 *submit to the Committee on Armed Services of the Senate*
20 *and the Committee on National Security of the House of*
21 *Representatives a report describing the reorganization op-*
22 *tion selected under subsection (c). The report shall include*
23 *the results of the cost-benefit analysis under subsection (b)*
24 *and a detailed rationale for the reorganization option se-*
25 *lected.*

1 **TITLE VI—COMPENSATION AND**
2 **OTHER PERSONNEL BENEFITS**
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1996.**

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 *1996 shall not be made.*

10 (b) *INCREASE IN BASIC PAY AND BAS.*—Effective on
11 *January 1, 1996, the rates of basic pay and basic allowance*
12 *for subsistence of members of the uniformed services are in-*
13 *creased by 2.4 percent.*

14 (c) *INCREASE IN BAQ.*—Effective on January 1, 1996,
15 *the rates of basic allowance for quarters of members of the*
16 *uniformed services are increased by 5.2 percent.*

17 **SEC. 602. ELECTION OF BASIC ALLOWANCE FOR QUARTERS**

18 **INSTEAD OF ASSIGNMENT TO INADEQUATE**
19 **QUARTERS.**

20 (a) *ELECTION AUTHORIZED.*—Section 403(b) of title
21 *37, United States Code, is amended—*

22 (1) *by inserting “(1)” after “(b)”;*

23 (2) *by designating the second sentence as para-*
24 *graph (2) and, as so designated, by striking out*

1 *“However, subject” and inserting in lieu thereof*
2 *“Subject”; and*

3 *(3) by adding at the end the following:*

4 *“(3) A member without dependents who is in pay*
5 *grade E-6 and who is assigned to quarters of the United*
6 *States that do not meet the minimum adequacy standards*
7 *established by the Department of Defense for members in*
8 *such pay grade, or to a housing facility under the jurisdic-*
9 *tion of a uniformed service that does not meet such stand-*
10 *ards, may elect not to occupy such quarters or facility and*
11 *instead to receive the basic allowance for quarters prescribed*
12 *for his pay grade by this section.”.*

13 *(b) EFFECTIVE DATE.—The amendments made by this*
14 *section shall take effect on July 1, 1996.*

15 **SEC. 603. PAYMENT OF BASIC ALLOWANCE FOR QUARTERS**
16 **TO MEMBERS OF THE UNIFORMED SERVICES**
17 **IN PAY GRADE E-6 WHO ARE ASSIGNED TO**
18 **SEA DUTY.**

19 *(a) PAYMENT AUTHORIZED.—Section 403(c)(2) of title*
20 *37, United States Code, is amended—*

21 *(1) in the first sentence, by striking out “E-7”*
22 *and inserting in lieu thereof “E-6”; and*

23 *(2) in the second sentence, by striking out “E-*
24 *6” and inserting in lieu thereof “E-5”.*

1 (b) *EFFECTIVE DATE.*—The amendments made by this
2 section shall take effect on July 1, 1996.

3 **SEC. 604. LIMITATION ON REDUCTION OF VARIABLE HOUS-**
4 **ING ALLOWANCE FOR CERTAIN MEMBERS.**

5 (a) *LIMITATION ON REDUCTION IN VHA.*—Subsection
6 (c)(3) of section 403a of title 37, United States Code, is
7 amended by adding at the end the following new sentence:
8 “However, on and after January 1, 1996, the monthly
9 amount of a variable housing allowance under this section
10 for a member of a uniformed service with respect to an area
11 may not be reduced so long as the member retains uninter-
12 rupted eligibility to receive a variable housing allowance
13 within that area and the member’s certified housing costs
14 are not reduced, as indicated by certifications provided by
15 the member under subsection (b)(4).”.

16 (b) *EFFECT ON TOTAL AMOUNT AVAILABLE FOR*
17 *VHA.*—Subsection (d)(3) of such section is amended by in-
18 serting after the first sentence the following new sentence:
19 “In addition, the total amount determined under para-
20 graph (1) shall be adjusted to ensure that sufficient amounts
21 are available to allow payment of any additional amounts
22 of variable housing allowance necessary as a result of the
23 requirements of the second sentence of subsection (c)(3).”.

24 (c) *REPORT ON IMPLEMENTATION.*—Not later than
25 June 1, 1996, the Secretary of Defense shall submit to Con-

1 *gress a report describing the procedures to be used to imple-*
2 *ment the amendments made by this section and the costs*
3 *of such amendments.*

4 **SEC. 605. CLARIFICATION OF LIMITATION ON ELIGIBILITY**
5 **FOR FAMILY SEPARATION ALLOWANCE.**

6 *Section 427(b)(4) of title 37, United States Code, is*
7 *amended by inserting “paragraph (1)(A) of” after “not en-*
8 *titled to an allowance under” in the first sentence.*

9 **Subtitle B—Bonuses and Special**
10 **and Incentive Pays**

11 **SEC. 611. EXTENSION OF CERTAIN BONUSES FOR RESERVE**
12 **FORCES.**

13 *(a) SELECTED RESERVE REENLISTMENT BONUS.—*
14 *Section 308b(f) of title 37, United States Code, is amended*
15 *by striking out “September 30, 1996” and inserting in lieu*
16 *thereof “September 30, 1997”.*

17 *(b) SELECTED RESERVE ENLISTMENT BONUS.—Sec-*
18 *tion 308c(e) of title 37, United States Code, is amended by*
19 *striking out “September 30, 1996” and inserting in lieu*
20 *thereof “September 30, 1997”.*

21 *(c) SELECTED RESERVE AFFILIATION BONUS.—Sec-*
22 *tion 308e(e) of title 37, United States Code, is amended by*
23 *striking out “September 30, 1996” and inserting in lieu*
24 *thereof “September 30, 1997”.*

1 (d) *READY RESERVE ENLISTMENT AND REENLIST-*
2 *MENT BONUS.*—Section 308h(g) of title 37, United States
3 Code, is amended by striking out “September 30, 1996” and
4 inserting in lieu thereof “September 30, 1997”.

5 (e) *PRIOR SERVICE ENLISTMENT BONUS.*—Section
6 308i(i) of title 37, United States Code, is amended by strik-
7 ing out “September 30, 1996” and inserting in lieu thereof
8 “September 30, 1997”.

9 **SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL**
10 **PAY FOR NURSE OFFICER CANDIDATES, REG-**
11 **ISTERED NURSES, AND NURSE ANES-**
12 **THETISTS.**

13 (a) *NURSE OFFICER CANDIDATE ACCESSION PRO-*
14 *GRAM.*—Section 2130a(a)(1) of title 10, United States Code,
15 is amended by striking out “September 30, 1996” and in-
16 serting in lieu thereof “September 30, 1997”.

17 (b) *ACCESSION BONUS FOR REGISTERED NURSES.*—
18 Section 302d(a)(1) of title 37, United States Code, is
19 amended by striking out “September 30, 1996” and insert-
20 ing in lieu thereof “September 30, 1997”.

21 (c) *INCENTIVE SPECIAL PAY FOR NURSE ANES-*
22 *THETISTS.*—Section 302e(a)(1) of title 37, United States
23 Code, is amended by striking out “September 30, 1996” and
24 inserting in lieu thereof “September 30, 1997”.

1 **SEC. 613. EXTENSION OF AUTHORITY RELATING TO PAY-**
2 **MENT OF OTHER BONUSES AND SPECIAL**
3 **PAYS.**

4 (a) *AVIATION OFFICER RETENTION BONUS.*—Section
5 301b(a) of title 37, United States Code, is amended by strik-
6 ing out “September 30, 1996,” and inserting in lieu thereof
7 “September 30, 1997”.

8 (b) *REENLISTMENT BONUS FOR ACTIVE MEMBERS.*—
9 Section 308(g) of title 37, United States Code, is amended
10 by striking out “September 30, 1996” and inserting in lieu
11 thereof “September 30, 1997”.

12 (c) *ENLISTMENT BONUSES FOR CRITICAL SKILLS.*—
13 Sections 308a(c) and 308f(c) of title 37, United States Code,
14 are each amended by striking out “September 30, 1996”
15 and inserting in lieu thereof “September 30, 1997”.

16 (d) *SPECIAL PAY FOR ENLISTED MEMBERS OF THE*
17 *SELECTED RESERVE ASSIGNED TO CERTAIN HIGH PRIOR-*
18 *ITY UNITS.*—Section 308d(c) of title 37, United States
19 Code, is amended by striking out “September 30, 1996” and
20 inserting in lieu thereof “September 30, 1997”.

21 (e) *REPAYMENT OF EDUCATION LOANS FOR CERTAIN*
22 *HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED*
23 *RESERVE.*—Section 16302(d) of title 10, United States
24 Code, is amended by striking out “October 1, 1996” and
25 inserting in lieu thereof “October 1, 1997”.

1 (f) *SPECIAL PAY FOR CRITICALLY SHORT WARTIME*
2 *HEALTH SPECIALISTS IN THE SELECTED RESERVES.*—Section
3 *613(d) of the National Defense Authorization Act, Fis-*
4 *cal Year 1989 (37 U.S.C. 302 note) is amended by striking*
5 *out “September 30, 1996” and inserting in lieu thereof*
6 *“September 30, 1997”.*

7 (g) *SPECIAL PAY FOR NUCLEAR QUALIFIED OFFICERS*
8 *EXTENDING PERIOD OF ACTIVE SERVICE.*—Section 312(e)
9 *of title 37, United States Code, is amended by striking out*
10 *“September 30, 1996” and inserting in lieu thereof “Sep-*
11 *tember 30, 1997”.*

12 (h) *NUCLEAR CAREER ACCESSION BONUS.*—Section
13 *312b(c) of title 37, United States Code, is amended by strik-*
14 *ing out “September 30, 1996” and inserting in lieu thereof*
15 *“September 30, 1997”.*

16 (i) *NUCLEAR CAREER ANNUAL INCENTIVE BONUS.*—
17 *Section 312c(d) of title 37, United States Code, is amended*
18 *by striking out “October 1, 1996” and inserting in lieu*
19 *thereof “October 1, 1997”.*

20 **SEC. 614. HAZARDOUS DUTY INCENTIVE PAY FOR WARRANT**
21 **OFFICERS AND ENLISTED MEMBERS SERVING**
22 **AS AIR WEAPONS CONTROLLERS.**

23 Section 301 of title 37, United States Code, is amend-
24 ed—

1 (1) in subsection (a)(11), by striking out “an of-
 2 ficer (other than a warrant officer)” and inserting in
 3 lieu thereof “a member of a uniformed service”;

4 (2) in subsection (c)(2)—

5 (A) by striking out “an officer” each place
 6 it appears and inserting in lieu thereof “a mem-
 7 ber”;

8 (B) in subparagraph (A), by striking out
 9 the table and inserting in lieu thereof the follow-
 10 ing:

"Pay grade	Years of service as an air weapons controller							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	
"O-7 and above	\$200	\$200	\$200	\$200	\$200	\$200	\$200	
"O-6	225	250	300	325	350	350	350	
"O-5	200	250	300	325	350	350	350	
"O-4	175	225	275	300	350	350	350	
"O-3	125	156	188	206	350	350	350	
"O-2	125	156	188	206	250	300	300	
"O-1	125	156	188	206	250	250	250	
"W-4	200	225	275	300	325	325	325	
"W-3	175	225	275	300	325	325	325	
"W-2	150	200	250	275	325	325	325	
"W-1	100	125	150	175	325	325	325	
"E-9	200	225	250	275	300	300	300	
"E-8	200	225	250	275	300	300	300	
"E-7	175	200	225	250	275	275	275	
"E-6	156	175	200	225	250	250	250	
"E-5	125	156	175	188	200	200	200	
"E-4 and below	125	156	175	188	200	200	200	
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
"O-7 and above	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$110
"O-6	350	350	350	350	300	250	250	225
"O-5	350	350	350	350	300	250	250	225
"O-4	350	350	350	350	300	250	250	225
"O-3	350	350	350	300	275	250	225	200
"O-2	300	300	300	275	245	210	200	180
"O-1	250	250	250	245	210	200	180	150
"W-4	325	325	325	325	276	250	225	200
"W-3	325	325	325	325	325	250	225	200
"W-2	325	325	325	325	275	250	225	200
"W-1	325	325	325	325	275	250	225	200
"E-9	300	300	300	300	275	230	200	200
"E-8	300	300	300	300	265	230	200	200
"E-7	300	300	300	300	265	230	200	200
"E-6	300	300	300	300	265	230	200	200
"E-5	250	250	250	250	225	200	175	150
"E-4 and below	200	200	200	200	175	150	125	125"

11 and

12 (C) in subparagraph (B), by striking out
 13 “the officer” each place it appears and inserting
 14 in lieu thereof “the member”.

1 **SEC. 615. AVIATION CAREER INCENTIVE PAY.**

2 (a) *YEARS OF OPERATIONAL FLYING DUTIES RE-*
3 *QUIRED.*—Paragraph (4) of section 301a(a) of title 37,
4 *United States Code*, is amended in the first sentence by
5 *striking out “9” and inserting in lieu thereof “8”.*

6 (b) *EXERCISE OF WAIVER AUTHORITY.*—Paragraph
7 (5) of such section is amended by inserting after the second
8 *sentence the following new sentence: “The Secretary con-*
9 *cerned may not delegate the authority in the preceding sen-*
10 *tence to permit the payment of incentive pay under this*
11 *subsection.”.*

12 **SEC. 616. CLARIFICATION OF AUTHORITY TO PROVIDE SPE-**
13 **CIAL PAY FOR NURSES.**

14 *Section 302c(d)(1) of title 37, United States Code*, is
15 *amended—*

16 (1) *by striking out “or an officer” and inserting*
17 *in lieu thereof “an officer”; and*

18 (2) *by inserting before the semicolon the follow-*
19 *ing: “, an officer of the Nurse Corps of the Army or*
20 *Navy, or an officer of the Air Force designated as a*
21 *nurse”.*

1 **SEC. 617. CONTINUOUS ENTITLEMENT TO CAREER SEA PAY**
2 **FOR CREW MEMBERS OF SHIPS DESIGNATED**
3 **AS TENDERS.**

4 *Section 305a(d)(1) of title 37, United States Code, is*
5 *amended by striking out subparagraph (A) and inserting*
6 *in lieu thereof the following:*

7 *“(A) while permanently or temporarily assigned*
8 *to a ship, ship-based staff, or ship-based aviation unit*
9 *and—*

10 *“(i) while serving on a ship the primary*
11 *mission of which is accomplished while under*
12 *way;*

13 *“(ii) while serving as a member of the off-*
14 *crew of a two-crewed submarine; or*

15 *“(iii) while serving as a member of a ten-*
16 *der-class ship (with the hull classification of sub-*
17 *marine or destroyer); or”.*

18 **SEC. 618. INCREASE IN MAXIMUM RATE OF SPECIAL DUTY**
19 **ASSIGNMENT PAY FOR ENLISTED MEMBERS**
20 **SERVING AS RECRUITERS.**

21 *(a) SPECIAL MAXIMUM RATE FOR RECRUITERS.—Sec-*
22 *tion 307(a) of title 37, United States Code, is amended by*
23 *adding at the end the following new sentence: “In the case*
24 *of a member who is serving as a military recruiter and*
25 *is eligible for special duty assignment pay under this sub-*
26 *section by reason of such duty, the Secretary concerned may*

1 *increase the monthly rate of special duty assignment pay*
2 *for the member to not more than \$375.”.*

3 (b) *EFFECTIVE DATE.*—*The amendment made by sub-*
4 *section (a) shall take effect on January 1, 1996.*

5 ***Subtitle C—Travel and***
6 ***Transportation Allowances***

7 ***SEC. 621. CALCULATION ON BASIS OF MILEAGE TABLES OF***
8 ***SECRETARY OF DEFENSE: REPEAL OF RE-***
9 ***QUIREMENT.***

10 *Section 404(d)(1)(A) of title 37, United States Code,*
11 *is amended by striking out “, based on distances established*
12 *over the shortest usually traveled route, under mileage tables*
13 *prepared under the direction of the Secretary of Defense”.*

14 ***SEC. 622. DEPARTURE ALLOWANCES.***

15 (a) *ELIGIBILITY WHEN EVACUATION AUTHORIZED*
16 *BUT NOT ORDERED.*—*Section 405a(a) of title 37, United*
17 *States Code, is amended by striking out “ordered” each*
18 *place it appears and inserting in lieu thereof “authorized*
19 *or ordered”.*

20 (b) *EFFECTIVE DATE AND APPLICABILITY.*—*The*
21 *amendment made by subsection (a) shall take effect on Octo-*
22 *ber 1, 1995, and shall apply to persons authorized or or-*
23 *dered to depart as described in section 405a(a) of title 37,*
24 *United States Code, on or after such date.*

1 **SEC. 623. DISLOCATION ALLOWANCE FOR MOVES RESULT-**
2 **ING FROM A BASE CLOSURE OR REALIGN-**
3 **MENT.**

4 *Section 407(a) of title 37, United States Code, is*
5 *amended by—*

6 *(1) by striking out “or” at the end of paragraph*
7 *(3);*

8 *(2) by striking out the period at the end of para-*
9 *graph (4) and inserting in lieu thereof “; or”; and*

10 *(3) by adding at the end the following:*

11 *“(5) the member is ordered to move in connec-*
12 *tion with the closure or realignment of a military in-*
13 *stallation and, as a result, the member’s dependents*
14 *actually move or, in the case of a member without de-*
15 *pendents, the member actually moves.”.*

16 **SEC. 624. TRANSPORTATION OF NONDEPENDENT CHILD**
17 **FROM SPONSOR’S STATION OVERSEAS AFTER**
18 **LOSS OF DEPENDENT STATUS WHILE OVER-**
19 **SEAS.**

20 *Section 406(h)(1) of title 37, United States Code, is*
21 *amended by striking out the last sentence and inserting in*
22 *lieu thereof the following new sentence: “If a member re-*
23 *ceives for an unmarried child of the member transportation*
24 *in kind to the member’s station outside the United States*
25 *or in Hawaii or Alaska, reimbursement therefor, or a mone-*
26 *tary allowance in place thereof and, while the member is*

1 *...serving at that station, the child ceases to be a dependent*
2 *of the member by reason of ceasing to satisfy an age require-*
3 *ment in section 401(a)(2) of this title or ceasing to be en-*
4 *rolled in an institution of higher education as described in*
5 *subparagraph (C) of such section, the child shall be treated*
6 *as a dependent of the member for purposes of this sub-*
7 *section.”.*

8 ***Subtitle D—Commissaries and***
9 ***Nonappropriated Fund Instru-***
10 ***mentalities***

11 ***SEC. 631. USE OF COMMISSARY STORES BY MEMBERS OF***
12 ***THE READY RESERVE.***

13 *(a) PERIOD OF USE.—Section 1063 of title 10, United*
14 *States Code, is amended—*

15 *(1) in subsection (a)(1)—*

16 *(A) by inserting “for a period of one year*
17 *on the same basis as members on active duty”*
18 *before the period at the end of the first sentence;*
19 *and*

20 *(B) by striking out the second sentence;*

21 *(2) by striking out subsection (b); and*

22 *(3) by redesignating subsection (c) as subsection*
23 *(b).*

24 *(b) CONFORMING AND CLERICAL AMENDMENTS.—(1)*
25 *The heading for such section is amended to read as follows:*

1 **“§ 1063. Commissary stores: use by members of the**
2 **Ready Reserve”.**

3 (2) *The item relating to such section in the table of*
4 *sections at the beginning of chapter 54 of title 10, United*
5 *State Code, is amended to read as follows:*

“1063. Commissary stores: use by members of the Ready Reserve.”.

6 **SEC. 632. USE OF COMMISSARY STORES BY RETIRED RE-**
7 **SERVES UNDER AGE 60 AND THEIR SURVI-**
8 **VORS.**

9 (a) *ELIGIBILITY.—Section 1064 of title 10, United*
10 *States Code, is amended to read as follows:*

11 **“§ 1064. Commissary stores: use by retired Reserves**
12 **under age 60 and their survivors**

13 *“(a) RETIRED RESERVES UNDER AGE 60.—Members*
14 *of the reserve components under 60 years of age who, but*
15 *for age, would be eligible for retired pay under chapter 1223*
16 *of this title (or under chapter 67 of this title as in effect*
17 *before December 1, 1994) shall be authorized to use com-*
18 *missary stores of the Department of Defense on the same*
19 *basis as members and former members of the armed forces*
20 *who have retired entitled to retired or retainer pay under*
21 *chapter 367, 571, or 867 of this title.*

22 *“(b) SURVIVORS.—If a person authorized to use com-*
23 *missary stores under subsection (a) dies before attaining 60*
24 *years of age, the surviving dependents of the deceased person*
25 *shall be authorized to use commissary stores of the Depart-*

1 *ment of Defense on the same basis as the surviving depend-*
 2 *ents of persons who die after being retired entitled to retired*
 3 *or retainer pay under chapter 367, 571, or 867 of this title.*

4 “(c) *USE SUBJECT TO REGULATIONS.—Use of com-*
 5 *missary stores under this section is subject to regulations*
 6 *prescribed by the Secretary of Defense.”.*

7 (b) *CLERICAL AMENDMENT.—The item relating to*
 8 *such section in the table of sections at the beginning of chap-*
 9 *ter 54 of title 10, United States Code, is amended to read*
 10 *as follows:*

“1064. Commissary stores: use by retired Reserves under age 60 and their survi-
vors.”.

11 ***SEC. 633. USE OF MORALE, WELFARE, AND RECREATION FA-***
 12 ***CILITIES BY MEMBERS OF RESERVE COMPO-***
 13 ***NENTS AND DEPENDENTS: CLARIFICATION***
 14 ***OF ENTITLEMENT.***

15 *Section 1065 of title 10, United States Code, is amend-*
 16 *ed to read as follows:*

17 ***“§1065. Use of certain morale, welfare, and recre-***
 18 ***ation facilities by members of reserve com-***
 19 ***ponents and dependents***

20 “(a) *MEMBERS OF THE SELECTED RESERVE.—Mem-*
 21 *bers of the Selected Reserve in good standing (as determined*
 22 *by the Secretary concerned) shall be permitted to use MWR*
 23 *retail facilities on the same basis as members on active*
 24 *duty.*

1 “(b) *MEMBERS OF READY RESERVE NOT IN SE-*
2 *LECTED RESERVE.*—Subject to such regulations as the Sec-
3 *retary of Defense may prescribe, members of the Ready Re-*
4 *serve (other than members of the Selected Reserve) may be*
5 *permitted to use MWR retail facilities on the same basis*
6 *as members serving on active duty.*

7 “(c) *RETIREES UNDER AGE 60.*—Members of the re-
8 *serve components under 60 years of age who, but for age,*
9 *would be eligible for retired pay under chapter 1223 of this*
10 *title (or under chapter 67 of this title as in effect before*
11 *December 1, 1994) shall be permitted to use MWR retail*
12 *facilities on the same basis as members and former members*
13 *of the armed forces who have retired entitled to retired or*
14 *retainer pay under chapter 367, 571, or 867 of this title.*

15 “(d) *DEPENDENTS.*—(1) *Dependents of members re-*
16 *ferred to in subsection (a) shall be permitted to use MWR*
17 *retail facilities on the same basis as dependents of members*
18 *on active duty.*

19 “(2) *Dependents of members referred to in subsection*
20 *(c) shall be permitted to use MWR retail facilities on the*
21 *same basis as dependents of members and former members*
22 *of the armed forces who have retired entitled to retired or*
23 *retainer pay under chapter 367, 571, or 867 of this title.*

24 “(e) *MWR RETAIL FACILITY DEFINED.*—In this sec-
25 *tion, the term ‘MWR retail facilities’ means exchange stores*

1 *and other revenue generating facilities operated by*
2 *nonappropriated fund activities of the Department of De-*
3 *fense for the morale, welfare, and recreation of members of*
4 *the armed forces.”.*

5 ***Subtitle E—Other Matters***

6 ***SEC. 641. COST-OF-LIVING INCREASES FOR RETIRED PAY.***

7 *(a) MODIFICATION OF DELAYS.—Clause (ii) of section*
8 *1401a(b)(2)(B) of title 10, United States Code, is amend-*
9 *ed—*

10 *(1) by striking out “1994, 1995, 1996, or 1997”*
11 *and inserting in lieu thereof “1994 or 1995”; and*

12 *(2) by striking out “September” and inserting in*
13 *lieu thereof “March”.*

14 *(b) CONFORMING AMENDMENT.—The captions for such*
15 *section 1401a(2)(B) and for clause (ii) of such section are*
16 *amended by striking out “THROUGH 1998” and inserting in*
17 *lieu thereof “THROUGH 1996”.*

18 *(c) REPEAL OF SUPERSEDED PROVISION.—Section*
19 *8114A of Public Law 103–335 (108 Stat. 2648) is repealed.*

20 ***SEC. 642. ELIGIBILITY FOR RETIRED PAY FOR NON-REGU-***
21 ***LAR SERVICE DENIED FOR MEMBERS RECEIV-***
22 ***ING CERTAIN SENTENCES IN COURTS-MAR-***
23 ***TIAL.***

24 *Section 12731 of title 10, United States Code, is*
25 *amended—*

1 (3) by redesignating subsection (f) as subsection
2 (e).

3 **SEC. 645. TERMINATION OF SERVICEMEN'S GROUP LIFE IN-**
4 **SURANCE FOR MEMBERS OF THE READY RE-**
5 **SERVE WHO FAIL TO PAY PREMIUMS.**

6 Section 1968(a)(4) of title 38, United States Code, is
7 amended—

8 (1) by striking out the period at the end of sub-
9 paragraph (C) and inserting in lieu thereof a semi-
10 colon; and

11 (2) by adding at the end the following:

12 “except that, if the member fails to make a direct re-
13 mittance of a premium for the insurance to the Sec-
14 retary when required to do so, the insurance shall
15 cease with respect to the member 120 days after the
16 date on which the Secretary transmits a notification
17 of the termination by mail addressed to the member
18 at the member's last known address, unless the Sec-
19 retary accepts from the member full payment of the
20 premiums in arrears within such 120-day period.”.

21 **SEC. 646. REPORT ON EXTENDING TO JUNIOR NONCOMMIS-**
22 **SIONED OFFICERS PRIVILEGES PROVIDED**
23 **FOR SENIOR NONCOMMISSIONED OFFICERS.**

24 (a) *REPORT REQUIRED.*—Not later than February 1,
25 1996, the Secretary of Defense shall submit to Congress a

1 *report containing the determinations of the Secretary re-*
2 *garding whether, in order to improve the working condi-*
3 *tions of noncommissioned officers in pay grades E-5 and*
4 *E-6, any of the privileges afforded noncommissioned offi-*
5 *cers in any of the pay grades above E-6 should be extended*
6 *to noncommissioned officers in pay grades E-5 and E-6.*

7 **(b) SPECIFIC RECOMMENDATION REGARDING ELEC-**
8 *TION OF BAS.—The Secretary shall include in the report*
9 *a determination on whether noncommissioned officers in*
10 *pay grades E-5 and E-6 should be afforded the same privi-*
11 *lege as noncommissioned officers in pay grades above E-*
12 *6 to elect to mess separately and receive the basic allowance*
13 *for subsistence.*

14 **(c) ADDITIONAL MATTERS.—The report shall also con-**
15 *tain a discussion of the following matters:*

16 **(1) The potential costs of extending additional**
17 *privileges to noncommissioned officers in pay grades*
18 *E-5 and E-6.*

19 **(2) The effects on readiness that would result**
20 *from extending the additional privileges.*

21 **(3) The options for extending the privileges on**
22 *an incremental basis over an extended period.*

23 **(d) RECOMMENDED LEGISLATION.—The Secretary**
24 *shall include in the report any recommended legislation*
25 *that the Secretary considers necessary in order to authorize*

1 *extension of a privilege as determined appropriate under*
2 *subsection (a).*

3 **SEC. 647. PAYMENT TO SURVIVORS OF DECEASED MEM-**
4 **BERS OF THE UNIFORMED SERVICES FOR ALL**
5 **LEAVE ACCRUED.**

6 (a) *INAPPLICABILITY OF 60-DAY LIMITATION.*—Sec-
7 *tion 501(d) of title 37, United States Code, is amended—*

8 (1) *in paragraph (1), by striking out the third*
9 *sentence; and*

10 (2) *by striking out paragraph (2) and inserting*
11 *in lieu thereof the following:*

12 “(2) *The limitations in the second sentence of sub-*
13 *section (b)(3), subsection (f), and the second sentence of sub-*
14 *section (g) shall not apply with respect to a payment made*
15 *under this subsection.*”.

16 (b) *CONFORMING AMENDMENT.*—Section 501(f) of such
17 *title is amended by striking out “, (d),” in the first sentence.*

18 **SEC. 648. ANNUITIES FOR CERTAIN MILITARY SURVIVING**
19 **SPOUSES.**

20 (a) *STUDY REQUIRED.*—(1) *The Secretary of Defense*
21 *shall conduct a study to determine the quantitative results*
22 *(described in subsection (b)) of enactment and exercise of*
23 *authority for the Secretary of the military department con-*
24 *cerned to pay an annuity to the qualified surviving spouse*
25 *of each member of the Armed Forces who—*

1 (A) died before March 21, 1974, and was entitled
2 to retired or retainer pay on the date of death; or

3 (B) was a member of a reserve component of the
4 Armed Forces during the period beginning on Sep-
5 tember 21, 1972, and ending on October 1, 1978, and
6 at the time of his death would have been entitled to
7 retired pay under chapter 67 of title 10, United
8 States Code (as in effect before December 1, 1994), but
9 for the fact that he was under 60 years of age.

10 (2) A qualified surviving spouse for purposes of para-
11 graph (1) is a surviving spouse who has not remarried and
12 who is not eligible for an annuity under section 4 of Public
13 Law 92-425 (10 U.S.C. 1448 note).

14 (b) *REQUIRED DETERMINATIONS.*—By means of the
15 study required under subsection (a), the Secretary shall de-
16 termine the following matters:

17 (1) The number of unremarried surviving
18 spouses of deceased members and deceased former
19 members of the Armed Forces referred to in subpara-
20 graph (A) of subsection (a)(1) who would be eligible
21 for an annuity under authority described in such sub-
22 section.

23 (2) The number of unremarried surviving
24 spouses of deceased members and deceased former
25 members of reserve components of the Armed Forces

1 referred to in subparagraph (B) of subsection (a)(1)
2 who would be eligible for an annuity under authority
3 described in such subsection.

4 (3) The number of persons in each group of
5 unremarried former spouses described in paragraphs
6 (1) and (2) who are receiving a widow's insurance
7 benefit or a widower's insurance benefit under title II
8 of the Social Security Act on the basis of employment
9 of a deceased member or deceased former member re-
10 ferred to in subsection (a)(1).

11 (c) REPORT.—(1) Not later than March 1, 1996, the
12 Secretary of Defense shall submit to the Committee on
13 Armed Services of the Senate and the Committee on Na-
14 tional Security of the House of Representatives a report on
15 the results of the study.

16 (2) The Secretary shall include in the report a rec-
17 ommendation on the amount of the annuity that should be
18 authorized to be paid under any authority described in sub-
19 section (a)(1) together with a recommendation on whether
20 the annuity should be adjusted annually to offset increases
21 in the cost of living.

1 **SEC. 649. TRANSITIONAL COMPENSATION FOR DEPEND-**
2 **ENTS OF MEMBERS OF THE ARMED FORCES**
3 **SEPARATED FOR DEPENDENT ABUSE.**

4 (a) *CLARIFICATION OF ENTITLEMENT.*—Section
5 1059(d) of title 10, United States Code, is amended by strik-
6 ing out “of a separation from active duty as” in the first
7 sentence.

8 (b) *EFFECTIVE DATE FOR PROGRAM AUTHORITY.*—
9 Section 554(b)(1) of the National Defense Authorization Act
10 for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059 note)
11 is amended by striking out “the date of the enactment of
12 this Act—” and inserting in lieu thereof “April 1, 1994—
13 ”.

14 **TITLE VII—HEALTH CARE**
15 **Subtitle A—Health Care Services**

16 **SEC. 701. MEDICAL CARE FOR SURVIVING DEPENDENTS OF**
17 **RETIRED RESERVES WHO DIE BEFORE**
18 **AGE 60.**

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

21 (1) in clause (2)—

22 (A) by striking out “death (A) would” and
23 inserting in lieu thereof “death would”; and

24 (B) by striking out “, and (B) had elected
25 to participate in the Survivor Benefit Plan es-

1 *tablished under subchapter II of chapter 73 of*
2 *this title”; and*

3 (2) *in the second sentence, by striking out “with-*
4 *out regard to subclause (B) of such clause”.*

5 **SEC. 702. DENTAL INSURANCE FOR MEMBERS OF THE SE-**
6 **LECTED RESERVE.**

7 (a) *PROGRAM AUTHORIZATION.—(1) Chapter 55 of*
8 *title 10, United States Code, is amended by inserting after*
9 *section 1076a the following new section:*

10 **“§ 1076b. Selected Reserve dental insurance**

11 “(a) *AUTHORITY TO ESTABLISH PLAN.—The Sec-*
12 *retary of Defense shall establish a dental insurance plan*
13 *for members of the Selected Reserve of the Ready Reserve.*
14 *The plan shall provide for voluntary enrollment and for*
15 *premium sharing between the Department of Defense and*
16 *the members enrolled in the plan. The plan shall be admin-*
17 *istered under regulations prescribed by the Secretary of De-*
18 *fense.*

19 “(b) *PREMIUM SHARING.—(1) A member enrolling in*
20 *the dental insurance plan shall pay a share of the premium*
21 *charged for the insurance coverage. The member’s share*
22 *may not exceed \$25 per month.*

23 “(2) *The Secretary of Defense may reduce the monthly*
24 *premium required to be paid by enlisted members under*
25 *paragraph (1) if the Secretary determines that the reduc-*

1 *tion is appropriate in order to assist enlisted members to*
2 *participate in the dental insurance plan.*

3 “(3) *A member’s share of the premium for coverage by*
4 *the dental insurance plan shall be deducted and withheld*
5 *from the basic pay payable to the member for inactive duty*
6 *training and from the basic pay payable to the member*
7 *for active duty.*

8 “(4) *The Secretary of Defense shall pay the portion*
9 *of the premium charged for coverage of a member under*
10 *the dental insurance plan that exceeds the amount paid by*
11 *the member.*

12 “(c) *BENEFITS AVAILABLE UNDER THE PLAN.—The*
13 *dental insurance plan shall provide benefits for basic dental*
14 *care and treatment, including diagnostic services, preventa-*
15 *tive services, basic restorative services, and emergency oral*
16 *examinations.*

17 “(d) *TERMINATION OF COVERAGE.—The coverage of a*
18 *member by the dental insurance plan shall terminate on*
19 *the last day of the month in which the member is dis-*
20 *charged, transfers to the Individual Ready Reserve, Stand-*
21 *by Reserve, or Retired Reserve, or is ordered to active duty*
22 *for a period of more than 30 days.”.*

23 (2) *The table of sections at the beginning of such chap-*
24 *ter is amended by inserting after the item relating to section*
25 *1076a the following:*

“1076b. Selected Reserve dental insurance.”.

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Of the
2 funds authorized to be appropriated under section 301(16),
3 \$9,000,000 shall be available to pay the Department of De-
4 fense share of the premium required for members covered
5 by the dental insurance plan established pursuant to section
6 1076b of title 10, United States Code, as added by sub-
7 section (a).

8 **SEC. 703. MODIFICATION OF REQUIREMENTS REGARDING**
9 **ROUTINE PHYSICAL EXAMINATIONS AND IM-**
10 **MUNIZATIONS UNDER CHAMPUS.**

11 Section 1079(a) of title 10, United States Code, is
12 amended by striking out paragraph (2) and inserting in
13 lieu thereof the following new paragraph:

14 “(2) consistent with such regulations as the Sec-
15 retary of Defense may prescribe regarding the content
16 of health promotion and disease prevention visits, the
17 schedule of pap smears and mammograms, and the
18 types and schedule of immunizations—

19 “(A) for dependents under six years of age,
20 both health promotion and disease prevention
21 visits and immunizations may be provided; and

22 “(B) for dependents six years of age or
23 older, health promotion and disease prevention
24 visits may be provided in connection with im-

1 munizations or with diagnostic or preventive
2 pap smears and mammograms;”.

3 **SEC. 704. PERMANENT AUTHORITY TO CARRY OUT SPE-**
4 **CIALIZED TREATMENT FACILITY PROGRAM.**

5 Section 1105 of title 10, United States Code, is amend-
6 ed by striking out subsection (h).

7 **SEC. 705. WAIVER OF MEDICARE PART B LATE ENROLL-**
8 **MENT PENALTY AND ESTABLISHMENT OF**
9 **SPECIAL ENROLLMENT PERIOD FOR CERTAIN**
10 **MILITARY RETIREES AND DEPENDENTS.**

11 Section 1837 of the Social Security Act (42 U.S.C.
12 1395p) is amended by adding at the end the following new
13 subsection:

14 “(j)(1) The Secretary shall make special provisions for
15 the enrollment of an individual who is a covered beneficiary
16 under chapter 55 of title 10, United States Code, and who
17 is affected adversely by the closure of a military medical
18 treatment facility of the Department of Defense pursuant
19 to a closure or realignment of a military installation.

20 “(2) The special enrollment provisions required by
21 paragraph (1) shall be established in regulations issued by
22 the Secretary. The regulations shall—

23 “(A) identify individuals covered by paragraph
24 (1) in accordance with regulations providing for such

1 *identification that are prescribed by the Secretary of*
2 *Defense;*

3 “(B) *provide for a special enrollment period of*
4 *at least 90 days to be scheduled at some time proximi-*
5 *mate to the date on which the military medical treat-*
6 *ment facility involved is scheduled to be closed; and*

7 “(C) *provide that, with respect to individuals*
8 *who enroll pursuant to paragraph (1), the increase in*
9 *premiums under section 1839(b) due to late enroll-*
10 *ment under this part shall not apply.*

11 “(3) *For purposes of this subsection—*

12 “(A) *the term ‘covered beneficiary’ has the mean-*
13 *ing given such term in section 1072(5) of title 10,*
14 *United States Code;*

15 “(B) *the term ‘military medical treatment facil-*
16 *ity’ means a facility of a uniformed service referred*
17 *to in section 1074(a) of title 10, United States Code,*
18 *in which health care is provided; and*

19 “(C) *the terms ‘military installation’ and ‘re-*
20 *alignment’ have the meanings given such terms—*

21 “(i) *in section 209 of the Defense Authoriza-*
22 *tion Amendments and Base Closure and Re-*
23 *alignment Act (10 U.S.C. 2687 note), in the case*
24 *of a closure or realignment under title II of such*
25 *Act;*

1 “(ii) in section 2910 of the Defense Base
2 Closure and Realignment Act of 1990 (title
3 XXIX of Public Law 101–510; 10 U.S.C. 2687
4 note), in the case of a closure or realignment
5 under such Act; or

6 “(iii) in subsection (e) of section 2687 of
7 title 10, United States Code, in the case of a clo-
8 sure or realignment under such section.”.

9 **Subtitle B—TRICARE Program**

10 **SEC. 711. DEFINITION OF TRICARE PROGRAM AND OTHER**

11 **TERMS.**

12 *In this subtitle:*

13 (1) *The term “TRICARE program” means the*
14 *managed health care program that is established by*
15 *the Secretary of Defense under the authority of chap-*
16 *ter 55 of title 10, United States Code, principally sec-*
17 *tion 1097 of such title, and includes the competitive*
18 *selection of contractors to financially underwrite the*
19 *delivery of health care services under the Civilian*
20 *Health and Medical Program of the Uniformed Serv-*
21 *ices.*

22 (2) *The term “covered beneficiary” means a ben-*
23 *eficiary under chapter 55 of title 10, United States*
24 *Code, including a beneficiary under section 1074(a)*
25 *of such title.*

1 (3) *The term “Uniformed Services Treatment*
2 *Facility” means a facility deemed to be a facility of*
3 *the uniformed services by virtue of section 911(a) of*
4 *the Military Construction Authorization Act, 1982*
5 *(42 U.S.C. 248c(a)).*

6 (4) *The term “administering Secretaries” has the*
7 *meaning given such term in section 1072(3) of title*
8 *10, United States Code.*

9 **SEC. 712. PROVISION OF TRICARE UNIFORM BENEFITS BY**
10 **UNIFORMED SERVICES TREATMENT FACILI-**
11 **TIES.**

12 (a) *REQUIREMENT.—Subject to subsection (b), upon*
13 *the implementation of the TRICARE program in the*
14 *catchment area served by a Uniformed Services Treatment*
15 *Facility, the facility shall provide to the covered bene-*
16 *ficiaries enrolled in a health care plan of such facility the*
17 *same health care benefits (subject to the same conditions*
18 *and limitations) as are available to covered beneficiaries*
19 *in that area under the TRICARE program.*

20 (b) *EFFECT ON CURRENT ENROLLEES.—(1) A covered*
21 *beneficiary who has been continuously enrolled on and after*
22 *October 1, 1995, in a health care plan offered by a Uni-*
23 *formed Services Treatment Facility pursuant to a contract*
24 *between the Secretary of Defense and the facility may elect*
25 *to continue to receive health care benefits in accordance*

1 *with the plan instead of benefits in accordance with sub-*
2 *section (a).*

3 *(2) The Uniform Services Treatment Facility con-*
4 *cerned shall continue to provide benefits to a covered bene-*
5 *ficiary in accordance with an election of benefits by that*
6 *beneficiary under paragraph (1). The requirement to do so*
7 *shall terminate on the effective date of any contract between*
8 *the Secretary of Defense and the facility that—*

9 *(A) is entered into on or after the date of the*
10 *election; and*

11 *(B) requires the health care plan offered by the*
12 *facility for covered beneficiaries to provide health care*
13 *benefits in accordance with subsection (a).*

14 **SEC. 713. SENSE OF SENATE ON ACCESS OF MEDICARE ELI-**
15 **GIBLE BENEFICIARIES OF CHAMPUS TO**
16 **HEALTH CARE UNDER TRICARE.**

17 *It is the sense of the Senate—*

18 *(1) that the Secretary of Defense should develop*
19 *a program to ensure that covered beneficiaries who*
20 *are eligible for medicare under title XVIII of the So-*
21 *cial Security Act (42 U.S.C. 1395 et seq.) and who*
22 *reside in a region in which the TRICARE program*
23 *has been implemented have adequate access to health*
24 *care services after the implementation of the*
25 *TRICARE program in that region; and*

1 (2) to support strongly, as a means of ensuring
2 such access, the reimbursement of the Department of
3 Defense by the Secretary of Health and Human Serv-
4 ices for health care services provided such bene-
5 ficiaries at the medical treatment facilities of the De-
6 partment of Defense.

7 **SEC. 714. PILOT PROGRAM OF INDIVIDUALIZED RESIDEN-**
8 **TIAL MENTAL HEALTH SERVICES.**

9 (a) *PROGRAM REQUIRED.*—During fiscal year 1996,
10 the Secretary of Defense, in consultation with the other ad-
11 ministering Secretaries, shall carry out a pilot program for
12 providing wraparound services to covered beneficiaries who
13 are children in need of mental health services. The Secretary
14 shall carry out the pilot program in one region in which
15 the TRICARE program has been implemented as of the be-
16 ginning of such fiscal year.

17 (b) *WRAPAROUND SERVICES DEFINED.*—For purposes
18 of this section, wraparound services are individualized
19 mental health services that a provider provides, principally
20 in a residential setting but also with follow-up services, in
21 return for payment on a case rate basis. For payment of
22 the case rate for a patient, the provider incurs the risk that
23 it will be necessary for the provider to provide the patient
24 with additional mental health services intermittently or on

1 *a longer term basis after completion of the services provided*
2 *on a residential basis under a treatment plan.*

3 *(c) PILOT PROGRAM AGREEMENT.—Under the pilot*
4 *program the Secretary of Defense shall enter into an agree-*
5 *ment with a provider of mental health services that requires*
6 *the provider—*

7 *(1) to provide wraparound services to covered*
8 *beneficiaries referred to in subsection (a);*

9 *(2) to continue to provide such services to each*
10 *beneficiary as needed during the period of the agree-*
11 *ment even if the patient relocates outside the*
12 *TRICARE program region involved (but inside the*
13 *United States) during that period; and*

14 *(3) to accept as payment for such services an*
15 *amount not in excess of the amount of the standard*
16 *CHAMPUS residential treatment clinic benefit pay-*
17 *able with respect to the covered beneficiary concerned*
18 *(as determined in accordance with section 8.1 of*
19 *chapter 3 of volume II of the CHAMPUS policy man-*
20 *ual).*

21 *(d) REPORT.—Not later than March 1, 1997, the Sec-*
22 *retary of Defense shall submit to the Committee on Armed*
23 *Services of the Senate and the Committee on National Secu-*
24 *rity of the House of Representatives a report on the pro-*

1 gram carried out under this section. The report shall con-
2 tain—

3 (1) an assessment of the effectiveness of the pro-
4 gram; and

5 (2) the Secretary's views regarding whether the
6 program should be implemented in all regions where
7 the TRICARE program is carried out.

8 **Subtitle C—Uniformed Services**
9 **Treatment Facilities**

10 **SEC. 721. DELAY OF TERMINATION OF STATUS OF CERTAIN**
11 **FACILITIES AS UNIFORMED SERVICES TREAT-**
12 **MENT FACILITIES.**

13 Section 1252(e) of the Department of Defense Author-
14 ization Act, 1984 (42 U.S.C. 248d(e)) is amended by strik-
15 ing out “December 31, 1996” in the first sentence and in-
16 serting in lieu thereof “September 30, 1997”.

17 **SEC. 722. APPLICABILITY OF FEDERAL ACQUISITION REGU-**
18 **LATION TO PARTICIPATION AGREEMENTS**
19 **WITH UNIFORMED SERVICES TREATMENT FA-**
20 **CILITIES.**

21 Section 718(c) of the National Defense Authorization
22 Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat.
23 1587) is amended—

24 (1) in the second sentence of paragraph (1), by
25 striking out “A participation agreement” and insert-

1 *charges for health care that the provider provides outside*
2 *the catchment area of a Uniformed Services Treatment Fa-*
3 *cility to a member of the uniformed services who is enrolled*
4 *in a health care plan of the Uniformed Services Treatment*
5 *Facility.*

6 “(2) *In this subsection:*

7 “(A) *The term ‘private CHAMPUS provider’*
8 *means a private facility or health care provider that*
9 *is a health care provider under the Civilian Health*
10 *and Medical Program of the Uniformed Services.*

11 “(B) *The term ‘CHAMPUS payment rules’*
12 *means the payment rules referred to in subsection (c).*

13 “(C) *The term ‘Uniformed Services Treatment*
14 *Facility’ means a facility deemed to be a facility of*
15 *the uniformed services under section 911(a) of the*
16 *Military Construction Authorization Act, 1982 (42*
17 *U.S.C. 248c(a)).”*

18 ***Subtitle D—Other Changes to Exist-***
19 ***ing Laws Regarding Health***
20 ***Care Management***

21 ***SEC. 731. INVESTMENT INCENTIVE FOR MANAGED HEALTH***
22 ***CARE IN MEDICAL TREATMENT FACILITIES.***

23 (a) *AVAILABILITY OF 3 PERCENT OF APPROPRIATIONS*
24 *FOR TWO FISCAL YEARS.—Chapter 55 of title 10, United*

1 *States Code, is amended by inserting after section 1071 the*
2 *following new section:*

3 **“§ 1071a. Availability of appropriations**

4 *“Of the total amount authorized to be appropriated for*
5 *a fiscal year for programs and activities carried out under*
6 *this chapter, the amount equal to three percent of such total*
7 *amount is authorized to be appropriated to remain avail-*
8 *able until the end of the following fiscal year.”.*

9 *(b) CLERICAL AMENDMENT.—The table of sections at*
10 *the beginning of chapter 55 of title 10, United States Code,*
11 *is amended by inserting after the item relating to section*
12 *1071 the following:*

“1071a. Availability of appropriations.”.

13 **SEC. 732. REVISION AND CODIFICATION OF LIMITATIONS**
14 **ON PHYSICIAN PAYMENTS UNDER CHAMPUS.**

15 *(a) IN GENERAL.—Section 1079(h) of title 10, United*
16 *States Code, is amended to read as follows:*

17 *“(h)(1) Subject to paragraph (2), payment for a charge*
18 *for services by an individual health care professional (or*
19 *other noninstitutional health care provider) for which a*
20 *claim is submitted under a plan contracted for under sub-*
21 *section (a) shall be limited to the lesser of—*

22 *“(A) the amount equivalent to the 80th percentile*
23 *of billed charges, as determined by the Secretary of*
24 *Defense in consultation with the other administering*
25 *Secretaries, for similar services in the same locality*

1 *during a 12-month base period that the Secretary*
2 *shall define and may adjust as frequently as the Sec-*
3 *retary considers appropriate; or*

4 *“(B) the amount payable for charges for such*
5 *services (or similar services) under title XVIII of the*
6 *Social Security Act (42 U.S.C. 1395 et seq.) as deter-*
7 *mined in accordance with the reimbursement rules*
8 *applicable to payments for medical and other health*
9 *services under that title.*

10 *“(2) The amount to be paid to an individual health*
11 *care professional (or other noninstitutional health care pro-*
12 *vider) shall be determined under regulations prescribed by*
13 *the Secretary of Defense in consultation with the other ad-*
14 *ministering Secretaries. Such regulations—*

15 *“(A) may provide for such exceptions from the*
16 *limitation on payments set forth in paragraph (1) as*
17 *the Secretary determines necessary to ensure that cov-*
18 *ered beneficiaries have adequate access to health care*
19 *services, including payment of amounts greater than*
20 *the amounts otherwise payable under that paragraph*
21 *when enrollees in managed care programs obtain cov-*
22 *ered emergency services from nonparticipating pro-*
23 *viders; and*

24 *“(B) shall establish limitations (similar to those*
25 *established under title XVIII of the Social Security*

1 *Act) on beneficiary liability for charges of an individ-*
2 *ual health care professional (or other noninstitutional*
3 *health care provider).”.*

4 **(b) TRANSITION.**—*In prescribing regulations under*
5 *paragraph (2) of section 1079(h) of title 10, United States*
6 *Code, as amended by subsection (a), the Secretary of De-*
7 *fense shall provide—*

8 *(1) for a period of transition between the pay-*
9 *ment methodology in effect under section 1079(h) of*
10 *such title, as such section was in effect on the day be-*
11 *fore the date of the enactment of this Act, and the*
12 *payment methodology under section 1079(h) of such*
13 *title, as so amended; and*

14 *(2) that the amount payable under such section*
15 *1079(h), as so amended, for a charge for a service*
16 *under a claim submitted during the period may not*
17 *be less than 85 percent of the maximum amount that*
18 *was payable under such section 1079(h), in effect on*
19 *the day before the date of the enactment of this Act,*
20 *for charges for the same service during the 1-year pe-*
21 *riod (or a period of other duration that the Secretary*
22 *considers appropriate) ending on the day before such*
23 *date.*

1 **SEC. 733. PERSONAL SERVICES CONTRACTS FOR MEDICAL**
2 **TREATMENT FACILITIES OF THE COAST**
3 **GUARD.**

4 (a) *CONTRACTING AUTHORITY.*—Section 1091(a) of
5 title 10, United States Code, is amended—

6 (1) by inserting after “Secretary of Defense” the
7 following: “, with respect to medical treatment facili-
8 ties of the Department of Defense, and the Secretary
9 of Transportation, with respect to medical treatment
10 facilities of the Coast Guard when the Coast Guard
11 is not operating as a service in the Navy,”; and

12 (2) by striking out “medical treatment facilities
13 of the Department of Defense” and inserting in lieu
14 thereof “such facilities”.

15 (b) *RATIFICATION OF EXISTING CONTRACTS.*—Any ex-
16 ercise of authority under section 1091 of title 10, United
17 States Code, to enter into a personal services contract on
18 behalf of the Coast Guard before the effective date of the
19 amendments made by subsection (a) is hereby ratified.

20 (c) *EFFECTIVE DATE.*—The amendments made by sub-
21 section (a) shall take effect on the earlier of the date of the
22 enactment of this Act or October 1, 1995.

1 **SEC. 734. DISCLOSURE OF INFORMATION IN MEDICARE**
2 **AND MEDICAID COVERAGE DATA BANK TO IM-**
3 **PROVE COLLECTION FROM RESPONSIBLE**
4 **PARTIES FOR HEALTH CARE SERVICES FUR-**
5 **NISHED UNDER CHAMPUS.**

6 (a) *PURPOSE OF DATA BANK.*—Subsection (a) of sec-
7 tion 1144 of the Social Security Act (42 U.S.C. 1320b–14)
8 is amended—

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

11 (2) by striking out the period at the end of para-
12 graph (2) and inserting in lieu thereof “; and”; and

13 (3) by adding at the end the following:

14 “(3) assist in the identification of, and collection
15 from, third parties responsible for the reimbursement
16 of the costs incurred by the United States for health
17 care services furnished to individuals who are covered
18 beneficiaries under chapter 55 of title 10, United
19 States Code, upon request by the administering Sec-
20 retaries.”.

21 (b) *AUTHORITY TO DISCLOSE INFORMATION.*—Sub-
22 section (b)(2) of such section is amended—

23 (1) by striking out “and” at the end of subpara-
24 graph (A);

1 *in the Armed Forces (hereafter in this section referred to*
2 *as ‘military nursing research’). A program carried out*
3 *under this section shall be known as the ‘TriService Nursing*
4 *Research Program’.*

5 “(b) *TRISERVICE RESEARCH GROUP.—(1) The*
6 *TriService Nursing Research Program shall be adminis-*
7 *tered by a TriService Nursing Research Group composed*
8 *of Army, Navy, and Air Force nurses who are involved in*
9 *military nursing research and are designated by the Sec-*
10 *retary concerned to serve as members of the group.*

11 “(2) *The TriService Nursing Research Group shall—*

12 “(A) *develop for the Department of Defense rec-*
13 *ommended guidelines for requesting, reviewing, and*
14 *funding proposed military nursing research projects;*
15 *and*

16 “(B) *make available to Army, Navy, and Air*
17 *Force nurses and Department of Defense officials con-*
18 *cerned with military nursing research—*

19 “(i) *information about nursing research*
20 *projects that are being developed or carried out*
21 *in the Army, Navy, and Air Force; and*

22 “(ii) *expertise and information beneficial to*
23 *the encouragement of meaningful nursing re-*
24 *search.*

1 “(c) *RESEARCH TOPICS.*—For purposes of this section,
2 *military nursing research includes research on the following*
3 *issues:*

4 “(1) *Issues regarding how to improve the results*
5 *of nursing care and services provided in the armed*
6 *forces in time of peace.*

7 “(2) *Issues regarding how to improve the results*
8 *of nursing care and services provided in the armed*
9 *forces in time of war.*

10 “(3) *Issues regarding how to prevent complica-*
11 *tions associated with battle injuries.*

12 “(4) *Issues regarding how to prevent complica-*
13 *tions associated with the transporting of patients in*
14 *the military medical evacuation system.*

15 “(5) *Issues regarding how to improve methods of*
16 *training nursing personnel.*

17 “(6) *Clinical nursing issues, including such is-*
18 *ssues as prevention and treatment of child abuse and*
19 *spouse abuse.*

20 “(7) *Women’s health issues.*

21 “(8) *Wellness issues.*

22 “(9) *Preventive medicine issues.*

23 “(10) *Home care management issues.*

24 “(11) *Case management issues.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
2 *the beginning of chapter 104 of such title is amended by*
3 *adding at the end the following:*

“2116. Research on the furnishing of care and services by nurses of the armed forces.”.

4 **SEC. 742. FISHER HOUSE TRUST FUNDS.**

5 (a) *ESTABLISHMENT.*—(1) *Chapter 131 of title 10,*
6 *United States Code, is amended by adding at the end the*
7 *following:*

8 **“§ 2221. Fisher House trust funds**

9 “(a) *ESTABLISHMENT.*—*The following trust funds are*
10 *established on the books of the Treasury:*

11 “(1) *The Fisher House Trust Fund, Department*
12 *of the Army.*

13 “(2) *The Fisher House Trust Fund, Department*
14 *of the Air Force.*

15 “(b) *INVESTMENT.*—*Funds in the trust funds may be*
16 *invested in securities of the United States. Earnings and*
17 *gains realized from the investment of funds in a trust fund*
18 *shall be credited to the trust fund.*

19 “(c) *USE OF FUNDS.*—(1) *Amounts in the Fisher*
20 *House Trust Fund, Department of the Army, that are at-*
21 *tributable to earnings or gains realized from investments*
22 *shall be available for operation and maintenance of Fisher*
23 *houses that are located in proximity to medical treatment*
24 *facilities of the Army.*

1 “(2) Amounts in the Fisher House Trust Fund, De-
2 partment of the Air Force, that are attributable to earnings
3 or gains realized from investments shall be available for op-
4 eration and maintenance of Fisher houses that are located
5 in proximity to medical treatment facilities of the Air
6 Force.

7 “(3) The use of funds under this section is subject to
8 the requirements of section 1321(b)(2) of title 31.

9 “(d) FISHER HOUSES DEFINED.—For purposes of this
10 section, Fisher houses are housing facilities that are located
11 in proximity to medical treatment facilities of the Army
12 or Air Force and are available for residential use on a tem-
13 porary basis by patients at such facilities, members of the
14 family of such patients, and others providing the equivalent
15 of familial support for such patients.”.

16 (2) The table of sections at the beginning of such chap-
17 ter is amended by adding at the end the following:

 “2221. Fisher House trust funds.”.

18 (b) CORPUS OF TRUST FUNDS.—(1) The Secretary of
19 the Treasury shall—

20 (A) close the accounts established with the funds
21 that were required by section 8019 of Public Law
22 102–172 (105 Stat. 1175) and section 9023 of Public
23 Law 102–396 (106 Stat. 1905) to be transferred to an
24 appropriated trust fund; and

1 (B) transfer the amounts in such accounts to the
2 Fisher House Trust Fund, Department of the Army,
3 established by subsection (a)(1) of section 2221 of title
4 10, United States Code, as added by subsection (a).

5 (2) The Secretary of the Air Force shall transfer to
6 the Fisher House Trust Fund, Department of the Air Force,
7 established by subsection (a)(2) of section 2221 of title 10,
8 United States Code (as added by section (a)), all amounts
9 in the accounts for Air Force installations and other facili-
10 ties that, as of the date of the enactment of this Act, are
11 available for operation and maintenance of Fisher houses
12 (as defined in subsection (c) of such section 2221).

13 (c) *CONFORMING AMENDMENTS.*—Section 1321 of title
14 31, United States Code, is amended—

15 (1) by adding at the end of subsection (a) the fol-
16 lowing:

17 “(92) Fisher House Trust Fund, Department of
18 the Army.

19 “(93) Fisher House Trust Fund, Department of
20 the Air Force.”; and

21 (2) in subsection (b)—

22 (A) by inserting “(1)” after “(b)”;

23 (B) in the second sentence, by striking out
24 “Amounts accruing to these funds (except to the
25 trust fund ‘Armed Forces Retirement Home

1 *Trust Fund*)” and inserting in lieu thereof “*Ex-*
2 *cept as provided in paragraph (2), amounts ac-*
3 *cruing to these funds*”;

4 *(C) by striking out the third sentence; and*

5 *(D) by adding at the end the following:*

6 “(2) *Expenditures from the following trust funds shall*
7 *be made only under annual appropriations and only if the*
8 *appropriations are specifically authorized by law:*

9 “(A) *Armed Forces Retirement Home Trust*
10 *Fund.*

11 “(B) *Fisher House Trust Fund, Department of*
12 *the Army.*

13 “(C) *Fisher House Trust Fund, Department of*
14 *the Air Force.*”.

15 (d) *REPEAL OF SUPERSEDED PROVISIONS.—The fol-*
16 *lowing provisions of law are repealed:*

17 (1) *Section 8019 of Public Law 102–172 (105*
18 *Stat. 1175).*

19 (2) *Section 9023 of Public Law 102–396 (106*
20 *Stat. 1905).*

21 (3) *Section 8019 of Public Law 103–139 (107*
22 *Stat. 1441).*

23 (4) *Section 8017 of Public Law 103–335 (108*
24 *Stat. 2620; 10 U.S.C. 1074 note).*

1 **SEC. 743. APPLICABILITY OF LIMITATION ON PRICES OF**
2 **PHARMACEUTICALS PROCURED FOR COAST**
3 **GUARD.**

4 *Section 8126(b) of title 38, United States Code, is*
5 *amended by adding at the end the following:*

6 *“(4) The Coast Guard.”.*

7 **SEC. 744. REPORT ON EFFECT OF CLOSURE OF FITZSIMONS**
8 **ARMY MEDICAL CENTER, COLORADO, ON PRO-**
9 **VISION OF CARE TO MILITARY PERSONNEL**
10 **AND DEPENDENTS EXPERIENCING HEALTH**
11 **DIFFICULTIES ASSOCIATED WITH PERSIAN**
12 **GULF SYNDROME.**

13 *Not later than 90 days after the date of the enactment*
14 *of this Act, the Secretary of Defense shall submit to Congress*
15 *a report that—*

16 *(1) assesses the effects of the closure of Fitzsimons*
17 *Army Medical Center, Colorado, on the capability of*
18 *the Department of Defense to provide appropriate and*
19 *adequate health care to members and former members*
20 *of the Armed Forces and their dependents who suffer*
21 *from undiagnosed illnesses (or combination of ill-*
22 *nesses) as a result of service in the Armed Forces in*
23 *the Southwest Asia theater of operations during the*
24 *Persian Gulf War; and*

25 *(2) describes the plans of the Secretary of Defense*
26 *and the Secretary of the Army to ensure that ade-*

1 “(1) The Secretary of Defense shall establish a test pro-
2 gram under which contracting activities in the military de-
3 partments and the Defense Agencies are authorized to un-
4 dertake one or more demonstration projects to determine
5 whether the negotiation and administration of comprehen-
6 sive subcontracting plans will reduce administrative bur-
7 dens on contractors while enhancing opportunities provided
8 under Department of Defense contracts for small business
9 concerns and small business concerns owned and controlled
10 by socially and economically disadvantaged individuals. In
11 selecting the contracting activities to undertake demonstra-
12 tion projects, the Secretary shall take such action as is nec-
13 essary to ensure that a broad range of the supplies and serv-
14 ices acquired by the Department of Defense are included
15 in the test program.”.

16 (b) COVERED CONTRACTORS.—Subsection (b) of such
17 section is amended by striking out paragraph (3) and in-
18 serting in lieu thereof the following:

19 “(3) A Department of Defense contractor referred to
20 in paragraph (1) is, with respect to a comprehensive sub-
21 contracting plan negotiated in any fiscal year, a business
22 concern that, during the immediately preceding fiscal year,
23 furnished the Department of Defense with supplies or serv-
24 ices (including professional services, research and develop-
25 ment services, and construction services) pursuant to at

1 *least three Department of Defense contracts having an ag-*
 2 *gregate value of at least \$5,000,000.”*

3 (c) *TECHNICAL AMENDMENTS.—Such section is*
 4 *amended—*

5 (1) *by striking out subsection (g); and*

6 (2) *by redesignating subsection (h) as subsection*
 7 *(g).*

8 ***SEC. 805. NAVAL SALVAGE FACILITIES.***

9 *Chapter 637 of title 10, United States Code, is amend-*
 10 *ed to read as follows:*

11 ***“CHAPTER 637—SALVAGE FACILITIES***

“Sec.

“7361. Authority to provide for necessary salvage facilities.

“7362. Acquisition and transfer of vessels and equipment.

“7363. Settlement of claims.

“7364. Disposition of receipts.

12 ***“§ 7361. Authority to provide for necessary salvage fa-***
 13 ***cilities***

14 *“(a) AUTHORITY.—The Secretary of the Navy may*
 15 *contract or otherwise provide for necessary salvage facilities*
 16 *for public and private vessels.*

17 *“(b) COORDINATION WITH SECRETARY OF TRANSPOR-*
 18 *TATION.—The Secretary shall submit to the Secretary of*
 19 *Transportation for comment each proposed salvage contract*
 20 *that affects the interests of the Department of Transpor-*
 21 *tation.*

22 *“(c) LIMITATION.—The Secretary of the Navy may*
 23 *enter into a contract under subsection (a) only if the Sec-*

1 *retary determines that available commercial salvage facili-*
2 *ties are inadequate to meet the Navy's requirements and*
3 *provides public notice of the intent to enter into such a con-*
4 *tract.*

5 **“§ 7362. Acquisition and transfer of vessels and equip-**
6 **ment**

7 “(a) *AUTHORITY.*—*The Secretary of the Navy may ac-*
8 *quire or transfer such vessels and equipment for operation*
9 *by private salvage companies as the Secretary considers*
10 *necessary.*

11 “(b) *AGREEMENT ON USE.*—*A private recipient of any*
12 *salvage vessel or gear shall agree in writing that such vessel*
13 *or gear will be used to support organized offshore salvage*
14 *facilities for as many years as the Secretary shall consider*
15 *appropriate.*

16 **“§ 7363. Settlement of claims**

17 “*The Secretary of the Navy, or the Secretary's des-*
18 *ignee, may settle and receive payment for any claim by the*
19 *United States for salvage services rendered by the Depart-*
20 *ment of the Navy.*

21 **“§ 7364. Disposition of receipts**

22 “*Amounts received under this chapter shall be credited*
23 *to appropriations for maintaining naval salvage facilities.*
24 *However, any amount received in excess of naval salvage*

1 *costs incurred by the Navy in that fiscal year shall be depos-*
2 *ited into the general fund of the Treasury.”.*

3 **SEC. 806. AUTHORITY TO DELEGATE CONTRACTING AU-**
4 **THORITY.**

5 (a) *REPEAL OF DUPLICATIVE AUTHORITY AND RE-*
6 *STRICTION.*—*Section 2356 of title 10, United States Code,*
7 *is repealed.*

8 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
9 *the beginning of chapter 139 of title 10, United States Code,*
10 *is amended by striking out the item relating to section 2356.*

11 **SEC. 807. COORDINATION AND COMMUNICATION OF DE-**
12 **FENSE RESEARCH ACTIVITIES.**

13 *Section 2364 of title 10, United States Code, is amend-*
14 *ed—*

15 (1) *in subsection (b)(5), by striking out “mile-*
16 *stone O, milestone I, and milestone II” and inserting*
17 *in lieu thereof “acquisition program”; and*

18 (2) *in subsection (c), by striking out paragraphs*
19 *(2), (3), and (4) and inserting in lieu thereof the fol-*
20 *lowing:*

21 “(2) *The term ‘acquisition program decision’ has*
22 *the meaning prescribed by the Secretary of Defense in*
23 *regulations.”.*

1 **SEC. 808. PROCUREMENT OF ITEMS FOR EXPERIMENTAL OR**
2 **TEST PURPOSES.**

3 *Section 2373(b) of title 10, United States Code, is*
4 *amended by inserting “only” after “applies”.*

5 **SEC. 809. QUALITY CONTROL IN PROCUREMENTS OF CRITI-**
6 **CAL AIRCRAFT AND SHIP SPARE PARTS.**

7 (a) *REPEAL.*—*Section 2383 of title 10, United States*
8 *Code, is repealed.*

9 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
10 *the beginning of chapter 141 of such title is amended by*
11 *striking out the item relating to section 2383.*

12 **SEC. 810. USE OF FUNDS FOR ACQUISITION OF DESIGNS,**
13 **PROCESSES, TECHNICAL DATA, AND COM-**
14 **PUTER SOFTWARE.**

15 *Section 2386(3) of title 10, United States Code, is*
16 *amended to read as follows:*

17 “(3) *Design and process data, technical data,*
18 *and computer software.”.*

19 **SEC. 811. INDEPENDENT COST ESTIMATES FOR MAJOR DE-**
20 **FENSE ACQUISITION PROGRAMS.**

21 *Section 2434(b)(1)(A) of title 10, United States Code,*
22 *is amended to read as follows:*

23 “(A) *be prepared—*

24 “(i) *by an office or other entity that is*
25 *not under the supervision, direction, or con-*
26 *trol of the military department, Defense*

1 Agency, or other component of the Depart-
2 ment of Defense that is directly responsible
3 for carrying out the development or acquisi-
4 tion of the program; or

5 “(ii) if the decision authority for the
6 program has been delegated to an official of
7 a military department, Defense Agency, or
8 other component of the Department of De-
9 fense, by an office or other entity that is not
10 directly responsible for carrying out the de-
11 velopment or acquisition of the program;
12 and”.

13 **SEC. 812. FEES FOR CERTAIN TESTING SERVICES.**

14 Section 2539b(c) of title 10, United States Code, is
15 amended by inserting “and indirect” after “recoup the di-
16 rect”.

17 **SEC. 813. CONSTRUCTION, REPAIR, ALTERATION, FURNISH-**
18 **ING, AND EQUIPPING OF NAVAL VESSELS.**

19 (a) *INAPPLICABILITY OF CERTAIN LAWS.*—Chapter
20 633 of title 10, United States Code, is amended by inserting
21 after section 7297 the following:

22 **“§ 7299. Contracts: applicability of Walsh-Healey Act**

23 “Each contract for the construction, alteration, fur-
24 nishing, or equipping of a naval vessel is subject to the
25 Walsh-Healey Act (41 U.S.C. 35 et seq.) unless the Presi-

1 *dent determines that this requirement is not in the interest*
2 *of national defense.”.*

3 (b) *CLERICAL AMENDMENT.*—*The table of sections at*
4 *the beginning of such chapter is amended by inserting after*
5 *the item relating to section 7297 the following:*

“7299. Contracts: applicability of Walsh-Healey Act.”.

6 ***SEC. 814. CIVIL RESERVE AIR FLEET.***

7 *Section 9512 of title 10, United States Code, is amend-*
8 *ed by striking out “full Civil Reserve Air Fleet” both places*
9 *it appears in subsections (b)(2) and (e) and inserting in*
10 *lieu thereof “Civil Reserve Air Fleet”.*

11 ***SEC. 815. COST AND PRICING DATA.***

12 (a) *ARMED SERVICES PROCUREMENTS.*—*Section*
13 *2306a(d)(2)(A)(i) of title 10, United States Code, is amend-*
14 *ed by striking out “and the procurement is not covered by*
15 *an exception in subsection (b),” and inserting in lieu there-*
16 *of “and the offeror or contractor requests to be exempted*
17 *from the requirement for submission of cost or pricing data*
18 *pursuant to this subsection,”.*

19 (b) *CIVILIAN AGENCY PROCUREMENTS.*—*Section*
20 *304A(d)(2)(A)(i) of the Federal Property and Administra-*
21 *tive Services Act of 1949 (41 U.S.C. 254b(d)(2)(A)(i)) is*
22 *amended by striking out “and the procurement is not cov-*
23 *ered by an exception in subsection (b),” and inserting in*
24 *lieu thereof “and the offeror or contractor requests to be ex-*

1 *empted from the requirement for submission of cost or pric-*
2 *ing data pursuant to this subsection,”.*

3 **SEC. 816. PROCUREMENT NOTICE TECHNICAL AMEND-**
4 **MENTS.**

5 *Section 18(c)(1)(E) of the Office of Federal Procure-*
6 *ment Policy Act (41 U.S.C. 416(c)(1)(E)) is amended by*
7 *inserting after “requirements contract” the following: “, a*
8 *task order contract, or a delivery order contract”.*

9 **SEC. 817. REPEAL OF DUPLICATIVE AUTHORITY FOR SIM-**
10 **PLIFIED ACQUISITION PURCHASES.**

11 *Section 31 of the Office of Federal Procurement Policy*
12 *Act (41 U.S.C. 427) is amended—*

13 *(1) by striking out subsections (a), (b), and (c);*

14 *(2) by redesignating subsections (d), (e), and (f)*
15 *as (a), (b), and (c), respectively;*

16 *(3) in subsection (b), as so redesignated, by strik-*
17 *ing out “provided in the Federal Acquisition Regula-*
18 *tion pursuant to this section” each place it appears*
19 *and inserting in lieu thereof “contained in the Fed-*
20 *eral Acquisition Regulation”; and*

21 *(4) by adding at the end the following:*

22 *“(d) PROCEDURES DEFINED.—The simplified acquisi-*
23 *tion procedures referred to in this section are the simplified*
24 *acquisition procedures that are provided in the Federal Ac-*
25 *quisition Regulation pursuant to section 2304(g) of title 10,*

1 *United States Code, and section 303(g) of the Federal Prop-*
2 *erty and Administrative Services Act of 1949 (41 U.S.C.*
3 *253(g)).”.*

4 **SEC. 818. MICRO-PURCHASES WITHOUT COMPETITIVE**
5 **QUOTATIONS.**

6 *Section 32(d) of the Office of Federal Procurement Pol-*
7 *icy Act (41 U.S.C. 428) is amended by striking out “the*
8 *contracting officer” and inserting in lieu thereof “an em-*
9 *ployee of an executive agency or a member of the Armed*
10 *Forces of the United States authorized to do so”.*

11 **SEC. 819. RESTRICTION ON REIMBURSEMENT OF COSTS.**

12 *(a) None of the funds authorized to be appropriated*
13 *in this Act for fiscal year 1996 may be obligated for pay-*
14 *ment on new contracts on which allowable costs charged to*
15 *the Government include payments for individual compensa-*
16 *tion (including bonuses and other incentives) at a rate in*
17 *excess of \$250,000.*

18 *(b) It is the sense of the Senate that the Congress*
19 *should consider extending the restriction described in sec-*
20 *tion (a) permanently.*

21 **Subtitle B—Other Matters**

22 **SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
23 **GRAMS.**

24 *(a) FUNDING.—Of the amount authorized to be appro-*
25 *priated under section 301(5), \$12,000,000 shall be available*

1 *for carrying out the provisions of chapter 142 of title 10,*
2 *United States Code.*

3 (b) *SPECIFIC PROGRAMS.*—*Of the amounts made*
4 *available pursuant to subsection (a), \$600,000 shall be*
5 *available for fiscal year 1996 for the purpose of carrying*
6 *out programs sponsored by eligible entities referred to in*
7 *subparagraph (D) of section 2411(1) of title 10, United*
8 *States Code, that provide procurement technical assistance*
9 *in distressed areas referred to in subparagraph (B) of sec-*
10 *tion 2411(2) of such title. If there is an insufficient number*
11 *of satisfactory proposals for cooperative agreements in such*
12 *distressed areas to allow effective use of the funds made*
13 *available in accordance with this subsection in such areas,*
14 *the funds shall be allocated among the Defense Contract Ad-*
15 *ministration Services regions in accordance with section*
16 *2415 of such title.*

17 **SEC. 822. TREATMENT OF DEPARTMENT OF DEFENSE**

18 **CABLE TELEVISION FRANCHISE AGREE-**

19 **MENTS.**

20 *For purposes of part 49 of the Federal Acquisition*
21 *Regulation, a cable television franchise agreement of the De-*
22 *partment of Defense shall be considered a contract for tele-*
23 *communications services.*

1 **SEC. 823. PRESERVATION OF AMMUNITION INDUSTRIAL**
2 **BASE.**

3 (a) *REVIEW OF AMMUNITION PROCUREMENT AND*
4 *MANAGEMENT PROGRAMS.—(1) Not later than 30 days*
5 *after the date of the enactment of this Act, the Secretary*
6 *of Defense shall commence a review of the ammunition pro-*
7 *curement and management programs of the Department of*
8 *Defense, including the planning for, budgeting for, adminis-*
9 *tration, and carrying out of such programs.*

10 (2) *The review under paragraph (1) shall include an*
11 *assessment of the following matters:*

12 (A) *The practicability and desirability of using*
13 *centralized procurement practices to procure all am-*
14 *munition required by the Armed Forces.*

15 (B) *The capability of the ammunition produc-*
16 *tion facilities of the United States to meet the ammu-*
17 *nition requirements of the Armed Forces.*

18 (C) *The practicability and desirability of*
19 *privatizing such ammunition production facilities.*

20 (D) *The practicability and desirability of using*
21 *integrated budget planning among the Armed Forces*
22 *for the procurement of ammunition.*

23 (E) *The practicability and desirability of estab-*
24 *lishing an advocate within the Department of Defense*
25 *for ammunition industrial base matters who shall be*
26 *responsible for—*

1 (i) *establishing the quantity and price of*
2 *ammunition procured by the Armed Forces; and*

3 (ii) *establishing and implementing policy to*
4 *ensure the continuing viability of the ammuni-*
5 *tion industrial base in the United States.*

6 (F) *The practicability and desirability of pro-*
7 *viding information on the ammunition procurement*
8 *practices of the Armed Forces to Congress through a*
9 *single source.*

10 (b) *REPORT.—Not later than April 1, 1996, the Sec-*
11 *retary shall submit to the congressional defense committees*
12 *a report containing the following:*

13 (1) *The results of the review carried out under*
14 *subsection (a).*

15 (2) *A discussion of the methodologies used in*
16 *carrying out the review.*

17 (3) *An assessment of various methods of ensuring*
18 *the continuing viability of the ammunition industrial*
19 *base of the United States.*

20 (4) *Recommendations of means (including legis-*
21 *lation) of implementing such methods in order to en-*
22 *sure such viability.*

1 **TITLE IX—DEPARTMENT OF DE-**
2 **FENSE ORGANIZATION AND**
3 **MANAGEMENT**

4 **SEC. 901. REDESIGNATION OF THE POSITION OF ASSIST-**
5 **ANT TO THE SECRETARY OF DEFENSE FOR**
6 **ATOMIC ENERGY.**

7 (a) *IN GENERAL.*—(1) Section 142 of title 10, United
8 States Code, is amended—

9 (A) by striking out the section heading and in-
10 serting in lieu thereof the following:

11 **“§142. Assistant to the Secretary of Defense for Nu-**
12 **clear and Chemical and Biological De-**
13 **fense Programs”;**

14 (B) in subsection (a), by striking out “Assistant
15 to the Secretary of Defense for Atomic Energy” and
16 inserting in lieu thereof “Assistant to the Secretary of
17 Defense for Nuclear and Chemical and Biological De-
18 fense Programs”; and

19 (C) by striking out subsection (b) and inserting
20 in lieu thereof the following:

21 “(b) The Assistant to the Secretary shall—

22 “(1) advise the Secretary of Defense on nuclear
23 energy, nuclear weapons, and chemical and biological
24 defense;

1 “(2) serve as the Staff Director of the Nuclear
2 Weapons Council established by section 179 of this
3 title; and

4 “(3) perform such additional duties as the Sec-
5 retary may prescribe.”.

6 (2) The table of sections at the beginning of chapter
7 4 of such title is amended by striking out the item relating
8 to section 142 and inserting in lieu thereof the following:

*“142. Assistant to the Secretary of Defense for Nuclear and Chemical and Biologi-
cal Defense Programs.”.*

9 (b) CONFORMING AMENDMENTS.—(1) Section
10 179(c)(2) of title 10, United States Code, is amended by
11 striking out “The Assistant to the Secretary of Defense for
12 Atomic Energy” and inserting in lieu thereof “The Assist-
13 ant to the Secretary of Defense for Nuclear and Chemical
14 and Biological Defense Programs.”.

15 (2) Section 5316 of title 5, United States Code, is
16 amended by striking out “The Assistant to the Secretary
17 of Defense for Atomic Energy, Department of Defense.” and
18 inserting in lieu thereof the following:

19 “Assistant to the Secretary of Defense for Nu-
20 clear and Chemical and Biological Defense Programs,
21 Department of Defense.”.

1 **TITLE X—GENERAL PROVISIONS**

2 **Subtitle A—Financial Matters**

3 **SEC. 1001. TRANSFER AUTHORITY.**

4 (a) *AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1)*
5 *Upon determination by the Secretary of Defense that such*
6 *action is necessary in the national interest, the Secretary*
7 *may transfer amounts of authorizations made available to*
8 *the Department of Defense in this division for fiscal year*
9 *1996 between any such authorizations for that fiscal year*
10 *(or any subdivisions thereof). Amounts of authorizations so*
11 *transferred shall be merged with and be available for the*
12 *same purposes as the authorization to which transferred.*

13 (2) *The total amount of authorizations that the Sec-*
14 *retary of Defense may transfer under the authority of this*
15 *section may not exceed \$2,000,000,000.*

16 (b) *LIMITATIONS.—The authority provided by this sec-*
17 *tion to transfer authorizations—*

18 (1) *may only be used to provide authority for*
19 *items that have a higher priority than the items from*
20 *which authority is transferred; and*

21 (2) *may not be used to provide authority for an*
22 *item that has been denied authorization by Congress.*

23 (c) *EFFECT ON AUTHORIZATION AMOUNTS.—A trans-*
24 *fer made from one account to another under the authority*
25 *of this section shall be deemed to increase the amount au-*

1 *thorized for the account to which the amount is transferred*
2 *by an amount equal to the amount transferred.*

3 (d) *NOTICE TO CONGRESS.*—*The Secretary shall*
4 *promptly notify Congress of each transfer made under sub-*
5 *section (a).*

6 ***SEC. 1002. DISBURSING AND CERTIFYING OFFICIALS.***

7 (a) *DISBURSING OFFICIALS.*—(1) *Section 3321(c) of*
8 *title 31, United States Code, is amended by striking out*
9 *paragraph (2) and inserting in lieu thereof the following:*

10 “(2) *The Department of Defense.*”

11 (2) *Section 2773 of title 10, United States Code, is*
12 *amended—*

13 (A) *in subsection (a)—*

14 (i) *by striking out “With the approval of*
15 *the Secretary of a military department when the*
16 *Secretary considers it necessary, a disbursing of-*
17 *ficial of the military department” and inserting*
18 *in lieu thereof “Subject to paragraph (3), a dis-*
19 *bursing official of the Department of Defense”;*
20 *and*

21 (ii) *by adding at the end the following new*
22 *paragraph:*

23 “(3) *A disbursing official may make a designation*
24 *under paragraph (1) only with the approval of the Sec-*
25 *retary of Defense or, in the case of a disbursing official of*

1 *a military department, the Secretary of that military de-*
2 *partment.”; and*

3 *(B) in subsection (b)(1), by striking out “any*
4 *military department” and inserting in lieu thereof*
5 *“the Department of Defense”.*

6 *(b) DESIGNATION OF MEMBERS OF THE ARMED*
7 *FORCES TO HAVE AUTHORITY TO CERTIFY VOUCHERS.—*
8 *Section 3325(b) of title 31, United States Code, is amended*
9 *to read as follows:*

10 *“(b) In addition to officers and employees referred to*
11 *in subsection (a)(1)(B) of this section as having authoriza-*
12 *tion to certify vouchers, members of the armed forces under*
13 *the jurisdiction of the Secretary of Defense may certify*
14 *vouchers when authorized, in writing, by the Secretary to*
15 *do so.”.*

16 *(c) CONFORMING AMENDMENTS.—(1) Section 1012 of*
17 *title 37, United States Code, is amended by striking out*
18 *“Secretary concerned” both places it appears and inserting*
19 *in lieu thereof “Secretary of Defense”.*

20 *(2) Section 1007(a) of title 37, United States Code,*
21 *is amended by striking out “Secretary concerned” and in-*
22 *serting in lieu thereof “Secretary of Defense, or upon the*
23 *denial of relief of an officer pursuant to section 3527 of*
24 *title 31”.*

1 (3)(A) *Section 7863 of title 10, United States Code,*
2 *is amended—*

3 (i) *in the first sentence, by striking out “dis-*
4 *bursements of public moneys or” and “the money was*
5 *paid or”;* and

6 (ii) *in the second sentence, by striking out “dis-*
7 *bursement or”.*

8 (B)(i) *The heading of such section is amended to read*
9 *as follows:*

10 ***“§ 7863. Disposal of public stores by order of com-***
11 ***manding officer”.***

12 (ii) *The item relating to such section in the table of*
13 *sections at the beginning of chapter 661 of such title is*
14 *amended to read as follows:*

“7863. Disposal of public stores by order of commanding officer.”.

15 (4) *Section 3527(b)(1) of title 31, United States Code,*
16 *is amended—*

17 (A) *by striking out “a disbursing official of the*
18 *armed forces” and inserting in lieu thereof “an offi-*
19 *cial of the armed forces referred to in subsection (a)”;*

20 (B) *by striking out “records,” and inserting in*
21 *lieu thereof “records, or a payment described in sec-*
22 *tion 3528(a)(4)(A) of this title,”;*

23 (C) *by redesignating subparagraphs (A), (B),*
24 *and (C) as clauses (i), (ii), and (iii), and realigning*
25 *such clauses four ems from the left margin;*

1 (D) by inserting before clause (i), as redesignated
2 by subparagraph (C), the following:

3 “(A) in the case of a physical loss or defi-
4 ciency—”;

5 (E) in clause (iii), as redesignated by subpara-
6 graph (C), by striking out the period at the end and
7 inserting in lieu thereof “; or”; and

8 (F) by adding at the end the following:

9 “(B) in the case of a payment described in sec-
10 tion 3528(a)(4)(A) of this title, the Secretary of De-
11 fense or the appropriate Secretary of the military de-
12 partment of the Department of Defense, after taking
13 a diligent collection action, finds that the criteria of
14 section 3528(b)(1) of this title are satisfied.”.

15 **SEC. 1003. DEFENSE MODERNIZATION ACCOUNT.**

16 (a) *ESTABLISHMENT AND USE.*—(1) Chapter 131 of
17 title 10, United States Code, is amended by adding at the
18 end the following:

19 **“§ 2221. Defense Modernization Account**

20 “(a) *ESTABLISHMENT.*—There is established in the
21 Treasury a special account to be known as the ‘Defense
22 Modernization Account’.

23 “(b) *CREDITS TO ACCOUNT.*—(1) Under regulations
24 prescribed by the Secretary of Defense, and upon a deter-
25 mination by the Secretary concerned of the availability and

1 *source of excess funds as described in subparagraph (A) or*
2 *(B), the Secretary may transfer to the Defense Moderniza-*
3 *tion Account during any fiscal year—*

4 *“(A) any amount of unexpired funds available to*
5 *the Secretary for procurements that, as a result of*
6 *economies, efficiencies, and other savings achieved in*
7 *the procurements, are excess to the funding require-*
8 *ments of the procurements; and*

9 *“(B) any amount of unexpired funds available to*
10 *the Secretary for support of installations and facili-*
11 *ties that, as a result of economies, efficiencies, and*
12 *other savings, are excess to the funding requirements*
13 *for support of installations and facilities.*

14 *“(2) Funds referred to in paragraph (1) may not be*
15 *transferred to the Defense Modernization Account by a Sec-*
16 *retary concerned if—*

17 *“(A) the funds are necessary for programs,*
18 *projects, and activities that, as determined by the Sec-*
19 *retary, have a higher priority than the purposes for*
20 *which the funds would be available if transferred to*
21 *that account; or*

22 *“(B) the balance of funds in the account, after*
23 *transfer of funds to the account would exceed*
24 *\$1,000,000,000.*

1 “(3) Amounts credited to the Defense Modernization
2 Account shall remain available for transfer until the end
3 of the third fiscal year that follows the fiscal year in which
4 the amounts are credited to the account.

5 “(4) The period of availability of funds for expenditure
6 provided for in sections 1551 and 1552 of title 31 shall not
7 be extended by transfer into the Defense Modernization Ac-
8 count.

9 “(c) *ATTRIBUTION OF FUNDS.*—The funds transferred
10 to the Defense Modernization Account by a military depart-
11 ment, Defense Agency, or other element of the Department
12 of Defense shall be available in accordance with subsections
13 (f) and (g) only for that military department, Defense
14 Agency, or element.

15 “(d) *USE OF FUNDS.*—Funds available from the De-
16 fense Modernization Account pursuant to subsection (f) or
17 (g) may be used only for the following purposes:

18 “(1) For increasing, subject to subsection (e), the
19 quantity of items and services procured under a pro-
20 curement program in order to achieve a more efficient
21 production or delivery rate.

22 “(2) For research, development, test and evalua-
23 tion and procurement necessary for modernization of
24 an existing system or of a system being procured
25 under an ongoing procurement program.

1 “(e) *LIMITATIONS.—(1) Funds from the Defense Mod-*
2 *ernization Account may not be used to increase the quantity*
3 *of an item or services procured under a particular procure-*
4 *ment program to the extent that doing so would—*

5 “(A) *result in procurement of a total quantity of*
6 *items or services in excess of—*

7 “(i) *a specific limitation provided in law*
8 *on the quantity of the items or services that may*
9 *be procured; or*

10 “(ii) *the requirement for the items or serv-*
11 *ices as approved by the Joint Requirements*
12 *Oversight Council and reported to Congress by*
13 *the Secretary of Defense; or*

14 “(B) *result in an obligation or expenditure of*
15 *funds in excess of a specific limitation provided in*
16 *law on the amount that may be obligated or ex-*
17 *pended, respectively, for the procurement program.*

18 “(2) *Funds from the Defense Modernization Account*
19 *may not be used for a purpose or program for which Con-*
20 *gress has not authorized appropriations.*

21 “(3) *Funds may not be transferred from the Defense*
22 *Modernization Account in any year for the purpose of—*

23 “(A) *making any expenditure for which there is*
24 *no corresponding obligation; or*

1 “(B) making any expenditure that would satisfy
2 an unliquidated or unrecorded obligation arising in
3 a prior fiscal year.

4 “(f) *TRANSFER OF FUNDS.—(1) Funds in the Defense*
5 *Modernization Account may be transferred in any fiscal*
6 *year to appropriations available for use for purposes set*
7 *forth in subsection (d).*

8 “(2) *Before funds in the Defense Modernization Ac-*
9 *count are transferred under paragraph (1), the Secretary*
10 *concerned shall transmit to the congressional defense com-*
11 *mittees a notification of the amount and purpose of the pro-*
12 *posed transfer.*

13 “(3) *The total amount of the transfers from the Defense*
14 *Modernization Account may not exceed \$500,000,000 in*
15 *any fiscal year.*

16 “(g) *AVAILABILITY OF FUNDS FOR APPROPRIATION.—*
17 *Funds in the Defense Modernization Account may be appro-*
18 *priated for purposes set forth in subsection (d) to the extent*
19 *provided in Acts authorizing appropriations for the De-*
20 *partment of the Defense.*

21 “(h) *SECRETARY TO ACT THROUGH COMPTROLLER.—*
22 *In exercising authority under this section, the Secretary of*
23 *Defense shall act through the Under Secretary of Defense*
24 *(Comptroller), who shall be authorized to implement this*
25 *section through the issuance of any necessary regulations,*

1 *policies, and procedures after consultation with the General*
2 *Counsel and Inspector General of the Department of De-*
3 *fense.*

4 “(i) *QUARTERLY REPORT.*—*Not later than 15 days*
5 *after the end of each calendar quarter, the Secretary of De-*
6 *fense shall submit to the appropriate committees of Congress*
7 *a report setting forth the amount and source of each credit*
8 *to the Defense Modernization Account during the quarter*
9 *and the amount and purpose of each transfer from the ac-*
10 *count during the quarter.*

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

12 “(1) *The term ‘Secretary concerned’ includes the*
13 *Secretary of Defense.*

14 “(2) *The term ‘unexpired funds’ means funds ap-*
15 *propriated for a definite period that remain available*
16 *for obligation.*

17 “(3) *The term ‘congressional defense committees’*
18 *means—*

19 “(A) *the Committees on Armed Services and*
20 *Appropriations of the Senate; and*

21 “(B) *the Committees on National Security*
22 *and Appropriations of the House of Representa-*
23 *tives.*

24 “(4) *The term ‘appropriate committees of Con-*
25 *gress’ means—*

1 “(A) the congressional defense committees;

2 “(B) the Committee on Governmental Af-
3 fairs of the Senate; and

4 “(C) the Committee on Government Reform
5 and Oversight of the House of Representatives.

6 “(k) *INAPPLICABILITY TO COAST GUARD.*—This sec-
7 tion does not apply to the Coast Guard when it is not oper-
8 ating as a service in the Navy.”.

9 (2) The table of sections at the beginning of chapter
10 131 of such title is amended by adding at the end the follow-
11 ing:

 “2221. *Defense Modernization Account.*”.

12 (b) *EFFECTIVE DATE.*—Section 2221 of title 10, *Unit-*
13 *ed States Code* (as added by subsection (a)), shall take effect
14 on October 1, 1995, and shall apply only to funds appro-
15 priated for fiscal years beginning on or after that date.

16 (c) *EXPIRATION OF AUTHORITY AND ACCOUNT.*—(1)
17 The authority under section 2221(b) of title 10, *United*
18 *States Code* (as added by subsection (a)), to transfer funds
19 into the *Defense Modernization Account* shall terminate on
20 October 1, 2003.

21 (2) Three years after the termination of transfer au-
22 thority under paragraph (1), the *Defense Modernization Ac-*
23 *count* shall be closed and the remaining balance in the ac-
24 count shall be canceled and thereafter shall not be available
25 for any purpose.

1 (3)(A) *The Comptroller General of the United States*
2 *shall conduct two reviews of the administration of the De-*
3 *fense Modernization Account. In each review, the Comptrol-*
4 *ler General shall assess the operations and benefits of the*
5 *account.*

6 (B) *Not later than March 1, 2000, the Comptroller*
7 *General shall—*

8 (i) *complete the first review; and*

9 (ii) *submit to the appropriate committees of*
10 *Congress an initial report on the administration and*
11 *benefits of the Defense Modernization Account.*

12 (C) *Not later than March 1, 2003, the Comptroller*
13 *General shall—*

14 (i) *complete the second review; and*

15 (ii) *submit to the appropriate committees of*
16 *Congress a final report on the administration and*
17 *benefits of the Defense Modernization Account.*

18 (D) *Each report shall include any recommended legis-*
19 *lation regarding the account that the Comptroller General*
20 *considers appropriate.*

21 (E) *In this paragraph, the term “appropriate commit-*
22 *tees of Congress” has the meaning given such term in sec-*
23 *tion 2221(j)(4) of title 10, United States Code, as added*
24 *by subsection (a).*

1 **SEC. 1004. AUTHORIZATION OF PRIOR EMERGENCY SUP-**
2 **PLEMENTAL APPROPRIATIONS FOR FISCAL**
3 **YEAR 1995.**

4 (a) *ADJUSTMENT TO PREVIOUS AUTHORIZATIONS.*—
5 *Amounts authorized to be appropriated to the Department*
6 *of Defense for fiscal year 1995 in the National Defense Au-*
7 *thorization Act for Fiscal Year 1995 (Public Law 103-337)*
8 *are hereby adjusted, with respect to any such authorized*
9 *amount, by the amount by which appropriations pursuant*
10 *to such authorization were increased (by a supplemental*
11 *appropriation) or decreased (by a rescission), or both, in*
12 *title I of the Emergency Supplemental Appropriations and*
13 *Rescissions for the Department of Defense to Preserve and*
14 *Enhance Military Readiness Act of 1995 (Public Law 104-*
15 *6).*

16 (b) *NEW AUTHORIZATION.*—*The appropriation pro-*
17 *vided in section 104 of such Act is hereby authorized.*

18 **SEC. 1005. LIMITATION ON USE OF AUTHORITY TO PAY FOR**
19 **EMERGENCY AND EXTRAORDINARY EX-**
20 **PENSES.**

21 *Section 127 of title 10, United States Code, is amend-*
22 *ed—*

23 (1) *by redesignating subsection (c) as subsection*
24 *(d); and*

25 (2) *by inserting after subsection (b) the following*
26 *new subsection (c):*

1 “(c)(1) Funds may not be obligated or expended in an
2 amount in excess of \$500,000 under the authority of sub-
3 section (a) or (b) until the Secretary of Defense has notified
4 the Committees on Armed Services and Appropriations of
5 the Senate and the Committees on National Security and
6 Appropriations of the House of Representatives of the intent
7 to obligate or expend the funds, and—

8 “(A) in the case of an obligation or expenditure
9 in excess of \$1,000,000, 15 days have elapsed since the
10 date of the notification; or

11 “(B) in the case of an obligation or expenditure
12 in excess of \$500,000, but not in excess of \$1,000,000,
13 5 days have elapsed since the date of the notification.

14 “(2) Subparagraph (A) or (B) of paragraph (1) shall
15 not apply to an obligation or expenditure of funds otherwise
16 covered by such subparagraph if the Secretary of Defense
17 determines that the national security objectives of the Unit-
18 ed States will be compromised by the application of the sub-
19 paragraph to the obligation or expenditure. If the Secretary
20 makes a determination with respect to an expenditure
21 under the preceding sentence, the Secretary shall notify the
22 committees referred to in paragraph (1) not later than the
23 later of—

24 “(A) 30 days after the date of the expenditure;
25 or

1 “(B) the date on which the activity for which the
2 expenditure is made is completed.

3 “(3) A notification under this subsection shall include
4 the amount to be obligated or expended, as the case may
5 be, and the purpose of the obligation or expenditure.”.

6 **SEC. 1006. TRANSFER AUTHORITY REGARDING FUNDS**
7 **AVAILABLE FOR FOREIGN CURRENCY FLUC-**
8 **TUATIONS.**

9 (a) *TRANSFERS TO MILITARY PERSONNEL ACCOUNTS*
10 *AUTHORIZED.*—Section 2779 of title 10, United States
11 Code, is amended by adding at the end the following:

12 “(c) *TRANSFERS TO MILITARY PERSONNEL AC-*
13 *COUNTS.*—(1) The Secretary of Defense may transfer funds
14 to military personnel appropriations for a fiscal year out
15 of funds available to the Department of Defense for that
16 fiscal year under the appropriation ‘Foreign Currency
17 Fluctuations, Defense’.

18 “(2) This subsection applies with respect to appropria-
19 tions for fiscal years beginning after September 30, 1995.”.

20 (b) *REVISION AND CODIFICATION OF AUTHORITY FOR*
21 *TRANSFERS TO FOREIGN CURRENCY FLUCTUATIONS AC-*
22 *COUNT.*—Section 2779 of such title, as amended by sub-
23 section (a), is further amended by adding at the end the
24 following:

1 “(d) *TRANSFERS TO FOREIGN CURRENCY FLUCTUA-*
2 *TIONS ACCOUNT.*—(1) *The Secretary of Defense may trans-*
3 *fer to the appropriation ‘Foreign Currency Fluctuations,*
4 *Defense’ unobligated amounts of funds appropriated for op-*
5 *eration and maintenance and unobligated amounts of funds*
6 *appropriated for military personnel.*

7 “(2) *Any transfer from an appropriation under para-*
8 *graph (1) shall be made not later than the end of the second*
9 *fiscal year following the fiscal year for which the appropria-*
10 *tion is provided.*

11 “(3) *Any transfer made pursuant to the authority pro-*
12 *vided in this subsection shall be limited so that the amount*
13 *in the appropriation ‘Foreign Currency Fluctuations, De-*
14 *fense’ does not exceed \$970,000,000 at the time such transfer*
15 *is made.*

16 “(4) *This subsection applies with respect to appropria-*
17 *tions for fiscal years beginning after September 30, 1995.’’.*

18 (c) *CONDITIONS OF AVAILABILITY FOR TRANSFERRED*
19 *FUNDS.*—*Section 2779 of such title, as amended by sub-*
20 *section (b), is further amended by adding at the end the*
21 *following:*

22 “(e) *CONDITIONS OF AVAILABILITY FOR TRANSFERRED*
23 *FUNDS.*—*Amounts transferred under subsection (c) or (d)*
24 *shall be merged with and be available for the same purposes*

1 *and for the same period as the appropriations to which*
2 *transferred.”.*

3 (d) *CONFORMING AND TECHNICAL AMENDMENTS.—(1)*
4 *Section 767A of Public Law 96–527 (94 Stat. 3093) is re-*
5 *pealed.*

6 (2) *Section 791 of the Department of Defense Appro-*
7 *priation Act, 1983 (enacted in section 101(c) of Public Law*
8 *97–377; 96 Stat. 1865) is repealed.*

9 (3) *Section 2779 of title 10, United States Code, is*
10 *amended—*

11 (A) *in subsection (a), by striking out “(a)(1)”*
12 *and inserting in lieu thereof “(a) TRANSFERS BACK*
13 *TO FOREIGN CURRENCY FLUCTUATIONS APPROPRIA-*
14 *TION.—(1) ”; and*

15 (B) *in subsection (b), by striking out “(b)(1)”*
16 *and inserting in lieu thereof “(b) FUNDING FOR*
17 *LOSSES IN MILITARY CONSTRUCTION AND FAMILY*
18 *HOUSING.—(1)”.*

19 **SEC. 1007. REPORT ON BUDGET SUBMISSION REGARDING**
20 **RESERVE COMPONENTS.**

21 (a) *SPECIAL REPORT.—The Secretary of Defense shall*
22 *submit to the congressional defense committees, at the same*
23 *time that the President submits the budget for fiscal year*
24 *1997 under section 1105(a) of title 31, United States Code,*

1 *a special report on funding for the reserve components of*
2 *the Armed Forces.*

3 *(b) CONTENT.—The report shall contain the following:*

4 *(1) The actions taken by the Department of De-*
5 *fense to enhance the Army National Guard, the Air*
6 *National Guard, and each of the other reserve compo-*
7 *nents.*

8 *(2) A separate listing, with respect to the Army*
9 *National Guard, the Air National Guard, and each of*
10 *the other reserve components, of each of the following:*

11 *(A) The specific amount requested for each*
12 *major weapon system.*

13 *(B) The specific amount requested for each*
14 *item of equipment.*

15 *(C) The specific amount requested for each*
16 *military construction project, together with the*
17 *location of each such project.*

18 *(3) If the total amount reported in accordance*
19 *with paragraph (2) is less than \$1,080,000,000, an*
20 *additional separate listing described in paragraph (2)*
21 *in a total amount equal to \$1,080,000,000.*

22 ***Subtitle B—Naval Vessels***

23 ***SEC. 1011. IOWA CLASS BATTLESHIPS.***

24 *(a) RETURN TO NAVAL VESSEL REGISTER.—The Sec-*
25 *retary of the Navy shall list on the Naval Vessel Register,*

1 *and maintain on such register, at least two of the Iowa*
2 *class battleships that were stricken from the register in Feb-*
3 *ruary 1995.*

4 (b) *SELECTION OF SHIPS.*—*The Secretary shall select*
5 *for listing on the register under subsection (a) the Iowa*
6 *class battleships that are in the best material condition. In*
7 *determining which battleships are in the best material con-*
8 *dition, the Secretary shall take into consideration the find-*
9 *ings of the Board of Inspection and Survey of the Navy,*
10 *the extent to which each battleship has been modernized*
11 *during the last period of active service of the battleship, and*
12 *the military utility of each battleship after the moderniza-*
13 *tion.*

14 (c) *SUPPORT.*—*The Secretary shall retain the existing*
15 *logistical support necessary for support of at least two oper-*
16 *ational Iowa class battleships in active service, including*
17 *technical manuals, repair and replacement parts, and ord-*
18 *nance.*

19 (d) *REPLACEMENT CAPABILITY.*—*The requirements of*
20 *this section shall cease to be effective 60 days after the Sec-*
21 *retary certifies in writing to the Committee on Armed Serv-*
22 *ices of the Senate and the Committee on National Security*
23 *of the House of Representatives that the Navy has within*
24 *the fleet an operational surface fire support capability that*
25 *equals or exceeds the fire support capability that the Iowa*

1 *class battleships listed on the Naval Vessel Register pursu-*
2 *ant to subsection (a) would, if in active service, be able to*
3 *provide for Marine Corps amphibious assaults and oper-*
4 *ations ashore.*

5 **SEC. 1012. TRANSFER OF NAVAL VESSELS TO CERTAIN FOR-**
6 **EIGN COUNTRIES.**

7 (a) *AUTHORITY.*—*The Secretary of the Navy is author-*
8 *ized to transfer—*

9 (1) *to the Government of Bahrain the Oliver*
10 *Hazard Perry class guided missile frigate Jack Wil-*
11 *liams (FFG 24);*

12 (2) *to the Government of Egypt the Oliver Haz-*
13 *ard Perry class frigates Duncan (FFG 10) and*
14 *Copeland (FFG 25);*

15 (3) *to the Government of Oman the Oliver Haz-*
16 *ard Perry class guided missile frigate Mahlon S. Tis-*
17 *dale (FFG 27);*

18 (4) *to the Government of Turkey the Oliver Haz-*
19 *ard Perry class frigates Clifton Sprague (FFG 16),*
20 *Antrim (FFG 20), and Flatley (FFG 21); and*

21 (5) *to the Government of the United Arab Emir-*
22 *ates the Oliver Hazard Perry class guided missile*
23 *frigate Gallery (FFG 26).*

24 (b) *FORMS OF TRANSFER.*—(1) *A transfer under para-*
25 *graph (1), (2), (3), or (4) of subsection (a) shall be on a*

1 *grant basis under section 516 of the Foreign Assistance Act*
2 *of 1961 (22 U.S.C. 2321j).*

3 (2) *A transfer under paragraph (5) of subsection (a)*
4 *shall be on a lease basis under section 61 of the Arms Ex-*
5 *port Control Act (22 U.S.C. 2796).*

6 (c) *COSTS OF TRANSFERS.*—*Any expense incurred by*
7 *the United States in connection with a transfer authorized*
8 *by subsection (a) shall be charged to the recipient.*

9 (d) *EXPIRATION OF AUTHORITY.*—*The authority to*
10 *transfer a vessel under subsection (a) shall expire at the*
11 *end of the 2-year period beginning on the date of the enact-*
12 *ment of this Act, except that a lease entered into during*
13 *that period under subsection (b)(2) may be renewed.*

14 **SEC. 1013. NAMING AMPHIBIOUS SHIPS.**

15 (a) *FINDINGS.*—*The Senate finds that:*

16 (1) *This year is the fiftieth anniversary of the*
17 *battle of Iwo Jima, one of the great victories in all*
18 *of the Marine Corps' illustrious history.*

19 (2) *The Navy has recently retired the ship that*
20 *honored that battle, the U.S.S. IWO JIMA (LPH-2),*
21 *the first ship in a class of amphibious assault ships.*

22 (3) *This Act authorizes the LHD-7, the final*
23 *ship of the Wasp class of amphibious assault ships*
24 *that will replace the Iwo Jima class of ships.*

1 (4) *The Navy is planning to start building a*
2 *new class of amphibious transport docks, now called*
3 *the LPD–17 class. This Act also authorizes funds that*
4 *will lead to procurement of these vessels.*

5 (5) *There has been some confusion in the ration-*
6 *ale behind naming new naval vessels with traditional*
7 *naming conventions frequently violated.*

8 (6) *Although there have been good and sufficient*
9 *reasons to depart from naming conventions in the*
10 *past, the rationale for such departures has not always*
11 *been clear.*

12 (b) *SENSE OF THE SENATE.—In light of these find-*
13 *ings, expressed in subsection (a), it is the sense of the Senate*
14 *that the Secretary of the Navy should:*

15 (1) *Name the LHD–7 the U.S.S. IWO JIMA.*

16 (2) *Name the LPD–17 and all future ships of the*
17 *LPD–17 class after famous Marine Corps battles or*
18 *famous Marine Corps heroes.*

19 ***Subtitle C—Counter-Drug Activities***

20 ***SEC. 1021. REVISION AND CLARIFICATION OF AUTHORITY***

21 ***FOR FEDERAL SUPPORT OF DRUG INTERDIC-***
22 ***TION AND COUNTER-DRUG ACTIVITIES OF***
23 ***THE NATIONAL GUARD.***

24 (a) *FUNDING ASSISTANCE.—Subsection (a) of section*
25 *112 of title 32, United States Code, is amended—*

1 (1) by striking out “submits a plan to the Sec-
2 retary under subsection (b)” in the matter above
3 paragraph (1) and inserting in lieu thereof “submits
4 to the Secretary a State drug interdiction and
5 counter-drug activities plan satisfying the require-
6 ments of subsection (c)”;

7 (2) by redesignating paragraph (2) as para-
8 graph (3); and

9 (3) by striking out paragraph (1) and inserting
10 in lieu thereof the following:

11 “(1) the pay, allowances, clothing, subsistence,
12 gratuities, travel, and related expenses, as authorized
13 by State law, of personnel of the National Guard of
14 that State used, while not in Federal service, for the
15 purpose of drug interdiction and counter-drug activi-
16 ties;

17 “(2) the operation and maintenance of the equip-
18 ment and facilities of the National Guard of that
19 State used for the purpose of drug interdiction and
20 counter-drug activities; and”.

21 (b) *USE OF PERSONNEL PERFORMING FULL-TIME NA-*
22 *TIONAL GUARD DUTY.*—Section 112 of such title is amend-
23 ed—

24 (1) by striking out subsection (e);

1 (2) by redesignating subsections (b), (c), (d), and
2 (f) as subsections (c), (d), (f), and (g), respectively;
3 and

4 (3) by inserting after subsection (a) the following
5 new subsection (b):

6 “(b) *USE OF PERSONNEL PERFORMING FULL TIME*
7 *NATIONAL GUARD DUTY.*—(1) *Subject to subsection (e),*
8 *personnel of the National Guard of a State may be ordered*
9 *to perform full-time National Guard duty under section*
10 *502(f) of this title for the purpose of carrying out drug*
11 *interdiction and counter-drug activities.*

12 “(2) *Under regulations prescribed by the Secretary of*
13 *Defense, the Governor of a State may, in accordance with*
14 *the State drug interdiction and counter-drug activities plan*
15 *referred to in subsection (c), request that personnel of the*
16 *National Guard of the State be ordered to perform full-time*
17 *National Guard duty under section 502(f) of this title for*
18 *the purpose of carrying out drug interdiction and counter-*
19 *drug activities.”.*

20 (c) *STATE PLAN.*—*Subsection (c) of such section, as*
21 *redesignated by subsection (b)(2), is amended—*

22 (1) *in the matter above paragraph (1), by strik-*
23 *ing out “A plan” and inserting in lieu thereof “A*
24 *State drug interdiction and counter-drug activities*
25 *plan”;*

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

3 (3) in paragraph (3)—

4 (A) by striking out “annual training” and
5 inserting in lieu thereof “training”;

6 (B) by striking out the period at the end
7 and inserting in lieu thereof a semicolon; and

8 (C) by adding at the end the following:

9 “(4) include a certification by the Attorney Gen-
10 eral of the State (or, in the case of a State with no
11 position of Attorney General, a civilian official of the
12 State equivalent to a State attorney general) that the
13 use of the National Guard of the State for the activi-
14 ties proposed under the plan is authorized by, and is
15 consistent with, State law; and

16 “(5) certify that the Governor of the State or a
17 civilian law enforcement official of the State des-
18 igned by the Governor has determined that any ac-
19 tivities included in the plan that are carried out in
20 conjunction with Federal law enforcement agencies
21 serve a State law enforcement purpose.”.

22 (d) EXAMINATION OF STATE PLAN.—Subsection (d) of
23 such section, as redesignated by subsection (b)(2), is amend-
24 ed—

25 (1) in paragraph (1)—

1 (A) by inserting after “Before funds are
2 provided to the Governor of a State under this
3 section” the following: “and before members of
4 the National Guard of that State are ordered to
5 full-time National Guard duty as authorized in
6 subsection (b)(1)”; and

7 (B) by striking out “subsection (b)” and in-
8 serting in lieu thereof “subsection (c)”; and
9 (2) in paragraph (3)—

10 (A) by striking out “subsection (b)” in sub-
11 paragraph (A) and inserting in lieu thereof
12 “subsection (c)”; and

13 (B) by striking out subparagraph (B) and
14 inserting in lieu thereof the following:

15 “(B) pursuant to the plan submitted for a pre-
16 vious fiscal year, funds were provided to the State in
17 accordance with subsection (a) or personnel of the Na-
18 tional Guard of the State were ordered to perform
19 full-time National Guard duty in accordance with
20 subsection (b).”.

21 (e) *END STRENGTH LIMITATION*.—Such section is
22 amended by inserting after subsection (d), as redesignated
23 by subsection (b)(2), the following new subsection (e):

24 “(e) *END STRENGTH LIMITATION*.—(1) Except as pro-
25 vided in paragraph (2), at the end of a fiscal year there

1 *may not be more than 4000 members of the National*
2 *Guard—*

3 “(A) *on full-time National Guard duty under*
4 *section 502(f) of this title to perform drug interdiction or counter-drug activities pursuant to an order*
5 *to duty for a period of more than 180 days; or*

6 “(B) *on duty under State authority to perform*
7 *drug interdiction or counter-drug activities pursuant*
8 *to an order to duty for a period of more than 180*
9 *days with State pay and allowances being reimbursed*
10 *with funds provided under subsection (a)(1).*

11 “(2) *The Secretary of Defense may increase the end*
12 *strength authorized under paragraph (1) by not more than*
13 *20 percent for any fiscal year if the Secretary determines*
14 *that such an increase is necessary in the national security*
15 *interests of the United States.”.*

16 (f) *DEFINITIONS.—Subsection (g) of such section, as*
17 *redesignated by subsection (b)(2), is amended by striking*
18 *out paragraph (1) and inserting in lieu thereof the follow-*
19 *ing:*
20 *ing:*

21 “(1) *The term ‘drug interdiction and counter-*
22 *drug activities’, with respect to the National Guard of*
23 *a State, means the use of National Guard personnel*
24 *in drug interdiction and counter-drug law enforce-*

1 *ment activities authorized by the law of the State and*
2 *requested by the Governor of the State.”.*

3 **SEC. 1022. NATIONAL DRUG INTELLIGENCE CENTER.**

4 (a) *LIMITATION ON USE OF FUNDS.—Except as pro-*
5 *vided in subsection (b), funds appropriated or otherwise*
6 *made available for the Department of Defense pursuant to*
7 *this or any other Act may not be obligated or expended for*
8 *the National Drug Intelligence Center, Johnstown, Penn-*
9 *sylvania.*

10 (b) *EXCEPTION.—If the Attorney General operates the*
11 *National Drug Intelligence Center using funds available for*
12 *the Department of Justice, the Secretary of Defense may*
13 *continue to provide Department of Defense intelligence per-*
14 *sonnel to support intelligence activities at the Center. The*
15 *number of such personnel providing support to the Center*
16 *after the date of the enactment of this Act may not exceed*
17 *the number of the Department of Defense intelligence per-*
18 *sonnel who are supporting intelligence activities at the Cen-*
19 *ter on the day before such date.*

20 **SEC. 1023. ASSISTANCE TO CUSTOMS SERVICE.**

21 (a) *NONINTRUSIVE INSPECTION SYSTEMS.—The Sec-*
22 *retary of Defense shall, using funds available pursuant to*
23 *subsection (b), either—*

1 (1) *procure nonintrusive inspection systems and*
2 *transfer the systems to the United States Customs*
3 *Service; or*

4 (2) *transfer the funds to the Secretary of the*
5 *Treasury for use to procure nonintrusive inspection*
6 *systems for the United States Customs Service.*

7 (b) *FUNDING.*—*Of the amounts authorized to be appro-*
8 *priated under section 301(15), \$25,000,000 shall be avail-*
9 *able for carrying out subsection (a).*

10 ***Subtitle D—Department of Defense***
11 ***Education Programs***

12 ***SEC. 1031. CONTINUATION OF THE UNIFORMED SERVICES***

13 ***UNIVERSITY OF THE HEALTH SCIENCES.***

14 (a) *POLICY.*—*Congress reaffirms—*

15 (1) *the prohibition set forth in subsection (a) of*
16 *section 922 of the National Defense Authorization Act*
17 *for Fiscal Year 1995 (Public Law 103–337; 108 Stat.*
18 *2829; 10 U.S.C. 2112 note) regarding closure of the*
19 *Uniformed Services University of the Health Sciences;*
20 *and*

21 (2) *the expression of the sense of Congress set*
22 *forth in subsection (b) of such section regarding the*
23 *budgetary commitment to continuation of the univer-*
24 *sity.*

1 (b) *PERSONNEL STRENGTH.*—During the 5-year pe-
2 riod beginning on October 1, 1995, the personnel staffing
3 levels for the Uniformed Services University of the Health
4 Services may not be reduced below the personnel staffing
5 levels for the university as of October 1, 1993.

6 **SEC. 1032. ADDITIONAL GRADUATE SCHOOLS AND PRO-**
7 **GRAMS AT THE UNIFORMED SERVICES UNI-**
8 **VERSITY OF THE HEALTH SCIENCES.**

9 Section 2113 of title 10, United States Code, is amend-
10 ed by striking out subsection (h) and inserting in lieu there-
11 of the following:

12 “(h) The Board may establish the following edu-
13 cational programs:

14 “(1) Postdoctoral, postgraduate, and techno-
15 logical institutes.

16 “(2) A graduate school of nursing.

17 “(3) Other schools or programs that the Board
18 determines necessary in order to operate the Univer-
19 sity in a cost-effective manner.”.

20 **SEC. 1033. FUNDING FOR BASIC ADULT EDUCATION PRO-**
21 **GRAMS FOR MILITARY PERSONNEL AND DE-**
22 **PENDENTS OUTSIDE THE UNITED STATES.**

23 Of the amounts authorized to be appropriated pursu-
24 ant to section 301, \$600,000 shall be available to carry out

1 *adult education programs, consistent with the Adult Edu-*
2 *cation Act (20 U.S.C. 1201 et seq.), for—*

3 *(1) members of the Armed Forces who are serv-*
4 *ing in locations that are outside the United States*
5 *and not described in subsection (b) of such section*
6 *313; and*

7 *(2) the dependents of such members.*

8 **SEC. 1034. SCOPE OF EDUCATION PROGRAMS OF COMMU-**
9 **NITY COLLEGE OF THE AIR FORCE.**

10 *Section 9315(a)(1) of title 10, United States Code, is*
11 *amended by striking out “for enlisted members of the armed*
12 *forces” and inserting in lieu thereof “for enlisted members*
13 *of the Air Force”.*

14 **SEC. 1035. DATE FOR ANNUAL REPORT ON SELECTED RE-**
15 **SERVE EDUCATIONAL ASSISTANCE PROGRAM.**

16 *Section 16137 of title 10, United States Code, is*
17 *amended by striking out “December 15 of each year” and*
18 *inserting in lieu thereof “March 1 of each year”.*

19 **SEC. 1036. ESTABLISHMENT OF JUNIOR R.O.T.C. UNITS IN**
20 **INDIAN RESERVATION SCHOOLS.**

21 *It is the sense of Congress that the Secretary of Defense*
22 *should ensure that secondary educational institutions on*
23 *Indian reservations are afforded a full opportunity along*
24 *with other secondary educational institutions to be selected*

1 *as locations for establishment of new Junior Reserve Offi-*
2 *cers' Training Corps units.*

3 **Subtitle E—Cooperative Threat Re-**
4 **duction With States of the**
5 **Former Soviet Union**

6 **SEC. 1041. COOPERATIVE THREAT REDUCTION PROGRAMS**

7 **DEFINED.**

8 *For purposes of this subtitle, Cooperative Threat Re-*
9 *duction programs are the programs described in section*
10 *1203(b) of the Cooperative Threat Reduction Act of 1993*
11 *(title XII of Public Law 103–160; 107 Stat. 1778; 22 U.S.C.*
12 *5952(b)).*

13 **SEC. 1042. FUNDING MATTERS.**

14 *(a) LIMITATION.—Funds authorized to be appro-*
15 *priated under section 301(18) may not be obligated for any*
16 *program established primarily to assist nuclear weapons*
17 *scientists in States of the former Soviet Union until 30 days*
18 *after the date on which the Secretary of Defense certifies*
19 *in writing to Congress that the funds to be obligated will*
20 *not be used to contribute to the modernization of the strate-*
21 *gic nuclear forces of such States or for research, develop-*
22 *ment, or production of weapons of mass destruction.*

23 *(b) REIMBURSEMENT OF PAY ACCOUNTS.—Funds au-*
24 *thorized to be appropriated under section 301(18) may be*
25 *transferred to military personnel accounts for reimburse-*

1 *ment of those accounts for the pay and allowances paid to*
2 *reserve component personnel for service while engaged in*
3 *any activity under a Cooperative Threat Reduction pro-*
4 *gram.*

5 **SEC. 1043. LIMITATION RELATING TO OFFENSIVE BIOLOGI-**
6 **CAL WARFARE PROGRAM OF RUSSIA.**

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

8 *(1) Even though the President of Russia and*
9 *other senior leaders of the Russian government have*
10 *committed Russia to comply with the Biological*
11 *Weapons Convention, a June 1995 United States*
12 *Government report asserts that official United States*
13 *concern remains about the Russian biological warfare*
14 *program.*

15 *(2) In reviewing the President's budget request*
16 *for fiscal year 1996 for Cooperative Threat Reduction,*
17 *and consistent with the finding in section 1207(a)(5)*
18 *of the National Defense Authorization Act for Fiscal*
19 *Year 1995 (Public Law 103–337; 108 Stat. 2884), the*
20 *Senate has taken into consideration the questions and*
21 *concerns about Russia's biological warfare program*
22 *and Russia's compliance with the obligations under*
23 *the Biological Weapons Convention.*

24 *(b) LIMITATION ON USE OF FUNDS FOR COOPERATIVE*
25 *THREAT REDUCTION.—Of the amount available under sec-*

1 *tion 301(18) for Cooperative Threat Reduction programs,*
2 *\$50,000,000 shall be reserved and not obligated until the*
3 *President certifies to Congress that Russia is in compliance*
4 *with the obligations under the Biological Weapons Conven-*
5 *tion.*

6 **SEC. 1044. LIMITATION ON USE OF FUNDS FOR COOPERA-**
7 **TIVE THREAT REDUCTION.**

8 (a) *LIMITATION.*—*Of the funds appropriated or other-*
9 *wise made available for fiscal year 1996 under the heading*
10 *“FORMER SOVIET UNION THREAT REDUCTION” for dis-*
11 *mantlement and destruction of chemical weapons, not more*
12 *than \$52,000,000 may be obligated or expended for that*
13 *purpose until the President certifies to Congress the follow-*
14 *ing:*

15 (1) *That the United States and Russia have*
16 *completed a joint laboratory study evaluating the pro-*
17 *posal of Russia to neutralize its chemical weapons*
18 *and the United States agrees with the proposal.*

19 (2) *That Russia is in the process of preparing,*
20 *with the assistance of the United States (if necessary),*
21 *a comprehensive plan to manage the dismantlement*
22 *and destruction of the Russia chemical weapons stock-*
23 *pile.*

24 (3) *That the United States and Russia are com-*
25 *mitted to resolving outstanding issues under the 1989*

1 *Wyoming Memorandum of Understanding and the*
2 *1990 Bilateral Destruction Agreement.*

3 *(b) DEFINITIONS.—In this section:*

4 *(1) The term “1989 Wyoming Memorandum of*
5 *Understanding” means the Memorandum of Under-*
6 *standing between the Government of the United States*
7 *of America and the Government of the Union of So-*
8 *viet Socialist Republics Regarding a Bilateral Ver-*
9 *ification Experiment and Data Exchange Related to*
10 *Prohibition on Chemical Weapons, signed at Jackson*
11 *Hole, Wyoming, on September 23, 1989.*

12 *(2) The term “1990 Bilateral Destruction Agree-*
13 *ment” means the Agreement between the United*
14 *States of America and the Union of Soviet Socialist*
15 *Republics on destruction and non-production of chem-*
16 *ical weapons and on measures to facilitate the multi-*
17 *lateral convention on banning chemical weapons*
18 *signed on June 1, 1990.*

19 ***Subtitle F—Matters Relating to***
20 ***Other Nations***

21 ***SEC. 1051. COOPERATIVE RESEARCH AND DEVELOPMENT***

22 ***AGREEMENTS WITH NATO ORGANIZATIONS.***

23 *Section 2350b(e) of title 10, United States Code, is*
24 *amended—*

1 (1) in paragraph (1), by inserting “or a NATO
2 organization” after “a participant (other than the
3 United States)”; and

4 (2) in paragraph (2), by inserting “or a NATO
5 organization” after “a cooperative project”.

6 **SEC. 1052. NATIONAL SECURITY IMPLICATIONS OF UNITED**
7 **STATES EXPORT CONTROL POLICY.**

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

9 (1) *Export controls remain an important ele-*
10 *ment of the national security policy of the United*
11 *States.*

12 (2) *It is in the national interest that United*
13 *States export control policy prevent the transfer, to*
14 *potential adversaries or combatants of the United*
15 *States, of technology that threatens the national secu-*
16 *rity or defense of the United States.*

17 (3) *It is in the national interest that the United*
18 *States monitor aggressively the export of technology*
19 *in order to prevent its diversion to potential adver-*
20 *saries or combatants of the United States.*

21 (4) *The Department of Defense relies increas-*
22 *ingly on commercial and dual-use technologies, prod-*
23 *ucts, and processes to support United States military*
24 *capabilities and economic strength.*

1 (5) *The Department of Defense evaluates license*
2 *applications for the export of commodities whose ex-*
3 *port is controlled for national security reasons if such*
4 *commodities are exported to certain countries, but the*
5 *Department does not evaluate license applications for*
6 *the export of such commodities if such commodities*
7 *are exported to other countries.*

8 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
9 *that—*

10 (1) *the maintenance of the military advantage of*
11 *the United States depends on effective export controls*
12 *on dual-use items and technologies that are critical to*
13 *the military capabilities of the Armed Forces;*

14 (2) *the Government should identify the dual-use*
15 *items and technologies that are critical to the mili-*
16 *tary capabilities of the Armed Forces, including the*
17 *military use made of such items and technologies, and*
18 *should reevaluate the export control policy of the*
19 *United States in light of such identification; and*

20 (3) *the Government should utilize unilateral ex-*
21 *port controls on dual-use items and technologies that*
22 *are critical to the military capabilities of the Armed*
23 *Forces (regardless of the availability of such items or*
24 *technologies overseas) with respect to the countries*
25 *that—*

1 (A) pose a threat to the national security
2 interests of the United States; and

3 (B) are not members in good standing of bi-
4 lateral or multilateral agreements to which the
5 United States is a party on the use of such items
6 and technologies.

7 (c) *REPORT REQUIRED.*—(1) Not later than December
8 1, 1995, the Secretary of Defense shall submit to the Com-
9 mittees on Armed Services and on Foreign Relations of the
10 Senate and the Committees on National Security and on
11 International Relations of the House of Representatives a
12 report on the effect of the export control policy of the United
13 States on the national security interests of the United
14 States.

15 (2) The report shall include the following:

16 (A) A list setting forth each country determined
17 to be a rogue nation or potential adversary or com-
18 batant of the United States.

19 (B) For each country so listed, a list of—

20 (i) the categories of items that should be
21 prohibited for export to the country;

22 (ii) the categories of items that should be ex-
23 ported to the country only under an individual
24 license with conditions; and

1 (iii) the categories of items that may be ex-
2 ported to the country under a general distribu-
3 tion license.

4 (C) For each category of items listed under
5 clauses (ii) and (iii) of subparagraph (B)—

6 (i) a statement whether export controls on
7 the category of items are to be imposed under a
8 multilateral international agreement or a unilat-
9 eral decision of the United States; and

10 (ii) a justification for the decision not to
11 prohibit the export of the items to the country.

12 (D) A description of United States policy on
13 sharing satellite imagery that has military signifi-
14 cance and a discussion of the criteria for determining
15 the imagery that has that significance.

16 (E) A description of the relationship between
17 United States policy on the export of space launch ve-
18 hicle technology and the Missile Technology Control
19 Regime.

20 (F) An assessment of United States efforts to
21 support the inclusion of additional countries in the
22 Missile Technology Control Regime.

23 (G) An assessment of the on-going efforts made
24 by potential participant countries in the Missile

1 *Technology Control Regime to meet the guidelines es-*
2 *tablished by the Missile Technology Control Regime.*

3 *(H) A brief discussion of the history of the space*
4 *launch vehicle programs of other countries, including*
5 *a discussion of the military origins and purposes of*
6 *such programs and the current level of military in-*
7 *volvement in such programs.*

8 *(3) The Secretary shall submit the report in unclassi-*
9 *fied form but may include a classified annex.*

10 *(4) In this subsection, the term “Missile Technology*
11 *Control Regime” means the policy statement between the*
12 *United States , the United Kingdom, the Federal Republic*
13 *of Germany, France, Italy, Canada, and Japan, announced*
14 *on April 16, 1987, to restrict sensitive missile-relevant*
15 *transfers based on the Missile Technology Control Regime*
16 *Annex, and any amendments thereto.*

17 *(d) DEPARTMENT OF DEFENSE REVIEW OF EXPORT*
18 *LICENSES FOR CERTAIN BIOLOGICAL PATHOGENS.—(1)*
19 *Notwithstanding any other provision of law, the Secretary*
20 *of Defense shall, in consultation with appropriate elements*
21 *of the intelligence community, review each application that*
22 *is submitted to the Secretary of Commerce for an individual*
23 *validated license for the export of a class 2, class 3, or class*
24 *4 biological pathogen to a country known or suspected to*
25 *have an offensive biological weapons program. The purpose*

1 *of the review is to determine if the export of the pathogen*
2 *pursuant to the license would be contrary to the national*
3 *security interests of the United States.*

4 *(2) The Secretary of Defense, in consultation with the*
5 *Secretary of State and the intelligence community, shall pe-*
6 *riodically inform the Secretary of Commerce as to the coun-*
7 *tries known or suspected to have an offensive biological*
8 *weapons program.*

9 *(3) In order to facilitate the review of an application*
10 *for an export license by appropriate elements of the intel-*
11 *ligence committee under paragraph (1), the Secretary of De-*
12 *fense shall submit a copy of the application to such appro-*
13 *priate elements.*

14 *(4) The Secretary of Defense shall carry out the review*
15 *of an application under this subsection not later than 30*
16 *days after the date on which the Secretary of Commerce*
17 *forwards a copy of the application to the Secretary of De-*
18 *fense for review.*

19 *(5) Upon completion of the review of an application*
20 *for an export license under this subsection, the Secretary*
21 *of Defense shall notify the Secretary of Commerce if the ex-*
22 *port of a biological pathogen pursuant to the license would*
23 *be contrary to the national security interests of the United*
24 *States.*

1 *Secretary may issue guarantees assuring a lender against*
2 *losses of principal or interest, or both principal and inter-*
3 *est, arising out of the financing of the sale or long-term*
4 *lease of defense articles, defense services, or design and con-*
5 *struction services to a country referred to in subsection (b).*

6 “(b) *COVERED COUNTRIES.*—*The authority under sub-*
7 *section (a) applies with respect to the following countries:*

8 “(1) *A member nation of the North Atlantic*
9 *Treaty Organization (NATO).*

10 “(2) *A country designated as of March 31, 1995,*
11 *as a major non-NATO ally pursuant to section*
12 *2350a(i)(3) of this title.*

13 “(3) *A country in Central Europe that, as deter-*
14 *mined by the Secretary of State—*

15 “(A) *has changed its form of national gov-*
16 *ernment from a nondemocratic form of govern-*
17 *ment to a democratic form of government since*
18 *October 1, 1989; or*

19 “(B) *is in the processing of changing its*
20 *form of national government from a*
21 *nondemocratic form of government to a demo-*
22 *cratic form of government.*

23 “(4) *A noncommunist country that was a mem-*
24 *ber nation of the Asia Pacific Economic Cooperation*
25 *(APEC) as of October 31, 1993.*

1 “(c) *AUTHORITY SUBJECT TO PROVISIONS OF APPRO-*
2 *PRIATIONS.—The Secretary may guarantee a loan under*
3 *this subchapter only as provided in appropriations Acts.*

4 **“§ 2540a. Transferability**

5 *“A guarantee issued under this subchapter shall be*
6 *fully and freely transferable.*

7 **“§ 2540b. Limitations**

8 “(a) *TERMS AND CONDITIONS OF LOAN GUARAN-*
9 *TEES.—In issuing a guarantee under this subchapter for*
10 *a medium-term or long-term loan, the Secretary may not*
11 *offer terms and conditions more beneficial than those that*
12 *would be provided to the recipient by the Export-Import*
13 *Bank of the United States under similar circumstances in*
14 *conjunction with the provision of guarantees for nondefense*
15 *articles and services.*

16 “(b) *LOSSES ARISING FROM FRAUD OR MISREPRE-*
17 *SENTATION.—No payment may be made under a guarantee*
18 *issued under this subchapter for a loss arising out of fraud*
19 *or misrepresentation for which the party seeking payment*
20 *is responsible.*

21 “(c) *NO RIGHT OF ACCELERATION.—The Secretary of*
22 *Defense may not accelerate any guaranteed loan or incre-*
23 *ment, and may not pay any amount, in respect of a guar-*
24 *antee issued under this subchapter, other than in accord-*
25 *ance with the original payment terms of the loan.*

1 **“§ 2540c. Fees charged and collected**

2 “(a) *IN GENERAL.*—The Secretary of Defense shall
3 charge a fee (known as ‘exposure fee’) for each guarantee
4 issued under this subchapter.

5 “(b) *AMOUNT.*—To the extent that the cost of the loan
6 guarantees under this subchapter is not otherwise provided
7 for in appropriations Acts, the fee imposed under this sec-
8 tion with respect to a loan guarantee shall be fixed in an
9 amount determined by the Secretary to be sufficient to meet
10 potential liabilities of the United States under the loan
11 guarantee.

12 “(c) *PAYMENT TERMS.*—The fee for each guarantee
13 shall become due as the guarantee is issued. In the case of
14 a guarantee for a loan which is disbursed incrementally,
15 and for which the guarantee is correspondingly issued in-
16 crementally as portions of the loan are disbursed, the fee
17 shall be paid incrementally in proportion to the amount
18 of the guarantee that is issued.

19 **“§ 2540d. Definitions**

20 *“In this subchapter:*

21 “(1) The terms ‘defense article’, ‘defense services’,
22 and ‘design and construction services’ have the mean-
23 ings given those terms in section 47 of the Arms Ex-
24 port Control Act (22 U.S.C. 2794).

25 “(2) The term ‘cost’, with respect to a loan guar-
26 antee, has the meaning given that term in section 502

1 *of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 661a).”.*

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

“VI. Defense Export Loan Guarantees 2540”.

6 *(b) REPORT.—(1) Not later than two years after the*
 7 *date of the enactment of this Act, the President shall submit*
 8 *to Congress a report on the loan guarantee program estab-*
 9 *lished pursuant to section 2540 of title 10, United States*
 10 *Code, as added by subsection (a).*

11 *(2) The report shall include—*

12 *(A) an analysis of the costs and benefits of the*
 13 *loan guarantee program; and*

14 *(B) any recommendations for modification of the*
 15 *program that the President considers appropriate, in-*
 16 *cluding—*

17 *(i) any recommended addition to the list of*
 18 *countries for which a guarantee may be issued*
 19 *under the program; and*

20 *(ii) any proposed legislation necessary to*
 21 *authorize a recommended modification.*

22 **SEC. 1054. LANDMINE CLEARING ASSISTANCE PROGRAM.**

23 *(a) REVISION OF AUTHORITY.—Section 1413 of the*
 24 *National Defense Authorization Act for Fiscal Year 1995*

1 *(Public Law 103–337; 108 Stat. 2913; 10 U.S.C. 401 note)*
2 *is amended by adding at the end the following:*

3 “(f) *SPECIAL REQUIREMENTS FOR FISCAL YEAR*
4 *1996.—Funds available for fiscal year 1996 for the pro-*
5 *gram under subsection (a) may not be obligated for involve-*
6 *ment of members of the Armed Forces in an activity under*
7 *the program until the date that is 30 days after the date*
8 *on which the Secretary of Defense certifies to Congress, in*
9 *writing, that the involvement of such personnel in the activ-*
10 *ity satisfies military training requirements for such person-*
11 *nel.*

12 “(g) *TERMINATION OF AUTHORITY.—The Secretary of*
13 *Defense may not provide assistance under subsection (a)*
14 *after September 30, 1996.”.*

15 “(b) *REVISION OF DEFINITION OF LANDMINE.—Section*
16 *1423(d)(3) of the National Defense Authorization Act for*
17 *Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1831)*
18 *is amended by striking out “by remote control or”.*

19 “(c) *FISCAL YEAR 1996 FUNDING.—Of the amount au-*
20 *thorized to be appropriated by section 301 for Overseas Hu-*
21 *manitarian, Disaster, and Civic Aid (OHDACA) programs*
22 *of the Department of Defense, not more than \$20,000,000*
23 *shall be available for the program of assistance under sec-*
24 *tion 1413 of the National Defense Authorization Act for Fis-*

1 *cal Year 1995 (Public Law 103–337; 108 Stat. 2913; 10*
2 *U.S.C. 401 note).*

3 **SEC. 1055. STRATEGIC COOPERATION BETWEEN THE**
4 **UNITED STATES AND ISRAEL.**

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

6 *(1) The President and Congress have repeatedly*
7 *declared the long-standing United States commitment*
8 *to maintaining the qualitative superiority of the Is-*
9 *rael Defense Forces over any combination of potential*
10 *adversaries.*

11 *(2) Congress continues to recognize the many*
12 *benefits to the United States from its strategic rela-*
13 *tionship with Israel, including that of enhanced re-*
14 *gional stability and technical cooperation.*

15 *(3) Despite the historic peace effort in which Is-*
16 *rael and its neighbors are engaged, Israel continues to*
17 *face severe potential threats to its national security*
18 *that are compounded by terrorism and by the pro-*
19 *liferation of weapons of mass destruction and ballistic*
20 *missiles.*

21 *(4) Congress supports enhanced United States*
22 *cooperation with Israel in all fields and, especially,*
23 *in finding new ways to deter or counter mutual*
24 *threats.*

1 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
2 *that—*

3 (1) *the President should ensure that any conven-*
4 *tional defense system or technology offered by the*
5 *United States for sale to any member nation of the*
6 *North Atlantic Treaty Organization (NATO) or to*
7 *any major non-NATO ally is concurrently made*
8 *available for purchase by Israel unless the President*
9 *determines that it would not be in the national secu-*
10 *rity interests of the United States to do so; and*

11 (2) *the President should make available to Israel,*
12 *within existing technology transfer laws, regulations,*
13 *and policies, advanced United States technology nec-*
14 *essary for achieving continued progress in cooperative*
15 *United States-Israel research and development of the-*
16 *ater missile defenses.*

17 **SEC. 1056. SUPPORT SERVICES FOR THE NAVY AT THE PORT**
18 **OF HAIFA, ISRAEL.**

19 *It is the sense of Congress that the Secretary of the*
20 *Navy should promptly undertake such actions as are nec-*
21 *essary—*

22 (1) *to improve the services available to the Navy*
23 *at the Port of Haifa, Israel; and*

24 (2) *to ensure that the continuing increase in*
25 *commercial activities at the Port of Haifa does not*

1 “(A) grants sanctuary from prosecution to
2 any individual or group that has committed an
3 act of international terrorism; or

4 “(B) otherwise supports international ter-
5 rorism.

6 “(b) WAIVER.—(1) The President may waive the ap-
7 plication of subsection (a) to a country if the President de-
8 termines that it is in the national security interests of the
9 United States to do so or that the waiver should be granted
10 for humanitarian reasons.

11 “(2) The President shall—

12 “(A) notify the Committees on Armed Services
13 and Foreign Relations of the Senate and the Commit-
14 tees on National Security and on International Rela-
15 tions of the House of Representatives at least 15 days
16 before the waiver takes effect; and

17 “(B) publish a notice of the waiver in the Fed-
18 eral Register.

19 “(c) DEFINITION.—In this section, the term ‘inter-
20 national terrorism’ has the meaning given that term in sec-
21 tion 140(d) of the Foreign Relations Authorization Act, Fis-
22 cal Years 1988 and 1989 (22 U.S.C. 2656f(d)).”.

23 (b) CLERICAL AMENDMENT.—The table of sections at
24 the beginning of subchapter I of such chapter is amended
25 by adding at the end the following:

“2249a. Prohibition on assistance to terrorist countries.”.

1 **SEC. 1058. INTERNATIONAL MILITARY EDUCATION AND**
2 **TRAINING.**

3 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
4 *that—*

5 (1) *it is in the national security interest of the*
6 *United States to promote military professionalism*
7 *(including an understanding of and respect for the*
8 *proper role of the military in a civilian-led demo-*
9 *cratic society), the effective management of defense re-*
10 *sources, the recognition of internationally recognized*
11 *human rights, and an effective military justice system*
12 *within the armed forces of allies of the United States*
13 *and of countries friendly to the United States;*

14 (2) *it is in the national security interest of the*
15 *United States to foster rapport, understanding, and*
16 *cooperation between the Armed Forces of the United*
17 *States and the armed forces of allies of the United*
18 *States and of countries friendly to the United States;*

19 (3) *the international military education and*
20 *training program is a low-cost method of promoting*
21 *military professionalism within the armed forces of*
22 *allies of the United States and of countries friendly*
23 *to the United States and fostering better relations be-*
24 *tween the Armed Forces of the United States and*
25 *those armed forces;*

1 (4) *the dissolution of the Soviet Union and the*
2 *Warsaw Pact alliance and the spread of democracy in*
3 *the Western Hemisphere have created an opportunity*
4 *to promote the military professionalism of the armed*
5 *forces of the affected nations;*

6 (5) *funding for the international military edu-*
7 *cation and training program of the United States has*
8 *decreased dramatically in recent years;*

9 (6) *the decrease in funding for the international*
10 *military education and training program has re-*
11 *sulted in a major decrease in the participation of per-*
12 *sonnel from Asia, Latin America, and Africa in the*
13 *program;*

14 (7) *the Chairman of the Joint Chiefs of Staff*
15 *and the commanders in chief of the regional combat-*
16 *ant commands have consistently testified before con-*
17 *gressional committees that the international military*
18 *education and training program fosters cooperation*
19 *with and improves military management, civilian*
20 *control over the military forces, and respect for*
21 *human rights within foreign military forces; and*

22 (8) *the delegation by the President to the Sec-*
23 *retary of Defense of authority to perform functions re-*
24 *lating to the international military education and*

1 *training program is appropriate and should be con-*
2 *tinued.*

3 *(b) ACTIVITIES AUTHORIZED.—(1) Part I of subtitle*
4 *A of title 10, United States Code, is amended by adding*
5 *at the end the following:*

6 **“CHAPTER 23—CONTACTS UNDER PRO-**
7 **GRAMS IN SUPPORT OF FOREIGN MILI-**
8 **TARY FORCES**

“Sec.

“461. *Military-to-military contacts and comparable activities.*

“462. *International military education and training.*

9 **“§ 462. International military education and training**

10 *“(a) PROGRAM AUTHORITY.—Subject to the provisions*
11 *of chapter 5 of part II of the Foreign Assistance Act of 1961*
12 *(22 U.S.C. 2347 et seq.), the Secretary of Defense, upon the*
13 *recommendation of a commander of a combatant command,*
14 *or, with respect to a geographic area or areas not within*
15 *the area of responsibility of a commander of a combatant*
16 *command, upon the recommendation of the Chairman of*
17 *the Joint Chiefs of Staff, may pay a portion of the costs*
18 *of providing international military education and training*
19 *to military personnel of foreign countries and to civilian*
20 *personnel of foreign countries who perform national defense*
21 *functions.*

22 *“(b) RELATIONSHIP TO OTHER FUNDING.—Any*
23 *amount provided pursuant to subsection (a) shall be in ad-*

1 *dition to amounts otherwise available for international*
2 *military education and training for that fiscal year.”.*

3 (2) *Section 168 of title 10, United States Code, is re-*
4 *designated as section 461, is transferred to chapter 23 (as*
5 *added by paragraph (1)), and is inserted after the table*
6 *of sections at the beginning of such chapter.*

7 (3)(A) *The tables of chapters at the beginning of sub-*
8 *title A of such title and the beginning of part I of such*
9 *subtitle are amended by inserting after the item relating*
10 *to chapter 22 the following:*

“23. Contacts Under Programs in Support of Foreign Military Forces 461”.

11 (B) *The table of sections at the beginning of chapter*
12 *6 of title 10, United States Code, is amended by striking*
13 *out the item relating to section 168.*

14 (c) *FISCAL YEAR 1996 FUNDING.—Of the amount au-*
15 *thorized to be appropriated under section 301(5),*
16 *\$20,000,000 shall be available to the Secretary of Defense*
17 *for the purposes of carrying out activities under section 462*
18 *of title 10, United States Code, as added by subsection (b).*

19 (d) *RELATIONSHIP TO AUTHORITY OF SECRETARY OF*
20 *STATE.—Nothing in this section or section 462 of title 10,*
21 *United States Code (as added by subsection (b)(1)), shall*
22 *impair the authority or ability of the Secretary of State*
23 *to coordinate policy regarding international military edu-*
24 *cation and training programs.*

1 **SEC. 1059. REPEAL OF LIMITATION REGARDING AMERICAN**
2 **DIPLOMATIC FACILITIES IN GERMANY.**

3 *Section 1432 of the National Defense Authorization*
4 *Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat.*
5 *1833) is repealed.*

6 **SEC. 1060. IMPLEMENTATION OF ARMS CONTROL AGREE-**
7 **MENTS.**

8 (a) *FUNDING.*—*Of the amounts authorized to be ap-*
9 *propriated under sections 102, 103, 104, 201, and 301,*
10 *\$228,900,000 shall be available for implementing arms con-*
11 *trol agreements to which the United States is a party.*

12 (b) *LIMITATION.*—(1) *Except as provided in para-*
13 *graph (2), none of the funds authorized to be appropriated*
14 *under subsection (a) for the costs of implementing an arms*
15 *control agreement may be used to reimburse expenses in-*
16 *curring by any other party to the agreement for which, with-*
17 *out regard to any executive agreement or any policy not*
18 *part of an arms control agreement—*

19 (A) *the other party is responsible under the*
20 *terms of the arms control agreement; and*

21 (B) *the United States has no responsibility*
22 *under the agreement.*

23 (2) *The limitation in paragraph (1) does not apply*
24 *to a use of funds to fulfill a policy of the United States*
25 *to reimburse expenses incurred by another party to an arms*
26 *control agreement if—*

1 (A) *the policy does not modify any obligation*
2 *imposed by the arms control agreement;*

3 (B) *the President—*

4 (i) *issued or approved the policy before the*
5 *date of the enactment of this Act; or*

6 (ii) *has entered into an agreement on the*
7 *policy with the government of another country or*
8 *has approved an agreement on the policy entered*
9 *into by an official of the United States and the*
10 *government of another country; and*

11 (C) *the President has notified the congressional*
12 *defense committees, the Committee on Foreign Rela-*
13 *tions of the Senate, and the Committee on Inter-*
14 *national Relations of the House of Representatives of*
15 *the policy or the policy agreement (as the case may*
16 *be), in writing, at least 30 days before the date on*
17 *which the President issued or approved the policy or*
18 *has entered into or approved the policy agreement.*

19 (c) *DEFINITIONS.—In this section:*

20 (1) *The term “arms control agreement” means*
21 *an arms control treaty or other form of international*
22 *arms control agreement.*

23 (2) *The term “executive agreement” is an inter-*
24 *national agreement entered into by the President that*
25 *is not authorized by statute or approved by the Sen-*

1 (5) *the experience of United States forces partici-*
2 *pating in combined United States-United Nations op-*
3 *erations in Somalia, and in combined United Na-*
4 *tions-NATO operations in the former Yugoslavia,*
5 *demonstrate that prerequisites for effective military*
6 *operations such as unity of command and clarity of*
7 *mission have not been met by United Nations com-*
8 *mand and control arrangements; and*

9 (6) *despite the many deficiencies in the conduct*
10 *of United Nations peace operations, there may be oc-*
11 *casions when it is in the national security interests*
12 *of the United States to participate in such operations.*

13 *(b) POLICY.—It is the sense of Congress that—*

14 (1) *the President should consult closely with*
15 *Congress regarding any United Nations peace oper-*
16 *ation that could involve United States combat forces,*
17 *and that such consultations should continue through-*
18 *out the duration of such activities;*

19 (2) *the President should consult with Congress*
20 *prior to a vote within the United Nations Security*
21 *Council on any resolution which would authorize, ex-*
22 *tend, or revise the mandates for such activities;*

23 (3) *in view of the complexity of United Nations*
24 *peace operations and the difficulty of achieving unity*
25 *of command and expeditious decisionmaking, the*

1 *United States should participate in such operations*
2 *only when it is clearly in the national security inter-*
3 *est to do so;*

4 *(4) United States combat forces should be under*
5 *the operational control of qualified commanders and*
6 *should have clear and effective command and control*
7 *arrangements and rules of engagement (which do not*
8 *restrict their self-defense in any way) and clear and*
9 *unambiguous mission statements; and*

10 *(5) none of the Armed Forces of the United*
11 *States should be under the operational control of for-*
12 *ign nationals in United Nations peace enforcement*
13 *operations except in the most extraordinary cir-*
14 *cumstances.*

15 *(c) DEFINITIONS.—For purposes of this section—*

16 *(1) the term “United Nations peace enforcement*
17 *operations” means any international peace enforce-*
18 *ment or similar activity that is authorized by the*
19 *United Nations Security Council under chapter VII*
20 *of the Charter of the United Nations; and*

21 *(2) the term “United Nations peace operations”*
22 *means any international peacekeeping, peacemaking,*
23 *peace enforcement, or similar activity that is author-*
24 *ized by the United Nations Security Council under*

1 *chapter VI or VII of the Charter of the United Na-*
2 *tions.*

3 **SEC. 1062. SENSE OF SENATE ON PROTECTION OF UNITED**
4 **STATES FROM BALLISTIC MISSILE ATTACK.**

5 (a) *FINDINGS.*—*The Senate makes the following find-*
6 *ings:*

7 (1) *The proliferation of weapons of mass destruc-*
8 *tion and ballistic missiles presents a threat to the en-*
9 *tire World.*

10 (2) *This threat was recognized by Secretary of*
11 *Defense William J. Perry in February 1995 in the*
12 *Annual Report to the President and the Congress*
13 *which states that “[b]eyond the five declared nuclear*
14 *weapons states, at least 20 other nations have ac-*
15 *quired or are attempting to acquire weapons of mass*
16 *destruction—nuclear, biological, or chemical weap-*
17 *ons—and the means to deliver them. In fact, in most*
18 *areas where United States forces could potentially be*
19 *engaged on a large scale, many of the most likely ad-*
20 *versaries already possess chemical and biological*
21 *weapons. Moreover, some of these same states appear*
22 *determined to acquire nuclear weapons.”.*

23 (3) *At a summit in Moscow in May 1995, Presi-*
24 *dent Clinton and President Yeltsin commented on this*
25 *threat in a Joint Statement which recognizes*

1 “ . . . the threat posed by worldwide proliferation of
2 missiles and missile technology and the necessity of
3 counteracting this threat . . . ”.

4 (4) At least 25 countries may be developing
5 weapons of mass destruction and the delivery systems
6 for such weapons.

7 (5) At least 24 countries have chemical weapons
8 programs in various stages of research and develop-
9 ment.

10 (6) Approximately 10 countries are believed to
11 have biological weapons programs in various stages of
12 development.

13 (7) At least 10 countries are reportedly interested
14 in the development of nuclear weapons.

15 (8) Several countries recognize that weapons of
16 mass destruction and missiles increase their ability to
17 deter, coerce, or otherwise threaten the United States.
18 Saddam Hussein recognized this when he stated, on
19 May 8, 1990, that “[o]ur missiles cannot reach Wash-
20 ington. If they could reach Washington, we would
21 strike it if the need arose.”.

22 (9) International regimes like the Non-Prolifera-
23 tion Treaty, the Biological Weapons Convention, and
24 the Missile Technology Control Regime, while effec-
25 tive, cannot by themselves halt the spread of weapons

1 *and technology. On January 10, 1995, Director of*
2 *Central Intelligence, James Woolsey, said with regard*
3 *to Russia that “ . . . we are particularly concerned*
4 *with the safety of nuclear, chemical, and biological*
5 *materials as well as highly enriched uranium or plu-*
6 *tonium, although I want to stress that this is a global*
7 *problem. For example, highly enriched uranium was*
8 *recently stolen from South Africa, and last month*
9 *Czech authorities recovered three kilograms of 87.8*
10 *percent-enriched HEU in the Czech Republic—the*
11 *largest seizure of near-weapons grade material to date*
12 *outside the Former Soviet Union.”.*

13 *(10) The possession of weapons of mass destruc-*
14 *tion and missiles by developing countries threatens*
15 *our friends, allies, and forces abroad and will ulti-*
16 *mately threaten the United States directly. On August*
17 *11, 1994, Deputy Secretary of Defense John Deutch*
18 *said that “[i]f the North Koreans field the Taepo*
19 *Dong 2 missile, Guam, Alaska, and parts of Hawaii*
20 *would potentially be at risk.”.*

21 *(11) The end of the Cold War has changed the*
22 *strategic environment facing and between the United*
23 *States and Russia. That the Clinton Administration*
24 *believes the environment to have changed was made*
25 *clear by Secretary of Defense William J. Perry on*

1 *September 20, 1994, when he stated that “[w]e now*
2 *have the opportunity to create a new relationship,*
3 *based not on MAD, not on Mutual Assured Destruc-*
4 *tion, but rather on another acronym, MAS, or Mutual*
5 *Assured Safety.”.*

6 *(12) The United States and Russia have the op-*
7 *portunity to create a relationship based on trust rath-*
8 *er than fear.*

9 *(b) SENSE OF SENATE.—It is the sense of the Senate*
10 *that all Americans should be protected from accidental, in-*
11 *tentional, or limited ballistic missile attack. It is the further*
12 *sense of the Senate that front-line troops of the United*
13 *States Armed Forces should be protected from missile at-*
14 *tacks.*

15 *(c) FUNDING FOR CORPS SAM AND BOOST-PHASE IN-*
16 *TERCEPTOR PROGRAMS.—*

17 *(1) Notwithstanding any other provision in this*
18 *Act, of the funds authorized to be appropriated by sec-*
19 *tion 201(4), \$35,000,000 shall be available for the*
20 *Corps SAM/MEADS program.*

21 *(2) With a portion of the funds authorized in*
22 *paragraph (1) for the Corps SAM/MEADS program,*
23 *the Secretary of Defense shall conduct a study to de-*
24 *termine whether a Theater Missile Defense system de-*
25 *rived from Patriot technologies could fulfill the Corps*

1 *SAM/MEADS requirements at a lower estimated life-*
2 *cycle cost than is estimated for the cost of the United*
3 *States portion of the Corps SAM/MEADS program.*

4 (3) *The Secretary shall provide a report on the*
5 *study required under paragraph (2) to the congres-*
6 *sional defense committees not later than March 1,*
7 *1996.*

8 (4) *Of the funds authorized to be appropriated*
9 *by section 201(4), not more than \$3,403,413,000 shall*
10 *be available for missile defense programs within the*
11 *Ballistic Missile Defense Organization.*

12 (d) *OBLIGATION OF FUNDS.—Of the amounts referred*
13 *to in section (c)(1), \$10,000,000 may not be obligated until*
14 *the report referred to in subsection (c)(2) is submitted to*
15 *the congressional defense committees.*

16 ***SEC. 1063. IRAN AND IRAQ ARMS NONPROLIFERATION.***

17 (a) *SANCTIONS AGAINST TRANSFERS OF PERSONS.—*
18 *Section 1604(a) of the Iran–Iraq Arms Non-Proliferation*
19 *Act of 1992 (title XVI of Public Law 102–484; 50 U.S.C.*
20 *1701 note) is amended by inserting “to acquire chemical,*
21 *biological, or nuclear weapons or” before “to acquire”.*

22 (b) *SANCTIONS AGAINST TRANSFERS OF FOREIGN*
23 *COUNTRIES.—Section 1605(a) of such Act is amended by*
24 *inserting “to acquire chemical, biological, or nuclear weap-*
25 *ons or” before “to acquire”.*

1 (c) *CLARIFICATION OF UNITED STATES ASSIST-*
2 *ANCE.—Subparagraph (A) of section 1608(7) of such Act*
3 *is amended to read as follows:*

4 “(A) *any assistance under the Foreign As-*
5 *istance Act of 1961 (22 U.S.C. 2151 et seq.),*
6 *other than urgent humanitarian assistance or*
7 *medicine;”.*

8 ***SEC. 1064. REPORTS ON ARMS EXPORT CONTROL AND MILI-***
9 ***TARY ASSISTANCE.***

10 (a) *REPORTS BY SECRETARY OF STATE.—Not later*
11 *than 180 days after the date of the enactment of this Act*
12 *and every year thereafter until 1998, the Secretary of State*
13 *shall submit to Congress a report setting forth—*

14 (1) *an organizational plan to include those firms*
15 *on the Department of State licensing watch-lists*
16 *that—*

17 (A) *engage in the exportation of potentially*
18 *sensitive or dual-use technologies; and*

19 (B) *have been identified or tracked by simi-*
20 *lar systems maintained by the Department of*
21 *Defense, Department of Commerce, or the United*
22 *States Customs Service; and*

23 (2) *further measures to be taken to strengthen*
24 *United States export-control mechanisms.*

1 (b) *REPORTS BY INSPECTOR GENERAL.*—(1) Not later
2 than 180 days after the date of the enactment of this Act
3 and 1 year thereafter, the Inspector General of the Depart-
4 ment of State and the Foreign Service shall submit to Con-
5 gress a report on the evaluation by the Inspector General
6 of the effectiveness of the watch-list screening process at the
7 Department of State during the preceding year. The report
8 shall be submitted in both a classified and unclassified ver-
9 sion.

10 (2) Each report under paragraph (1) shall—

11 (A) set forth the number of licenses granted to
12 parties on the watch-list;

13 (B) set forth the number of end-use checks per-
14 formed by the Department;

15 (C) assess the screening process used by the De-
16 partment in granting a license when an applicant is
17 on a watch-list; and

18 (D) assess the extent to which the watch-list con-
19 tains all relevant information and parties required by
20 statute or regulation.

21 (c) *ANNUAL MILITARY ASSISTANCE REPORT.*—The
22 Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is
23 amended by inserting after section 654 the following new
24 section:

1 **“SEC. 655 ANNUAL MILITARY ASSISTANCE REPORT.**

2 “(a) *IN GENERAL.*—Not later than February 1 of 1996
3 and 1997, the President shall transmit to Congress an an-
4 nual report for the fiscal year ending the previous Septem-
5 ber 30, showing the aggregate dollar value and quantity of
6 defense articles (including excess defense articles) and de-
7 fense services, and of military education and training, fur-
8 nished by the United States to each foreign country and
9 international organization, by category, specifying whether
10 they were furnished by grant under chapter 2 or chapter
11 5 of part II of this Act or by sale under chapter 2 of the
12 Arms Control Export Control Act or authorized by commer-
13 cial sale license under section 38 of that Act.

14 “(b) *ADDITIONAL CONTENTS OF REPORTS.*—Each re-
15 port shall also include the total amount of military items
16 of non-United States manufacture being imported into the
17 United States. The report should contain the country of ori-
18 gin, the type of item being imported, and the total amount
19 of items.”.

20 ***Subtitle G—Repeal of Certain***
21 ***Reporting Requirements***

22 **SEC. 1071. REPORTS REQUIRED BY TITLE 10, UNITED**
23 ***STATES CODE.***

24 (a) *ANNUAL REPORT ON RELOCATION ASSISTANCE*
25 *PROGRAMS.*—Section 1056 of title 10, United States Code,
26 *is amended—*

1 (1) by striking out subsection (f); and

2 (2) by redesignating subsection (g) as subsection

3 (f).

4 (b) NOTICE OF SALARY INCREASES FOR FOREIGN NA-
5 TIONAL EMPLOYEES.—Section 1584 of such title is amend-
6 ed—

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

8 (2) in subsection (a), by striking out “(a) WAIV-
9 ER OF EMPLOYMENT RESTRICTIONS FOR CERTAIN
10 PERSONNEL.—”.

11 (c) NOTICE OF INVOLUNTARY REDUCTIONS OF CIVIL-
12 IAN POSITIONS.—Section 1597 of such title is amended by
13 striking out subsection (e).

14 (d) NOTIFICATION OF REQUIREMENT FOR AWARD OF
15 CONTRACTS TO COMPLY WITH COOPERATIVE AGREE-
16 MENTS.—Section 2350b(d) of such title is amended—

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

18 (2) by redesignating paragraphs (2) and (3) as
19 paragraphs (1) and (2), respectively; and

20 (3) in paragraph (1), as so redesignated, by
21 striking out “shall also notify” and inserting in lieu
22 thereof “shall notify”.

23 (e) NOTICE REGARDING CONTRACTS PERFORMED FOR
24 PERIODS EXCEEDING 10 YEARS.—(1) Section 2352 of such
25 title is repealed.

1 (2) *The table of sections at the beginning of chapter*
2 *139 of such title is amended by striking out the item relat-*
3 *ing to section 2352.*

4 (f) *ANNUAL REPORT ON BIOLOGICAL DEFENSE RE-*
5 *SEARCH PROGRAM.—(1) Section 2370 of such title is re-*
6 *pealed.*

7 (2) *The table of sections at the beginning of chapter*
8 *139 of such title is amended by striking out the item relat-*
9 *ing to section 2370.*

10 (g) *ANNUAL REPORT ON MILITARY BASE REUSE*
11 *STUDIES AND PLANNING ASSISTANCE.—Section 2391 of*
12 *such title is amended—*

13 (1) *by striking out subsection (c); and*

14 (2) *by redesignating subsections (d) and (e) as*
15 *subsections (c) and (d), respectively.*

16 (h) *COMPILATION OF REPORTS FILED BY EMPLOYEES*
17 *OR FORMER EMPLOYEES OF DEFENSE CONTRACTORS.—*
18 *Section 2397 of such title is amended—*

19 (1) *by striking out subsection (e); and*

20 (2) *by redesignating subsection (f) as subsection*
21 *(e).*

22 (i) *REPORT ON LOW-RATE PRODUCTION UNDER*
23 *NAVAL VESSEL AND MILITARY SATELLITE PROGRAMS.—*
24 *Section 2400(c) of such title is amended—*

25 (1) *by striking out paragraph (2); and*

1 (2) in paragraph (1)—

2 (A) by striking out “(1)”; and

3 (B) by redesignating clauses (A) and (B) as
4 clauses (1) and (2), respectively.

5 (j) *REPORT ON WAIVERS OF PROHIBITION ON EM-*
6 *PLOYMENT OF FELONS.*—Section 2408(a)(3) of such title is
7 amended by striking out the second sentence.

8 (k) *REPORT ON DETERMINATION NOT TO DEBAR FOR*
9 *FRAUDULENT USE OF LABELS.*—Section 2410f(a) of such
10 title is amended by striking out the second sentence.

11 (l) *ANNUAL REPORT ON WAIVERS OF PROHIBITION*
12 *RELATING TO SECONDARY ARAB BOYCOTT.*—Section
13 2410i(c) of such title is amended by striking out the second
14 sentence.

15 (m) *REPORT ON ADJUSTMENT OF AMOUNTS DEFINING*
16 *MAJOR DEFENSE ACQUISITION PROGRAMS.*—Section
17 2430(b) of such title is amended by striking out the second
18 sentence.

19 (n) *BUDGET DOCUMENTS ON WEAPONS DEVELOPMENT*
20 *AND PROCUREMENT SCHEDULES.*—(1) Section 2431 of such
21 title is repealed.

22 (2) The table of sections at the beginning of chapter
23 144 of such title is amended by striking out the item relat-
24 ing to section 2431.

1 (o) NOTICE OF WAIVER OF LIMITATION ON PERFORM-
2 ANCE OF DEPOT-LEVEL MAINTENANCE.—Section 2466(c) of
3 such title is amended by striking out “and notifies Congress
4 regarding the reasons for the waiver”.

5 (p) ANNUAL REPORT ON INFORMATION ON FOREIGN-
6 CONTROLLED CONTRACTORS.—Section 2537 of such title is
7 amended—

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

9 (2) by redesignating subsection (c) as subsection
10 (b).

11 (q) ANNUAL REPORT ON REAL PROPERTY TRANS-
12 ACTIONS.—Section 2662 of such title is amended—

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

14 (2) by redesignating subsections (c), (d), (e), and
15 (f) as subsections (b), (c), (d), and (e), respectively.

16 (r) NOTIFICATIONS AND REPORTS ON ARCHITECTURAL
17 AND ENGINEERING SERVICES AND CONSTRUCTION DE-
18 SIGN.—Section 2807 of such title is amended—

19 (1) by striking out subsections (b) and (c); and

20 (2) by redesignating subsection (d) as subsection
21 (c).

22 (s) REPORT ON CONSTRUCTION PROJECTS FOR ENVI-
23 RONMENTAL RESPONSE ACTIONS.—Section 2810 of such
24 title is amended—

1 (c) *REPORT ON QUADRENNIAL REVIEW OF ADJUST-*
2 *MENTS IN COMPENSATION.*—Section 1009(f) of such title is
3 amended by striking out “of this title,” and all that follows
4 through the period at the end and inserting in lieu thereof
5 “of this title.”.

6 (d) *PUBLIC LAW 101–189 REQUIREMENT FOR REPORT*
7 *REGARDING SPECIAL PAY FOR ARMY, NAVY, AND AIR*
8 *FORCE PSYCHOLOGISTS.*—Section 704 of the National De-
9 fense Authorization Act for Fiscal Years 1990 and 1991
10 (Public Law 101–189; 103 Stat. 1471; 37 U.S.C. 302c note)
11 is amended by striking out subsection (d).

12 (e) *PUBLIC LAW 101–510 REQUIREMENT FOR REPORT*
13 *REGARDING SPECIAL PAY FOR NURSE ANESTHETISTS.*—
14 Section 614 of the National Defense Authorization Act for
15 Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1577;
16 37 U.S.C. 302e note) is amended by striking out subsection
17 (c).

18 **SEC. 1073. REPORTS REQUIRED BY OTHER DEFENSE AU-**
19 **THORIZATION AND APPROPRIATIONS ACTS.**

20 (a) *PUBLIC LAW 98–94 REQUIREMENT FOR ANNUAL*
21 *REPORT ON CHAMPUS AND USTF MEDICAL CARE.*—Sec-
22 tion 1252 of the Department of Defense Authorization Act,
23 1984 (Public Law 98–94; 42 U.S.C. 248d) is amended by
24 striking out subsection (d).

1 (b) *PUBLIC LAW 99-661 REQUIREMENT FOR REPORT*
2 *ON FUNDING FOR NICARAGUAN DEMOCRATIC RESIST-*
3 *ANCE.*—Section 1351 of the National Defense Authorization
4 *Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat.*
5 *3995; 10 U.S.C. 114 note) is amended—*

6 (1) *by striking out subsection (b); and*

7 (2) *in subsection (a), by striking out “(a) LIM-*
8 *TATION.—”.*

9 (c) *PUBLIC LAW 100-180 REQUIREMENT FOR SE-*
10 *LECTED ACQUISITION REPORTS FOR ATB, ACM, AND ATA*
11 *PROGRAMS.*—Section 127 of the National Defense Author-
12 *ization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2432*
13 *note) is repealed.*

14 (d) *PUBLIC LAW 101-189 REQUIREMENT FOR NOTIFI-*
15 *CATION OF CLOSURE OF MILITARY CHILD DEVELOPMENT*
16 *CENTERS.*—Section 1505(f) of the National Defense Author-
17 *ization Act for Fiscal Years 1990 and 1991 (Public Law*
18 *101-189; 103 Stat. 1594; 10 U.S.C. 113 note) is amended*
19 *by striking out paragraph (3).*

20 (e) *PUBLIC LAW 101-510 REQUIREMENT FOR ANNUAL*
21 *REPORT ON OVERSEAS MILITARY FACILITY INVESTMENT*
22 *RECOVERY ACCOUNT.*—Section 2921 of the Military Con-
23 *struction Authorization Act for Fiscal Year 1991 (division*
24 *B of Public Law 101-510; 10 U.S.C. 2687 note) is amend-*
25 *ed—*

1 (1) by striking out subsection (f); and

2 (2) by redesignating subsections (g) and (h) as
3 subsections (f) and (g), respectively.

4 (f) PUBLIC LAW 102-190 REQUIREMENT FOR
5 SCIENCE, MATHEMATICS, AND ENGINEERING EDUCATION
6 MASTER PLAN.—Section 829 of the National Defense Au-
7 thorization Act for Fiscal Years 1992 and 1993 (Public
8 Law 102-190; 105 Stat. 1444; 10 U.S.C. 2192 note) is re-
9 pealed.

10 (g) PUBLIC LAW 102-484 REQUIREMENT FOR REPORT
11 RELATING TO USE OF CLASS I OZONE-DEPLETING SUB-
12 STANCES IN MILITARY PROCUREMENTS.—Section 326(a) of
13 the National Defense Authorization Act for Fiscal Year
14 1993 (Public Law 102-484; 106 Stat. 2368; 10 U.S.C. 301
15 note) is amended by striking out paragraphs (4) and (5).

16 (h) PUBLIC LAW 103-139 REQUIREMENT FOR REPORT
17 REGARDING HEATING FACILITY MODERNIZATION AT
18 KAISERSLAUTERN.—Section 8008 of the Department of De-
19 fense Appropriations Act, 1994 (Public Law 103-139; 107
20 Stat. 1438), is amended by inserting “but without regard
21 to the notification requirement in subsection (b)(2) of such
22 section,” after “section 2690 of title 10, United States
23 Code,”.

1 **SEC. 1074. REPORTS REQUIRED BY OTHER NATIONAL SECUR-**
2 **RITY LAWS.**

3 (a) *ARMS EXPORT CONTROL ACT REQUIREMENT FOR*
4 *QUARTERLY REPORT ON PRICE AND AVAILABILITY ESTI-*
5 *MATES.*—Section 28 of the Arms Export Control Act (22
6 *U.S.C. 2768*) is repealed.

7 (b) *NATIONAL SECURITY AGENCY ACT OF 1959 RE-*
8 *QUIREMENT FOR ANNUAL REPORT ON NSA EXECUTIVE*
9 *PERSONNEL.*—Section 12(a) of the National Security Agen-
10 *cy Act of 1959 (50 U.S.C. 402 note)* is amended by striking
11 *out paragraph (5).*

12 (c) *PUBLIC LAW 85-804 REQUIREMENT FOR REPORT*
13 *ON OMISSION OF CONTRACT CLAUSE UNDER SPECIAL NA-*
14 *TIONAL DEFENSE CONTRACTING AUTHORITY.*—Section 3(b)
15 *of the Act of August 28, 1958 (50 U.S.C. 1433(b)),* is
16 *amended by striking out the matter following paragraph*
17 *(2).*

18 **SEC. 1075. REPORTS REQUIRED BY OTHER PROVISIONS OF**
19 **THE UNITED STATES CODE.**

20 *Section 1352(f) of title 31, United States Code,* is
21 *amended—*

22 (1) *by inserting “(1)” after “(f)”;*

23 (2) *by striking out the second sentence; and*

24 (3) *by adding at the end the following:*

25 “(2) *Subsections (a)(6) and (d) do not apply to the*
26 *Department of Defense.*”.

1 **SEC. 1076. REPORTS REQUIRED BY OTHER PROVISIONS OF**
2 **LAW.**

3 (a) *PANAMA CANAL ACT OF 1979 REQUIREMENT FOR*
4 *ANNUAL REPORT REGARDING UNITED STATES TREATY*
5 *RIGHTS AND OBLIGATIONS.*—Section 3301 of the Panama
6 *Canal Act of 1979 (22 U.S.C. 3871) is repealed.*

7 (b) *PUBLIC LAW 91-611 REQUIREMENT FOR ANNUAL*
8 *REPORT ON WATER RESOURCES PROJECT AGREEMENTS.*—
9 *Section 221 of the Flood Control Act of 1970 (42 U.S.C.*
10 *1962d-5b) is amended—*

11 (1) *by striking out subsection (e); and*

12 (2) *by redesignating subsection (f) as subsection*
13 *(e).*

14 (c) *PUBLIC LAW 94-587 REQUIREMENT FOR ANNUAL*
15 *REPORT ON CONSTRUCTION OF TENNESSEE-TOMBIGBEE*
16 *WATERWAY.*—Section 185 of the Water Resources Develop-
17 *ment Act of 1976 (Public Law 94-587; 33 U.S.C. 544c)*
18 *is amended by striking out the second sentence.*

19 (d) *PUBLIC LAW 100-333 REQUIREMENT FOR ANNUAL*
20 *REPORT ON MONITORING OF NAVY HOME PORT WATERS.*—
21 *Section 7 of the Organotin Antifouling Paint Control Act*
22 *of 1988 (Public Law 100-333; 33 U.S.C. 2406) is amend-*
23 *ed—*

24 (1) *by striking out subsection (d); and*

25 (2) *by redesignating subsections (e) and (f) as*
26 *subsections (d) and (e), respectively.*

1 **SEC. 1077. REPORTS REQUIRED BY JOINT COMMITTEE ON**
2 **PRINTING.**

3 *Requirements for submission of the following reports*
4 *imposed in the exercise of authority under section 103 of*
5 *title 44, United States Code, do not apply to the Depart-*
6 *ment of Defense:*

7 (1) *A notice of intent to apply new printing*
8 *processes.*

9 (2) *A report on equipment acquisition or trans-*
10 *fer.*

11 (3) *A printing plant report.*

12 (4) *A report on stored equipment.*

13 (5) *A report on jobs which exceed Joint Commit-*
14 *tee on Printing duplicating limitations.*

15 (6) *A notice of intent to contract for printing*
16 *services.*

17 (7) *Research and development plans.*

18 (8) *A report on commercial printing.*

19 (9) *A report on collator acquisition.*

20 (10) *An annual plant inventory.*

21 (11) *An annual map or chart plant report.*

22 (12) *A report on activation or moving a print-*
23 *ing plant.*

24 (13) *An equipment installation notice.*

25 (14) *A report on excess equipment.*

1 **Subtitle H—Other Matters**

2 **SEC. 1081. GLOBAL POSITIONING SYSTEM.**

3 *The Secretary of Defense shall turn off the selective*
4 *availability feature of the global positioning system by May*
5 *1, 1996, unless the Secretary submits to the Committee on*
6 *Armed Services of the Senate and the Committee on Na-*
7 *tional Security of the House of Representatives a plan*
8 *that—*

9 (1) *provides for development and acquisition*
10 *of—*

11 (A) *effective capabilities to deny hostile*
12 *military forces the ability to use the global posi-*
13 *tioning system without hindering the ability of*
14 *United States military forces and civil users to*
15 *exploit the system; and*

16 (B) *global positioning system receivers and*
17 *other techniques for weapons and weapon sys-*
18 *tems that provide substantially improved resist-*
19 *ance to jamming and other forms of electronic*
20 *interference or disruption; and*

21 (2) *includes a specific date by which the Sec-*
22 *retary of Defense intends to complete the acquisition*
23 *of the capabilities described in paragraph (1).*

1 **SEC. 1082. LIMITATION ON RETIREMENT OR DISMANTLE-**
2 **MENT OF STRATEGIC NUCLEAR DELIVERY**
3 **SYSTEMS.**

4 (a) *SENSE OF CONGRESS.*—It is the sense of Congress
5 that, unless and until the START II Treaty enters into
6 force, the Secretary of Defense should not take any action
7 to retire or dismantle, or to prepare to retire or dismantle,
8 any of the following strategic nuclear delivery systems:

9 (1) *B-52H bomber aircraft.*

10 (2) *Trident ballistic missile submarines.*

11 (3) *Minuteman III intercontinental ballistic*
12 *missiles.*

13 (4) *Peacekeeper intercontinental ballistic mis-*
14 *siles.*

15 (b) *LIMITATION ON USE OF FUNDS.*—Funds available
16 to the Department of Defense may not be obligated or ex-
17 pended during fiscal year 1996 for retiring or dismantling,
18 or for preparing to retire or dismantle, any of the strategic
19 nuclear delivery systems specified in subsection (a).

20 **SEC. 1083. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
21 **TIES PILOT PROGRAM.**

22 *Section 1091(a) of the National Defense Authorization*
23 *Act for Fiscal Year 1993 (Public Law 102-484; 32 U.S.C.*
24 *501 note) is amended by striking out “through 1995” and*
25 *inserting in lieu thereof “through 1997”.*

1 **SEC. 1084. REPORT ON DEPARTMENT OF DEFENSE BOARDS**
2 **AND COMMISSIONS.**

3 (a) *REPORT ON BOARDS AND COMMISSIONS RECEIV-*
4 *ING DEPARTMENT SUPPORT.*—Not later than April 1, 1996,
5 *the Secretary of Defense shall submit to the Committee on*
6 *Armed Services of the Senate and the Committee on Na-*
7 *tional Security of the House of Representatives a report*
8 *containing the following:*

9 (1) *A list of the boards and commissions de-*
10 *scribed in subsection (b) that received support (in-*
11 *cluding funds, equipment, materiel, or other assets, or*
12 *personnel) from the Department of Defense in last full*
13 *fiscal year preceding the date of the report.*

14 (2) *A list of the boards and commissions referred*
15 *to in paragraph (1) that are determined by the Sec-*
16 *retary to merit continued support from the Depart-*
17 *ment.*

18 (3) *A description, for each board and commis-*
19 *sion listed under paragraph (2), of—*

20 (A) *the purpose of the board or commission;*

21 (B) *the nature and cost of the support pro-*
22 *vided by the Department to the board or commis-*
23 *sion in the last full fiscal year preceding the date*
24 *of the report;*

1 (C) the nature and duration of the support
2 that the Secretary proposes to provide to the
3 board or commission;

4 (D) the anticipated cost to the Department
5 of providing such support; and

6 (E) a justification of the determination that
7 the board or commission merits the support of
8 the Department.

9 (4) A list of the boards and commissions referred
10 to in paragraph (1) that are determined by the Sec-
11 retary not to merit continued support from the De-
12 partment.

13 (5) A description, for each board and commis-
14 sion listed under paragraph (4), of—

15 (A) the purpose of the board or commission;

16 (B) the nature and cost of the support pro-
17 vided by the Department to the board or commis-
18 sion in the last full fiscal year preceding the date
19 of the report; and

20 (C) a justification of the determination that
21 the board or commission does not merit the sup-
22 port of the Department.

23 (b) COVERED BOARDS.—Subsection (a)(1) applies to
24 the boards and commissions, including boards and commis-

1 *sions authorized by law, operating within or for the Depart-*
2 *ment of Defense that—*

3 *(1) provide only policy-making assistance or ad-*
4 *visory services for the Department; or*

5 *(2) carry out activities that are not routine ac-*
6 *tivities, on-going activities, or activities necessary to*
7 *the routine, on-going operations of the Department.*

8 **SEC. 1085. REVISION OF AUTHORITY FOR PROVIDING ARMY**
9 **SUPPORT FOR THE NATIONAL SCIENCE CEN-**
10 **TER FOR COMMUNICATIONS AND ELEC-**
11 **TRONICS.**

12 *(a) PURPOSE.—Subsection (b)(2) of section 1459 of the*
13 *Department of Defense Authorization Act, 1986 (Public*
14 *Law 99–145; 99 Stat. 763) is amended by striking out “to*
15 *make available” and all that follows and inserting in lieu*
16 *thereof “to provide for the management, operation, and*
17 *maintenance of those areas in the national science center*
18 *that are designated for use by the Army and to provide inci-*
19 *dental support for the operation of general use areas of the*
20 *center.”.*

21 *(b) AUTHORITY FOR SUPPORT.—Subsection (c) of such*
22 *section is amended to read as follows:*

23 *“(c) NATIONAL SCIENCE CENTER.—(1) The Secretary*
24 *may manage, operate, and maintain facilities at the center*
25 *under terms and conditions prescribed by the Secretary for*

1 *the purpose of conducting educational outreach programs*
2 *in accordance with chapter 111 of title 10, United States*
3 *Code.*

4 “(2) *The Foundation, or NSC Discovery Center, Incorporated, shall submit to the Secretary for review and approval all matters pertaining to the acquisition, design,*
5 *renovation, equipping, and furnishing of the center, including all plans, specifications, contracts, sites, and materials*
6 *for the center.*”.

10 (c) *AUTHORITY FOR ACCEPTANCE OF GIFTS AND*
11 *FUNDRAISING.—Subsection (d) of such section is amended*
12 *to read as follows:*

13 “(d) *GIFTS AND FUNDRAISING.—(1) Subject to paragraph (3), the Secretary may accept a conditional donation*
14 *of money or property that is made for the benefit of, or*
15 *in connection with, the center.*

17 “(2) *Notwithstanding any other provision of law, the*
18 *Secretary may endorse, promote, and assist the efforts of*
19 *the Foundation and NSC Discovery Center, Incorporated,*
20 *to obtain—*

21 “(A) *funds for the management, operation, and*
22 *maintenance of the center; and*

23 “(B) *donations of exhibits, equipment, and other*
24 *property for use in the center.*

1 “(3) *The Secretary may not accept a donation under*
2 *this subsection that is made subject to—*

3 “(A) *any condition that is inconsistent with an*
4 *applicable law or regulation; or*

5 “(B) *except to the extent provided in appropria-*
6 *tions Acts, any condition that would necessitate an*
7 *expenditure of appropriated funds.*

8 “(4) *The Secretary shall prescribe in regulations the*
9 *criteria to be used in determining whether to accept a dona-*
10 *tion. The Secretary shall include criteria to ensure that ac-*
11 *ceptance of a donation does not establish an unfavorable*
12 *appearance regarding the fairness and objectivity with*
13 *which the Secretary or any other officer or employee of the*
14 *Department of Defense performs official responsibilities and*
15 *does not compromise or appear to compromise the integrity*
16 *of a Government program or any official involved in that*
17 *program.”.*

18 (d) *AUTHORIZED USES.—Such section is amended—*

19 (1) *by striking out subsection (f);*

20 (2) *by redesignating subsection (g) as subsection*
21 *(f); and*

22 (3) *in subsection (f), as redesignated by para-*
23 *graph (2), by inserting “areas designated for Army*
24 *use in” after “The Secretary may make”.*

1 (e) *ALTERNATIVE OF ADDITIONAL DEVELOPMENT AND*
2 *MANAGEMENT.*—Such section, as amended by subsection
3 (d), is further amended by adding at the end the following:

4 “(g) *ALTERNATIVE OR ADDITIONAL DEVELOPMENT*
5 *AND MANAGEMENT OF THE CENTER.*—(1) *The Secretary*
6 *may enter into an agreement with NSC Discovery Center,*
7 *Incorporated, a nonprofit corporation of the State of Geor-*
8 *gia, to develop, manage, and maintain a national science*
9 *center under this section. In entering into an agreement*
10 *with NSC Discovery Center, Incorporated, the Secretary*
11 *may agree to any term or condition to which the Secretary*
12 *is authorized under this section to agree for purposes of en-*
13 *tering into an agreement with the Foundation.*

14 “(2) *The Secretary may exercise the authority under*
15 *paragraph (1) in addition to, or instead of, exercising the*
16 *authority provided under this section to enter into an agree-*
17 *ment with the Foundation.*”

18 **SEC. 1086. AUTHORITY TO SUSPEND OR TERMINATE COL-**
19 **LECTION ACTIONS AGAINST DECEASED MEM-**
20 **BERS.**

21 Section 3711 of title 31, United States Code, is amend-
22 ed by adding at the end the following:

23 “(g)(1) *The Secretary of Defense may suspend or ter-*
24 *minate an action by the Department of Defense under this*
25 *section to collect a claim against the estate of a person who*

1 *died while serving on active duty as a member of the armed*
2 *forces if the Secretary determines that, under the cir-*
3 *cumstances applicable with respect to the deceased person,*
4 *it is appropriate to do so.*

5 “(2) *For purposes of this subsection, the terms ‘armed*
6 *forces’ and ‘active duty’ have the meanings given such terms*
7 *in section 101 of title 10.’.*”

8 **SEC. 1087. DAMAGE OR LOSS TO PERSONAL PROPERTY DUE**
9 **TO EMERGENCY EVACUATION OR EXTRAOR-**
10 **DINARY CIRCUMSTANCES.**

11 (a) *SETTLEMENT OF CLAIMS OF PERSONNEL.*—Sec-
12 *tion 3721(b)(1) of title 31, United States Code, is amended*
13 *by inserting after the first sentence the following: “If, how-*
14 *ever, the claim arose from an emergency evacuation or from*
15 *extraordinary circumstances, the amount settled and paid*
16 *under the authority of the preceding sentence may exceed*
17 *\$40,000, but may not exceed \$100,000.’.*”

18 (b) *RETROACTIVE EFFECTIVE DATE.*—*The amendment*
19 *made by subsection (a) shall take effect as of June 1, 1991,*
20 *and shall apply with respect to claims arising on or after*
21 *that date.*

1 **SEC. 1088. CHECK CASHING AND EXCHANGE TRANS-**
2 **ACTIONS FOR DEPENDENTS OF UNITED**
3 **STATES GOVERNMENT PERSONNEL.**

4 (a) *AUTHORITY TO CARRY OUT TRANSACTIONS.*—Sub-
5 section (b) of section 3342 of title 31, United States Code,
6 is amended—

7 (1) by redesignating paragraphs (3), (4), and (5)
8 as paragraphs (4), (5), and (6), respectively; and

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

11 “(3) a dependent of personnel of the Government,
12 but only—

13 “(A) at a United States installation at
14 which adequate banking facilities are not avail-
15 able; and

16 “(B) in the case of negotiation of negotiable
17 instruments, if the dependent’s sponsor author-
18 izes, in writing, the presentation of negotiable
19 instruments to the disbursing official for negotia-
20 tion.”.

21 (b) *PAY OFFSET.*—Subsection (c) of such section is
22 amended—

23 (1) by redesignating paragraph (3) as para-
24 graph (4); and

25 (2) by inserting after paragraph (2) the follow-
26 ing new paragraph (3):

1 *armed forces, to transportation (on a space-available basis)*
2 *on unscheduled military flights within the continental*
3 *United States and on scheduled overseas flights operated by*
4 *the Military Airlift Command.*

5 “(b) *DEFINITIONS.*—*In this section, the terms ‘vet-*
6 *eran’, ‘compensation’, and ‘service-connected’ have the*
7 *meanings given such terms in section 101 of title 38.’”*

8 (b) *CLERICAL AMENDMENT.*—*The table of sections, at*
9 *the beginning of such chapter, is amended by inserting after*
10 *the item relating to section 2641 the following new item:*
“2641a. Travel of disabled veterans on military aircraft.”

11 ***SEC. 1090. TRANSPORTATION OF CRIPPLED CHILDREN IN***
12 ***PACIFIC RIM REGION TO HAWAII FOR MEDI-***
13 ***CAL CARE.***

14 (a) *TRANSPORTATION AUTHORIZED.*—*Chapter 157 of*
15 *title 10, United States Code, is amended by adding at the*
16 *end the following new section:*

17 ***“§2643. Transportation of crippled children in Pa-***
18 ***cific Rim region to Hawaii for medical***
19 ***care***

20 “(a) *TRANSPORTATION AUTHORIZED.*—*Subject to sub-*
21 *section (c), the Secretary of Defense may provide persons*
22 *eligible under subsection (b) with round trip transportation*
23 *in an aircraft of the Department of Defense, on a space-*
24 *available basis, between an airport in the Pacific Rim re-*

1 *gion and the State of Hawaii. No charge may be imposed*
2 *for transportation provided under this section.*

3 “(b) *PERSONS COVERED.*—*Persons eligible to be pro-*
4 *vided transportation under this section are as follows:*

5 “(1) *A child under 18 years of age who (A) re-*
6 *sides in the Pacific Rim region, (B) is a crippled*
7 *child in need of specialized medical care for the*
8 *child’s condition as a crippled child, which may in-*
9 *clude any associated or related condition, (C) upon*
10 *arrival in Hawaii, is to be admitted to receive such*
11 *medical care, at no cost to the patient, at a medical*
12 *facility in Honolulu, Hawaii, that specializes in pro-*
13 *viding such medical care, and (D) is unable to afford*
14 *the costs of transportation to Hawaii.*

15 “(2) *One adult attendant accompanying a child*
16 *transported under this section.*

17 “(c) *CONDITIONS.*—*The Secretary may provide trans-*
18 *portation under subsection (a) only if the Secretary deter-*
19 *mines that—*

20 “(1) *it is not inconsistent with the foreign policy*
21 *of the United States to do so;*

22 “(2) *the transportation is for humanitarian pur-*
23 *poses;*

24 “(3) *the health of the child to be transported is*
25 *sufficient for the child to endure safely the stress of*

1 *travel for the necessary distance in the Department of*
2 *Defense aircraft involved;*

3 *“(4) all authorizations, permits, and other docu-*
4 *ments necessary for admission of the child at the med-*
5 *ical treatment facility referred to in subsection*
6 *(b)(1)(C) are in order;*

7 *“(5) all necessary passports and visas necessary*
8 *for departure from the residences of the persons to be*
9 *transported and from the airport of departure, for*
10 *entry into the United States, for reentry into the*
11 *country of departure, and for return to the persons’*
12 *residences are in proper order; and*

13 *“(6) arrangements have been made to ensure*
14 *that—*

15 *“(A) the persons to be transported will*
16 *board the aircraft on the schedule established by*
17 *the Secretary; and*

18 *“(B) the persons—*

19 *“(i) will be met and escorted to the*
20 *medical treatment facility by appropriate*
21 *personnel of the facility upon the arrival of*
22 *the aircraft in Hawaii; and*

23 *“(ii) will be returned to the airport in*
24 *Hawaii for transportation (on the schedule*

1 *established by the Secretary) back to the*
2 *country of departure.”.*

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

*“2643. Transportation of crippled children in Pacific Rim region to Hawaii for
medical care.”.*

6 **SEC. 1091. STUDENT INFORMATION FOR RECRUITING PUR-**
7 **POSES.**

8 **(a) SENSE OF SENATE.**—*It is the sense of the Senate*
9 *that—*

10 **(1) educational institutions, including secondary**
11 *schools, should not have a policy of denying, or other-*
12 *wise effectively preventing, the Secretary of Defense*
13 *from obtaining for military recruiting purposes—*

14 **(A) entry to any campus or access to stu-**
15 *dents on any campus equal to that of other em-*
16 *ployers; or*

17 **(B) access to directory information pertain-**
18 *ing to students (other than in a case in which*
19 *an objection has been raised as described in*
20 *paragraph (2));*

21 **(2) an educational institution that releases direc-**
22 *tory information should—*

23 **(A) give public notice of the categories of**
24 *such information to be released; and*

1 (B) allow a reasonable period after such no-
2 tice has been given for a student or (in the case
3 of an individual younger than 18 years of age)
4 a parent to inform the institution that any or
5 all of such information should not be released
6 without obtaining prior consent from the student
7 or the parent, as the case may be; and

8 (3) the Secretary of Defense should prescribe reg-
9 ulations that contain procedures for determining if
10 and when an educational institution has denied or
11 prevented access to students or information as de-
12 scribed in paragraph (1).

13 (b) DEFINITIONS.—In this section:

14 (1) The term “directory information” means,
15 with respect to a student, the student’s name, address,
16 telephone listing, date and place of birth, level of edu-
17 cation, degrees received, and (if available) the most
18 recent previous educational program enrolled in by
19 the student.

20 (2) The term “student” means an individual en-
21 rolled in any program of education who is 17 years
22 of age or older.

1 **SEC. 1092. STATE RECOGNITION OF MILITARY ADVANCE**
2 **MEDICAL DIRECTIVES.**

3 (a) *IN GENERAL.*—(1) Chapter 53 of title 10, United
4 States Code, is amended by inserting after section 1044b
5 the following new section:

6 **“§1044c. Advance medical directives of armed forces**
7 **personnel and dependents: requirement**
8 **for recognition by States**

9 “(a) *INSTRUMENTS TO BE GIVEN LEGAL EFFECT*
10 *WITHOUT REGARD TO STATE LAW.*—An advance medical
11 directive executed by a person eligible for legal assistance—

12 “(1) is exempt from any requirement of form,
13 substance, formality, or recording that is provided for
14 advance medical directives under the laws of a State;
15 and

16 “(2) shall be given the same legal effect as an ad-
17 vance medical directive prepared and executed in ac-
18 cordance with the laws of the State concerned.

19 “(b) *ADVANCE MEDICAL DIRECTIVES COVERED.*—For
20 purposes of this section, an advance medical directive is
21 any written declaration that—

22 “(1) sets forth directions regarding the provision,
23 withdrawal, or withholding of life-prolonging proce-
24 dures, including hydration and sustenance, for the de-
25 clarant whenever the declarant has a terminal phys-
26 ical condition or is in a persistent vegetative state; or

1 “(2) *authorizes another person to make health*
2 *care decisions for the declarant, under circumstances*
3 *stated in the declaration, whenever the declarant is*
4 *incapable of making informed health care decisions.*

5 “(c) *STATEMENT TO BE INCLUDED.—(1) Under regu-*
6 *lations prescribed by the Secretary concerned, each advance*
7 *medical directive prepared by an attorney authorized to*
8 *provide legal assistance shall contain a statement that sets*
9 *forth the provisions of subsection (a).*

10 “(2) *Paragraph (1) shall not be construed to make in-*
11 *applicable the provisions of subsection (a) to an advance*
12 *medical directive that does not include a statement de-*
13 *scribed in that paragraph.*

14 “(d) *STATES NOT RECOGNIZING ADVANCE MEDICAL*
15 *DIRECTIVES.—Subsection (a) does not make an advance*
16 *medical directive enforceable in a State that does not other-*
17 *wise recognize and enforce advance medical directives under*
18 *the laws of the State.*

19 “(e) *DEFINITIONS.—In this section:*

20 “(1) *The term ‘State’ includes the District of Co-*
21 *lumbia, the Commonwealth of Puerto Rico, and a*
22 *possession of the United States.*

23 “(2) *The term ‘person eligible for legal assist-*
24 *ance’ means a person who is eligible for legal assist-*
25 *ance under section 1044 of this title.*

1 “(3) The term ‘legal assistance’ means legal serv-
2 ices authorized under section 1044 of this title.”.

3 (2) The table of sections at the beginning of such chap-
4 ter is amended by inserting after the item relating to section
5 1044b the following:

 “1044c. Advance medical directives of armed forces personnel and dependents: re-
 quirement for recognition by States.”.

6 (b) *EFFECTIVE DATE.*—Section 1044c of title 10,
7 United States Code, shall take effect on the date of the enact-
8 ment of this Act and shall apply to advance medical direc-
9 tives referred to in such section that are executed before,
10 on, or after that date.

11 **SEC. 1093. REPORT ON PERSONNEL REQUIREMENTS FOR**
12 **CONTROL OF TRANSFER OF CERTAIN WEAP-**
13 **ONS.**

14 Not later than 30 days after the date of the enactment
15 of this Act, the Secretary of Defense and the Secretary of
16 Energy shall submit to the committees of Congress referred
17 to in subsection (c) of section 1154 of the National Defense
18 Authorization Act for Fiscal Year 1994 (Public Law 103–
19 160; 107 Stat. 1761) the report required under subsection
20 (a) of that section. The Secretary of Defense and the Sec-
21 retary of Energy shall include with the report an expla-
22 nation of the failure of such Secretaries to submit the report
23 in accordance with such subsection (a) and with all other
24 previous requirements for the submittal of the report.

1 **SEC. 1094. SENSE OF SENATE REGARDING ETHICS COMMIT-**
2 **TEE INVESTIGATION.**

3 (a) *The Senate finds that—*

4 (1) *the Senate Select Committee on Ethics has a*
5 *thirty-one year tradition of handling investigations of*
6 *official misconduct in a bipartisan, fair and profes-*
7 *sional manner;*

8 (2) *the Ethics Committee, to ensure fairness to*
9 *all parties in any investigation, must conduct its re-*
10 *sponsibilities strictly according to established proce-*
11 *dure and free from outside interference;*

12 (3) *the rights of all parties to bring an ethics*
13 *complaint against a member, officer, or employee of*
14 *the Senate are protected by the official rules and*
15 *precedents of the Senate and the Ethics Committee;*

16 (4) *any Senator responding to a complaint be-*
17 *fore the Ethics Committee deserves a fair and non-*
18 *partisan hearing according to the rules of the Ethics*
19 *Committee;*

20 (5) *the rights of all parties in an investigation—*
21 *both the individuals who bring a complaint or testify*
22 *against a Senator, and any Senator charged with an*
23 *ethics violation—can only be protected by strict ad-*
24 *herence to the established rules and procedures of the*
25 *ethics process;*

1 **SEC. 1096. ASSOCIATE DIRECTOR OF CENTRAL INTEL-**
2 **LIGENCE FOR MILITARY SUPPORT.**

3 *Section 102 of the National Security Act of 1947 (50*
4 *U.S.C. 403) is amended by adding at the end the following:*

5 *“(e) In the event that neither the Director nor Deputy*
6 *Director of Central Intelligence is a commissioned officer*
7 *of the Armed Forces, a commissioned officer of the Armed*
8 *Forces appointed to the position of Associate Director of*
9 *Central Intelligence for Military Support, while serving in*
10 *such position, shall not be counted against the numbers and*
11 *percentages of commissioned officers of the rank and grade*
12 *of such officer authorized for the armed force of which such*
13 *officer is a member.”.*

14 **SEC. 1097. REVIEW OF NATIONAL POLICY ON PROTECTING**
15 **THE NATIONAL INFORMATION INFRASTRUC-**
16 **TURE AGAINST STRATEGIC ATTACKS.**

17 *Not later than 120 days after the date of the enactment*
18 *of this Act, the President shall submit to Congress a report*
19 *setting forth the following:*

20 *(1) The national policy and architecture govern-*
21 *ing the plans for establishing procedures, capabilities,*
22 *systems, and processes necessary to perform indica-*
23 *tions, warning, and assessment functions regarding*
24 *strategic attacks by foreign nations, groups, or indi-*
25 *viduals, or any other entity against the national in-*
26 *formation infrastructure.*

1 (2) *The future of the National Communications*
2 *System (NCS), which has performed the central role*
3 *in ensuring national security and emergency pre-*
4 *paredness communications for essential United States*
5 *Government and private sector users, including, spe-*
6 *cifically, a discussion of—*

7 (A) *whether there is a Federal interest in*
8 *expanding or modernizing the National Commu-*
9 *nications System in light of the changing strate-*
10 *gic national security environment and the revo-*
11 *lution in information technologies; and*

12 (B) *the best use of the National Commu-*
13 *nications System and the assets and experience*
14 *it represents as an integral part of a larger na-*
15 *tional strategy to protect the United States*
16 *against a strategic attack on the national infor-*
17 *mation infrastructure.*

18 **SEC. 1098. JUDICIAL ASSISTANCE TO THE INTERNATIONAL**
19 **TRIBUNAL FOR YUGOSLAVIA AND TO THE**
20 **INTERNATIONAL TRIBUNAL FOR RWANDA.**

21 (a) *SURRENDER OF PERSONS.—*

22 (1) *APPLICATION OF UNITED STATES EXTRA-*
23 *DITION LAWS.—Except as provided in paragraphs (2)*
24 *and (3), the provisions of chapter 209 of title 18,*
25 *United States Code, relating to the extradition of per-*

1 *sons to a foreign country pursuant to a treaty or con-*
2 *vention for extradition between the United States and*
3 *a foreign government, shall apply in the same man-*
4 *ner and extent to the surrender of persons, including*
5 *United States citizens, to—*

6 *(A) the International Tribunal for Yugo-*
7 *slavia, pursuant to the Agreement Between the*
8 *United States and the International Tribunal for*
9 *Yugoslavia; and*

10 *(B) the International Tribunal for Rwanda,*
11 *pursuant to the Agreement Between the United*
12 *States and the International Tribunal for Rwan-*
13 *da.*

14 *(2) EVIDENCE ON HEARINGS.—For purposes of*
15 *applying section 3190 of title 18, United States Code,*
16 *in accordance with paragraph (1), the certification*
17 *referred to in the section may be made by the prin-*
18 *cipal diplomatic or consular officer of the United*
19 *States resident in such foreign countries where the*
20 *International Tribunal for Yugoslavia or the Inter-*
21 *national Tribunal for Rwanda may be permanently*
22 *or temporarily situated.*

23 *(3) PAYMENT OF FEES AND COSTS.—(A) The*
24 *provisions of the Agreement Between the United*
25 *States and the International Tribunal for Yugoslavia*

1 *and of the Agreement Between the United States and*
2 *the International Tribunal for Rwanda shall apply*
3 *in lieu of the provisions of section 3195 of title 18,*
4 *United States Code, with respect to the payment of*
5 *expenses arising from the surrender by the United*
6 *States of a person to the International Tribunal for*
7 *Yugoslavia or the International Tribunal for Rwan-*
8 *da, respectively, or from any proceedings in the Unit-*
9 *ed States relating to such surrender.*

10 *(B) The authority of subparagraph (A) may be*
11 *exercised only to the extent and in the amounts pro-*
12 *vided in advance in appropriations Acts.*

13 *(4) NONAPPLICABILITY OF THE FEDERAL*
14 *RULES.—The Federal Rules of Evidence and the Fed-*
15 *eral Rules of Criminal Procedure do not apply to*
16 *proceedings for the surrender of persons to the Inter-*
17 *national Tribunal for Yugoslavia or the International*
18 *Tribunal for Rwanda.*

19 *(b) ASSISTANCE TO FOREIGN AND INTERNATIONAL*
20 *TRIBUNALS AND TO LITIGANTS BEFORE SUCH TRIBU-*
21 *NALS.—Section 1782(a) of title 28, United States Code, is*
22 *amended by inserting in the first sentence after “foreign*
23 *or international tribunal” the following: “, including crimi-*
24 *nal investigations conducted prior to formal accusation”.*

25 *(c) DEFINITIONS.—As used in this section:*

1 (1) *INTERNATIONAL TRIBUNAL FOR YUGO-*
2 *SLAVIA.*—The term “International Tribunal for Yugo-

3 *slavia” means the International Tribunal for the*
4 *Prosecution of Persons Responsible for Serious Viola-*
5 *tions of International Humanitarian Law in the Ter-*
6 *ritory of the Former Yugoslavia, as established by*
7 *United Nations Security Council Resolution 827 of*
8 *May 25, 1993.*

9 (2) *INTERNATIONAL TRIBUNAL FOR RWANDA.*—
10 *The term “International Tribunal for Rwanda”*
11 *means the International Tribunal for the Prosecution*
12 *of Persons Responsible for Genocide and Other Seri-*
13 *ous Violations of International Humanitarian Law*
14 *Committed in the Territory of Rwanda and Rwandan*
15 *Citizens Responsible for Genocide and Other Such*
16 *Violations Committed in the Territory of Neighboring*
17 *States, as established by United Nations Security*
18 *Council Resolution 955 of November 8, 1994.*

19 (3) *AGREEMENT BETWEEN THE UNITED STATES*
20 *AND THE INTERNATIONAL TRIBUNAL FOR YUGO-*
21 *SLAVIA.*—The term “Agreement Between the United
22 *States and the International Tribunal for Yugo-*
23 *slavia” means the Agreement on Surrender of Persons*
24 *Between the Government of the United States and the*
25 *International Tribunal for the Prosecution of Persons*

1 *Responsible for Serious Violations of International*
2 *Law in the Territory of the Former Yugoslavia,*
3 *signed at The Hague, October 5, 1994.*

4 (4) *AGREEMENT BETWEEN THE UNITED STATES*
5 *AND THE INTERNATIONAL TRIBUNAL FOR RWANDA.—*
6 *The term “Agreement between the United States and*
7 *the International Tribunal for Rwanda” means the*
8 *Agreement on Surrender of Persons Between the Gov-*
9 *ernment of the United States and the International*
10 *Tribunal for the Prosecution of Persons Responsible*
11 *for Genocide and Other Serious Violations of Inter-*
12 *national Humanitarian Law Committed in the Ter-*
13 *ritory of Rwanda and Rwandan Citizens Responsible*
14 *for Genocide and Other Such Violations Committed*
15 *in the Territory of Neighboring States, signed at The*
16 *Hague, January 24, 1995.*

17 **SEC. 1099. LANDMINE USE MORATORIUM.**

18 (a) *FINDINGS.—The Congress makes the following*
19 *findings:*

20 (1) *On September 26, 1994, the President de-*
21 *clared that it is a goal of the United States to eventu-*
22 *ally eliminate antipersonnel landmines.*

23 (2) *On December 15, 1994, the United Nations*
24 *General Assembly adopted a resolution sponsored by*

1 *the United States which called for international ef-*
2 *forts to eliminate antipersonnel landmines.*

3 (3) *According to the Department of State, there*
4 *are an estimated 80,000,000 to 110,000,000*
5 *unexploded landmines in 62 countries.*

6 (4) *Antipersonnel landmines are routinely used*
7 *against civilian populations and kill and maim an*
8 *estimated 70 people each day, or 26,000 people each*
9 *year.*

10 (5) *The Secretary of State has noted that land-*
11 *mines are “slow-motion weapons of mass destruc-*
12 *tion”.*

13 (6) *There are hundreds of varieties of anti-*
14 *personnel landmines, from a simple type available at*
15 *a cost of only two dollars to the more complex self-*
16 *destructing type, and all landmines of whatever vari-*
17 *ety kill and maim civilians, as well as combatants,*
18 *indiscriminately.*

19 (b) *CONVENTIONAL WEAPONS CONVENTION REVIEW.—*
20 *It is the sense of Congress that, at the United Nations con-*
21 *ference to review the 1980 Conventional Weapons Conven-*
22 *tion, including Protocol II on landmines, that is to be held*
23 *from September 25 to October 13, 1995, the President*
24 *should actively support proposals to modify Protocol II that*

1 *would implement as rapidly as possible the United States*
2 *goal of eventually eliminating antipersonnel landmines.*

3 *(c) MORATORIUM ON USE OF ANTIPERSONNEL LAND-*
4 *MINES.—*

5 *(1) UNITED STATES MORATORIUM.—(A) For a*
6 *period of one year beginning three years after the date*
7 *of the enactment of this Act, the United States shall*
8 *not use antipersonnel landmines except along inter-*
9 *nationally recognized national borders or in demili-*
10 *tarized zones within a perimeter marked area that is*
11 *monitored by military personnel and protected by*
12 *adequate means to ensure the exclusion of civilians.*

13 *(B) If the President determines, before the*
14 *end of the period of the United States morato-*
15 *rium under subparagraph (A), that the govern-*
16 *ments of other nations are implementing mora-*
17 *toria on use of antipersonnel landmines similar*
18 *to the United States moratorium, the President*
19 *may extend the period of the United States mor-*
20 *atorium for such additional period as the Presi-*
21 *dent considers appropriate.*

22 *(2) OTHER NATIONS.—It is the sense of Congress*
23 *that the President should actively encourage the gov-*
24 *ernments of other nations to join the United States in*
25 *solving the global landmine crisis by implementing*

1 *moratoria on use of antipersonnel landmines similar*
2 *to the United States moratorium as a step toward the*
3 *elimination of antipersonnel landmines.*

4 (d) *ANTIPERSONNEL LANDMINE EXPORTS.*—*It is the*
5 *sense of Congress that, consistent with the United States*
6 *moratorium on exports of antipersonnel landmines and in*
7 *order to further discourage the global proliferation of anti-*
8 *personnel landmines, the United States Government should*
9 *not sell, license for export, or otherwise transfer defense arti-*
10 *cles and services to any foreign government which, as deter-*
11 *mined by the President, sells, exports, or otherwise transfers*
12 *antipersonnel landmines.*

13 (e) *DEFINITIONS.*—

14 *For purposes of this Act:*

15 (1) *ANTIPERSONNEL LANDMINE.*—*The term*
16 *“antipersonnel landmine” means any munition*
17 *placed under, on, or near the ground or other surface*
18 *area, delivered by artillery, rocket, mortar, or similar*
19 *means, or dropped from an aircraft and which is de-*
20 *signed, constructed, or adapted to be detonated or ex-*
21 *ploded by the presence, proximity, or contact of a per-*
22 *son.*

23 (2) *1980 CONVENTIONAL WEAPONS CONVEN-*
24 *TION.*—*The term “1980 Conventional Weapons Con-*
25 *vention” means the Convention on Prohibitions or*

1 *Restrictions on the Use of Certain Conventional*
2 *Weapons Which May Be Deemed To Be Excessively*
3 *Injurious or To Have Indiscriminate Effects, together*
4 *with the protocols relating thereto, done at Geneva on*
5 *October 10, 1980.*

6 **SEC. 1099A. EXTENSION OF PILOT OUTREACH PROGRAM.**

7 *Section 1045(d) of the National Defense Authorization*
8 *Act for Fiscal Year 1993 is amended by striking out “three”*
9 *and inserting “five” in lieu thereof.*

10 **SEC. 1099B. SENSE OF SENATE ON MIDWAY ISLANDS.**

11 *(a) FINDINGS.—The Senate makes the following find-*
12 *ings:*

13 *(1) September 2, 1995, marks the 50th anniver-*
14 *sary of the United States victory over Japan in*
15 *World War II.*

16 *(2) The Battle of Midway proved to be the turn-*
17 *ing point in the war in the Pacific, as United States*
18 *Navy forces inflicted such severe losses on the Impe-*
19 *rial Japanese Navy during the battle that the Impe-*
20 *rial Japanese Navy never again took the offensive*
21 *against United States or allied forces.*

22 *(3) During the Battle of Midway, an out-*
23 *numbered force of the United States Navy, consisting*
24 *of 29 ships and other units of the Armed Forces under*
25 *the command of Admiral Nimitz and Admiral*

1 *Spruance, out-maneuvered and out-fought 350 ships*
2 *of the Imperial Japanese Navy.*

3 (4) *It is in the public interest to erect a memo-*
4 *rial to the Battle of Midway that is suitable to ex-*
5 *press the enduring gratitude of the American people*
6 *for victory in the battle and to inspire future genera-*
7 *tions of Americans with the heroism and sacrifice of*
8 *the members of the Armed Forces who achieved that*
9 *victory.*

10 (b) *SENSE OF SENATE.—It is the sense of the Senate*
11 *that—*

12 (1) *the Midway Islands and the surrounding*
13 *seas deserve to be memorialized;*

14 (2) *the historic structures related to the Battle of*
15 *Midway should be maintained, in accordance with*
16 *the National Historic Preservation Act, and subject to*
17 *the availability of appropriations for that purpose.*

18 (3) *appropriate access to the Midway Islands by*
19 *survivors of the Battle of Midway, their families, and*
20 *other visitors should be provided in a manner that en-*
21 *sures the public health and safety on the Midway Is-*
22 *lands and the conservation and natural resources of*
23 *those islands in accordance with existing Federal law.*

1 **SEC. 1099C. STUDY ON CHEMICAL WEAPONS STOCKPILE.**

2 (a) *STUDY.*—(1) *The Secretary of Defense shall con-*
3 *duct a study to assess the risk associated with the transpor-*
4 *tation of the unitary stockpile, any portion of the stockpile*
5 *to include drained agents from munitions and munitions,*
6 *from one location to another within the continental United*
7 *States. Also, the Secretary shall include a study of the as-*
8 *sistance available to communities in the vicinity of the De-*
9 *partment of Defense facilities co-located with continuing*
10 *chemical stockpile and chemical demilitarization operations*
11 *which facilities are subject to closure, realignment, or*
12 *reutilization.*

13 (2) *The review shall include an analysis of—*

14 (A) *the results of the physical and chemical*
15 *integrity report conducted by the Army on exist-*
16 *ing stockpile;*

17 (B) *a determination of the viability of*
18 *transportation of any portion of the stockpile, to*
19 *include drained agent from munitions and the*
20 *munitions;*

21 (C) *the safety, cost-effectiveness, and public*
22 *acceptability of transporting the stockpile, in its*
23 *current configuration, or in alternative configu-*
24 *rations;*

25 (D) *the economic effects of closure, realign-*
26 *ment, or reutilization of the facilities referred to*

1 **SEC. 1099E. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT**
2 **FLEET.**

3 (a) *SUBMITTAL OF JCS REPORT ON AIRCRAFT.*—Not
4 later than February 1, 1996, the Secretary of Defense shall
5 submit to Congress the report on aircraft designated as
6 Operational Support Airlift Aircraft that is currently in
7 preparation by the Joint Chiefs of Staff.

8 (b) *CONTENT OF REPORT.*—(1) The report shall con-
9 tain findings and recommendations regarding the follow-
10 ing:

11 (A) *Modernization and safety requirements for*
12 *the Operational Support Airlift Aircraft fleet.*

13 (B) *Standardization plans and requirements of*
14 *that fleet.*

15 (C) *The disposition of aircraft considered excess*
16 *to that fleet in light of the requirements set forth*
17 *under subparagraph (A).*

18 (D) *The need for helicopter support in the Na-*
19 *tional Capital Region.*

20 (E) *The acceptable uses of helicopter support in*
21 *the National Capital Region.*

22 (2) *In preparing the report, the Joint Chiefs of Staff*
23 *shall take into account the recommendation of the Commis-*
24 *sion on Roles and Missions of the Armed Forces to reduce*
25 *the size of the Operational Support Airlift Aircraft fleet.*

1 (c) *REGULATIONS.*—(1) *Upon completion of the report*
2 *referred to in subsection (a), the Secretary shall prescribe*
3 *regulations, consistent with the findings and recommenda-*
4 *tions set forth in the report, for the operation, maintenance,*
5 *disposition, and use of aircraft designated as Operational*
6 *Support Airlift Aircraft.*

7 (2) *The regulations shall, to the maximum extent prac-*
8 *ticable, provide for, and encourage the use of, commercial*
9 *airlines in lieu of the use of aircraft designated as Oper-*
10 *ational Support Airlift Aircraft.*

11 (3) *The regulations shall apply uniformly throughout*
12 *the Department of Defense.*

13 (4) *The regulations should not require exclusive use of*
14 *the aircraft designated as Operational Support Airlift Air-*
15 *craft for any particular class of government personnel.*

16 (d) *REDUCTIONS IN FLYING HOURS.*—(1) *The Sec-*
17 *retary shall ensure that the number of hours flown in fiscal*
18 *year 1996 by aircraft designated as Operational Support*
19 *Airlift Aircraft does not exceed the number equal to 85 per-*
20 *cent of the number of hours flown in fiscal year 1995 by*
21 *such aircraft.*

22 (2) *The Secretary should ensure that the number of*
23 *hours flown in fiscal year 1996 for helicopter support in*
24 *the National Capital Region does not exceed the number*

1 *equal to 85 percent of the number of hours flown in fiscal*
2 *year 1995 for such helicopter support.*

3 *(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the*
4 *funds authorized to be appropriated under title III for the*
5 *operation and use of aircraft designated as Operational*
6 *Support Airlift Aircraft, not more than 50 percent of such*
7 *funds shall be available for that purpose until the submittal*
8 *of the report referred to in subsection (a).*

9 **SEC. 1099F. SENSE OF THE SENATE ON CHEMICAL WEAP-**
10 **ONS CONVENTION AND START II TREATY**
11 **RATIFICATION.**

12 *(a) FINDINGS.—The Senate makes the following find-*
13 *ings:*

14 *(1) Proliferation of chemical or nuclear weapons*
15 *materials poses a danger to United States national*
16 *security, and the threat or use of such materials by*
17 *terrorists would directly threaten United States citi-*
18 *zens at home and abroad.*

19 *(2) The Chemical Weapons Convention nego-*
20 *tiated and signed by President Bush would make it*
21 *more difficult for would-be proliferators, including*
22 *terrorists, to acquire or use chemical weapons, if rati-*
23 *fied and fully implemented as signed, by all signato-*
24 *ries.*

1 (3) *The START II Treaty negotiated and signed*
2 *by President Bush would help reduce the danger of*
3 *potential proliferators, including terrorists, acquiring*
4 *nuclear warheads and materials, and would contrib-*
5 *ute to United States-Russian bilateral efforts to secure*
6 *and dismantle nuclear warheads, if ratified and fully*
7 *implemented as signed by both parties.*

8 (4) *It is in the national security interest of the*
9 *United States to take effective steps to make it harder*
10 *for proliferators or would-be terrorists to obtain chem-*
11 *ical or nuclear materials for use in weapons.*

12 (5) *The President has urged prompt Senate ac-*
13 *tion on, and advice and consent to ratification of, the*
14 *START II Treaty and the Chemical Weapons Con-*
15 *vention.*

16 (6) *The Chairman of the Joint Chiefs of Staff*
17 *has testified to Congress that ratification and full im-*
18 *plementation of both treaties by all parties is in the*
19 *United States national interest, and has strongly*
20 *urged prompt Senate advice and consent to their rati-*
21 *fication.*

22 (b) *SENSE OF THE SENATE.*—*It is the sense of the Sen-*
23 *ate that the United States and all other parties to the*
24 *START II and Chemical Weapons Convention should*

1 promptly ratify and fully implement, as negotiated, both
2 treaties.

3 **TITLE XI—TECHNICAL AND**
4 **CLERICAL AMENDMENTS**

5 **SEC. 1101. AMENDMENTS RELATED TO RESERVE OFFICER**
6 **PERSONNEL MANAGEMENT ACT.**

7 (a) PUBLIC LAW 103–337.—The Reserve Officer Per-
8 sonnel Management Act (title XVI of the National Defense
9 Authorization Act for Fiscal Year 1995 (Public Law 103–
10 337)) is amended as follows:

11 (1) Section 1624 (108 Stat. 2961) is amended—

12 (A) by striking out “641” and all that fol-
13 lows through “(2)” and inserting in lieu thereof
14 “620 is amended”; and

15 (B) by redesignating as subsection (d) the
16 subsection added by the amendment made by
17 that section.

18 (2) Section 1625 (108 Stat. 2962) is amended by
19 striking out “Section 689” and inserting in lieu
20 thereof “Section 12320”.

21 (3) Section 1626(1) (108 Stat. 2962) is amended
22 by striking out “(W–5)” in the second quoted matter
23 therein and inserting in lieu thereof “, W–5,”.

1 (4) *Section 1627 (108 Stat. 2962) is amended by*
2 *striking out “Section 1005(b)” and inserting in lieu*
3 *thereof “Section 12645(b)”.*

4 (5) *Section 1631 (108 Stat. 2964) is amended—*

5 (A) *in subsection (a), by striking out “Sec-*
6 *tion 510” and inserting in lieu thereof “Section*
7 *12102”; and*

8 (B) *in subsection (b), by striking out “Sec-*
9 *tion 591” and inserting in lieu thereof “Section*
10 *12201”.*

11 (6) *Section 1632 (108 Stat. 2965) is amended by*
12 *striking out “Section 593(a)” and inserting in lieu*
13 *thereof “Section 12203(a)”.*

14 (7) *Section 1635(a) (108 Stat. 2968) is amended*
15 *by striking out “section 1291” and inserting in lieu*
16 *thereof “section 1691(b)”.*

17 (8) *Section 1671 (108 Stat. 3013) is amended—*

18 (A) *in subsection (b)(3), by striking out*
19 *“512, and 517” and inserting in lieu thereof*
20 *“and 512”; and*

21 (B) *in subsection (c)(2), by striking out the*
22 *comma after “861” in the first quoted matter*
23 *therein.*

1 (9) Section 1684(b) (108 Stat. 3024) is amended
2 by striking out “section 14110(d)” and inserting in
3 lieu thereof “section 14111(c)”.

4 (b) *SUBTITLE E OF TITLE 10.*—Subtitle E of title 10,
5 *United States Code*, is amended as follows:

6 (1) The tables of chapters preceding part I and
7 at the beginning of part IV are amended by striking
8 out “Repayments” in the item relating to chapter
9 1609 and inserting in lieu thereof “Repayment Pro-
10 grams”.

11 (2)(A) The heading for section 10103 is amended
12 to read as follows:

13 “**§ 10103. Basic policy for order into Federal service**”.

14 (B) The item relating to section 10103 in the
15 table of sections at the beginning of chapter 1003 is
16 amended to read as follows:

 “10103. Basic policy for order into Federal service.”.

17 (3) The table of sections at the beginning of
18 chapter 1005 is amended by striking out the third
19 word in the item relating to section 10142.

20 (4) The table of sections at the beginning of
21 chapter 1007 is amended—

22 (A) by striking out the third word in the
23 item relating to section 10205; and

24 (B) by capitalizing the initial letter of the
25 sixth word in the item relating to section 10211.

1 (5) *The table of sections at the beginning of*
2 *chapter 1011 is amended by inserting “Sec.” at the*
3 *top of the column of section numbers.*

4 (6) *Section 10507 is amended—*

5 (A) *by striking out “section 124402(b)” and*
6 *inserting in lieu thereof “section 12402(b)”;* and

7 (B) *by striking out “Air Forces” and insert-*
8 *ing in lieu thereof “Air Force”.*

9 (7)(A) *Section 10508 is repealed.*

10 (B) *The table of sections at the beginning of*
11 *chapter 1011 is amended by striking out the item re-*
12 *lating to section 10508.*

13 (8) *Section 10542 is amended by striking out*
14 *subsection (d).*

15 (9) *Section 12004(a) is amended by striking out*
16 *“active-status” and inserting in lieu thereof “active*
17 *status”.*

18 (10) *Section 12012 is amended by inserting*
19 *“**the**” in the section heading before the penultimate*
20 *word.*

21 (11)(A) *The heading for section 12201 is amend-*
22 *ed to read as follows:*

1 **“§ 12201. Reserve officers: qualifications for appoint-**
2 **ment”.**

3 (B) *The item relating to section 12201 in the*
4 *table of sections at the beginning of chapter 1205 is*
5 *amended to read as follows:*

“12201. Reserve officers: qualifications for appointment.”.

6 (12) *The heading for section 12209 is amended*
7 *to read as follows:*

8 **“§ 12209. Officer candidates: enlisted Reserves”.**

9 (13) *The heading for section 12210 is amended*
10 *to read as follows:*

11 **“§ 12210. Attending Physician to the Congress: reserve**
12 **grade while so serving”.**

13 (14) *Section 12213(a) is amended by striking*
14 *out “section 593” and inserting in lieu thereof “sec-*
15 *tion 12203”.*

16 (15) *The table of sections at the beginning of*
17 *chapter 1207 is amended by striking out “pro-*
18 *motions” in the item relating to section 12243 and*
19 *inserting in lieu thereof “promotion”.*

20 (16) *The table of sections at the beginning of*
21 *chapter 1209 is amended—*

22 (A) *in the item relating to section 12304, by*
23 *striking out the colon and inserting in lieu there-*
24 *of a semicolon; and*

1 (B) in the item relating to section 12308, by
2 striking out the second, third, and fourth words.

3 (17) Section 12307 is amended by striking out
4 “Ready Reserve” in the second sentence and inserting
5 in lieu thereof “Retired Reserve”.

6 (18) The heading of section 12401 is amended by
7 striking out the seventh word.

8 (19) Section 12407(b) is amended—

9 (A) by striking out “of those jurisdictions”
10 and inserting in lieu thereof “State”; and

11 (B) by striking out “jurisdictions” and in-
12 serting in lieu thereof “States”

13 (20) Section 12731(f) is amended by striking out
14 “the date of the enactment of this subsection” and in-
15 serting in lieu thereof “October 5, 1994,”.

16 (21) Section 12731a(c)(3) is amended by insert-
17 ing a comma after “Defense Conversion”.

18 (22) Section 14003 is amended by inserting
19 “**lists**” in the section heading immediately before the
20 colon.

21 (23) The table of sections at the beginning of
22 chapter 1403 is amended by striking out “selection
23 board” in the item relating to section 14105 and in-
24 serting in lieu thereof “promotion board”.

1 (24) *The table of sections at the beginning of*
2 *chapter 1405 is amended—*

3 (A) *in the item relating to section 14307, by*
4 *striking out “Numbers” and inserting in lieu*
5 *thereof “Number”;*

6 (B) *in the item relating to section 14309, by*
7 *striking out the colon and inserting in lieu there-*
8 *of a semicolon; and*

9 (C) *in the item relating to section 14314, by*
10 *capitalizing the initial letter of the antepenulti-*
11 *mate word.*

12 (25) *Section 14315(a) is amended by striking*
13 *out “a Reserve officer” and inserting in lieu thereof*
14 *“a reserve officer”.*

15 (26) *14317(e) is amended—*

16 (A) *by inserting “OFFICERS ORDERED TO*
17 *ACTIVE DUTY IN TIME OF WAR OR NATIONAL*
18 *EMERGENCY.—” after “(e)”;* and

19 (B) *by striking out “section 10213 or 644”*
20 *and inserting in lieu thereof “section 123 or*
21 *10213”.*

22 (27) *The table of sections at the beginning of*
23 *chapter 1407 is amended—*

1 (A) in the item relating to section 14506, by
2 inserting “reserve” after “Marine Corps and”;
3 and

4 (B) in the item relating to section 14507, by
5 inserting “reserve” after “Removal from the”;
6 and

7 (C) in the item relating to section 14509, by
8 inserting “in grades” after “reserve officers”.

9 (28) Section 14501(a) is amended by inserting
10 “OFFICERS BELOW THE GRADE OF COLONEL OR
11 NAVY CAPTAIN.—” after “(a)”.

12 (29) The heading for section 14506 is amended
13 by inserting a comma after “**Air Force**”.

14 (30) Section 14508 is amended by striking out
15 “this” after “from an active status under” in sub-
16 sections (c) and (d).

17 (31) Section 14515 is amended by striking out
18 “inactive status” and inserting in lieu thereof “inac-
19 tive-status”.

20 (32) Section 14903(b) is amended by striking out
21 “chapter” and inserting in lieu thereof “title”.

22 (33) The table of sections at the beginning of
23 chapter 1606 is amended in the item relating to sec-
24 tion 16133 by striking out “limitations” and insert-
25 ing in lieu thereof “limitation”.

1 (34) Section 16132(c) is amended by striking out
2 “section” and inserting in lieu thereof “sections”.

3 (35) Section 16135(b)(1)(A) is amended by strik-
4 ing out “section 2131(a)” and inserting in lieu there-
5 of “sections 16131(a)”.

6 (36) Section 18236(b)(1) is amended by striking
7 out “section 2233(e)” and inserting in lieu thereof
8 “section 18233(e)”.

9 (37) Section 18237 is amended—

10 (A) in subsection (a), by striking out “sec-
11 tion 2233(a)(1)” and inserting in lieu thereof
12 “section 18233(a)(1)”; and

13 (B) in subsection (b), by striking out “sec-
14 tion 2233(a)” and inserting in lieu thereof “sec-
15 tion 18233(a)”.

16 (c) *OTHER PROVISIONS OF TITLE 10.*—Effective as of
17 December 1, 1994 (except as otherwise expressly provided),
18 and as if included as amendments made by the Reserve Of-
19 ficer Personnel Management Act (title XVI of Public Law
20 103–360) as originally enacted, title 10, United States
21 Code, is amended as follows:

22 (1) Section 101(d)(6)(B)(i) is amended by strik-
23 ing out “section 175” and inserting in lieu thereof
24 “section 10301”.

1 (2) Section 114(b) is amended by striking out
2 “chapter 133” and inserting in lieu thereof “chapter
3 1803”.

4 (3) Section 115(d) is amended—

5 (A) in paragraph (1), by striking out “sec-
6 tion 673” and inserting in lieu thereof “section
7 12302”;

8 (B) in paragraph (2), by striking out “sec-
9 tion 673b” and inserting in lieu thereof “section
10 12304”; and

11 (C) in paragraph (3), by striking out “sec-
12 tion 3500 or 8500” and inserting in lieu thereof
13 “section 12406”.

14 (4) Section 123(a) is amended—

15 (A) by striking out “281, 592, 1002, 1005,
16 1006, 1007, 1374, 3217, 3218, 3219, 3220,”
17 “5414, 5457, 5458,” and “8217, 8218, 8219,”;
18 and

19 (B) by striking out “and 8855” and insert-
20 ing in lieu thereof “8855, 10214, 12003, 12004,
21 12005, 12007, 12202, 12213, 12642, 12645,
22 12646, 12647, 12771, 12772, and 12773”.

23 (5) Section 582(1) is amended by striking out
24 “section 672(d)” in subparagraph (B) and “section
25 673b” in subparagraph (D) and inserting in lieu

1 *thereof “section 12301(d)” and “section 12304”, re-*
2 *spectively.*

3 (6) *Section 641(1)(B) is amended by striking out*
4 *“10501” and inserting in lieu thereof “10502, 10505,*
5 *10506(a), 10506(b), 10507”.*

6 (7) *The table of sections at the beginning of*
7 *chapter 39 is amended by striking out the items relat-*
8 *ing to sections 687 and 690.*

9 (8) *Sections 1053(a)(1), 1064, and 1065(a) are*
10 *amended by striking out “chapter 67” and inserting*
11 *in lieu thereof “chapter 1223”.*

12 (9) *Section 1063(a)(1) is amended by striking*
13 *out “section 1332(a)(2)” and inserting in lieu thereof*
14 *“section 12732(a)(2)”.*

15 (10) *Section 1074b(b)(2) is amended by striking*
16 *out “section 673c” and inserting in lieu thereof “sec-*
17 *tion 12305”.*

18 (11) *Section 1076(b)(2)(A) is amended by strik-*
19 *ing out “before the effective date of the Reserve Officer*
20 *Personnel Management Act” and inserting in lieu*
21 *thereof “before December 1, 1994”.*

22 (12) *Section 1176(b) is amended by striking out*
23 *“section 1332” in the matter preceding paragraph (1)*
24 *and in paragraph (2) and inserting in lieu thereof*
25 *“section 12732”.*

1 (13) Section 1208(b) is amended by striking out
2 “section 1333” and inserting in lieu thereof “section
3 12733”.

4 (14) Section 1209 is amended by striking out
5 “section 1332”, “section 1335”, and “chapter 71” and
6 inserting in lieu thereof “section 12732”, “section
7 12735”, and “section 12739”, respectively.

8 (15) Section 1407 is amended—

9 (A) in subsection (c)(1) and (d)(1), by strik-
10 ing out “section 1331” and inserting in lieu
11 thereof “section 12731”; and

12 (B) in the heading for paragraph (1) of
13 subsection (d), by striking out “CHAPTER 67”
14 and inserting in lieu thereof “CHAPTER 1223”.

15 (16) Section 1408(a)(5) is amended by striking
16 out “section 1331” and inserting in lieu thereof “sec-
17 tion 12731”

18 (17) Section 1431(a)(1) is amended by striking
19 out “section 1376(a)” and inserting in lieu thereof
20 “section 12774(a)”.

21 (18) Section 1463(a)(2) is amended by striking
22 out “chapter 67” and inserting in lieu thereof “chap-
23 ter 1223”.

24 (19) Section 1482(f)(2) is amended by inserting
25 “section” before “12731 of this title”.

1 (20) *The table of sections at the beginning of*
2 *chapter 533 is amended by striking out the item re-*
3 *lating to section 5454.*

4 (21) *Section 2006(b)(1) is amended by striking*
5 *out “chapter 106 of this title” and inserting in lieu*
6 *thereof “chapter 1606 of this title”.*

7 (22) *Section 2121(c) is amended by striking out*
8 *“section 3353, 5600, or 8353” and inserting in lieu*
9 *thereof “section 12207”, effective on the effective date*
10 *specified in section 1691(b)(1) of Public Law 103–*
11 *337.*

12 (23) *Section 2130a(b)(3) is amended by striking*
13 *out “section 591” and inserting in lieu thereof “sec-*
14 *tion 12201”.*

15 (24) *The table of sections at the beginning of*
16 *chapter 337 is amended by striking out the items re-*
17 *lating to section 3351 and 3352.*

18 (25) *Sections 3850, 6389(c), 6391(c), and 8850*
19 *are amended by striking out “section 1332” and in-*
20 *serting in lieu thereof “section 12732”.*

21 (26) *Section 5600 is repealed, effective on the ef-*
22 *fective date specified in section 1691(b)(1) of Public*
23 *Law 103–337.*

1 (27) Section 5892 is amended by striking out
2 “section 5457 or section 5458” and inserting in lieu
3 thereof “section 12004 or section 12005”.

4 (28) Section 6410(a) is amended by striking out
5 “section 1005” and inserting in lieu thereof “section
6 12645”.

7 (29) The table of sections at the beginning of
8 chapter 837 is amended by striking out the items re-
9 lating to section 8351 and 8352.

10 (30) Section 8360(b) is amended by striking out
11 “section 1002” and inserting in lieu thereof “section
12 12642”.

13 (31) Section 8380 is amended by striking out
14 “section 524” in subsections (a) and (b) and inserting
15 in lieu thereof “section 12011”.

16 (32) Sections 8819(a), 8846(a), and 8846(b) are
17 amended by striking out “section 1005 and 1006”
18 and inserting in lieu thereof “sections 12645 and
19 12646”.

20 (33) Section 8819 is amended by striking out
21 “section 1005” and “section 1006” and inserting in
22 lieu thereof “section 12645” and “section 12646”, re-
23 spectively.

24 (d) CROSS REFERENCES IN OTHER DEFENSE LAWS.—

1 (1) *Section 337(b) of the National Defense Au-*
2 *thorization Act for Fiscal Year 1995 (Public Law*
3 *103–337; 108 Stat. 2717) is amended by inserting be-*
4 *fore the period at the end the following: “or who after*
5 *November 30, 1994, transferred to the Retired Reserve*
6 *under section 10154(2) of title 10, United States*
7 *Code, without having completed the years of service*
8 *required under section 12731(a)(2) of such title for*
9 *eligibility for retired pay under chapter 1223 of such*
10 *title”.*

11 (2) *Section 525 of the National Defense Author-*
12 *ization Act for Fiscal Years 1992 and 1993 (P.L.*
13 *102–190, 105 Stat. 1363) is amended by striking out*
14 *“section 690” and inserting in lieu thereof “section*
15 *12321”.*

16 (3) *Subtitle B of title XLIV of the National De-*
17 *fense Authorization Act for Fiscal Year 1993 (P.L.*
18 *102–484; 10 U.S.C. 12681 note) is amended—*

19 (A) *in section 4415, by striking out “section*
20 *1331a” and inserting in lieu thereof “section*
21 *12731a”;*

22 (B) *in subsection 4416—*

23 (i) *in subsection (a), by striking out*
24 *“section 1331” and inserting in lieu thereof*
25 *“section 12731”;*

1 (ii) in subsection (b)—

2 (I) by inserting “or section
3 12732” in paragraph (1) after “under
4 that section”; and

5 (II) by inserting “or 12731(a)” in
6 paragraph (2) after “section 1331(a”;

7 (iii) in subsection (e)(2), by striking
8 out “section 1332” and inserting in lieu
9 thereof “section 12732”; and

10 (iv) in subsection (g), by striking out
11 “section 1331a” and inserting in lieu there-
12 of “section 12731a”; and

13 (C) in section 4418—

14 (i) in subsection (a), by striking out
15 “section 1332” and inserting in lieu thereof
16 “section 12732”; and

17 (ii) in subsection (b)(1)(A), by striking
18 out “section 1333” and inserting in lieu
19 thereof “section 12733”.

20 (4) Title 37, United States Code, is amended—

21 (A) in section 302f(b), by striking out “sec-
22 tion 673c of title 10” in paragraphs (2) and
23 (3)(A) and inserting in lieu thereof “section
24 12305 of title 10”; and

1 (B) in section 433(a), by striking out “sec-
2 tion 687 of title 10” and inserting in lieu thereof
3 “section 12319 of title 10”.

4 (e) *CROSS REFERENCES IN OTHER LAWS.*—

5 (1) Title 14, United States Code, is amended—

6 (A) in section 705(f), by striking out “600
7 of title 10” and inserting in lieu thereof “12209
8 of title 10”; and

9 (B) in section 741(c), by striking out “sec-
10 tion 1006 of title 10” and inserting in lieu there-
11 of “section 12646 of title 10”.

12 (2) Title 38, United States Code, is amended—

13 (A) in section 3011(d)(3), by striking out
14 “section 672, 673, 673b, 674, or 675 of title 10”
15 and inserting in lieu thereof “section 12301,
16 12302, 12304, 12306, or 12307 of title 10”;

17 (B) in sections 3012(b)(1)(B)(iii) and
18 3701(b)(5)(B), by striking out “section 268(b) of
19 title 10” and inserting in lieu thereof “section
20 10143(a) of title 10”;

21 (C) in section 3501(a)(3)(C), by striking
22 out “section 511(d) of title 10” and inserting in
23 lieu thereof “section 12103(d) of title 10”; and

24 (D) in section 4211(4)(C), by striking out
25 “section 672(a), (d), or (g), 673, or 673b of title

1 10” and inserting in lieu thereof “section
2 12301(a), (d), or (g), 12302, or 12304 of title
3 10”.

4 (3) Section 702(a)(1) of the Soldiers’ and Sail-
5 ors’ Civil Relief Act of 1940 (50 U.S.C. App.
6 592(a)(1)) is amended—

7 (A) by striking out “section 672 (a) or (g),
8 673, 673b, 674, 675, or 688 of title 10” and in-
9 serting in lieu thereof “section 688, 12301(a),
10 12301(g), 12302, 12304, 12306, or 12307 of title
11 10”; and

12 (B) by striking out “section 672(d) of such
13 title” and inserting in lieu thereof “section
14 12301(d) of such title”.

15 (4) Section 463A of the Higher Education Act of
16 1965 (20 U.S.C. 1087cc–1) is amended in subsection
17 (a)(10) by striking out “(10 U.S.C. 2172)” and in-
18 serting in lieu thereof “(10 U.S.C. 16302)”.

19 (5) Section 179 of the National and Community
20 Service Act of 1990 (42 U.S.C. 12639) is amended in
21 subsection (a)(2)(C) by striking out “section 216(a) of
22 title 5” and inserting in lieu thereof “section 10101
23 of title 10”.

24 (f) *EFFECTIVE DATES.*—

1 (1) *Section 1636 of the Reserve Officer Personnel*
2 *Management Act shall take effect on the date of the*
3 *enactment of this Act.*

4 (2) *The amendments made by sections 1672(a),*
5 *1673(a) (with respect to chapters 541 and 549),*
6 *1673(b)(2), 1673(b)(4), 1674(a), and 1674(b)(7) shall*
7 *take effect on the effective date specified in section*
8 *1691(b)(1) of the Reserve Officer Personnel Manage-*
9 *ment Act (notwithstanding section 1691(a) of such*
10 *Act).*

11 (3) *The amendments made by this section shall*
12 *take effect as if included in the Reserve Officer Per-*
13 *sonnel Management Act as enacted on October 5,*
14 *1994.*

15 **SEC. 1102. AMENDMENTS RELATED TO FEDERAL ACQUI-**
16 **SION STREAMLINING ACT OF 1994.**

17 (a) *PUBLIC LAW 103-355.—Effective as of October 13,*
18 *1994, and as if included therein as enacted, the Federal Ac-*
19 *quisition Streamlining Act of 1994 (Public Law 103-355;*
20 *108 Stat. 3243 et seq.) is amended as follows:*

21 (1) *Section 1202(a) (108 Stat. 3274) is amended*
22 *by striking out the closing quotation marks and sec-*
23 *ond period at the end of paragraph (2)(B) of the sub-*
24 *section inserted by the amendment made by that sec-*
25 *tion.*

1 (2) Section 1251(b) (108 Stat. 3284) is amended
2 by striking out “Office of Federal Procurement Policy
3 Act” and inserting in lieu thereof “Federal Property
4 and Administrative Services Act of 1949”.

5 (3) Section 2051(e) (108 Stat. 3304) is amended
6 by striking out the closing quotation marks and sec-
7 ond period at the end of subsection (f)(3) in the mat-
8 ter inserted by the amendment made by that section.

9 (4) Section 2101(a)(6)(B)(ii) (108 Stat. 3308) is
10 amended by replacing “regulation” with “regula-
11 tions” in the first quoted matter.

12 (5) The heading of section 2352(b) (108 Stat.
13 3322) is amended by striking out “PROCEDURES TO
14 SMALL BUSINESS GOVERNMENT CONTRACTORS.—”
15 and inserting in lieu thereof “PROCEDURES.—”.

16 (6) Section 3022 (108 Stat. 3333) is amended by
17 striking out “each place” and all that follows through
18 the end of the section and inserting in lieu thereof “in
19 paragraph (1) and “, rent,” after “sell” in paragraph
20 (2).”.

21 (7) Section 5092(b) (108 Stat. 3362) is amended
22 by inserting “of paragraph (2)” after “second sen-
23 tence”.

24 (8) Section 6005(a) (108 Stat. 3364) is amended
25 by striking out the closing quotation marks and sec-

1 *ond period at the end of subsection (e)(2) of the mat-*
2 *ter inserted by the amendment made by that section.*

3 (9) *Section 10005(f)(4) (108 Stat. 3409) is*
4 *amended in the second matter in quotation marks by*
5 *striking out “‘SEC. 5. This Act” and inserting in lieu*
6 *thereof “‘SEC. 7. This title”.*

7 (b) *TITLE 10, UNITED STATES CODE.—Title 10, Unit-*
8 *ed States Code, is amended as follows:*

9 (1) *Section 2220(b) is amended by striking out*
10 *“the date of the enactment of the Federal Acquisition*
11 *Streamlining Act of 1994” and inserting in lieu*
12 *thereof “October 13, 1994”.*

13 (2)(A) *The section 2247 added by section*
14 *7202(a)(1) of Public Law 103–355 (108 Stat. 3379)*
15 *is redesignated as section 2249.*

16 (B) *The item relating to that section in the table*
17 *of sections at the beginning of subchapter I of chapter*
18 *134 is revised to conform to the redesignation made*
19 *by subparagraph (A).*

20 (3) *Section 2302(3)(K) is amended by adding a*
21 *period at the end.*

22 (4) *Section 2304(h) is amended by striking out*
23 *paragraph (1) and inserting in lieu thereof the follow-*
24 *ing:*

1 “(1) *The Walsh-Healey Act (41 U.S.C. 35 et*
2 *seq.)*.”.

3 (5)(A) *The section 2304a added by section*
4 *848(a)(1) of Public Law 103–160 (107 Stat. 1724) is*
5 *redesignated as section 2304e.*

6 (B) *The item relating to that section in the table*
7 *of sections at the beginning of chapter 137 is revised*
8 *to conform to the redesignation made by subpara-*
9 *graph (A).*

10 (6) *Section 2306a is amended—*

11 (A) *in subsection (d)(2)(A)(ii), by inserting*
12 *“to” after “The information referred”;*

13 (B) *in subsection (e)(4)(B)(ii), by striking*
14 *out the second comma after “parties”; and*

15 (C) *in subsection (i)(3), by inserting “(41*
16 *U.S.C. 403(12))” before the period at the end.*

17 (7) *Section 2323 is amended—*

18 (A) *in subsection (a)(1)(C), by inserting a*
19 *closing parenthesis after “1135d–5(3))” and*
20 *after “1059c(b)(1))”;*

21 (B) *in subsection (a)(3), by inserting a clos-*
22 *ing parenthesis after “421(c))”;*

23 (C) *in subsection (b), by inserting “(1)”*
24 *after “AMOUNT.—”; and*

1 (D) in subsection (i)(3), by adding at the
2 end a subparagraph (D) identical to the sub-
3 paragraph (D) set forth in the amendment made
4 by section 811(e) of Public Law 103–160 (107
5 Stat. 1702).

6 (8) Section 2324 is amended—

7 (A) in subsection (e)(2)(C)—

8 (i) by striking out “awarding the con-
9 tract” at the end of the first sentence; and

10 (ii) by striking out “title III” and all
11 that follows through “Act)” and inserting in
12 lieu thereof “the Buy American Act (41
13 U.S.C. 10b–1)”; and

14 (B) in subsection (h)(2), by inserting “the
15 head of the agency or” after “in the case of any
16 contract if”.

17 (9) Section 2350b is amended—

18 (A) in subsection (c)(1)—

19 (i) by striking out “specifically—” and
20 inserting in lieu thereof “specifically pre-
21 scribes—”; and

22 (ii) by striking out “prescribe” in each
23 of subparagraphs (A), (B), (C), and (D);
24 and

1 (B) in subsection (d)(1), by striking out
2 “subcontract to be” and inserting in lieu thereof
3 “subcontract be”.

4 (10) Section 2356(a) is amended by striking out
5 “2354, or 2355” and inserting “or 2354”.

6 (11) Section 2372(i)(1) is amended by striking
7 out “section 2324(m)” and inserting in lieu thereof
8 “section 2324(l)”.

9 (12) Section 2384(b) is amended—

10 (A) in paragraph (2)—

11 (i) by striking “items, as” and insert-
12 ing in lieu thereof “items (as”;

13 (ii) by inserting a closing parenthesis
14 after “403(12))”;

15 (B) in paragraph (3), by inserting a closing
16 parenthesis after “403(11))”.

17 (13) Section 2397(a)(1) is amended—

18 (A) by inserting “as defined in section
19 4(11) of the Office of Federal Procurement Policy
20 Act (41 U.S.C. 403(11))” after “threshold”;

21 (B) by striking out “section 4(12) of the Of-
22 fice of Federal Procurement Policy Act” and in-
23 serting in lieu thereof “section 4(12) of such
24 Act”.

1 (14) Section 2397b(f) is amended by inserting a
2 period at the end of paragraph (2)(B)(iii).

3 (15) Section 2400(a)(5) is amended by striking
4 out “the preceding sentence” and inserting in lieu
5 thereof “this paragraph”.

6 (16) Section 2405 is amended—

7 (A) in paragraphs (1) and (2) of subsection
8 (a), by striking out “the date of the enactment
9 of the Federal Acquisition Streamlining Act of
10 1994” and inserting in lieu thereof “October 13,
11 1994”; and

12 (B) in subsection (c)(3)—

13 (i) by striking out “the later of—” and
14 all that follows through “(B)”; and

15 (ii) by redesignating clauses (i), (ii),
16 and (iii) as subparagraphs (A), (B), and
17 (C), respectively, and realigning those sub-
18 paragraphs accordingly.

19 (17) Section 2410d(b) is amended by striking out
20 paragraph (3).

21 (18) Section 2424(c) is amended—

22 (A) by inserting “EXCEPTION FOR SOFT
23 DRINKS.—” after “(c)”; and

1 (B) by striking out “drink” the first and
2 third places it appears in the second sentence
3 and inserting in lieu thereof “beverage”.

4 (19) Section 2431 is amended—

5 (A) in subsection (b)—

6 (i) by striking out “Any report” in the
7 first sentence and inserting in lieu thereof
8 “Any documents”; and

9 (ii) by striking out “the report” in
10 paragraph (3) and inserting in lieu thereof
11 “the documents”; and

12 (B) in subsection (c), by striking “report-
13 ing” and inserting in lieu thereof “documenta-
14 tion”.

15 (20) Section 2533(a) is amended by striking out
16 “title III of the Act” and all that follows through
17 “such Act” and inserting in lieu thereof “the Buy
18 American Act (41 U.S.C. 10a)) whether application
19 of such Act”.

20 (21) Section 2662(b) is amended by striking out
21 “small purchase threshold” and inserting in lieu
22 thereof “simplified acquisition threshold”.

23 (22) Section 2701(i)(1) is amended—

24 (A) by striking out “Act of August 24, 1935
25 (40 U.S.C. 270a–270d), commonly referred to as

1 the ‘Miller Act,’” and inserting in lieu thereof
2 “Miller Act (40 U.S.C. 270a et seq.)”; and

3 (B) by striking out “such Act of August 24,
4 1935” and inserting in lieu thereof “the Miller
5 Act”.

6 (c) *SMALL BUSINESS ACT.*—The Small Business Act
7 (15 U.S.C. 632 et seq.) is amended as follows:

8 (1) Section 8(d) (15 U.S.C. 637(d)) is amend-
9 ed—

10 (A) in paragraph (1), by striking out the
11 second comma after “small business concerns”
12 the first place it appears; and

13 (B) in paragraph (6)(C), by striking out
14 “and small business concerns owned and con-
15 trolled by the socially and economically dis-
16 advantaged individuals” and inserting in lieu
17 thereof “, small business concerns owned and
18 controlled by socially and economically dis-
19 advantaged individuals, and small business con-
20 cerns owned and controlled by women”.

21 (2) Section 8(f) (15 U.S.C. 637(f)) is amended
22 by inserting “and” after the semicolon at the end of
23 paragraph (5).

1 (3) *Section 15(g)(2) (15 U.S.C. 644(g)(2)) is*
2 *amended by striking out the second comma after the*
3 *first appearance of “small business concerns”.*

4 (d) *TITLE 31, UNITED STATES CODE.—Section 3551*
5 *of title 31, United States Code, is amended—*

6 (1) *by striking out “subchapter—” and inserting*
7 *in lieu thereof “subchapter:”; and*

8 (2) *in paragraph (2), by striking out “or pro-*
9 *posed contract” and inserting in lieu thereof “or a so-*
10 *licitation or other request for offers”.*

11 (e) *FEDERAL PROPERTY AND ADMINISTRATIVE SERV-*
12 *ICES ACT OF 1949.—The Federal Property and Adminis-*
13 *trative Services Act of 1949 is amended as follows:*

14 (1) *The table of contents in section 1 (40 U.S.C.*
15 *471 prec.) is amended—*

16 (A) *by striking out the item relating to sec-*
17 *tion 104;*

18 (B) *by striking out the item relating to sec-*
19 *tion 201 and inserting in lieu thereof the follow-*
20 *ing:*

“Sec. 201. Procurements, warehousing, and related activities.”;

21 (C) *by inserting after the item relating to*
22 *section 315 the following new item:*

“Sec. 316. Merit-based award of grants for research and development.”;

1 (D) by striking out the item relating to sec-
2 tion 603 and inserting in lieu thereof the follow-
3 ing:

“Sec. 603. Authorizations for appropriations and transfer authority.”; and

4 (E) by inserting after the item relating to
5 section 605 the following new item:

“Sec. 606. Sex discrimination.”.

6 (2) Section 111(b)(3) (40 U.S.C. 759(b)(3)) is
7 amended by striking out the second period at the end
8 of the third sentence.

9 (3) Section 111(f)(9) (40 U.S.C. 759(f)(9)) is
10 amended in subparagraph (B) by striking out “or
11 proposed contract” and inserting in lieu thereof “or
12 a solicitation or other request for offers”.

13 (4) The heading for paragraph (1) of section
14 304A(c) is amended by changing each letter that is
15 capitalized (other than the first letter of the first
16 word) to lower case.

17 (5) The heading for section 314A (41 U.S.C. 41
18 U.S.C. 264a) is amended to read as follows:

19 **“SEC. 314A. DEFINITIONS RELATING TO PROCUREMENT OF**
20 **COMMERCIAL ITEMS.”.**

21 (6) The heading for section 316 (41 U.S.C. 266)
22 is amended by inserting at the end a period.

23 (f) WALSH-HEALEY ACT.—

1 (1) *The Walsh-Healey Act (41 U.S.C. 35 et seq.)*
2 *is amended—*

3 (A) *by transferring the second section 11 (as*
4 *added by section 7201(4) of Public Law 103–*
5 *355) so as to appear after section 10; and*

6 (B) *by redesignating the three sections fol-*
7 *lowing such section 11 (as so transferred) as sec-*
8 *tions 12, 13, and 14.*

9 (2) *Such Act is further amended in section 10(c)*
10 *by striking out the comma after “‘locality’”.*

11 (g) *ANTI-KICKBACK ACT OF 1986.—Section 7 of the*
12 *Anti-Kickback Act of 1986 (41 U.S.C. 57) is amended by*
13 *striking out the second period at the end of subsection (d).*

14 (h) *OFFICE OF FEDERAL PROCUREMENT POLICY*
15 *ACT.—The Office of Federal Procurement Policy Act (41*
16 *U.S.C. 401 et seq.) is amended as follows:*

17 (1) *Section 6 (41 U.S.C. 405) is amended by*
18 *transferring paragraph (12) of subsection (d) (as such*
19 *paragraph was redesignated by section 5091(2) of the*
20 *Federal Acquisition Streamlining Act of 1994 (P.L.*
21 *103–355; 108 Stat. 3361) to the end of that sub-*
22 *section.*

23 (2) *Section 18(b) (41 U.S.C. 416(b)) is amended*
24 *by inserting “and” after the semicolon at the end of*
25 *paragraph (5).*

1 (3) *Section 26(f)(3) (41 U.S.C. 422(f)(3) is*
2 *amended in the first sentence by striking out “Not*
3 *later than 180 days after the date of enactment of this*
4 *section, the Administrator” and inserting in lieu*
5 *thereof “The Administrator”.*

6 (i) *OTHER LAWS.—*

7 (1) *The National Defense Authorization Act for*
8 *Fiscal Year 1994 (Public Law 103–160) is amended*
9 *as follows:*

10 (A) *Section 126(c) (107 Stat. 1567) is*
11 *amended by striking out “section 2401 of title*
12 *10, United States Code, or section 9081 of the*
13 *Department of Defense Appropriations Act, 1990*
14 *(10 U.S.C. 2401 note).” and inserting in lieu*
15 *thereof “section 2401 or 2401a of title 10, United*
16 *States Code.”.*

17 (B) *Section 127 (107 Stat. 1568) is amend-*
18 *ed—*

19 (i) *in subsection (a), by striking out*
20 *“section 2401 of title 10, United States*
21 *Code, or section 9081 of the Department of*
22 *Defense Appropriations Act, 1990 (10*
23 *U.S.C. 2401 note).” and inserting in lieu*
24 *thereof “section 2401 or 2401a of title 10,*
25 *United States Code.”; and*

1 (ii) in subsection (e), by striking out
2 “section 9081 of the Department of Defense
3 Appropriations Act, 1990 (10 U.S.C. 2401
4 note).” and inserting in lieu thereof “section
5 2401a of title 10, United States Code.”.

6 (2) The National Defense Authorization Act for
7 Fiscal Years 1990 and 1991 (Public Law 101–189) is
8 amended by striking out section 824.

9 (3) The National Defense Authorization Act for
10 Fiscal Years 1988 and 1989 (Public Law 100–180) is
11 amended by striking out section 825 (10 U.S.C. 2432
12 note).

13 (4) Section 3737(g) of the Revised Statutes (41
14 U.S.C. 15(g)) is amended by striking out “rights of
15 obligations” and inserting in lieu thereof “rights or
16 obligations”.

17 (5) The section of the Revised Statutes (41
18 U.S.C. 22) amended by section 6004 of Public Law
19 103–355 (108 Stat. 3364) is amended by striking out
20 “*No member*” and inserting in lieu thereof “*SEC.*
21 *3741. No Member*”.

22 (6) Section 5152(a)(1) of the Drug-Free Work-
23 place Act of 1988 (41 U.S.C. 701(a)(1)) is amended
24 by striking out “as defined in section 4 of the Office
25 of Federal Procurement Policy Act (41 U.S.C. 403)”

1 *Armed Services of the Senate and the Committee on*
2 *National Security of the House of Representatives”.*

3 (3) *Section 113(j)(1) is amended by striking out*
4 *“Committees on Armed Services and Committees on*
5 *Appropriations of the Senate and” and inserting in*
6 *lieu thereof “Committee on Armed Services and the*
7 *Committee on Appropriations of the Senate and the*
8 *Committee on National Security and the Committee*
9 *on Appropriations of the”.*

10 (4) *Section 119(g) is amended by striking out*
11 *paragraphs (1) and (2) and inserting in lieu thereof*
12 *the following:*

13 *“(1) the Committee on Armed Services and the*
14 *Committee on Appropriations, and the Defense Sub-*
15 *committee of the Committee on Appropriations, of the*
16 *Senate; and*

17 *“(2) the Committee on National Security and the*
18 *Committee on Appropriations, and the National Se-*
19 *curity Subcommittee of the Committee on Appropria-*
20 *tions, of the House of Representatives.”.*

21 (5) *Section 127(c) is amended by striking out*
22 *“Committees on Armed Services and Appropriations*
23 *of the Senate and” and inserting in lieu thereof*
24 *“Committee on Armed Services and the Committee on*
25 *Appropriations of the Senate and the Committee on*

1 *National Security and the Committee on Appropria-*
2 *tions of”.*

3 *(6) Section 135(e) is amended—*

4 *(A) by inserting “(1)” after “(e)”;*

5 *(B) by striking out “the Committees on*
6 *Armed Services and the Committees on Appro-*
7 *priations of the Senate and House of Representa-*
8 *tives are each” and inserting in lieu thereof*
9 *“each congressional committee specified in para-*
10 *graph (2) is”;* and

11 *(C) by adding at the end the following:*

12 *“(2) The committees referred to in paragraph (1)*
13 *are—*

14 *“(A) the Committee on Armed Services and the*
15 *Committee on Appropriations of the Senate; and*

16 *“(B) the Committee on National Security and*
17 *the Committee on Appropriations of the House of*
18 *Representatives.”.*

19 *(7) Section 179(e) is amended by striking out*
20 *“to the Committees on Armed Services and Appro-*
21 *priations of the Senate and” and inserting in lieu*
22 *thereof “to the Committee on Armed Services and the*
23 *Committee on Appropriations of the Senate and the*
24 *Committee on National Security and the Committee*
25 *on Appropriations of the”.*

1 (8) Sections 401(d) and 402(d) are amended by
2 striking out “submit to the” and all that follows
3 through “Foreign Affairs” and inserting in lieu there-
4 of “submit to the Committee on Armed Services and
5 the Committee on Foreign Relations of the Senate and
6 the Committee on National Security and the Commit-
7 tee on International Relations”.

8 (9) Sections 1584(b), 2367(d)(2), and
9 2464(b)(3)(A) are amended by striking out “the Com-
10 mittees on Armed Services and the Committees on
11 Appropriations of the Senate and” and inserting in
12 lieu thereof “the Committee on Armed Services and
13 the Committee on Appropriations of the Senate and
14 the Committee on National Security and the Commit-
15 tee on Appropriations of the”.

16 (10) Sections 2306b(g), 2801(c)(4), and
17 18233a(a)(1) are amended by striking out “the Com-
18 mittees on Armed Services and on Appropriations of
19 the Senate and” and inserting in lieu thereof “the
20 Committee on Armed Services and the Committee on
21 Appropriations of the Senate and the Committee on
22 National Security and the Committee on Appropria-
23 tions of the”.

24 (11) Section 1599(e)(2) is amended—

1 (A) in subparagraph (A), by striking out
2 “The Committees on Armed Services and Appro-
3 priations” and inserting in lieu thereof “The
4 Committee on National Security, the Committee
5 on Appropriations,”; and

6 (B) in subparagraph (B), by striking out
7 “The Committees on Armed Services and Appro-
8 priations” and inserting in lieu thereof “The
9 Committee on Armed Services, the Committee on
10 Appropriations,”.

11 (12) Sections 1605(c), 4355(a)(3), 6968(a)(3),
12 and 9355(a)(3) are amended by striking out “Armed
13 Services” and inserting in lieu thereof “National Se-
14 curity”.

15 (13) Section 1060(d) is amended by striking out
16 “Committee on Armed Services and the Committee on
17 Foreign Affairs” and inserting in lieu thereof “Com-
18 mittee on National Security and the Committee on
19 International Relations”.

20 (14) Section 2215 is amended—

21 (A) by inserting “(a) CERTIFICATION RE-
22 QUIRED.—” at the beginning of the text of the
23 section;

24 (B) by striking out “to the Committees”
25 and all that follows through “House of Rep-

1 *representatives” and inserting in lieu thereof “to the*
2 *congressional committees specified in subsection*
3 *(b)”;* and

4 *(C) by adding at the end the following:*

5 *“(b) CONGRESSIONAL COMMITTEES.—The committees*
6 *referred to in subsection (a) are—*

7 *“(1) the Committee on Armed Services and the*
8 *Committee on Appropriations of the Senate; and*

9 *“(2) the Committee on National Security and the*
10 *Committee on Appropriations of the House of Rep-*
11 *resentatives.”.*

12 *(15) Section 2218 is amended—*

13 *(A) in subsection (j), by striking out “the*
14 *Committees on Armed Services and on Appro-*
15 *priations of the Senate and the House of Rep-*
16 *resentatives” and inserting in lieu thereof “the*
17 *congressional defense committees”;* and

18 *(B) by adding at the end of subsection (k)*
19 *the following new paragraph:*

20 *“(4) The term ‘congressional defense committees’*
21 *means—*

22 *“(A) the Committee on Armed Services and*
23 *the Committee on Appropriations of the Senate;*
24 *and*

1 “(B) *the Committee on National Security*
2 *and the Committee on Appropriations of the*
3 *House of Representatives.*”.

4 (16) *Section 2342(b) is amended—*

5 (A) *in the matter preceding paragraph (1),*
6 *by striking out “section—” and inserting in lieu*
7 *thereof “section unless—”;*

8 (B) *in paragraph (1), by striking out “un-*
9 *less”;* and

10 (C) *in paragraph (2), by striking out “noti-*
11 *fies the” and all that follows through “House of*
12 *Representatives” and inserting in lieu thereof*
13 *“the Secretary submits to the Committee on*
14 *Armed Services and the Committee on Foreign*
15 *Relations of the Senate and the Committee on*
16 *National Security and the Committee on Inter-*
17 *national Relations of the House of Representa-*
18 *tives notice of the intended designation”.*

19 (17) *Section 2350a(f)(2) is amended by striking*
20 *out “submit to the Committees” and all that follows*
21 *through “House of Representatives” and inserting in*
22 *lieu thereof “submit to the Committee on Armed Serv-*
23 *ices and the Committee on Foreign Relations of the*
24 *Senate and the Committee on National Security and*

1 *the Committee on International Relations of the*
2 *House of Representatives”.*

3 *(18) Section 2366 is amended—*

4 *(A) in subsection (d), by striking out “the*
5 *Committees on Armed Services and on Appro-*
6 *priations of the Senate and House of Representa-*
7 *tives” and inserting in lieu thereof “the congres-*
8 *sional defense committees”; and*

9 *(B) by adding at the end of subsection (e)*
10 *the following new paragraph:*

11 *“(7) The term ‘congressional defense committees’*
12 *means—*

13 *“(A) the Committee on Armed Services and*
14 *the Committee on Appropriations of the Senate;*
15 *and*

16 *“(B) the Committee on National Security*
17 *and the Committee on Appropriations of the*
18 *House of Representatives.”.*

19 *(19) Section 2399(h)(2) is amended by striking*
20 *out “means” and all the follows and inserting in lieu*
21 *thereof the following: “means—*

22 *“(A) the Committee on Armed Services and*
23 *the Committee on Appropriations of the Senate;*
24 *and*

1 “(B) the Committee on National Security
2 and the Committee on Appropriations of the
3 House of Representatives.”.

4 (20) Section 2401(b)(1) is amended—

5 (A) in subparagraph (B), by striking out
6 “the Committees on Armed Services and on Ap-
7 propriations of the Senate and” and inserting in
8 lieu thereof “the Committee on Armed Services
9 and the Committee on Appropriations of the
10 Senate and the Committee on National Security
11 and the Committees on Appropriations of the”;
12 and

13 (B) in subparagraph (C), by striking out
14 “the Committees on Armed Services and on Ap-
15 propriations of the Senate and House of Rep-
16 resentatives” and inserting in lieu thereof “those
17 committees”.

18 (21) Section 2403(e) is amended—

19 (A) by inserting “(1)” before “Before mak-
20 ing”;

21 (B) by striking out “shall notify the Com-
22 mittees on Armed Services and on Appropria-
23 tions of the Senate and House of Representa-
24 tives” and inserting in lieu thereof “shall submit

1 to the congressional committees specified in
2 paragraph (2) notice”; and

3 (C) by adding at the end the following new
4 paragraph:

5 “(2) The committees referred to in paragraph (1)
6 are—

7 “(A) the Committee on Armed Services and the
8 Committee on Appropriations of the Senate; and

9 “(B) the Committee on National Security and
10 the Committee on Appropriations of the House of
11 Representatives.”.

12 (22) Section 2515(d) is amended—

13 (A) by striking out “REPORTING” and all
14 that follows through “same time” and inserting
15 in lieu thereof “ANNUAL REPORT.—(1) The Sec-
16 retary of Defense shall submit to the congres-
17 sional committees specified in paragraph (2) an
18 annual report on the activities of the Office. The
19 report shall be submitted each year at the same
20 time”; and

21 (B) by adding at the end the following new
22 paragraph:

23 “(2) The committees referred to in paragraph (1)
24 are—

1 “(A) the Committee on Armed Services and the
2 Committee on Appropriations of the Senate; and

3 “(B) the Committee on National Security and
4 the Committee on Appropriations of the House of
5 Representatives.”.

6 (23) Section 2551 is amended—

7 (A) in subsection (e)(1), by striking out “the
8 Committees on Armed Services” and all that fol-
9 lows through “House of Representatives” and in-
10 serting in lieu thereof “the Committee on Armed
11 Services and the Committee on Foreign Rela-
12 tions of the Senate and the Committee on Na-
13 tional Security and the Committee on Inter-
14 national Relations of the House of Representa-
15 tives”; and

16 (B) in subsection (f)—

17 (i) by inserting “(1)” before “In any
18 case”;

19 (ii) by striking out “Committees on
20 Appropriations” and all that follows
21 through “House of Representatives” the sec-
22 ond place it appears and inserting in lieu
23 thereof “congressional committees specified
24 in paragraph (2)”; and

1 (iii) by adding at the end the follow-
2 ing:

3 “(2) The committees referred to in paragraph (1)
4 are—

5 “(A) the Committee on Armed Services, the Com-
6 mittee on Foreign Relations, and the Committee on
7 Appropriations of the Senate; and

8 “(B) the Committee on National Security, the
9 Committee on International Relations, and the Com-
10 mittee on Appropriations of the House of Representa-
11 tives.”.

12 (24) Section 2662 is amended—

13 (A) in subsection (a)—

14 (i) in the matter preceding paragraph
15 (1), by striking out “the Committees on
16 Armed Services of the Senate and House of
17 Representatives” and inserting in lieu
18 thereof “the Committee on Armed Services
19 of the Senate and the Committee on Na-
20 tional Security of the House of Representa-
21 tives”; and

22 (ii) in the matter following paragraph
23 (6), by striking out “to be submitted to the
24 Committees on Armed Services of the Senate
25 and House of Representatives”;

1 (B) in subsection (b), by striking out “shall
2 report annually to the Committees on Armed
3 Services of the Senate and the House of Rep-
4 resentatives” and inserting in lieu thereof “shall
5 submit annually to the congressional committees
6 named in subsection (a) a report”;

7 (C) in subsection (e), by striking out “the
8 Committees on Armed Services of the Senate and
9 the House of Representatives” and inserting in
10 lieu thereof “the congressional committees named
11 in subsection (a)”; and

12 (D) in subsection (f), by striking out “the
13 Committees on Armed Services of the Senate and
14 the House of Representatives shall” and inserting
15 in lieu thereof “the congressional committees
16 named in subsection (a) shall”.

17 (25) Section 2674(a) is amended—

18 (A) in paragraph (2), by striking out
19 “Committees on Armed Services of the Senate
20 and the House of Representatives, the Committee
21 on Environment and Public Works of the Senate,
22 and the Committee on Public Works and Trans-
23 portation of the House of Representatives” and
24 inserting in lieu thereof “congressional commit-
25 tees specified in paragraph (3)”; and

1 (B) by adding at the end the following new
2 paragraph:

3 “(3) The committees referred to in paragraph (1)
4 are—

5 “(A) the Committee on Armed Services and the
6 Committee on Environment and Public Works of the
7 Senate; and

8 “(B) the Committee on National Security and
9 the Committee on Transportation and Infrastructure
10 of the House of Representatives.”.

11 (26) Section 2813(c) is amended by striking out
12 “Committees on Armed Services and the Committees
13 on Appropriations of the Senate and House of Rep-
14 resentatives” and inserting in lieu thereof “appro-
15 priate committees of Congress”.

16 (27) Sections 2825(b)(1) and 2832(b)(2) are
17 amended by striking out “Committees on Armed
18 Services and the Committees on Appropriations of the
19 Senate and of the House of Representatives” and in-
20 serting in lieu thereof “appropriate committees of
21 Congress”.

22 (28) Section 2865(e)(2) and 2866(c)(2) are
23 amended by striking out “Committees on Armed
24 Services and Appropriations of the Senate and House

1 *of Representatives” and inserting in lieu thereof “ap-*
2 *propriate committees of Congress”.*

3 (29)(A) *Section 7434 of such title is amended to*
4 *read as follows:*

5 ***“§ 7434. Annual report to congressional committees***

6 *“Not later than October 31 of each year, the Secretary*
7 *shall submit to the Committee on Armed Services of the*
8 *Senate and the Committee on National Security of the*
9 *House of Representatives a report on the production from*
10 *the naval petroleum reserves during the preceding calendar*
11 *year.”.*

12 (B) *The item relating to such section in the table*
13 *of contents at the beginning of chapter 641 is amend-*
14 *ed to read as follows:*

“7434. Annual report to congressional committees.”.

15 (b) *TITLE 37, UNITED STATES CODE.—Title 37, Unit-*
16 *ed States Code, is amended—*

17 (1) *in sections 301b(i)(2) and 406(i), by striking*
18 *out “Committees on Armed Services of the Senate and*
19 *House of Representatives” and inserting in lieu there-*
20 *of “Committee on Armed Services of the Senate and*
21 *the Committee on National Security of the House of*
22 *Representatives”; and*

23 (2) *in section 431(d), by striking out “Armed*
24 *Services” the first place it appears and inserting in*
25 *lieu thereof “National Security”.*

1 (c) ANNUAL DEFENSE AUTHORIZATION ACTS.—

2 (1) *The National Defense Authorization Act for*
3 *Fiscal Year 1994 (Public Law 103–160) is amended*
4 *in sections 2922(b) and 2925(b) (10 U.S.C. 2687*
5 *note) by striking out “Committees on Armed Services*
6 *of the Senate and House of Representatives” and in-*
7 *serting in lieu thereof “Committee on Armed Services*
8 *of the Senate and the Committee on National Secu-*
9 *rity of the House of Representatives”.*

10 (2) *The National Defense Authorization Act for*
11 *Fiscal Year 1993 (Public Law 102–484) is amend-*
12 *ed—*

13 (A) *in section 326(a)(5) (10 U.S.C. 2301*
14 *note) and section 1304(a) (10 U.S.C. 113 note),*
15 *by striking out “Committees on Armed Services*
16 *of the Senate and House of Representatives” and*
17 *inserting in lieu thereof “Committee on Armed*
18 *Services of the Senate and the Committee on Na-*
19 *tional Security of the House of Representatives”;*
20 *and*

21 (B) *in section 1505(e)(2)(B) (22 U.S.C.*
22 *5859a), by striking out “the Committee on*
23 *Armed Services, the Committee on Appropria-*
24 *tions, the Committee on Foreign Affairs, and the*
25 *Committee on Energy and Commerce” and in-*

1 *serting in lieu thereof “the Committee on Na-*
2 *tional Security, the Committee on Appropria-*
3 *tions, the Committee on International Relations,*
4 *and the Committee on Commerce”.*

5 *(3) Section 1097(a)(1) of the National Defense*
6 *Authorization Act for Fiscal Years 1992 and 1993*
7 *(Public Law 102–190; 22 U.S.C. 2751 note) is*
8 *amended by striking out “the Committees on Armed*
9 *Services and Foreign Affairs” and inserting in lieu*
10 *thereof “the Committee on National Security and the*
11 *Committee on International Relations”.*

12 *(4) The National Defense Authorization Act for*
13 *Fiscal Year 1991 (P.L. 101–510) is amended as fol-*
14 *lows:*

15 *(A) Section 402(a) and section 1208(b)(3)*
16 *(10 U.S.C. 1701 note) are amended by striking*
17 *out “Committees on Armed Services of the Sen-*
18 *ate and the House of Representatives” and in-*
19 *serting in lieu thereof “Committee on Armed*
20 *Services of the Senate and the Committee on Na-*
21 *tional Security of the House of Representatives”.*

22 *(B) Section 1403(a) (50 U.S.C. 404b(a)) is*
23 *amended—*

24 *(i) by striking out “the Committees*
25 *on” and all that follows through “each*

1 *year” and inserting in lieu thereof “the*
2 *Committee on Armed Services, the Commit-*
3 *tee on Appropriations, and the Select Com-*
4 *mittee on Intelligence of the Senate and the*
5 *Committee on National Security, the Com-*
6 *mittee on Appropriations, and the Perma-*
7 *nent Select Committee on Intelligence of the*
8 *House of Representatives each year”.*

9 *(C) Section 1457(a) (50 U.S.C. 404c(a)) is*
10 *amended by striking out “the Committees on*
11 *Armed Services and on Foreign Affairs of the*
12 *House of Representatives and the Committees on*
13 *Armed Services and” and inserting in lieu there-*
14 *of “the Committee on National Security and the*
15 *Committee on International Relations of the*
16 *House of Representatives and the Committee on*
17 *Armed Services and the Committee on”.*

18 *(D) Section 2921 (10 U.S.C. 2687 note) is*
19 *amended—*

20 *(i) in subsection (e)(3)(A), by striking*
21 *out “the Committee on Armed Services, the*
22 *Committee on Appropriations, and the De-*
23 *fense Subcommittees” and inserting in lieu*
24 *thereof “the Committee on National Secu-*

1 *rity, the Committee on Appropriations, and*
2 *the National Security Subcommittee”;* and

3 *(ii) in subsection (g)(2), by striking*
4 *out “the Committees on Armed Services of*
5 *the Senate and House of Representatives”*
6 *and inserting in lieu thereof “the Committee*
7 *on Armed Services of the Senate and the*
8 *Committee on National Security of the*
9 *House of Representatives”.*

10 *(5) Section 613(h)(1) of the National Defense*
11 *Authorization Act, Fiscal Year 1989 (Public Law*
12 *100–456; 37 U.S.C. 302 note), is amended by striking*
13 *out “the Committees on Armed Services of the Senate*
14 *and the House of Representatives” and inserting in*
15 *lieu thereof “the Committee on Armed Services of the*
16 *Senate and the Committee on National Security of*
17 *the House of Representatives”.*

18 *(6) Section 1412 of the Department of Defense*
19 *Authorization Act, 1986 (Public Law 99–145; 50*
20 *U.S.C. 1521), is amended in subsections (b)(4) and*
21 *(k)(2), by striking out “Committees on Armed Serv-*
22 *ices of the Senate and House of Representatives” and*
23 *inserting in lieu thereof “Committee on Armed Serv-*
24 *ices of the Senate and the Committee on National Se-*
25 *curity of the House of Representatives”.*

1 (7) *Section 1002(d) of the Department of Defense*
2 *Authorization Act, 1985 (Public Law 98–525; 22*
3 *U.S.C. 1928 note), is amended by striking out “the*
4 *Committees on Armed Services of the Senate and the*
5 *House of Representatives” and inserting in lieu there-*
6 *of “the Committee on Armed Services of the Senate,*
7 *the Committee on National Security of the House of*
8 *Representatives”.*

9 (8) *Section 1252 of the Department of Defense*
10 *Authorization Act, 1984 (42 U.S.C. 248d), is amend-*
11 *ed—*

12 (A) *in subsection (d), by striking out “Com-*
13 *mittees on Appropriations and on Armed Serv-*
14 *ices of the Senate and the House of Representa-*
15 *tives” and inserting in lieu thereof “Committee*
16 *on Appropriations and the Committee on Armed*
17 *Services of the Senate and the Committee on Ap-*
18 *propriations and the Committee on National Se-*
19 *curity of the House of Representatives”; and*

20 (B) *in subsection (e), by striking out “Com-*
21 *mittees on Appropriations and on Armed Serv-*
22 *ices of the Senate and the House of Representa-*
23 *tives” and inserting in lieu thereof “congres-*
24 *sional committees specified in subsection (d)”.*

1 (d) *BASE CLOSURE LAW*.—*The Defense Base Closure*
2 *and Realignment Act of 1990 (part A of title XXIX of Pub-*
3 *lic Law 101–510; 10 U.S.C. 2687 note) is amended as fol-*
4 *lows:*

5 (1) *Sections 2902(e)(2)(B)(ii) and 2908(b) are*
6 *amended by striking out “Armed Services” the first*
7 *place it appears and inserting in lieu thereof “Na-*
8 *tional Security”.*

9 (2) *Section 2910(2) is amended by striking out*
10 *“the Committees on Armed Services and the Commit-*
11 *tees on Appropriations of the Senate and of the House*
12 *of Representatives” and inserting in lieu thereof “the*
13 *Committee on Armed Services and the Committee on*
14 *Appropriations of the Senate and the Committee on*
15 *National Security and the Committee on Appropria-*
16 *tions of the House of Representatives”.*

17 (e) *NATIONAL DEFENSE STOCKPILE*.—*The Strategic*
18 *and Critical Materials Stock Piling Act is amended—*

19 (1) *in section 6(d) (50 U.S.C. 98e(d))—*

20 (A) *in paragraph (1), by striking out*
21 *“Committees on Armed Services of the Senate*
22 *and House of Representatives” and inserting in*
23 *lieu thereof “Committee on Armed Services of the*
24 *Senate and the Committee on National Security*
25 *of the House of Representatives”; and*

1 (B) in paragraph (2), by striking out “the
2 Committees on Armed Services of the Senate and
3 House of Representatives” and inserting in lieu
4 thereof “such congressional committees”; and

5 (2) in section 7(b) (50 U.S.C. 98f(b)), by striking
6 out “Committees on Armed Services of the Senate and
7 House of Representatives” and inserting in lieu there-
8 of “Committee on Armed Services of the Senate and
9 the Committee on National Security of the House of
10 Representatives”.

11 (f) OTHER DEFENSE-RELATED PROVISIONS.—

12 (1) Section 8125(g)(2) of the Department of De-
13 fense Appropriations Act, 1989 (Public Law 100–463;
14 10 U.S.C. 113 note), is amended by striking out
15 “Committees on Appropriations and Armed Services
16 of the Senate and House of Representatives” and in-
17 serting in lieu thereof “Committee on Appropriations
18 and the Committees on Armed Services of the Senate
19 and the Committee on Appropriations and the Com-
20 mittees on National Security of the House of Rep-
21 resentatives”.

22 (2) Section 1505(f)(3) of the Military Child Care
23 Act of 1989 (title XV of Public Law 101–189; 10
24 U.S.C. 113 note) is amended by striking out “Com-
25 mittees on Armed Services of the Senate and House

1 *of Representatives” and inserting in lieu thereof*
2 *“Committee on Armed Services of the Senate and the*
3 *Committee on National Security of the House of Rep-*
4 *resentatives”.*

5 *(3) Section 9047A of the Department of Defense*
6 *Appropriations Act, 1993 (Public Law 102–396; 10*
7 *U.S.C. 2687 note), is amended by striking out “the*
8 *Committees on Appropriations and Armed Services of*
9 *the House of Representatives and the Senate” and in-*
10 *serting in lieu thereof “the Committee on Appropria-*
11 *tions and the Committee on Armed Services of the*
12 *Senate and the Committee on Appropriations and the*
13 *Committee on National Security of the House of Rep-*
14 *resentatives”.*

15 *(4) Section 3059(c)(1) of the Defense Drug Inter-*
16 *diction Assistance Act (subtitle A of title III of Public*
17 *Law 99–570; 10 U.S.C. 9441 note) is amended by*
18 *striking out “Committees on Appropriations and on*
19 *Armed Services of the Senate and the House of Rep-*
20 *resentatives” and inserting in lieu thereof “Committee*
21 *on Armed Services and the Committee on Appropria-*
22 *tions of the Senate and the Committee on National*
23 *Security and the Committee on Appropriations of the*
24 *House of Representatives”.*

1 (5) *Section 7606(b) of the Anti-Drug Abuse Act*
2 *of 1988 (Public Law 100–690; 10 U.S.C. 9441 note)*
3 *is amended by striking out “Committees on Appro-*
4 *priations and the Committee on Armed Services of*
5 *the Senate and the House of Representatives” and in-*
6 *serting in lieu thereof “Committee on Armed Services*
7 *and the Committee on Appropriations of the Senate*
8 *and the Committee on National Security and the*
9 *Committee on Appropriations of the House of Rep-*
10 *resentatives”.*

11 (6) *Section 104(d)(5) of the National Security*
12 *Act of 1947 (50 U.S.C. 403–4(d)(5)) is amended by*
13 *striking out “Committees on Armed Services of the*
14 *Senate and House of Representatives” and inserting*
15 *in lieu thereof “Committee on Armed Services of the*
16 *Senate and the Committee on National Security of*
17 *the House of Representatives”.*

18 (7) *Section 8 of the Inspector General Act of*
19 *1978 (5 U.S.C. App.) is amended—*

20 (A) *in subsection (b)(3), by striking out*
21 *“Committees on Armed Services and Government*
22 *Operations” and inserting in lieu thereof “Com-*
23 *mittee on National Security and the Committee*
24 *on Government Reform and Oversight”;*

1 (B) in subsection (b)(4), by striking out
2 “Committees on Armed Services and Govern-
3 mental Affairs of the Senate and the Committees
4 on Armed Services and Government Operations
5 of the House of Representatives” and inserting
6 in lieu thereof “congressional committees speci-
7 fied in paragraph (3)”;

8 (C) in subsection (f)(1), by striking out
9 “Committees on Armed Services and Government
10 Operations” and inserting in lieu thereof “Com-
11 mittee on National Security and the Committee
12 on Government Reform and Oversight”; and

13 (D) in subsection (f)(2), by striking out
14 “Committees on Armed Services and Govern-
15 mental Affairs of the Senate and the Committees
16 on Armed Services and Government Operations
17 of the House of Representatives” and inserting
18 in lieu thereof “congressional committees speci-
19 fied in paragraph (1)”.

20 (8) Section 204(h)(3) of the Federal Property
21 and Administrative Services Act of 1949 (40 U.S.C.
22 485(h)(3)) is amended by striking out “Committees
23 on Armed Services of the Senate and of the House of
24 Representatives” and inserting in lieu thereof “Com-
25 mittee on Armed Services of the Senate and the Com-

1 *mittee on National Security of the House of Rep-*
2 *resentatives”.*

3 **SEC. 1104. MISCELLANEOUS AMENDMENTS TO TITLE 10,**
4 **UNITED STATES CODE.**

5 *(a) SUBTITLE A.—Subtitle A of title 10, United States*
6 *Code, is amended as follows:*

7 *(1) Section 113(i)(2)(B) is amended by striking*
8 *out “the five years covered” and all that follows*
9 *through “section 114(g)” and inserting in lieu thereof*
10 *“the period covered by the future-years defense pro-*
11 *gram submitted to Congress during that year pursu-*
12 *ant to section 221”.*

13 *(2) Section 136(c) is amended by striking out*
14 *“Comptroller” and inserting in lieu thereof “Under*
15 *Secretary of Defense (Comptroller)”.*

16 *(3) Section 227(3)(D) is amended by striking out*
17 *“for”.*

18 *(4) Effective October 1, 1995, section 526 is*
19 *amended—*

20 *(A) in subsection (a), by striking out para-*
21 *graphs (1), (2), and (3) and inserting in lieu*
22 *thereof the following:*

23 *“(1) For the Army, 302.*

24 *“(2) For the Navy, 216.*

25 *“(3) For the Air Force, 279.”;*

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

2 (C) by redesignating subsections (c), (d),
3 and (e) as subsections (b), (c), and (d);

4 (D) in subsection (b), as so redesignated, by
5 striking out “that are applicable on and after
6 October 1, 1995”; and

7 (E) in paragraph (2)(B) of subsection (c),
8 as redesignated by subparagraph (C), is amend-
9 ed—

10 (i) by striking out “the” after “in the”;

11 (ii) by inserting “to” after “reserve
12 component, or”; and

13 (iii) by inserting “than” after “in a
14 grade other”.

15 (5) Effective October 1, 1995, section 528(a) is
16 amended by striking out “after September 30, 1995,”

17 (6) Section 573(a)(2) is amended by striking out
18 “active duty list” and inserting in lieu thereof “ac-
19 tive-duty list”.

20 (7) Section 661(d)(2) is amended—

21 (A) in subparagraph (B), by striking out
22 “Until January 1, 1994” and all that follows
23 through “each position so designated” and in-
24 serting in lieu thereof “Each position designated
25 by the Secretary under subparagraph (A)”;

1 (B) in subparagraph (C), by striking out
2 “the second sentence of”; and

3 (C) by striking out subparagraph (D).

4 (8) Section 706(c)(1) is amended by striking out
5 “section 4301 of title 38” and inserting in lieu thereof
6 “chapter 43 of title 38”.

7 (9) Section 1059 is amended by striking out
8 “subsection (j)” in subsections (c)(2) and (g)(3) and
9 inserting in lieu thereof “subsection (k)”.

10 (10) Section 1060a(f)(2)(B) is amended by strik-
11 ing out “(as defined in section 101(a)(22) of the Im-
12 migration and Nationality Act (8 U.S.C.
13 1101(a)(22)))” and inserting in lieu thereof “, as de-
14 termined in accordance with the Immigration and
15 Nationality Act (8 U.S.C. 1101 et seq.)”.

16 (11) Section 1151 is amended—

17 (A) in subsection (b), by striking out “(20
18 U.S.C. 2701 et seq.)” in paragraphs (2)(A) and
19 (3)(A) and inserting in lieu thereof “(20 U.S.C.
20 6301 et seq.)”; and

21 (B) in subsection (e)(1)(B), by striking out
22 “not later than one year after the date of the en-
23 actment of the National Defense Authorization
24 Act for Fiscal Year 1995” and inserting in lieu
25 thereof “not later than October 5, 1995”.

1 (12) Section 1152(g)(2) is amended by striking
2 out “not later than 180 days after the date of the en-
3 actment of the National Defense Authorization Act for
4 Fiscal Year 1995” and inserting in lieu thereof “not
5 later than April 3, 1994.”

6 (13) Section 1177(b)(2) is amended by striking
7 out “provison of law” and inserting in lieu thereof
8 “provision of law”.

9 (14) The heading for chapter 67 is amended by
10 striking out “**NONREGULAR**” and inserting in
11 lieu thereof “**NON-REGULAR**”.

12 (15) Section 1598(a)(2)(A) is amended by strik-
13 ing out “2701” and inserting in lieu thereof “6301”.

14 (16) Section 1745(a) is amended by striking out
15 “section 4107(d)” both places it appears and insert-
16 ing in lieu thereof “section 4107(b)”.

17 (17) Section 1746(a) is amended—

18 (A) by striking out “(1)” before “The Sec-
19 retary of Defense”; and

20 (B) by redesignating subparagraphs (A)
21 and (B) as paragraphs (1) and (2), respectively.

22 (18) Section 2006(b)(2)(B)(ii) is amended by
23 striking out “section 1412 of such title” and inserting
24 in lieu thereof “section 3012 of such title”.

1 (19) Section 2011(a) is amended by striking out
2 “TO” and inserting in lieu thereof “To”.

3 (20) Section 2194(e) is amended by striking out
4 “(20 U.S.C. 2891(12))” and inserting in lieu thereof
5 “(20 U.S.C. 8801)”.

6 (21) Sections 2217(b) and 2220(a)(2) are
7 amended by striking out “Comptroller of the Depart-
8 ment of Defense” and inserting in lieu thereof “Under
9 Secretary of Defense (Comptroller)”.

10 (22) Section 2401(c)(2) is amended by striking
11 out “pursuant to” and all that follows through “Sep-
12 tember 24, 1983,”.

13 (23) Section 2410f(b) is amended by striking out
14 “For purposes of” and inserting in lieu thereof “In”.

15 (24) Section 2410j(a)(2)(A) is amended by strik-
16 ing out “2701” and inserting in lieu thereof “6301”.

17 (25) Section 2457(e) is amended by striking out
18 “title III of the Act of March 3, 1933 (41 U.S.C.
19 10a),” and inserting in lieu thereof “the Buy Amer-
20 ican Act (41 U.S.C. 10a)”.

21 (26) Section 2465(b)(3) is amended by striking
22 out “under contract” and all that follows through the
23 period and inserting in lieu thereof “under contract
24 on September 24, 1983.”.

25 (27) Section 2471(b) is amended—

1 (A) in paragraph (2), by inserting “by”
2 after “as determined”; and

3 (B) in paragraph (3), by inserting “of”
4 after “arising out”.

5 (28) Section 2524(e)(4)(B) is amended by insert-
6 ing a comma before “with respect to”.

7 (29) The heading of section 2525 is amended by
8 capitalizing the initial letter of the second, fourth,
9 and fifth words.

10 (30) Chapter 152 is amended by striking out the
11 table of subchapters at the beginning and the headings
12 for subchapters I and II.

13 (31) Section 2534(c) is amended by capitalizing
14 the initial letter of the third and fourth words of the
15 subsection heading.

16 (32) Section 2705(d)(2) is amended by striking
17 out “the date of the enactment of this section” and in-
18 serting in lieu thereof “October 5, 1994”.

19 (33) The table of sections at the beginning of sub-
20 chapter I of chapter 169 is amended by adding a pe-
21 riod at the end of the item relating to section 2811.

22 (b) OTHER SUBTITLES.—Subtitles B, C, and D of title
23 10, United States Code, are amended as follows:

24 (1) Sections 3022(a)(1), 5025(a)(1), and
25 8022(a)(1) are amended by striking out “Comptroller

1 *of the Department of Defense” and inserting in lieu*
2 *thereof “Under Secretary of Defense (Comptroller)”.*

3 (2) *Section 6241 is amended by inserting “or”*
4 *at the end of paragraph (2).*

5 (3) *Section 6333(a) is amended by striking out*
6 *the first period after “section 1405” in formula C in*
7 *the table under the column designated “Column 2”.*

8 (4) *The item relating to section 7428 in the table*
9 *of sections at the beginning of chapter 641 is amended*
10 *by striking out “Agreement” and inserting in lieu*
11 *thereof “Agreements”.*

12 (5) *The item relating to section 7577 in the table*
13 *of sections at the beginning of chapter 649 is amended*
14 *by striking out “Officers” and inserting in lieu there-*
15 *of “officers”.*

16 (6) *The center heading for part IV in the table*
17 *of chapters at the beginning of subtitle D is amended*
18 *by inserting a comma after “SUPPLY”.*

19 **SEC. 1105. MISCELLANEOUS AMENDMENTS TO ANNUAL DE-**
20 **FENSE AUTHORIZATION ACTS.**

21 (a) *PUBLIC LAW 103–337.—Effective as of October 5,*
22 *1994, and as if included therein as enacted, the National*
23 *Defense Authorization Act for Fiscal Year 1995 (Public*
24 *Law 103–337) is amended as follows:*

1 (1) Section 322(1) (108 Stat. 2711) is amended
2 by striking out “SERVICE” in both sets of quoted mat-
3 ter and inserting in lieu thereof “SERVICES”.

4 (2) Section 531(g)(2) (108 Stat. 2758) is amend-
5 ed by inserting “item relating to section 1034 in the”
6 after “The”.

7 (3) Section 541(c)(1) is amended—

8 (A) in subparagraph (B), by inserting a
9 comma after “chief warrant officer”; and

10 (B) in the matter after subparagraph (C),
11 by striking out “this”.

12 (4) Section 721(f)(2) (108 Stat. 2806) is amend-
13 ed by striking out “revaluated” and inserting in lieu
14 thereof “reevaluated”.

15 (5) Section 722(d)(2) (108 Stat. 2808) is amend-
16 ed by striking out “National Academy of Science”
17 and inserting in lieu thereof “National Academy of
18 Sciences”.

19 (6) Section 904(d) (108 Stat. 2827) is amended
20 by striking out “subsection (c)” the first place it ap-
21 pears and inserting in lieu thereof “subsection (b)”.

22 (7) Section 1202 (108 Stat. 2882) is amended—

23 (A) by striking out “(title XII of Public
24 Law 103–60” and inserting in lieu thereof
25 “(title XII of Public Law 103–160”; and

1 (B) in paragraph (2), by inserting “in the
2 first sentence” before “and inserting in lieu
3 thereof”.

4 (8) Section 1312(a)(2) (108 Stat. 2894) is
5 amended by striking out “adding at the end” and in-
6 serting in lieu thereof “inserting after the item relat-
7 ing to section 123a”.

8 (9) Section 2813(c) (108 Stat. 3055) is amended
9 by striking out “above paragraph (1)” both places it
10 appears and inserting in lieu thereof “preceding sub-
11 paragraph (A)”.

12 (b) PUBLIC LAW 103–160.—The National Defense Au-
13 thorization Act for Fiscal Year 1994 (Public Law 103–160)
14 is amended in section 1603(d) (22 U.S.C. 2751 note)—

15 (1) in the matter preceding paragraph (1), by
16 striking out the second comma after “Not later than
17 April 30 of each year”;

18 (2) in paragraph (4), by striking out “contrib-
19 utes” and inserting in lieu thereof “contribute”; and

20 (3) in paragraph (5), by striking out “is” and
21 inserting in lieu thereof “are”.

22 (c) PUBLIC LAW 102–484.—The National Defense Au-
23 thorization Act for Fiscal Year 1993 (Public Law 102–484)
24 is amended as follows:

1 (1) *Section 326(a)(5) (106 Stat. 2370; 10 U.S.C.*
2 *2301 note) is amended by inserting “report” after*
3 *“each”.*

4 (2) *Section 4403(a) (10 U.S.C. 1293 note) is*
5 *amended by striking out “through 1995” and insert-*
6 *ing in lieu thereof “through fiscal year 1999”.*

7 (d) *PUBLIC LAW 102–190.—Section 1097(d) of the Na-*
8 *tional Defense Authorization Act for Fiscal Years 1992 and*
9 *1993 (Public Law 102–190; 105 Stat. 1490) is amended*
10 *by striking out “the Federal Republic of Germany, France”*
11 *and inserting in lieu thereof “France, Germany”.*

12 **SEC. 1106. MISCELLANEOUS AMENDMENTS TO FEDERAL AC-**
13 **QUISITION LAWS.**

14 (a) *OFFICE OF FEDERAL PROCUREMENT POLICY*
15 *ACT.—The Office of Federal Procurement Policy Act (41*
16 *U.S.C. 401 et seq.) is amended as follows:*

17 (1) *Section 6(b) (41 U.S.C. 405(b)) is amended*
18 *by striking out the second comma after “under sub-*
19 *section (a)” in the first sentence.*

20 (2) *Section 18(a) (41 U.S.C. 416(a)) is amended*
21 *in paragraph (1)(B) by striking out “described in*
22 *subsection (f)” and inserting in lieu thereof “described*
23 *in subsection (b)”.*

24 (3) *Section 25(b)(2) (41 U.S.C. 421(b)(2)) is*
25 *amended by striking out “Under Secretary of Defense*

1 *for Acquisition” and inserting in lieu thereof “Under*
2 *Secretary of Defense for Acquisition and Technology”.*

3 *(b) OTHER LAWS.—*

4 *(1) Section 11(2) of the Inspector General Act of*
5 *1978 (5 U.S.C. App.) is amended by striking out the*
6 *second comma after “Community Service”.*

7 *(2) Section 908(e) of the Defense Acquisition Im-*
8 *provement Act of 1986 (10 U.S.C. 2326 note) is*
9 *amended by striking out “section 2325(g)” and in-*
10 *serting in lieu thereof “section 2326(g)”.*

11 *(3) Effective as of August 9, 1989, and as if in-*
12 *cluded therein as enacted, Public Law 101-73 is*
13 *amended in section 501(b)(1)(A) (103 Stat. 393) by*
14 *striking out “be,” and inserting in lieu thereof “be;”*
15 *in the second quoted matter therein.*

16 *(4) Section 3732(a) of the Revised Statutes (41*
17 *U.S.C. 11(a)) is amended by striking out the second*
18 *comma after “quarters”.*

19 *(5) Section 2 of the Contract Disputes Act of*
20 *1978 (41 U.S.C. 601) is amended in paragraphs (3),*
21 *(5), (6), and (7), by striking out “The” and inserting*
22 *in lieu thereof “the”.*

23 *(6) Section 13 of the Contract Disputes Act of*
24 *1978 (41 U.S.C. 612) is amended—*

1 (A) in subsection (a), by striking out “sec-
2 tion 1302 of the Act of July 27, 1956, (70 Stat.
3 694, as amended; 31 U.S.C. 724a)” and insert-
4 ing in lieu thereof “section 1304 of title 31,
5 United States Code”; and

6 (B) in subsection (c), by striking out “sec-
7 tion 1302 of the Act of July 27, 1956, (70 Stat.
8 694, as amended; 31 U.S.C. 724a)” and insert-
9 ing in lieu thereof “section 1304 of title 31,
10 United States Code,”.

11 **SEC. 1107. MISCELLANEOUS AMENDMENTS TO OTHER**
12 **LAWS.**

13 (a) *OFFICER PERSONNEL ACT OF 1947.*—Section 437
14 of the Officer Personnel Act of 1947 is repealed.

15 (b) *TITLE 5, UNITED STATES CODE.*—Title 5, United
16 States Code, is amended—

17 (1) in section 8171—

18 (A) in subsection (a), by striking out
19 “903(3)” and inserting in lieu thereof “903(a)”;

20 (B) in subsection (c)(1), by inserting “sec-
21 tion” before “39(b)”; and

22 (C) in subsection (d), by striking out “(33
23 U.S.C. 18 and 21, respectively)” and inserting
24 in lieu thereof “(33 U.S.C. 918 and 921)”;

1 (2) in sections 8172 and 8173, by striking out
2 “(33 U.S.C. 2(2))” and inserting in lieu thereof “(33
3 U.S.C. 902(2))”; and

4 (3) in section 8339(d)(7), by striking out “Court
5 of Military Appeals” and inserting in lieu thereof
6 “Court of Appeals for the Armed Forces”.

7 (c) PUBLIC LAW 90-485.—Effective as of August 13,
8 1968, and as if included therein as originally enacted, sec-
9 tion 1(6) of Public Law 90-485 (82 Stat. 753) is amend-
10 ed—

11 (1) by striking out the close quotation marks
12 after the end of clause (4) of the matter inserted by
13 the amendment made by that section; and

14 (2) by adding close quotation marks at the end.

15 (d) TITLE 37, UNITED STATES CODE.—Section
16 406(b)(1)(E) of title 37, United States Code, is amended
17 by striking out “of this paragraph”.

18 (e) BASE CLOSURE ACT.—Section 2910 of the Defense
19 Base Closure and Realignment Act of 1990 (part A of title
20 XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is
21 amended—

22 (1) by redesignating the second paragraph (10),
23 as added by section 2(b) of the Base Closure Commu-
24 nity Redevelopment and Homeless Assistance Act of

1 1994 (Public Law 103-421; 108 Stat. 4352), as para-
2 graph (11); and

3 (2) in paragraph (11), as so redesignated, by
4 striking out “section 501(h)(4)” and “11411(h)(4)”
5 and inserting in lieu thereof “501(i)(4)” and
6 “11411(i)(4)”, respectively.

7 (f) PUBLIC LAW 103-421.—Section 2(e)(5) of Public
8 Law 103-421 (108 Stat. 4354) is amended—

9 (1) by striking out “(A)” after “(5)”; and

10 (2) by striking out “clause” in subparagraph
11 (B)(iv) and inserting in lieu thereof “clauses”.

12 **SEC. 1108. COORDINATION WITH OTHER AMENDMENTS.**

13 For purposes of applying amendments made by provi-
14 sions of this Act other than provisions of this title, this title
15 shall be treated as having been enacted immediately before
16 the other provisions of this Act.

17 **DIVISION B—MILITARY CON-**
18 **STRUCTION AUTHORIZA-**
19 **TIONS**

20 **SEC. 2001. SHORT TITLE.**

21 This division may be cited as the “Military Construc-
22 tion Authorization Act for Fiscal Year 1996”.

TITLE XXI—ARMY

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Arizona	Fort Huachuca	\$16,000,000
California	Fort Irwin	\$15,500,000
	Presidio of San Francisco	\$3,000,000
Colorado	Fort Carson	\$10,850,000
District of Columbia	Fort McNair	\$13,500,000
	Walter Reed Army Medical Center	\$4,300,000
Georgia	Fort Benning	\$37,900,000
	Fort Gordon	\$5,750,000
	Fort Stewart	\$8,400,000
Hawaii	Schofield Barracks	\$35,000,000
Kansas	Fort Riley	\$15,300,000
Kentucky	Fort Campbell	\$10,000,000
	Fort Knox	\$5,600,000
New York	Watervliet Arsenal	\$680,000
North Carolina	Fort Bragg	\$29,700,000
Oklahoma	Fort Sill	\$6,300,000
South Carolina	Naval Weapons Station, Charleston	\$25,700,000
	Fort Jackson	\$32,000,000
Texas	Fort Hood	\$32,500,000
	Fort Bliss	\$48,000,000
Virginia	Fort Eustis	\$16,400,000
Washington	Fort Lewis	\$32,100,000
CONUS Classified	Classified Location	\$1,900,000

(b) *OUTSIDE THE UNITED STATES.*—Using amount appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside of the

1 *United States, and in the amounts, set forth in the following*
 2 *table:*

Army: Outside the United States

Country	Installation or Location	Amount
Korea	Camp Casey	\$4,150,000
	Camp Hovey	\$13,500,000
	Camp Pelham	\$5,600,000
	Camp Stanley	\$6,800,000
1	Yongsan	\$4,500,000
Overseas Classified	Classified Location	\$48,000,000
Worldwide	Host Nation Support	\$20,000,000

3 **SEC. 2102. FAMILY HOUSING.**

4 (a) *CONSTRUCTION AND ACQUISITION.*—Using
 5 amounts appropriated pursuant to the authorization of ap-
 6 propriations in section 2104(a)(5)(A), the Secretary of the
 7 Army may construct or acquire family housing units (in-
 8 cluding land acquisition) at the installations, for the pur-
 9 poses, and in the amounts set forth in the following table:

Army: Family Housing

State	Installations	Purpose	Amount
Alaska	Fort Wainwright	Whole neighbor- hood revital- ization.	\$7,300,000
New Mexico	White Sands Missile Range.	Whole neighbor- hood revital- ization.	\$3,400,000
New York	United States Military Academy, West Point.	119 Units	\$16,500,000
Washington	Fort Lewis	84 Units	\$10,800,000

10 (b) *PLANNING AND DESIGN.*—Using amounts appro-
 11 priated pursuant to the authorization of appropriations in
 12 section 2104(a)(5)(A), the Secretary of the Army may carry
 13 out architectural and engineering services and construction
 14 design activities with respect to the construction or im-

1 *provement of family housing units in an amount not to*
2 *exceed \$2,340,000.*

3 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**

4 **UNITS.**

5 *Subject to section 2825 of title 10, United States Code,*
6 *and using amounts appropriated pursuant to the author-*
7 *ization of appropriations in sections 2104(a)(5)(A), the*
8 *Secretary of the Army may improve existing military fam-*
9 *ily housing units in an amount not to exceed \$26,212,000.*

10 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

11 *(a) IN GENERAL.—Funds are hereby authorized to be*
12 *appropriated for fiscal years beginning after September 30,*
13 *1995, for military construction, land acquisition, and mili-*
14 *tary family housing functions of the Department of the*
15 *Army in the total amount of \$2,033,858,000 as follows:*

16 *(1) For military construction projects inside the*
17 *United States authorized by section 2101(a),*
18 *\$406,380,000.*

19 *(2) For military construction projects outside the*
20 *United States authorized by section 2101(b),*
21 *\$102,550,000.*

22 *(3) For unspecified minor construction projects*
23 *authorized by section 2805 of title 10, United States*
24 *Code, \$9,000,000.*

1 (4) *For architectural and engineering service*
2 *and construction design under section 2807 of title*
3 *10, United States Code, \$36,194,000.*

4 (5) *For military family housing functions:*

5 (A) *For construction and acquisition, plan-*
6 *ning and design, and improvement of military*
7 *family housing and facilities, \$66,552,000.*

8 (B) *For support of military family housing*
9 *(including the functions described in section*
10 *2833 of title 10, United States Code),*
11 *\$1,337,596,000.*

12 (6) *For the Homeowners Assistance Program as*
13 *authorized by section 2832 of title 10, United States*
14 *Code, \$75,586,000, to remain available until ex-*
15 *pended.*

16 (b) *LIMITATION ON TOTAL COST OF CONSTRUCTION*
17 *PROJECTS.—Notwithstanding the cost variations author-*
18 *ized by section 2853 of title 10, United States Code, and*
19 *any other cost variation authorized by law, the total cost*
20 *of all projects carried out under section 2101 of this Act*
21 *may not exceed the total amount authorized to be appro-*
22 *priated under paragraphs (1) and (2) of subsection (a).*

1 **SEC. 2105. REDUCTION IN AMOUNTS AUTHORIZED TO BE**
 2 **APPROPRIATED FOR FISCAL YEAR 1992 MILI-**
 3 **TARY CONSTRUCTION PROJECTS.**

4 *Section 2105(a) of the Military Construction Author-*
 5 *ization Act for Fiscal Year 1992 (division B of Public Law*
 6 *102-190; 105 Stat. 1511), as amended by section*
 7 *2105(b)(2)(A) of the Military Construction Authorization*
 8 *Act for Fiscal Year 1994 (division B of Public Law 103-*
 9 *160; 107 Stat. 1859), is further amended in the matter pre-*
 10 *ceding paragraph (1) by striking out "\$2,571,974,000" and*
 11 *insert in lieu thereof "\$2,565,729,000".*

12 **TITLE XXII—NAVY**

13 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND**
 14 **ACQUISITION PROJECTS**

15 *(a) INSIDE THE UNITED STATES.—Using amounts ap-*
 16 *propriated pursuant to the authorization of appropriations*
 17 *in section 2204(a)(1), the Secretary of the Navy may ac-*
 18 *quire real property and carry out military construction*
 19 *projects for the installations and locations inside the United*
 20 *States, and in the amounts, set forth in the following table:*

Navy: Inside the United States

State	Installation or Location	Amount
<i>California</i>	<i>Camp Pendleton Marine Corps Base ..</i>	<i>\$27,584,000</i>
	<i>China Lake Naval Air Warfare Cen- ter Weapons Division.</i>	<i>\$3,700,000</i>
	<i>Lemoore Naval Air Station</i>	<i>\$7,600,000</i>
	<i>North Island Naval Air Station</i>	<i>\$99,150,000</i>
	<i>Point Mugu Naval Air Warfare Cen- ter Weapons Division.</i>	<i>\$1,300,000</i>
	<i>San Diego Naval Command, Control, and Ocean Surveillance Center.</i>	<i>\$3,170,000</i>
	<i>San Diego Naval Station</i>	<i>\$19,960,000</i>

Navy: Inside the United States—Continued

State	Installation or Location	Amount
	Twentynine Palms Marine Corps Air-Ground Combat Center.	\$2,490,000
Florida	Eglin Air Force Base, Naval School Explosive Ordnance Disposal.	\$16,150,000
	Pensacola Naval Technical Training Center, Corry Station.	\$2,565,000
Georgia	Kings Bay Strategic Weapons Facility, Atlantic.	\$2,450,000
Hawaii	Honolulu Naval Computer and Telecommunications Area, Master Station Eastern Pacific.	\$1,980,000
	Pearl Harbor Intelligence Center Pacific.	\$2,200,000
	Pearl Harbor Naval Submarine Base	\$22,500,000
Illinois	Great Lakes Naval Training Center ...	\$12,440,000
Maryland	United States Naval Academy	\$3,600,000
New Jersey	Lakehurst Naval Air Warfare Center Aircraft Division.	\$1,700,000
North Carolina	Camp LeJeune Marine Corps Base	\$59,300,000
	Cherry Point Marine Corps Air Station.	\$11,430,000
	New River Marine Corps Air Station	\$14,650,000
South Carolina	Beaufort Marine Corps Air Station ...	\$15,000,000
Virginia	Henderson Hall, Arlington	\$1,900,000
	Norfolk Naval Station	\$10,580,000
	Portsmouth Naval Hospital	\$9,500,000
	Quantico Marine Corps Combat Development Command.	\$3,500,000
	Williamsburg Fleet and Industrial Supply Center.	\$8,390,000
	Yorktown Naval Weapons Station	\$1,300,000
Washington	Bremerton Puget Sound Naval Shipyard.	\$19,870,000
	Keyport Naval Undersea Warfare Center Division.	\$5,300,000
West Virginia	Naval Security Group Detachment, Sugar Grove.	\$7,200,000
CONUS Classified	Classified location	\$1,200,000

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
Guam	Guam Navy Public Works Center	\$16,180,000

Navy: Outside the United States—Continued

Country	Installation or Location	Amount
	Naval Computer and Telecommunications Area, Master Station Western Pacific.	\$2,250,000
Italy	Naples Naval Support Activity	\$24,950,000
	Sigonella Naval Air Station	\$12,170,000
Puerto Rico	Roosevelt Roads Naval Station	\$11,500,000
	Sabana Seca Naval Security Group Activity.	\$2,200,000

1 SEC. 2202. FAMILY HOUSING.

2 (a) CONSTRUCTION AND ACQUISITION.—Using
3 amounts appropriated pursuant to the authorization of ap-
4 propriations in section 2204(a)(6)(A), the Secretary of the
5 Navy may construct or acquire family housing units (in-
6 cluding land acquisition) at the installations, for the pur-
7 poses, and in the amounts set forth in the following table:

Navy: Family Housing

State/Country	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base.	69 units	\$10,000,000
	Camp Pendleton Marine Corps Base.	Community Center.	\$1,438,000
	Camp Pendleton Marine Corps Base.	Housing Office .	\$707,000
	Lemoore Naval Air Station.	240 units	\$34,900,000
	Point Mugu Pacific Missile Test Center.	Housing Office .	\$1,020,000
	San Diego Public Works Center.	346 units	\$49,310,000
Hawaii	Oahu Naval Complex	252 units	\$48,400,000
Maryland	Patuxent River Naval Air Test Center.	Warehouse	\$890,000
	United States Naval Academy.	Housing Office .	\$800,000
North Carolina	Cherry Point Marine Corps Air Station.	Community Center.	\$1,003,000
Pennsylvania	Mechanicsburg Navy Ships Parts Control Center.	Housing Office .	\$300,000
Puerto Rico	Roosevelt Roads Naval Station.	Housing Office .	\$710,000
Virginia	Dahlgren Naval Surface Warfare Center.	Housing Office .	\$520,000
	Norfolk Public Works Center.	320 units	\$42,500,000
	Norfolk Public Works Center.	Housing Office .	\$1,390,000

1 (1) For military construction projects inside the
2 United States authorized by section 2201(a),
3 \$399,659,000.

4 (2) For military construction projects outside the
5 United States authorized by section 2201(b),
6 \$69,250,000.

7 (3) For the military construction project at New-
8 port Naval War College, Rhode Island, authorized by
9 section 2201(a) of the Military Construction Author-
10 ization Act for Fiscal Year 1995 (division B of Public
11 Law 103-337; 108 Stat. 3031), \$18,000,000.

12 (4) For unspecified minor construction projects
13 authorized by section 2805 of title 10, United States
14 Code, \$7,200,000.

15 (5) For architectural and engineering services
16 and construction design under section 2807 of title
17 10, United States Code, \$48,774,000.

18 (6) For military family housing functions:

19 (A) For construction and acquisition, plan-
20 ning and design, and improvement of military
21 family housing and facilities, \$486,247,000.

22 (B) For support of military housing (in-
23 cluding functions described in section 2833 of
24 title 10, United States Code), \$1,048,329,000.

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 2201 of this Act
6 may not exceed the total amount authorized to be appro-
7 priated under paragraphs (1) and (2) of subsection (a).

8 **SEC. 2205. REVISION OF FISCAL YEAR 1995 AUTHORIZATION**
9 **OF APPROPRIATIONS TO CLARIFY AVAILABIL-**
10 **ITY OF FUNDS FOR LARGE ANECHOIC CHAM-**
11 **BER, PATUXENT RIVER NAVAL WARFARE CEN-**
12 **TER, MARYLAND.**

13 Section 2204(a) of the Military Construction Author-
14 ization Act for Fiscal Year 1995 (division B of Public Law
15 103–337; 108 Stat. 3033) is amended—

16 (1) in the matter preceding paragraph (1), by
17 striking out “\$1,591,824,000” and inserting in lieu
18 thereof “\$1,601,824,000” and

19 (2) in paragraph (1), by striking out
20 “\$309,070,000” and inserting in lieu thereof
21 “\$319,070,000”.

22 **SEC. 2206. AUTHORITY TO CARRY OUT LAND ACQUISITION**
23 **PROJECT, NORFOLK NAVAL BASE, VIRGINIA.**

24 (a) *AUTHORIZATION.*—The table in section 2201(a) of
25 the Military Construction Authorization Act for Fiscal Year

1 1993 (division B of Public Law 102-484; 106 Stat. 2589)
 2 is amended—

3 (1) in the item relating to Damneck, Fleet Com-
 4 bat Training Center, Virginia, by striking out
 5 “\$19,427,000” in the amount column and inserting
 6 in lieu thereof “\$14,927,000”; and

7 (2) by inserting after the item relating to Nor-
 8 folk, Naval Air Station, Virginia, the following new
 9 item:

	Norfolk, Naval Base	\$4,500,000
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10 (b) *EXTENSION OF PROJECT AUTHORIZATION.*—Not-
 11 withstanding section 2701(a) of the Military Construction
 12 Authorization Act for Fiscal Year 1993 (106 Stat. 2602),
 13 the authorization for the project for Norfolk Naval Base,
 14 Virginia, as provided in section 2201(a) of that Act, as
 15 amended by subsection (a), shall remain in effect until Oc-
 16 tober 1, 1996, or the date of the enactment of an Act author-
 17 izing funds for military construction for fiscal year 1997,
 18 whichever is later.

19 **SEC. 2207. ACQUISITION OF LAND, HENDERSON HALL, AR-**
 20 **LINGTON, VIRGINIA.**

21 (a) *AUTHORITY TO ACQUIRE.*—Using funds available
 22 under section 2201(a), the Secretary of the Navy may ac-
 23 quire all right, title, and interest of any party in and to
 24 a parcel of real property, including an abandoned mau-

1 *soleum, consisting of approximately 0.75 acres and located*
2 *in Arlington, Virginia, the site of Henderson Hall.*

3 (b) *DEMOLITION OF MAUSOLEUM.*—Using funds avail-
4 *able under section 2201(a), the Secretary may—*

5 (1) *demolish the mausoleum located on the parcel*
6 *acquired under subsection (a); and*

7 (2) *provide for the removal and disposition in*
8 *an appropriate manner of the remains contained in*
9 *the mausoleum.*

10 (c) *AUTHORITY TO DESIGN PUBLIC WORKS FACIL-*
11 *ITY.*—Using funds available under section 2201(a), the Sec-
12 *retary may obtain architectural and engineering services*
13 *and construction design for a warehouse and office facility*
14 *for the Marine Corps to be constructed on the property ac-*
15 *quired under subsection (a).*

16 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
17 *and legal description of the real property authorized to be*
18 *acquired under subsection (a) shall be determined by a sur-*
19 *vey that is satisfactory to the Secretary. The cost of the sur-*
20 *vey shall be borne by the Secretary.*

21 (e) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
22 *retary may require such additional terms and conditions*
23 *in connection with the acquisition under subsection (a) as*
24 *the Secretary considers appropriate to protect the interests*
25 *of the United States.*

1 **TITLE XXIII—AIR FORCE**

2 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND**
 3 **LAND ACQUISITION PROJECTS.**

4 (a) *INSIDE THE UNITED STATES.*—Using amounts ap-
 5 *propriated pursuant to the authorization of appropriations*
 6 *in section 2304(a)(1), the Secretary of the Air Force may*
 7 *acquire real property and carry out military construction*
 8 *projects for the installations and locations inside the United*
 9 *States, and in the amounts, set forth in the following table:*

Air Force: Inside the United States

State	Installation or Location	Amount
Alabama	Maxwell Air Force Base	\$5,200,000
Alaska	Eielson Air Force Base	\$7,850,000
	Elmendorf Air Force Base	\$9,100,000
	Tin City Long Range Radar Site	\$2,500,000
Arizona	Davis Monthan Air Force Base	\$4,800,000
	Luke Air Force Base	\$5,200,000
Arkansas	Little Rock Air Force Base	\$2,500,000
California	Beale Air Force Base	\$7,500,000
	Edwards Air Force Base	\$33,800,000
	Travis Air Force Base	\$26,700,000
	Vandenberg Air Force Base	\$6,000,000
Colorado	Buckley Air National Guard Base	\$5,500,000
	Peterson Air Force Base	\$4,390,000
	United States Air Force Academy	\$9,150,000
Delaware	Dover Air Force Base	\$5,500,000
District of Columbia	Bolling Air Force Base	\$12,100,000
Florida	Cape Canaveral Air Force Station	\$1,600,000
	Eglin Air Force Base	\$14,500,000
	Tyndall Air Force Base	\$1,200,000
Georgia	Moody Air Force Base	\$25,190,000
	Robins Air Force Base	\$17,900,000
Hawaii	Hickam Air Force Base	\$10,700,000
Idaho	Mountain Home Air Force Base	\$25,350,000
Illinois	Scott Air Force Base	\$12,700,000
Kansas	McConnell Air Force Base	\$9,450,000
Louisiana	Barksdale Air Force Base	\$2,500,000
Maryland	Andrews Air Force Base	\$12,886,000
Mississippi	Columbus Air Force Base	\$1,150,000
	Keesler Air Force Base	\$6,500,000
Missouri	Whiteman Air Force Base	\$24,600,000
Nevada	Nellis Air Force Base	\$20,050,000
New Jersey	McGuire Air Force Base	\$16,500,000
New Mexico	Cannon Air Force Base	\$10,420,000
	Holloman Air Force Base	\$6,000,000
	Kirtland Air Force Base	\$9,156,000
North Carolina	Pope Air Force Base	\$8,250,000
	Seymour Johnson Air Force Base	\$830,000
North Dakota	Grand Forks Air Force Base	\$14,800,000
	Minot Air Force Base	\$1,550,000

Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Ohio	Wright-Patterson Air Force Base	\$4,100,000
Oklahoma	Altus Air Force Base	\$4,800,000
	Tinker Air Force Base	\$16,500,000
South Carolina	Charleston Air Force Base	\$12,500,000
	Shaw Air Force Base	\$1,300,000
South Dakota	Ellsworth Air Force Base	\$7,800,000
Tennessee	Arnold Air Force Base	\$5,000,000
Texas	Dyess Air Force Base	\$5,400,000
	Kelly Air Force Base	\$3,244,000
	Laughlin Air Force Base	\$1,400,000
	Randolph Air Force Base	\$3,100,000
	Reese Air Force Base	\$1,200,000
	Sheppard Air Force Base	\$1,500,000
Utah	Hill Air Force Base	\$12,600,000
Virginia	Langley Air Force Base	\$1,000,000
Washington	Fairchild Air Force Base	\$7,500,000
	McChord Air Force Base	\$9,900,000
Wyoming	F.E. Warren Air Force Base	\$9,000,000
CONUS Classified	Classified Location	\$700,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the following
7 table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Germany	Spangdahlem Air Base	\$8,380,000
	Vogelweh Annex	\$2,600,000
Greece	Araxos Radio Relay Site	\$1,950,000
Italy	Aviano Air Base	\$2,350,000
	Ghedi Radio Relay Site	\$1,450,000
Turkey	Ankara Air Station	\$7,000,000
	Incirlik Air Base	\$4,500,000
United Kingdom	Royal Air Force Lakenheath	\$1,820,000
	Royal Air Force Mildenhall	\$2,250,000
Outside the United States	Classified Location—Outside the United States.	\$17,100,000

8 **SEC. 2302. FAMILY HOUSING.**

9 (a) *CONSTRUCTION AND ACQUISITION.*—Using
10 amounts appropriated pursuant to the authorization of ap-

1 *propriations in section 2304(a)(5)(A), the Secretary of the*
 2 *Air Force may construct or acquire family housing units*
 3 *(including land acquisition) at the installations, for the*
 4 *purposes, and in the amounts set forth in the following*
 5 *table:*

Air Force: Family Housing

State/Country	Installation	Purpose	Amount
<i>Alaska</i>	<i>Elmendorf Air Force Base.</i>	<i>Housing Office/Maintenance Facility.</i>	<i>\$3,000,000</i>
<i>Arizona</i>	<i>Davis Monthan Air Force Base.</i>	<i>80 units</i>	<i>\$9,498,000</i>
<i>Arkansas</i>	<i>Little Rock Air Force Base.</i>	<i>Replace 1 General Officer Quarters.</i>	<i>\$210,000</i>
<i>California</i>	<i>Beale Air Force Base</i>	<i>Family Housing Office.</i>	<i>\$842,000</i>
	<i>Edwards Air Force Base</i>	<i>67 units</i>	<i>\$11,350,000</i>
	<i>Vandenberg Air Force Base.</i>	<i>Family Housing Office.</i>	<i>\$900,000</i>
	<i>Vandenberg Air Force Base.</i>	<i>143 units</i>	<i>\$20,200,000</i>
<i>Colorado</i>	<i>Peterson Air Force Base</i>	<i>Family Housing Office.</i>	<i>\$570,000</i>
<i>District of Columbia</i>	<i>Bolling Air Force Base</i> ..	<i>32 units</i>	<i>\$4,100,000</i>
<i>Florida</i>	<i>Eglin Air Force Base</i>	<i>Family Housing Office.</i>	<i>\$500,000</i>
	<i>Eglin Auxiliary Field 9</i>	<i>Family Housing Office/Maintenance Facility.</i>	<i>\$880,000</i>
	<i>MacDill Air Force Base</i>	<i>Family Housing Office.</i>	<i>\$646,000</i>
	<i>Patrick Air Force Base</i> ..	<i>70 units</i>	<i>\$7,947,000</i>
	<i>Tyndall Air Force Base</i>	<i>52 units</i>	<i>\$5,500,000</i>
<i>Georgia</i>	<i>Moody Air Force Base</i> ...	<i>2 Officer and 1 General Officer Quarters.</i>	<i>\$513,000</i>
	<i>Robins Air Force Base</i> ..	<i>83 units</i>	<i>\$9,800,000</i>
<i>Idaho</i>	<i>Mountain Home Air Force Base.</i>	<i>Housing Management Facility.</i>	<i>\$844,000</i>
<i>Kansas</i>	<i>McConnell Air Force Base.</i>	<i>39 units</i>	<i>\$5,193,000</i>
<i>Louisiana</i>	<i>Barksdale Air Force Base.</i>	<i>62 units</i>	<i>\$10,299,000</i>
<i>Massachusetts</i>	<i>Hanscom Air Force Base</i>	<i>32 units</i>	<i>\$5,200,000</i>
<i>Mississippi</i>	<i>Keesler Air Force Base</i> ..	<i>98 units</i>	<i>\$9,300,000</i>
<i>Missouri</i>	<i>Whiteman Air Force Base.</i>	<i>72 units</i>	<i>\$9,948,000</i>
<i>Nevada</i>	<i>Nellis Air Force Base</i>	<i>6 units</i>	<i>\$1,357,000</i>
	<i>Nellis Air Force Base</i>	<i>57 units</i>	<i>\$6,000,000</i>
<i>New Mexico</i>	<i>Holloman Air Force Base.</i>	<i>1 General Officer Quarters.</i>	<i>\$225,000</i>
	<i>Kirtland Air Force Base</i>	<i>105 units</i>	<i>\$11,000,000</i>
<i>North Carolina</i>	<i>Pope Air Force Base</i>	<i>104 units</i>	<i>\$9,984,000</i>

1 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
2 **FORCE.**

3 (a) *IN GENERAL.*—Funds are hereby authorized to be
4 appropriated for fiscal years beginning after September 30,
5 1995, for military construction, land acquisition, and mili-
6 tary family housing functions of the Department of the Air
7 Force in the total amount of \$1,740,704,000 as follows:

8 (1) *For military construction projects inside the*
9 *United States authorized by section 2301(a),*
10 *\$510,116,000.*

11 (2) *For military construction projects outside the*
12 *United States authorized by section 2301(b),*
13 *\$49,400,000.*

14 (3) *For unspecified minor construction projects*
15 *authorized by section 2805 of title 10, United States*
16 *Code, \$9,030,000.*

17 (4) *For architectural and engineering services*
18 *and construction design under section 2807 of title*
19 *10, United States Code, \$34,980,000.*

20 (5) *For military housing functions:*

21 (A) *For construction and acquisition, plan-*
22 *ning and design, and improvement of military*
23 *family housing and facilities, \$287,965,000.*

24 (B) *For support of military family housing*
25 *(including the functions described in section*

1 2833 of title 10, United States Code),
2 \$849,213,000.

3 (b) *LIMITATION ON 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 2301 of this Act
8 may not exceed the total amount authorized to be appro-
9 priated under paragraphs (1) and (2) of subsection (a).

10 **SEC. 2305. REDUCTION IN AMOUNTS AUTHORIZED TO BE**
11 **APPROPRIATED FOR FISCAL YEAR 1992 MILI-**
12 **TARY CONSTRUCTION PROJECTS.**

13 Section 2305(a) of the Military Construction Author-
14 ization Act for Fiscal Year 1992 (division B of Public Law
15 102–190; 105 Stat. 1525), as amended by section
16 2308(a)(2)(A) of the Military Construction Authorization
17 Act for Fiscal Year 1993 (division B of Public Law 102–
18 484; 106 Stat. 2598) and by section 2305(a)(3)(A) of the
19 Military Construction Authorization Act for Fiscal Year
20 1994 (division B of Public Law 103–160; 107 Stat. 1871),
21 is further amended in the matter preceding paragraph (1)
22 by striking out “\$2,033,833,000” and inserting in lieu
23 thereof “\$2,017,828,000”.

**TITLE XXIV—DEFENSE
AGENCIES**

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) *INSIDE THE UNITED STATES.*—Using amounts appropriated pursuant to section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

Agency	Installation Or Location	Amount
<i>Ballistic Missile Defense Organization:</i>	<i>Fort Bliss, Texas</i>	<i>\$13,600,000</i>
	<i>Defense Finance & Accounting Service:</i>	<i>Columbus Center, Ohio</i>
<i>Defense Intelligence Agency:</i>	<i>Bolling Air Force Base, District of Columbia</i>	<i>\$1,743,000</i>
<i>Defense Logistics Agency:</i>	<i>Defense Distribution Anniston, Alabama</i>	<i>\$3,550,000</i>
	<i>Defense Distribution Stockton, California</i>	<i>\$15,000,000</i>
	<i>Defense Fuel Supply Center, Point Mugu, California</i>	<i>\$750,000</i>
	<i>Defense Fuel Supply Center, Dover Air Force Base, Delaware</i>	<i>\$15,554,000</i>
	<i>Defense Fuel Supply Center, Eglin Air Force Base, Florida</i>	<i>\$2,400,000</i>
	<i>Defense Fuel Supply Center, Barksdale Air Force Base, Louisiana</i>	<i>\$13,100,000</i>
	<i>Defense Fuel Supply Center, McGuire Air Force Base, New Jersey</i>	<i>\$12,000,000</i>
	<i>Defense Distribution Depot, New Cumberland, Pennsylvania</i>	<i>\$4,600,000</i>
	<i>Defense Distribution Depot, Norfolk, Virginia</i>	<i>\$10,400,000</i>
	<i>Defense Mapping Agency:</i>	<i>Defense Mapping Agency Aerospace Center, Missouri</i>
<i>Defense Medical Facility Office:</i>	<i>Maxwell Air Force Base, Alabama</i>	<i>\$10,000,000</i>
	<i>Luke Air Force Base, Arizona</i>	<i>\$8,100,000</i>

Defense Agencies: Inside the United States—Continued

Agency	Installation Or Location	Amount
	Fort Irwin, California	\$6,900,000
	Marine Corps Base, Camp Pendleton, California	\$1,700,000
	Vandenberg Air Force Base, California	\$5,700,000
	Dover Air Force Base, Delaware	\$4,400,000
	Fort Benning, Georgia	\$5,600,000
	Barksdale Air Force Base, Louisiana	\$4,100,000
	Bethesda Naval Hospital, Maryland ..	\$1,300,000
	Walter Reed Army Institute of Research, Maryland	\$1,550,000
	Fort Hood, Texas	\$5,500,000
	Lackland Air Force Base, Texas	\$6,100,000
	Reese Air Force Base, Texas	\$1,000,000
	Northwest Naval Security Group Activity, Virginia	\$4,300,000
National Security Agency:	Fort Meade, Maryland	\$18,733,000
Office of the Secretary of Defense:	Classified Location Inside the United States	\$11,500,000
Department of Defense Dependents Schools:	Maxwell Air Force Base, Alabama	\$5,479,000
	Fort Benning, Georgia	\$1,116,000
	Fort Jackson, South Carolina	\$576,000
Special Operations Command:	Marine Corps Air Station, Camp Pendleton, California	\$5,200,000
	Eglin Air Force Base, Florida	\$2,400,000
	Eglin Auxiliary Field 9, Florida	\$14,150,000
	Fort Bragg, North Carolina	\$9,400,000
	Olmstead Field, Harrisburg International Airport, Pennsylvania	\$1,643,000
	Damneck, Virginia	\$4,500,000
	Naval Amphibious Base, Little Creek, Virginia	\$6,100,000

1 (b) *OUTSIDE THE UNITED STATES.*—Using amounts
2 appropriated pursuant to section 2405(a)(2), the Secretary
3 of Defense may acquire real property and carry out mili-
4 tary construction projects for the installations and locations
5 outside the United States, and in the amounts, set forth
6 in the following table:

Defense Agencies: Outside the United States

Agency	Installation or Location	Amount
Defense Logistics Agency:	Defense Fuel Support Point, Roosevelt Roads, Puerto Rico	\$6,200,000

Defense Agencies: Outside the United States—Continued

Agency	Installation or Location	Amount
Defense Medical Facility Office:	Defense Fuel Supply Center, Rota, Spain	\$7,400,000
	Naval Support Activity, Naples, Italy	\$5,000,000
Department of Defense Dependents Schools:	Ramstein Air Force Base, Germany ..	\$19,205,000
	Naval Air Station, Sigonella, Italy	\$7,595,000
National Security Agency:	Menwith Hill Station, United Kingdom	\$677,000
	Special Operations Command:	Naval Station, Guam

1 **SEC. 2402. MILITARY HOUSING PRIVATE INVESTMENT.**

2 (a) AVAILABILITY OF FUNDS FOR INVESTMENT.—Of
3 the amount authorized to be appropriated pursuant to sec-
4 tion 2405(a)(11)(A) of this Act, \$22,000,000 shall be avail-
5 able for crediting to the Department of Defense Housing Im-
6 provement Fund established by section 2883 of title 10,
7 United States Code (as added by section 2811 of this Act).

8 (b) USE OF FUNDS.—Notwithstanding section
9 2883(c)(2) of title 10, United States Code (as so added),
10 the Secretary of Defense may use funds credited to the De-
11 partment of Defense Housing Improvement Fund under
12 subsection (a) to carry out any activities authorized by sub-
13 chapter IV of chapter 169 of such title (as so added).

14 **SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
15 **UNITS.**

16 Subject to section 2825 of title 10, United States Code,
17 and using amounts appropriated pursuant to the author-
18 ization of appropriation in section 2405(a)(11)(A), the Sec-

1 *retary of Defense may improve existing military family*
2 *housing units in an amount not to exceed \$3,772,000.*

3 **SEC. 2404. ENERGY CONSERVATION PROJECTS.**

4 *Using amounts appropriated pursuant to the author-*
5 *ization of appropriations in section 2405(a)(9), the Sec-*
6 *retary of Defense may carry out energy conservation*
7 *projects under section 2865 of title 10, United States Code.*

8 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE**
9 **AGENCIES.**

10 *(a) IN GENERAL.—Funds are hereby authorized to be*
11 *appropriated for fiscal years beginning after September 30,*
12 *1995, for military construction, land acquisition, and mili-*
13 *tary family housing functions of the Department of Defense*
14 *(other than the military departments), in the total amount*
15 *of \$4,493,583,000 as follows:*

16 *(1) For military construction projects inside the*
17 *United States authorized by section 2401(a),*
18 *\$317,444,000.*

19 *(2) For military construction projects outside the*
20 *United States authorized by section 2401(b),*
21 *\$54,877,000.*

22 *(3) For military construction projects at Ports-*
23 *mouth Naval Hospital, Virginia, authorized by sec-*
24 *tion 2401(a) of the Military Construction Authoriza-*

1 *tion Act for Fiscal Years 1990 and 1991 (division B*
2 *of Public Law 101–189; 103 Stat. 1640), \$47,900,000.*

3 (4) *For military construction projects at*
4 *Elmendorf Air Force Base, Alaska, hospital replace-*
5 *ment, authorized by section 2401(a) of the Military*
6 *Construction Authorization Act for Fiscal Year 1993*
7 *(division B of Public Law 102–484; 106 Stat. 2599),*
8 *\$28,100,000.*

9 (5) *For military construction projects at Walter*
10 *Reed Army Institute of Research, Maryland, author-*
11 *ized by section 2401(a) of the Military Construction*
12 *Authorization Act for Fiscal Year 1993 (division B of*
13 *Public Law 102–484; 106 Stat. 2599), \$27,000,000.*

14 (6) *For unspecified minor construction projects*
15 *under section 2805 of title 10, United States Code,*
16 *\$23,007,000.*

17 (7) *For contingency construction projects of the*
18 *Secretary of Defense under section 2804 of title 10,*
19 *United States Code, \$11,037,000.*

20 (8) *For architectural and engineering services*
21 *and construction design under section 2807 of title*
22 *10, United States Code, \$68,837,000.*

23 (9) *For energy conservation projects authorized*
24 *by section 2404, \$50,000,000.*

1 (10) For base closure and realignment activities
2 as authorized by the Defense Base Closure and Re-
3 alignment Act of 1990 (part A of title XXIX of Public
4 Law 101–510; 10 U.S.C. 2687 note), \$3,799,192,000.

5 (11) For military family housing functions:

6 (A) For construction and acquisition and
7 improvement of military family housing and fa-
8 cilities, \$25,772,000.

9 (B) For support of military housing (in-
10 cluding functions described in section 2833 of
11 title 10, United States Code), \$30,467,000, of
12 which not more than \$24,874,000 may be obli-
13 gated or expended for the leasing of military
14 family housing units worldwide.

15 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION
16 PROJECTS.—Notwithstanding the cost variation authorized
17 by section 2853 of title 10, United States Code, and any
18 other cost variations authorized by law, the total cost of
19 all projects carried out under section 2401 of this Act may
20 not exceed—

21 (1) the total amount authorized to be appro-
22 priated under paragraphs (1) and (2) of subsection
23 (a); and

24 (2) \$35,003,000 (the balance of the amount au-
25 thorized under section 2401(a) for the construction of

1 *striking out “\$1,644,478,000” and inserting in lieu thereof*
2 *“\$1,641,244,000”.*

3 (b) *FISCAL YEAR 1992 AUTHORIZATIONS.*—Section
4 *2404(a) of the Military Construction Authorization Act for*
5 *Fiscal Year 1992 (105 Stat. 1531), as amended by section*
6 *2404(b)(1)(A) of the Military Construction Authorization*
7 *Act for Fiscal Year 1994 (division B of Public Law 103–*
8 *160; 107 Stat. 1877), is further amended in the matter pre-*
9 *ceding paragraph (1) by striking out “\$1,665,440,000” and*
10 *inserting in lieu thereof “\$1,658,640,000”.*

11 (c) *FISCAL YEAR 1993 AUTHORIZATIONS.*—Section
12 *2403(a) of the Military Construction Authorization Act for*
13 *Fiscal Year 1993 (division B of Public Law 102–484; 106*
14 *Stat. 2600) is amended in the matter preceding paragraph*
15 *(1) by striking out “\$2,567,146,000” and inserting in lieu*
16 *thereof “\$2,558,556,000”.*

17 ***TITLE XXV—NORTH ATLANTIC***
18 ***TREATY ORGANIZATION IN-***
19 ***FRASTRUCTURE***

20 ***SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND***
21 ***ACQUISITION PROJECTS.***

22 *The Secretary of Defense may make contributions for*
23 *the North Atlantic Treaty Organization Infrastructure Pro-*
24 *gram as provided in section 2806 of title 10, United States*
25 *Code, in an amount not to exceed the sum of the amount*

1 *authorized to be appropriated for this purpose in section*
2 *2502 and the amount collected from the North Atlantic*
3 *Treaty Organization as a result of construction previously*
4 *financed by the United States.*

5 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

6 *Funds are hereby authorized to be appropriated for fis-*
7 *cal years beginning after September 30, 1995, for contribu-*
8 *tions by the Secretary of Defense under section 2806 of title*
9 *10, United States Code, for the share of the United States*
10 *of the cost of projects for the North Atlantic Treaty Organi-*
11 *zation Infrastructure Program, as authorized by section*
12 *2501, in the amount of \$179,000,000.*

13 **TITLE XXVI—GUARD AND**
14 **RESERVE FORCES FACILITIES**

15 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
16 **TION AND LAND ACQUISITION PROJECTS.**

17 *There are authorized to be appropriated for fiscal*
18 *years beginning after September 30, 1995, for the costs of*
19 *acquisition, architectural and engineering services, and*
20 *construction of facilities for the Guard and Reserve Forces,*
21 *and for contributions therefore, under chapter 133 of title*
22 *10, United State Code (including the cost of acquisition of*
23 *land for those facilities), the following amounts:*

24 *(1) For the Department of the Army—*

1 (A) for the Army National Guard of the
2 United States, \$148,589,000; and

3 (B) for the Army Reserve, \$79,895,000.

4 (2) For the Department of the Navy, for the
5 Naval and Marine Corps Reserve, \$7,920,000.

6 (3) For the Department of the Air Force—

7 (A) for the Air National Guard of the Unit-
8 ed States, \$167,503,000; and

9 (B) for the Air Force Reserve, \$35,132,000.

10 **SEC. 2602. REDUCTION IN AMOUNT AUTHORIZED TO BE AP-**

11 **PROPRIATED FOR FISCAL YEAR 1994 AIR NA-**

12 **TIONAL GUARD PROJECTS.**

13 Section 2601(3)(A) of the Military Construction Au-
14 thorization Act for Fiscal Year 1994 (division B of Public
15 Law 103-160; 107 Stat. 1878) is amended by striking out
16 “\$236,341,000” and inserting in lieu thereof
17 “\$229,641,000”.

18 **TITLE XXVII—EXPIRATION AND**
19 **EXTENSION OF AUTHORIZA-**
20 **TIONS**

21 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**

22 **AMOUNTS REQUIRED TO BE SPECIFIED BY**

23 **LAW.**

24 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
25 YEARS.—Except as provided in subsection (b), all author-

1 *izations contained in titles XXI through XXVI for military*
2 *construction projects, land acquisition, family housing*
3 *projects and facilities, and contributions to the North At-*
4 *lantic Treaty Organization Infrastructure program (and*
5 *authorizations of appropriations therefore) shall expire on*
6 *the later of—*

7 *(1) October 1, 1998; or*

8 *(2) the date of the enactment of an Act authoriz-*
9 *ing funds for military construction for fiscal year*
10 *1999.*

11 *(b) EXCEPTION.—Subsection (a) shall not apply to au-*
12 *thorizations for military construction projects, land acqui-*
13 *sition, family housing projects and facilities, and contribu-*
14 *tions to the North Atlantic Treaty Organization Infrastruc-*
15 *ture program (and authorizations of appropriations there-*
16 *for), for which appropriated funds have been obligated be-*
17 *fore the later of—*

18 *(1) October 1, 1998; or*

19 *(2) the date of the enactment of an Act authoriz-*
20 *ing funds for fiscal year 1999 for military construc-*
21 *tion projects, land acquisition, family housing*
22 *projects and facilities, or contributions to the North*
23 *Atlantic Treaty Organization Infrastructure program.*

1 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 2 **FISCAL YEAR 1993 PROJECTS.**

3 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
 4 the Military Construction Authorization Act for Fiscal Year
 5 1993 (division B of Public Law 102-484; 106 Stat. 2602),
 6 authorizations for the projects set forth in the tables in sub-
 7 section (b), as provided in section 2101, 2102, 2103, or 2106
 8 of that Act, shall remain in effect until October 1, 1996,
 9 or the date of the enactment of an Act authorizing funds
 10 for military construction for fiscal year 1997, whichever is
 11 later.

12 (b) *TABLES.*—The tables referred to in subsection (a)
 13 are as follows:

Army: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	\$15,000,000
Hawaii	Schofield Barracks	Add/Alter Sewage Treatment Plant.	\$17,500,000
Virginia	Fort Picket	Family Housing (26 units).	\$2,300,000

Navy: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton Marine Corps Base.	Sewage Treatment Plant Modifications.	\$19,740,000
Maryland	Patuxent River Naval Warfare Center.	Large Anechoic Chamber, Phase I.	\$60,990,000
Mississippi	Meridian Naval Air Station.	Child Development Center.	\$1,100,000

Air Force: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Arkansas	Little Rock Air Force Base.	Fire Training Facility.	\$710,000
District of Columbia	Bolling Air Force Base .	Civil Engineer Complex.	\$9,400,000
Mississippi	Keesler Air Force Base ..	Alter Student Dormitory.	\$3,100,000
Nebraska	Offut Air Force Base	Fire Training Facility.	\$840,000
North Carolina	Pope Air Force Base	Construct Bridge Road and Utilities.	\$4,000,000
	Pope Air Force Base	Munitions Storage Complex.	\$4,300,000
South Carolina	Shaw Air Force Base	Fire Training Facility.	\$680,000
Virginia	Langley Air Force Base	Base Engineer Complex.	\$5,300,000
Guam	Andersen Air Base	Landfill	\$10,000,000
Portugal	Lajes Field	Water Wells	\$865,000
	Lajes Field	Fire Training Facility.	\$950,000

Army Reserve: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
West Virginia	Bluefield	United States Army Reserve Center.	\$1,921,000
	Clarksburg	United States Army Reserve Center.	\$5,358,000
	Grantville	United States Army Reserve Center.	\$2,785,000
	Jane Lew	United States Army Reserve Center.	\$1,566,000
	Lewisburg	United States Army Reserve Center.	\$1,631,000
	Weirton	United States Army Reserve Center.	\$3,481,000

Army National Guard: Extension of 1993 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Tuscaloosa	Armory	\$2,273,000
	Union Springs	Armory	\$813,000
California	Los Alamitos Armed Forces Reserve Center.	Fuel Facility	\$1,553,000
New Jersey	Fort Dix	State Headquarters.	\$4,750,000
Oregon	La Grande	Organizational Maintenance Shop.	\$1,220,000

**Army National Guard: Extension of 1993 Project
Authorizations—Continued**

State	Installation or Location	Project	Amount
	La Grande	Armory Addition.	\$3,049,000
Rhode Island	North Kingston	Add/Alter Armory.	\$3,330,000

1 **SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
2 **FISCAL YEAR 1992 PROJECTS.**

3 (a) *EXTENSIONS.*—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal Year
5 1992 (division B of Public Law 102–190; 105 Stat. 1535),
6 authorizations for the projects set forth in the tables in sub-
7 section (b), as provided in section 2101 or 2601 of that Act,
8 and extended by section 2702 of the Military Construction
9 Authorization Act for Fiscal Year 1995 (division B of Pub-
10 lic Law 103–337; 108 Stat. 3047), shall remain in effect
11 until October 1, 1996, or the date of the enactment of an
12 Act authorizing funds for military construction for fiscal
13 year 1997, whichever is later.

14 (b) *TABLES.*—The tables referred to in subsection (a)
15 are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or Location	Project	Amount
Oregon	Umatilla Army Depot ...	Ammunition Demilitarization Support Facility.	\$3,600,000
	Umatilla Army Depot ...	Ammunition Demilitarization Utilities.	\$7,500,000

Army National Guard: Extension of 1992 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Ohio</i>	<i>Toledo</i>	<i>Armory</i>	<i>\$3,183,000</i>

Army Reserve: Extension of 1992 Project Authorization

<i>State</i>	<i>Installation or Location</i>	<i>Project</i>	<i>Amount</i>
<i>Tennessee</i>	<i>Jackson</i>	<i>Joint Training Facility.</i>	<i>\$1,537,000</i>

1 **SEC. 2704. EFFECTIVE DATE.**

2 *Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall*
3 *take effect on the later of—*

4 (1) *October 1, 1995; or*

5 (2) *the date of the enactment of this Act.*

6 **TITLE XXVIII—GENERAL**
7 **PROVISIONS**

8 **Subtitle A—Military Construction**
9 **Program and Military Family**
10 **Housing Changes**

11 **SEC. 2801. SPECIAL THRESHOLD FOR UNSPECIFIED MINOR**
12 **CONSTRUCTION PROJECTS TO CORRECT**
13 **LIFE, HEALTH, OR SAFETY DEFICIENCIES.**

14 (a) *SPECIAL THRESHOLD.*—*Section 2805 of title 10,*
15 *United States Code, is amended—*

16 (1) *in subsection (a)(1), by adding at the end the*
17 *following new sentence: “However, if the military con-*
18 *struction project is intended solely to correct a life-,*
19 *health-, or safety-threatening deficiency, a minor*

1 *military construction project may have an approved*
2 *cost equal to or less than \$3,000,000.”; and*

3 *(2) in subsection (c)(1), by striking out “not*
4 *more than \$300,000.” and inserting in lieu thereof*
5 *“not more than—*

6 *“(A) \$1,000,000, in the case of an unspecified*
7 *military construction project intended solely to cor-*
8 *rect a life-, health-, or safety-threatening deficiency;*
9 *or*

10 *“(B) \$300,000, in the case of other unspecified*
11 *military construction projects.”.*

12 *(b) TECHNICAL AMENDMENT.—Section 2861(b)(6) of*
13 *such title is amended by striking out “section 2805(a)(2)”*
14 *and inserting in lieu thereof “section 2805(a)(1)”.*

15 **SEC. 2802. CLARIFICATION OF SCOPE OF UNSPECIFIED**
16 **MINOR CONSTRUCTION AUTHORITY.**

17 *Section 2805(a)(1) of title 10, United States Code, as*
18 *amended by section 2801 of this Act, is further amended*
19 *by striking out “(1) that is for a single undertaking at a*
20 *military installation, and (2)” in the second sentence.*

21 **SEC. 2803. TEMPORARY WAIVER OF NET FLOOR AREA LIM-**
22 **TATION FOR FAMILY HOUSING ACQUIRED IN**
23 **LIEU OF CONSTRUCTION.**

24 *Section 2824(c) of title 10, United States Code, is*
25 *amended by adding at the end the following sentence: “The*

1 *limitation set forth in the preceding sentence does not apply*
2 *to family housing units acquired under this section during*
3 *the 5-year period beginning on the date of the enactment*
4 *of the National Defense Authorization Act for Fiscal Year*
5 *1996.”.*

6 **SEC. 2804. REESTABLISHMENT OF AUTHORITY TO WAIVE**
7 **NET FLOOR AREA LIMITATION ON ACQUI-**
8 **SION BY PURCHASE OF CERTAIN MILITARY**
9 **FAMILY HOUSING.**

10 (a) *REESTABLISHMENT.*—Section 2826(e) of title 10,
11 *United States Code, is amended by striking out the second*
12 *sentence.*

13 (b) *APPLICABILITY.*—The Secretary concerned may ex-
14 *ercise the authority provided in section 2826(e) of title 10,*
15 *United States Code, as amended by subsection (a), on or*
16 *after the date of the enactment of this Act.*

17 (c) *DEFINITION.*—In this section, the term “Secretary
18 *concerned” has the meaning given such term in section*
19 *101(a)(9) of title 10, United States Code, and includes the*
20 *meaning given such term in section 2801(b)(3) of such title.*

1 **SEC. 2805. TEMPORARY WAIVER OF LIMITATIONS ON SPACE**
2 **BY PAY GRADE FOR MILITARY FAMILY HOUS-**
3 **ING UNITS.**

4 *Section 2826 of title 10, United States Code, as amend-*
5 *ed by section 2804 of this Act, is further amended by adding*
6 *at the end the following:*

7 *“(i)(1) This section does not apply to the construction,*
8 *acquisition, or improvement of military family housing*
9 *units during the 5-year period beginning on October 1,*
10 *1995.*

11 *“(2) The total number of military family housing*
12 *units constructed, acquired, or improved during any fiscal*
13 *year in the period referred to in paragraph (1) shall be*
14 *the total number of such units authorized by law for that*
15 *fiscal year.”.*

16 **SEC. 2806. INCREASE IN NUMBER OF FAMILY HOUSING**
17 **UNITS SUBJECT TO FOREIGN COUNTRY MAXI-**
18 **MUM LEASE AMOUNT.**

19 *(a) INCREASE IN NUMBER.—(1) Paragraph (1) of sec-*
20 *tion 2828(e) of title 10, United States Code, is amended*
21 *by striking out “300 units” in the first sentence and insert-*
22 *ing in lieu thereof “450 units”.*

23 *(2) Paragraph (2) of such section is amended by strik-*
24 *ing out “300 units” and inserting in lieu thereof “450*
25 *units”.*

1 (b) *WAIVER FOR UNITS FOR INCUMBENTS OF SPECIAL*
2 *POSITIONS AND OTHER PERSONNEL.*—Paragraph (1) of
3 *such section is further amended by striking out “220 such*
4 *units” in the second sentence and inserting in lieu thereof*
5 *“350 such units”.*

6 ***SEC. 2807. EXPANSION OF AUTHORITY FOR LIMITED PART-***
7 ***NERSHIPS FOR DEVELOPMENT OF MILITARY***
8 ***FAMILY HOUSING.***

9 (a) *PARTICIPATION OF OTHER MILITARY DEPART-*
10 *MENTS.*—(1) *Subsection (a)(1) of section 2837 of title 10,*
11 *United States Code, is amended by striking out “of the*
12 *naval service” and inserting in lieu thereof “of the Army,*
13 *Navy, Air Force, and Marine Corps”.*

14 (2) *Subsection (b)(1) of such section is amended by*
15 *striking out “of the naval service” and inserting in lieu*
16 *thereof “of the military department under the jurisdiction*
17 *of such Secretary”.*

18 (b) *ADMINISTRATION.*—(1) *Such subsection (a)(1) is*
19 *further amended by striking out “the Secretary of the*
20 *Navy” in the first sentence and inserting in lieu thereof*
21 *“the Secretary of a military department”.*

22 (2) *Subsection (c)(2) of such section is amended by*
23 *striking out “the Secretary shall” in the first sentence and*
24 *inserting in lieu thereof “the Secretary of the military de-*
25 *partment concerned shall”.*

1 (3) *Subsection (f) of such section is amended by strik-*
2 *ing out “the Secretary carries out” and inserting in lieu*
3 *thereof “the Secretary of a military department carries*
4 *out”.*

5 (4) *Subsection (g) of such section is amended by strik-*
6 *ing out “Secretary,” and inserting in lieu thereof “Sec-*
7 *retary of a military department,”.*

8 (c) *ACCOUNT.—Subsection (d) of such section is*
9 *amended to read as follows:*

10 “(d) *ACCOUNT.—(1) There is hereby established on the*
11 *books of the Treasury an account to be known as the ‘De-*
12 *fense Housing Investment Account’.*

13 “(2) *There shall be deposited into the account—*

14 “(A) *such funds as may be authorized for and*
15 *appropriated to the account;*

16 “(B) *any proceeds received by the Secretary of a*
17 *military department from the repayment of invest-*
18 *ments or profits on investments of the Secretary*
19 *under subsection (a); and*

20 “(C) *any unobligated balances which remain in*
21 *the Navy Housing Investment Account as of the date*
22 *of the enactment of the National Defense Authoriza-*
23 *tion Act for Fiscal Year 1996.*

24 “(3) *From such amounts as is provided in advance*
25 *in appropriation Acts, funds in the account shall be avail-*

1 *able to the Secretaries of the military departments in*
2 *amounts determined by the Secretary of Defense for con-*
3 *tracts, investments, and expenses necessary for the imple-*
4 *mentation of this section.*

5 “(4) *The Secretary of a military department may not*
6 *enter into a contract in connection with a limited partner-*
7 *ship under subsection (a) or a collateral incentive agree-*
8 *ment under subsection (b) unless a sufficient amount of the*
9 *unobligated balance of the funds in the account is available*
10 *to the Secretary, as of the time the contract is entered into,*
11 *to satisfy the total obligations to be incurred by the United*
12 *States under the contract.”.*

13 (d) *TERMINATION OF NAVY HOUSING INVESTMENT*
14 *BOARD.—Such section is further amended—*

15 (1) *by striking out subsection (e); and*

16 (2) *in subsection (h)—*

17 (A) *by striking out “(1)”;* and

18 (B) *by striking out paragraph (2).*

19 (e) *EXTENSION OF AUTHORITY.—Subsection (h) of*
20 *such section, as amended by subsection (d) of this section,*
21 *is further amended by striking out “September 30, 1999”*
22 *and inserting in lieu thereof “September 30, 2000”.*

23 (f) *CONFORMING AMENDMENT.—Subsection (g) of such*
24 *section is further amended by striking out “NAVY” in the*
25 *subsection caption.*

1 **SEC. 2808. CLARIFICATION OF SCOPE OF REPORT REQUIRE-**
2 **MENT ON COST INCREASES UNDER CON-**
3 **TRACTS FOR MILITARY FAMILY HOUSING**
4 **CONSTRUCTION.**

5 *Subsection (d) of section 2853 of title 10, United States*
6 *Code, is amended to read as follows:*

7 *“(d) The limitation on cost increases in subsection (a)*
8 *does not apply to—*

9 *“(1) the settlement of a contractor claim under*
10 *a contract; or*

11 *“(2) a within-scope modification to a contract,*
12 *but only if—*

13 *“(A) the increase in cost is approved by the*
14 *Secretary concerned; and*

15 *“(B) the Secretary concerned promptly sub-*
16 *mits written notification of the facts relating to*
17 *the proposed increase in cost to the appropriate*
18 *committees of Congress.”.*

19 **SEC. 2809. AUTHORITY TO CONVEY DAMAGED OR DETERIO-**
20 **RATED MILITARY FAMILY HOUSING.**

21 *(a) AUTHORITY.—(1) Subchapter III of chapter 169*
22 *of title 10, United States Code, is amended by inserting*
23 *after section 2854 the following new section:*

1 **“§2854a. Conveyance of damaged or deteriorated**
2 **military family housing; use of proceeds**

3 “(a) *AUTHORITY TO CONVEY.—(1) Subject to para-*
4 *graph (3), the Secretary concerned may convey any family*
5 *housing facility, including family housing facilities located*
6 *in the United States and family housing facilities located*
7 *outside the United States, that, due to damage or deteriora-*
8 *tion, is in a condition that is uneconomical to repair. Any*
9 *conveyance of a family housing facility under this section*
10 *may include a conveyance of the real property associated*
11 *with the facility conveyed.*

12 “(2) *The authority of this section does not apply to*
13 *family housing facilities located at military installations*
14 *approved for closure under a base closure law or family*
15 *housing facilities located at installation outside the United*
16 *States at which the Secretary of Defense terminates oper-*
17 *ations.*

18 “(3) *The aggregate total value of the family housing*
19 *facilities conveyed by the Department of Defense under the*
20 *authority in this subsection in any fiscal year may not ex-*
21 *ceed \$5,000,000.*

22 “(4) *For purposes of this subsection, a family housing*
23 *facility is in a condition that is uneconomical to repair*
24 *if the cost of the necessary repairs for the facility would*
25 *exceed the amount equal to 70 percent of the cost of con-*
26 *structing a family housing facility to replace such facility.*

1 “(b) *CONSIDERATION.*—(1) *As consideration for the*
2 *conveyance of a family housing facility under subsection*
3 *(a), the person to whom the facility is conveyed shall pay*
4 *the United States an amount equal to the fair market value*
5 *of the facility conveyed, including any real property con-*
6 *veyed along with the facility.*

7 “(2) *The Secretary concerned shall determine the fair*
8 *market value of any family housing facility and associated*
9 *real property that is conveyed under subsection (a). Such*
10 *determinations shall be final.*

11 “(c) *NOTICE AND WAIT REQUIREMENTS.*—*The Sec-*
12 *retary concerned may not enter into an agreement to convey*
13 *a family housing facility under this section until—*

14 “(1) *the Secretary submits to the appropriate*
15 *committees of Congress, in writing, a justification for*
16 *the conveyance under the agreement, including—*

17 “(A) *an estimate of the consideration to be*
18 *provided the United States under the agreement;*

19 “(B) *an estimate of the cost of repairing the*
20 *family housing facility to be conveyed; and*

21 “(C) *an estimate of the cost of replacing the*
22 *family housing facility to be conveyed; and*

23 “(2) *a period of 21 calendar days has elapsed*
24 *after the date on which the justification is received by*
25 *the committees.*

1 “(d) *INAPPLICABILITY OF CERTAIN PROPERTY DIS-*
2 *POSAL LAWS.*—*The following provisions of law do not*
3 *apply to the conveyance of a family housing facility under*
4 *this section:*

5 “(1) *The provisions of the Federal Property and*
6 *Administrative Services Act of 1949 (40 U.S.C. 471*
7 *et seq.).*

8 “(2) *The provisions of the Stewart B. McKinney*
9 *Homeless Assistance Act (42 U.S.C. 11301 et seq.).*

10 “(e) *USE OF PROCEEDS.*—(1) *The proceeds of any con-*
11 *veyance of a family housing facility under this section shall*
12 *be credited to the Department of Defense Military Housing*
13 *Improvement Fund established under section 2883 of this*
14 *title and available for the purposes described in paragraph*
15 *(2).*

16 “(2) *The proceeds of a conveyance of a family housing*
17 *facility under this section may be used for the following*
18 *purposes:*

19 “(A) *To construct family housing units to re-*
20 *place the family housing facility conveyed under this*
21 *section, but only to the extent that the number of*
22 *units constructed with such proceeds does not exceed*
23 *the number of units of military family housing of the*
24 *facility conveyed.*

1 “(B) To repair or restore existing military fam-
2 ily housing.

3 “(C) To reimburse the Secretary concerned for
4 the costs incurred by the Secretary in conveying the
5 family housing facility.

6 “(3) Notwithstanding section 2883(c) of this title, pro-
7 ceeds in the account under this subsection shall be available
8 under paragraph (1) for purposes described in paragraph
9 (2) without any further appropriation.

10 “(f) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of any family housing facility con-
12 veyed under this section, including any real property asso-
13 ciated with such facility, shall be determined by such means
14 as the Secretary concerned considers satisfactory, including
15 by survey in the case of real property.

16 “(g) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
17 retary concerned may require such additional terms and
18 conditions in connection with the conveyance of family
19 housing facilities under this section as the Secretary consid-
20 ers appropriate to protect the interests of the United
21 States.”.

22 (2) The table of sections at the beginning of such sub-
23 chapter is amended by inserting after the item relating to
24 section 2854 the following new item:

 “Sec. 2854a. Conveyance of damaged or deteriorated military family housing; use
 of proceeds.”.

1 (b) *CONFORMING AMENDMENT.*—Section 204(h) of the
2 *Federal Property and Administrative Services Act 1949 (40*
3 *U.S.C. 485(h)) is amended—*

4 (1) *by redesignating paragraph (4) as para-*
5 *graph (5); and*

6 (2) *by inserting after paragraph (3) the follow-*
7 *ing new paragraph (4):*

8 “(4) *This subsection does not apply to family housing*
9 *facilities covered by section 2854a of title 10, United States*
10 *Code.*”

11 ***SEC. 2810. ENERGY AND WATER CONSERVATION SAVINGS***

12 ***FOR THE DEPARTMENT OF DEFENSE.***

13 (a) *INCLUSION OF WATER EFFICIENT MAINTENANCE*
14 *IN ENERGY PERFORMANCE PLAN.*—Paragraph (3) of sec-
15 *tion 2865(a) of title 10, United States Code, is amended*
16 *by striking out “energy efficient maintenance” and insert-*
17 *ing in lieu thereof “energy efficient maintenance or water*
18 *efficient maintenance”.*

19 (b) *SCOPE OF TERM.*—Paragraph (4) of such section
20 *is amended—*

21 (1) *in the matter preceding subparagraph (A),*
22 *by striking out “‘energy efficient maintenance’” and*
23 *inserting in lieu thereof “‘energy efficient mainte-*
24 *nance or water efficient maintenance’”;*

1 (2) in subparagraph (A), by striking out “sys-
 2 tems or industrial processes,” in the matter preceding
 3 clause (i) and inserting in lieu thereof “systems, in-
 4 dustrial processes, or water efficiency applications,”;
 5 and

6 (3) in subparagraph (B), by inserting “or water
 7 cost savings” before the period at the end.

8 **SEC. 2811. ALTERNATIVE AUTHORITY FOR CONSTRUCTION**
 9 **AND IMPROVEMENT OF MILITARY HOUSING.**

10 (a) *ALTERNATIVE AUTHORITY TO CONSTRUCT AND IM-*
 11 *PROVE MILITARY HOUSING.*—(1) Chapter 169 of title 10,
 12 *United States Code, is amended by adding at the end the*
 13 *following:*

14 “*SUBCHAPTER IV—ALTERNATIVE AUTHORITY*
 15 *FOR ACQUISITION AND IMPROVEMENT OF*
 16 *MILITARY HOUSING*

“Sec.

“2871. Definitions.

“2872. General authority.

“2873. Direct loans and loan guarantees.

“2874. Leasing of housing to be constructed.

“2875. Investments in nongovernmental entities.

“2876. Rental guarantees.

“2877. Differential lease payments.

“2878. Conveyance or lease of existing property and facilities.

“2879. Interim leases.

“2880. Unit size and type.

“2881. Support facilities.

“2882. Assignment of members of the armed forces to housing units.

“2883. Department of Defense Housing Improvement Fund.

“2884. Reports.

“2885. Expiration of authority.

17 **“§ 2871. Definitions**

18 *“In this subchapter:*

1 “(1) The term ‘base closure law’ means the fol-
2 lowing:

3 “(A) Section 2687 of this title.

4 “(B) Title II of the Defense Authorization
5 Amendments and Base Closure and Realignment
6 Act (Public Law 100–526; 10 U.S.C. 2687 note).

7 “(C) The Defense Base Closure and Realign-
8 ment Act of 1990 (part A of title XXIX of Public
9 Law 101–510; 10 U.S.C. 2687 note).

10 “(2) The term ‘Secretary concerned’ includes the
11 Secretary of Defense.

12 “(3) The term ‘support facilities’ means facilities
13 relating to military housing units, including child
14 care centers, day care centers, community centers,
15 housing offices, maintenance complexes, dining facili-
16 ties, unit offices, fitness centers, parks, and other
17 similar facilities for the support of military housing.

18 **“§ 2872. General authority**

19 *“In addition to any other authority provided under
20 this chapter for the acquisition, construction, or improve-
21 ment of military family housing or military unaccom-
22 panied housing, the Secretary concerned may exercise any
23 authority or any combination of authorities provided under
24 this subchapter in order to provide for the acquisition, con-*

1 *struction, improvement, or rehabilitation by private per-*
2 *sons of the following:*

3 “(1) *Family housing units on or near military*
4 *installations within the United States and its terri-*
5 *ories and possessions.*

6 “(2) *Unaccompanied housing units on or near*
7 *such military installations.*

8 **“§ 2873. Direct loans and loan guarantees**

9 “(a) *DIRECT LOANS.—(1) Subject to subsection (c), the*
10 *Secretary concerned may make direct loans to persons in*
11 *the private sector in order to provide funds to such persons*
12 *for the acquisition, construction, improvement, or rehabili-*
13 *tation of housing units that the Secretary determines are*
14 *suitable for use as military family housing or as military*
15 *unaccompanied housing.*

16 “(2) *The Secretary concerned shall establish such terms*
17 *and conditions with respect to loans made under this sub-*
18 *section as the Secretary considers appropriate to protect the*
19 *interests of the United States, including the period and fre-*
20 *quency for repayment of such loans and the obligations of*
21 *the obligors on such loans upon default.*

22 “(b) *LOAN GUARANTEES.—(1) Subject to subsection*
23 *(c), the Secretary concerned may guarantee a loan made*
24 *to any person in the private sector if the proceeds of the*
25 *loan are to be used by the person to acquire, construct, im-*

1 *prove, or rehabilitate housing units that the Secretary deter-*
2 *mines are suitable for use as military family housing or*
3 *as military unaccompanied housing.*

4 “(2) *The amount of a guarantee on a loan that may*
5 *be provided under paragraph (1) may not exceed the*
6 *amount equal to the lesser of—*

7 “(A) *the amount equal to 80 percent of the value*
8 *of the project; or*

9 “(B) *the amount of the outstanding principal of*
10 *the loan.*

11 “(3) *The Secretary concerned shall establish such terms*
12 *and conditions with respect to guarantees of loans under*
13 *this subsection as the Secretary considers appropriate to*
14 *protect the interests of the United States, including the*
15 *rights and obligations of obligors of such loans and the*
16 *rights and obligations of the United States with respect to*
17 *such guarantees.*

18 “(c) *LIMITATION ON DIRECT LOAN AND GUARANTEE*
19 *AUTHORITY.—Direct loans and loan guarantees may be*
20 *made under this section only to the extent that appropria-*
21 *tions of budget authority to cover their cost (as defined in*
22 *section 502(5) of the Federal Credit Reform Act of 1990*
23 *(2 U.S.C. 661a(5)) are made in advance, or authority is*
24 *otherwise provided in appropriations Acts. If such appro-*
25 *priation or other authority is provided, there may be estab-*

1 lished a financing account (as defined in section 502(7) of
2 such Act (2 U.S.C. 661a(7)) which shall be available for
3 the disbursement of direct loans or payment of claims for
4 payment on loan guarantees under this section and for all
5 other cash flows to and from the Government as a result
6 of direct loans and guarantees made under this section.

7 **“§ 2874. Leasing of housing to be constructed**

8 “(a) *BUILD AND LEASE AUTHORIZED.*—The Secretary
9 concerned may enter into contracts for the lease of family
10 housing units or unaccompanied housing units to be con-
11 structed, improved, or rehabilitated under this subchapter.

12 “(b) *LEASE TERMS.*—A contract under this section
13 may be for any period that the Secretary concerned deter-
14 mines appropriate.

15 **“§ 2875. Investments in nongovernmental entities**

16 “(a) *INVESTMENTS AUTHORIZED.*—The Secretary con-
17 cerned may make investments in nongovernmental entities
18 carrying out projects for the acquisition, construction, im-
19 provement, or rehabilitation of housing units suitable for
20 use as military family housing or as military unaccom-
21 panied housing.

22 “(b) *FORMS OF INVESTMENT.*—An investment under
23 this section may take the form of a direct investment by
24 the United States, an acquisition of a limited partnership
25 interest by the United States, a purchase of stock or other

1 *equity instruments by the United States, a purchase of*
2 *bonds or other debt instruments by the United States, or*
3 *any combination of such forms of investment.*

4 “(c) *LIMITATION ON VALUE OF INVESTMENT.*—(1) *The*
5 *cash amount of an investment under this section in a non-*
6 *governmental entity may not exceed an amount equal to*
7 *35 percent of the capital cost (as determined by the Sec-*
8 *retary concerned) of the project or projects that the entity*
9 *proposes to carry out under this section with the invest-*
10 *ment.*

11 “(2) *If the Secretary concerned conveys land or facili-*
12 *ties to a nongovernmental entity as all or part of an invest-*
13 *ment in the entity under this section, the total value of the*
14 *investment by the Secretary under this section may not ex-*
15 *ceed an amount equal to 45 percent of the capital cost (as*
16 *determined by the Secretary) of the project or projects that*
17 *the entity proposes to carry out under this section with the*
18 *investment.*

19 “(3) *In this subsection, the term ‘capital cost’, with*
20 *respect to a project for the acquisition, construction, im-*
21 *provement, or rehabilitation of housing, means the total*
22 *amount of the costs included in the basis of the housing*
23 *for Federal income tax purposes.*

24 “(d) *COLLATERAL INCENTIVE AGREEMENTS.*—*The*
25 *Secretary concerned may enter into collateral incentive*

1 *agreements with nongovernmental entities in which the Sec-*
2 *retary makes an investment under this section to ensure*
3 *that a suitable preference will be afforded members of the*
4 *armed forces in the lease or purchase, as the case may be,*
5 *of a reasonable number of the housing units covered by the*
6 *investment.*

7 **“§ 2876. Rental guarantees**

8 *“The Secretary concerned may enter into agreements*
9 *with private persons that acquire, construct, improve, or*
10 *rehabilitate family housing units or unaccompanied hous-*
11 *ing units under this subchapter in order to assure—*

12 *“(1) the occupancy of such units at levels speci-*
13 *fied in the agreements; or*

14 *“(2) rental income derived from rental of such*
15 *units at levels specified in the agreements.*

16 **“§ 2877. Differential lease payments**

17 *“The Secretary concerned, pursuant to an agreement*
18 *entered into by the Secretary and a private lessor of family*
19 *housing or unaccompanied housing to members of the*
20 *armed forces, may pay the lessor an amount in addition*
21 *to the rental payments for the housing made by the members*
22 *as the Secretary determines appropriate to encourage the*
23 *lessor to make the housing available to members of the*
24 *armed forces as family housing or as unaccompanied hous-*
25 *ing.*

1 **“§2878. Conveyance or lease of existing property and**
2 **facilities**

3 “(a) *CONVEYANCE OR LEASE AUTHORIZED.*—The Sec-
4 *retary concerned may convey or lease property or facilities*
5 *(including support facilities) to private persons for pur-*
6 *poses of using the proceeds of such conveyance or lease to*
7 *carry out activities under this subchapter.*

8 “(b) *INAPPLICABILITY TO PROPERTY AT INSTALLATION*
9 *APPROVED FOR CLOSURE.*—The authority of this section
10 *does not apply to property or facilities located on or near*
11 *a military installation approved for closure under a base*
12 *closure law.*

13 “(c) *TERMS AND CONDITIONS.*—(1) *The conveyance or*
14 *lease of property or facilities under this section shall be for*
15 *such consideration and upon such terms and conditions as*
16 *the Secretary concerned considers appropriate for the pur-*
17 *poses of this subchapter and to protect the interests of the*
18 *United States.*

19 “(2) *As part or all of the consideration for a convey-*
20 *ance or lease under this section, the purchaser or lessor (as*
21 *the case may be) may enter into an agreement with the*
22 *Secretary to ensure that a suitable preference will be af-*
23 *forded members of the armed forces in the lease or sublease*
24 *of a reasonable number of the housing units covered by the*
25 *conveyance or lease, as the case may be, or in the lease of*

1 *other suitable housing units made available by the pur-*
2 *chaser or lessee.*

3 “(d) *INAPPLICABILITY OF CERTAIN PROPERTY MAN-*
4 *AGEMENT LAWS.—The conveyance or lease of property or*
5 *facilities under this section shall not be subject to the follow-*
6 *ing provisions of law:*

7 “(1) *Section 2667 of this title.*

8 “(2) *The Federal Property and Administrative*
9 *Services Act of 1949 (40 U.S.C. 471 et seq.).*

10 “(3) *Section 321 of the Act of June 30, 1932*
11 *(commonly known as the Economy Act) (47 Stat.*
12 *412, chapter 314; 40 U.S.C. 303b).*

13 “(4) *The Stewart B. McKinney Homeless Assist-*
14 *ance Act (42 U.S.C. 11301 et seq.).*

15 **“§ 2879. Interim leases**

16 “*Pending completion of a project to acquire, construct,*
17 *improve, or rehabilitate family housing units or unaccom-*
18 *panied housing units under this subchapter, the Secretary*
19 *concerned may provide for the interim lease of such units*
20 *of the project as are complete. The term of a lease under*
21 *this section may not extend beyond the date of the comple-*
22 *tion of the project concerned.*

23 **“§ 2880. Unit size and type**

24 “(a) *CONFORMITY WITH SIMILAR HOUSING UNITS IN*
25 *LOCALE.—The Secretary concerned shall ensure that the*

1 *section referred to as the ‘Fund’). The Secretary of Defense*
2 *shall administer the Fund as a single account.*

3 *“(b) CREDITS TO FUND.—There shall be credited to the*
4 *Fund the following:*

5 *“(1) Funds appropriated to the Fund.*

6 *“(2) Any funds that the Secretary of Defense*
7 *may, to the extent provided in appropriations Acts,*
8 *transfer to the Fund from funds appropriated to the*
9 *Department of Defense for family housing, except that*
10 *such funds may be transferred only after the Sec-*
11 *retary of Defense transmits written notice of, and jus-*
12 *tification for, such transfer to the appropriate com-*
13 *mittees of Congress.*

14 *“(3) Any funds that the Secretary of Defense*
15 *may, to the extent provided in appropriations Acts,*
16 *transfer to the Fund from funds appropriated to the*
17 *Department of Defense for military unaccompanied*
18 *housing or for the operation and maintenance of mili-*
19 *tary unaccompanied housing, except that such funds*
20 *may be transferred only after the Secretary of Defense*
21 *transmits written notice of, and justification for, such*
22 *transfer to the appropriate committees of Congress.*

23 *“(4) Proceeds from the conveyance or lease of*
24 *property or facilities under section 2878 of this title.*

1 “(5) *Income from any activities under this sub-*
2 *chapter, including interest on loans made under sec-*
3 *tion 2873 of this title, income and gains realized from*
4 *investments under section 2875 of this title, and any*
5 *return of capital invested as part of such investments.*

6 “(c) *USE OF FUNDS.—(1) To the extent provided in*
7 *appropriations Acts and except as provided in paragraphs*
8 *(2) and (3), the Secretary of Defense may use amounts in*
9 *the Fund to carry out activities under this subchapter (in-*
10 *cluding activities required in connection with the planning,*
11 *execution, and administration of contracts or agreements*
12 *entered into under the authority of this subchapter) and*
13 *may transfer funds to the Secretaries of the military depart-*
14 *ments to permit such Secretaries to carry out such activi-*
15 *ties.*

16 “(2)(A) *Funds in the fund that are derived from ap-*
17 *propriations or transfers of funds for military family hous-*
18 *ing, or from income from activities under this subchapter*
19 *with respect to such housing, may be used in accordance*
20 *with paragraph (1) only to carry out activities under this*
21 *subchapter with respect to military family housing.*

22 “(B) *Funds in the fund that are derived from appro-*
23 *priations or transfers of funds for military unaccompanied*
24 *housing, or from income from activities under this sub-*
25 *chapter with respect to such housing, may be used in ac-*

1 *cordance with paragraph (1) only to carry out activities*
2 *under this subchapter with respect to military unaccom-*
3 *panied housing.*

4 “(3) *The Secretary may not enter into a contract or*
5 *agreement to carry out activities under this subchapter un-*
6 *less the Fund contains sufficient amounts, as of the time*
7 *the contract or agreement is entered into, to satisfy the total*
8 *obligations to be incurred by the United States under the*
9 *contract or agreement.*

10 “(d) *LIMITATION ON AMOUNT OF BUDGET AUTHOR-*
11 *ITY.—The total value in budget authority of all contracts,*
12 *agreements, and investments undertaken using the authori-*
13 *ties provided in this subchapter shall not exceed*
14 *\$1,000,000,000.*

15 **“§ 2884. Reports**

16 “(a) *PROJECT REPORTS.—The Secretary of Defense*
17 *shall transmit to the appropriate committees of Congress*
18 *a report on each contract or agreement for a project for*
19 *the acquisition, construction, improvement, or rehabilita-*
20 *tion of family housing units or unaccompanied housing*
21 *units that the Secretary proposes to solicit under this sub-*
22 *chapter. The report shall describe the project and the in-*
23 *tended method of participation of the United States in the*
24 *project and provide a justification of such method of par-*
25 *ticipation.*

1 “(b) *ANNUAL REPORTS.*—*The Secretary of Defense*
 2 *shall include each year in the materials that the Secretary*
 3 *submits to Congress in support of the budget submitted by*
 4 *the President pursuant to section 1105 of title 31 the follow-*
 5 *ing:*

6 “(1) *A report on the expenditures and receipts*
 7 *during the preceding fiscal year from the Department*
 8 *of Defense Housing Improvement Fund established*
 9 *under section 2883 of this title.*

10 “(2) *A methodology for evaluating the extent and*
 11 *effectiveness of the use of the authorities under this*
 12 *subchapter during such preceding fiscal year.*

13 “(3) *A description of the objectives of the Depart-*
 14 *ment of Defense for providing military family hous-*
 15 *ing and military unaccompanied housing for mem-*
 16 *bers of the armed forces.*

17 **“§ 2885. Expiration of authority**

18 “*The authority to enter into a transaction under this*
 19 *subchapter shall expire 5 years after the date of the enact-*
 20 *ment of the National Defense Authorization Act for Fiscal*
 21 *Year 1996.”.*

22 “(2) *The table of subchapters at the beginning of such*
 23 *chapter is amended by inserting after the item relating to*
 24 *subchapter III the following new item:*

 “*IV. Alternative Authority for Acquisition and Improvement of Military*
 Housing 2870”.

1 **SEC. 2812. PERMANENT AUTHORITY TO ENTER INTO**
2 **LEASES OF LAND FOR SPECIAL OPERATIONS**
3 **ACTIVITIES.**

4 (a) *PERMANENT AUTHORITY.*—Section 2680 of title
5 10, United States Code, is amended by striking out sub-
6 section (d).

7 (b) *REPORTING REQUIREMENT.*—Such section is fur-
8 ther amended by adding at the end the following new sub-
9 section (d):

10 “(d) *REPORTS.*—Not later than March 1 of each year,
11 the Secretary of Defense shall submit to the Committee on
12 the Armed Services of the Senate and the Committee on Na-
13 tional Security of the House of Representatives a report
14 that—

15 “(1) identifies each leasehold interest acquired
16 during the previous fiscal year under subsection (a);
17 and

18 “(2) contains a discussion of each project for the
19 construction or modification of facilities carried out
20 pursuant to subsection (c) during such fiscal year.”.

21 **SEC. 2813. AUTHORITY TO USE FUNDS FOR CERTAIN EDU-**
22 **CATIONAL PURPOSES.**

23 Section 2008 of title 10, United States Code, is amend-
24 ed by striking out “section 10” and all that follows through
25 the period at the end and inserting in lieu thereof “con-
26 struction, as defined in section 8013(3) of the Elementary

1 *and Secondary Education Act of 1965 (20 U.S.C. 7713(3)),*
2 *or to carry out section 8008 of such Act (20 U.S.C. 7708),*
3 *relating to impact aid.”.*

4 ***Subtitle B—Defense Base Closure***
5 ***and Realignment***

6 ***SEC. 2821. IN-KIND CONSIDERATION FOR LEASES AT IN-***
7 ***STALLATIONS TO BE CLOSED OR REALIGNED.***

8 *Section 2667(f) of title 10, United States Code, is*
9 *amended by adding at the end the following:*

10 *“(4) The Secretary concerned may accept under sub-*
11 *section (b)(5) services of a lessee for an entire installation*
12 *to be closed or realigned under a base closure law, or for*
13 *any part of such installation, without regard to the require-*
14 *ment in subsection (b)(5) that a substantial part of the in-*
15 *stallation be leased.”.*

16 ***SEC. 2822. CLARIFICATION OF AUTHORITY REGARDING***
17 ***CONTRACTS FOR COMMUNITY SERVICES AT***
18 ***INSTALLATIONS BEING CLOSED.***

19 *(a) 1988 LAW.—Section 204(b)(8)(A) of the Defense*
20 *Authorization Amendments and Base Closure and Realign-*
21 *ment Act (Public Law 100–526; 10 U.S.C. 2687 note) is*
22 *amended—*

23 *(1) by striking out “may contract” and inserting*
24 *in lieu thereof “may enter into agreements (including*

1 *contracts, cooperative agreements, or other arrange-*
2 *ments)”; and*

3 *(2) by adding at the end the following new sen-*
4 *tence: “An agreement under the authority in the pre-*
5 *ceding sentence may provide for the reimbursement of*
6 *the local government concerned by the Secretary for*
7 *the cost of any services provided under the agreement*
8 *by that government.”.*

9 *(b) 1990 LAW.—Section 2905(b)(8)(A) of the Defense*
10 *Base Closure and Realignment Act of 1990 (part A of title*
11 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is*
12 *amended—*

13 *(1) by striking out “may contract” and inserting*
14 *in lieu thereof “may enter into agreements (including*
15 *contracts, cooperative agreements, or other arrange-*
16 *ments)”; and*

17 *(2) by adding at the end the following new sen-*
18 *tence: “An agreement under the authority in the pre-*
19 *ceding sentence may provide for the reimbursement of*
20 *the local government concerned by the Secretary for*
21 *the cost of any services provided under the agreement*
22 *by that government.”.*

1 **SEC. 2823. CLARIFICATION OF FUNDING FOR ENVIRON-**
2 **MENTAL RESTORATION AT INSTALLATIONS**
3 **APPROVED FOR CLOSURE OR REALIGNMENT**
4 **IN 1995.**

5 *Subsection (e) of section 2906 of the Defense Base Clo-*
6 *sure and Realignment Act of 1990 (part A of title XXIX*
7 *of Public Law 101-510; 10 U.S.C. 2687 note) is amended*
8 *to read as follows:*

9 *“(e) ACCOUNT EXCLUSIVE SOURCE OF FUNDS FOR EN-*
10 *VIRONMENTAL RESTORATION PROJECTS.—(1) Except for*
11 *funds deposited into the Account under subsection (a), and*
12 *except as provided in paragraph (2), funds appropriated*
13 *to the Department of Defense may not be used for purposes*
14 *described in section 2905(a)(1)(C). The prohibition in this*
15 *subsection shall expire upon the termination of the Sec-*
16 *retary’s authority to carry out a closure or realignment*
17 *under this part.*

18 *“(2) Funds in the Defense Environmental Restoration*
19 *Account established under section 2703(a) of title 10, Unit-*
20 *ed States Code, may be used in fiscal year 1996 for environ-*
21 *mental restoration at installations approved for closure or*
22 *realignment under this part in 1995.”.*

1 **SEC. 2824. AUTHORITY TO LEASE PROPERTY REQUIRING**
2 **ENVIRONMENTAL REMEDIATION AT INSTAL-**
3 **LATIONS APPROVED FOR CLOSURE.**

4 *Section 120(h)(3) of the Comprehensive Environ-*
5 *mental Response Compensation and Liability Act of 1980*
6 *(42 U.S.C. 9620(h)(3)) is amended in the matter following*
7 *subparagraph (C)—*

8 *(1) by striking out the first sentence; and*

9 *(2) by adding at the end, flush to the paragraph*
10 *margin, the following:*

11 *“The requirements of subparagraph (B) shall not*
12 *apply in any case in which the person or entity to*
13 *whom the real property is transferred is a potentially*
14 *responsible party with respect to such property.*

15 *“The requirements of subparagraph (B) shall not*
16 *apply in any case in which the transfer of the prop-*
17 *erty occurs or has occurred by means of a lease, with-*
18 *out regard to whether the lessee has agreed to pur-*
19 *chase the property or whether the duration of the lease*
20 *is longer than 55 years. In the case of a lease entered*
21 *into after September 30, 1995, with respect to real*
22 *property located at an installation approved for clo-*
23 *sure or realignment under a base closure law, the*
24 *agency leasing the property, in consultation with the*
25 *Administrator, shall determine before leasing the*
26 *property that the property is suitable for lease, that*

1 **SEC. 2826. IMPROVEMENT OF BASE CLOSURE AND REALIGN-**
2 **MENT PROCESS.**

3 (a) *APPLICABILITY.*—Subparagraph (A) of section
4 2905(b)(7) of the Defense Base Closure and Realignment
5 Act of 1990 (part A of title XXIX of Public Law 101–510;
6 10 U.S.C. 2687 note) is amended by striking out “Deter-
7 minations of the use to assist the homeless of buildings and
8 property located at installations approved for closure under
9 this part” and inserting in lieu thereof “Procedures for the
10 disposal of buildings and property located at installations
11 approved for closure or realignment under this part”.

12 (b) *REDEVELOPMENT AUTHORITIES.*—Subparagraph
13 (B) of such section is amended by adding at the end the
14 following:

15 “(iii) The chief executive officer of the State in which
16 an installation covered by this paragraph is located may
17 assist in resolving any disputes among citizens or groups
18 of citizens as to the individuals and groups constituting the
19 redevelopment authority for the installation.”.

20 (c) *AGREEMENTS UNDER REDEVELOPMENT PLANS.*—
21 Subparagraph (F)(ii)(I) of such section is amended in the
22 second sentence by striking out “the approval of the redevel-
23 opment plan by the Secretary of Housing and Urban Devel-
24 opment under subparagraph (H) or (J)” and inserting in
25 lieu thereof “the decision regarding the disposal of the build-

1 *ings and property covered by the agreements by the Sec-*
2 *retary of Defense under subparagraph (K) or (L)”.*

3 *(d) REVISION OF REDEVELOPMENT PLANS.—Subpara-*
4 *graph (I) of such section is amended by inserting “the Sec-*
5 *retary of Defense and” before “the Secretary of Housing and*
6 *Urban Development” each place it appears.*

7 *(e) DISPOSAL OF BUILDINGS AND PROPERTY.—(1)*
8 *Subparagraph (K) of such section is amended to read as*
9 *follows:*

10 *“(K)(i) Upon receipt of a notice under subparagraph*
11 *(H)(iv) or (J)(ii) of the determination of the Secretary of*
12 *Housing and Urban Development that a redevelopment*
13 *plan for an installation meets the requirements set forth*
14 *in subparagraph (H)(i), the Secretary of Defense shall dis-*
15 *pose of the buildings and property at the installation.*

16 *“(ii) For purposes of carrying out an environmental*
17 *assessment of the closure or realignment of an installation,*
18 *the Secretary shall treat the redevelopment plan for the in-*
19 *stallation (including the aspects of the plan providing for*
20 *disposal to State or local governments, representatives of*
21 *the homeless, and other interested parties) as part of the*
22 *proposed Federal action for the installation.*

23 *“(iii) The Secretary shall dispose of buildings and*
24 *property under clause (i) in accordance with the record of*
25 *decision or other decision document prepared by the Sec-*

1 *retary in accordance with the National Environmental Pol-*
2 *icy Act of 1969 (42 U.S.C. 4331 et seq.) In preparing the*
3 *record of decision or other decision document, the Secretary*
4 *shall give substantial deference to the redevelopment plan*
5 *concerned.*

6 “(iv) *The disposal under clause (i) of buildings and*
7 *property to assist the homeless shall be without consider-*
8 *ation.*

9 “(v) *In the case of a request for a conveyance under*
10 *clause (i) of buildings and property for public benefit under*
11 *section 203(k) of the Federal Property and Administrative*
12 *Services Act of 1949 (40 U.S.C. 484(k)) and subchapter II*
13 *of chapter 471 of title 49, United States Code, the applicant*
14 *and use proposed in the request shall be determined to be*
15 *eligible for the public benefit conveyance under the eligi-*
16 *bility criteria set forth in such section or such subchapter.*
17 *The determination of such eligibility should be made before*
18 *the redevelopment plan concerned under subparagraph (G)*
19 *”.*

20 (2) *Subparagraph (L) of such section is amended by*
21 *striking out clauses (iii) and (iv) and inserting in lieu*
22 *thereof the following new clauses (iii) and (iv):*

23 “(iii) *Not later than 90 days after the date of the re-*
24 *ceipt of a revised plan for an installation under subpara-*

1 *graph (J), the Secretary of Housing and Urban Develop-*
2 *ment shall—*

3 *“(I) notify the Secretary of Defense and the rede-*
4 *velopment authority concerned of the buildings and*
5 *property at an installation under clause (i)(IV) that*
6 *the Secretary of Housing and Urban Development de-*
7 *termines are suitable for use to assist the homeless;*
8 *and*

9 *“(II) notify the Secretary of Defense of the extent*
10 *to which the revised plan meets the criteria set forth*
11 *in subparagraph (H)(i).*

12 *“(iv)(I) Upon notice from the Secretary of Housing*
13 *and Urban Development with respect to an installation*
14 *under clause (iii), the Secretary of Defense shall, after con-*
15 *sultation with the Secretary of Housing and Urban Devel-*
16 *opment and redevelopment authority concerned, dispose of*
17 *buildings and property at the installation.*

18 *“(II) For purposes of carrying out an environmental*
19 *assessment of the closure or realignment of an installation,*
20 *the Secretary shall treat the redevelopment plan for the in-*
21 *stallation (including the aspects of the plan providing for*
22 *disposal to State or local governments, representatives of*
23 *the homeless, and other interested parties) as part of the*
24 *proposed Federal action for the installation.*

1 “(III) The Secretary shall dispose of buildings and
2 property under subclause (I) in accordance with the record
3 of decision or other decision document prepared by the Sec-
4 retary in accordance with the National Environmental Pol-
5 icy Act of 1969 (42 U.S.C. 4331 et seq.) In preparing the
6 record of decision or other decision document, the Secretary
7 shall give deference to the redevelopment plan concerned.

8 “(IV) The disposal under subclause (I) of buildings
9 and property to assist the homeless shall be without consid-
10 eration.

11 “(V) In the case of a request for a conveyance under
12 clause (i) of buildings and property for public benefit under
13 section 203(k) of the Federal Property and Administrative
14 Services Act of 1949 (40 U.S.C. 484(k)) and subchapter II
15 of chapter 471 of title 49, United States Code, the applicant
16 and use proposed in the request shall be determined to be
17 eligible for the public benefit conveyance under the eligi-
18 bility criteria set forth in such section or such subchapter.
19 The determination of such eligibility should be made before
20 the redevelopment plan concerned under subparagraph (G)
21 ”.

22 (f) CONFORMING AMENDMENT.—Subparagraph (M)(i)
23 of such section is amended by inserting “or (L)” after “sub-
24 paragraph (K)”.

1 (g) *CLARIFICATION OF PARTICIPANTS IN PROCESS.*—
2 *Such section is further amended by adding at the end the*
3 *following:*

4 “(P) *For purposes of this paragraph, the term ‘other*
5 *interested parties’, in the case of an installation, includes*
6 *any parties eligible for the conveyance of property of the*
7 *installation under section 203(k) of the Federal Property*
8 *and Administrative Services Act of 1949 (40 U.S.C. 484(k))*
9 *or subchapter II of chapter 471 of title 49, United States*
10 *Code, whether or not the parties assist the homeless.’.*”

11 (h) *TECHNICAL AMENDMENTS.*—*Section 2910 of such*
12 *Act is amended—*

13 (1) *by designating the paragraph (10) added by*
14 *section 2(b) of the Base Closure Community Redevel-*
15 *opment and Homeless Assistance Act of 1994 (Public*
16 *Law 103–421; 108 Stat. 4352) as paragraph (11);*
17 *and*

18 (2) *in such paragraph, as so designated, by*
19 *striking out “section 501(h)(4) of the Stewart B.*
20 *McKinney Homeless Assistance Act (42 U.S.C.*
21 *11411(h)(4))” and inserting in lieu thereof “section*
22 *501(i)(4) of the Stewart B. McKinney Homeless As-*
23 *sistance Act (42 U.S.C. 11411(i)(4))”.*

1 **SEC. 2827. EXERCISE OF AUTHORITY DELEGATED BY THE**
2 **ADMINISTRATOR OF GENERAL SERVICES.**

3 *Section 2905(b)(2) of the Defense Base Closure and Re-*
4 *alignment Act of 1990 (part A of title XXIX of Public Law*
5 *101-510; 10 U.S.C. 2687 note) is amended—*

6 *(1) in subparagraph (A)—*

7 *(A) by striking out “Subject to subpara-*
8 *graph (C)” in the matter preceding clause (i)*
9 *and inserting in lieu thereof “Subject to sub-*
10 *paragraph (B)”;* and

11 *(B) by striking out “in effect on the date of*
12 *the enactment of this Act” each place it appears*
13 *in clauses (i) and (ii);*

14 *(2) by striking out subparagraphs (B) and (C)*
15 *and inserting in lieu thereof the following new sub-*
16 *paragraph (B):*

17 *“(B) The Secretary may, with the concurrence of the*
18 *Administrator of General Services—*

19 *“(i) prescribe general policies and methods for*
20 *utilizing excess property and disposing of surplus*
21 *property pursuant to the authority delegated under*
22 *paragraph (1); and*

23 *“(ii) issue regulations relating to such policies*
24 *and methods which regulations supersede the regula-*
25 *tions referred to in subparagraph (A) with respect to*
26 *that authority.”;* and

1 (3) by redesignating subparagraphs (D) and (E)
2 as subparagraphs (C) and (D), respectively.

3 **SEC. 2828. LEASE BACK OF PROPERTY DISPOSED FROM IN-**
4 **STALLATIONS APPROVED FOR CLOSURE OR**
5 **REALIGNMENT.**

6 (a) *AUTHORITY.*—Section 2905(b)(4) of the Defense
7 *Base Closure and Realignment Act of 1990 (part A of title*
8 *XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is*
9 *amended—*

10 (1) by redesignating subparagraphs (C), (D),
11 and (E) as subparagraphs (D), (E), and (F), respec-
12 tively; and

13 (2) by inserting after subparagraph (B) the fol-
14 lowing new subparagraph (C):

15 “(C)(i) *The Secretary may transfer real property at*
16 *an installation approved for closure or realignment under*
17 *this part (including property at an installation approved*
18 *for realignment which property will be retained by the De-*
19 *partment of Defense or another Federal agency after re-*
20 *alignment) to the redevelopment authority for the installa-*
21 *tion if the redevelopment authority agrees to lease, directly*
22 *upon transfer, all or a significant portion of the property*
23 *transferred under this subparagraph to the Secretary or to*
24 *the head of another department or agency of the Federal*

1 *Government. Subparagraph (B) shall apply to a transfer*
2 *under this subparagraph.*

3 “(ii) *A lease under clause (i) shall be for a term of*
4 *not to exceed 50 years, but may provide for options for re-*
5 *newal or extension of the term by the department or agency*
6 *concerned.*

7 “(iii) *A lease under clause (i) may not require rental*
8 *payments by the United States.*

9 “(iv) *A lease under clause (i) shall include a provision*
10 *specifying that if the department or agency concerned ceases*
11 *requiring the use of the leased property before the expiration*
12 *of the term of the lease, the remainder of the lease term*
13 *may, upon approval by the redevelopment authority con-*
14 *cerned, be satisfied by the same or another department or*
15 *agency of the Federal Government using the property for*
16 *a use similar to the use under the lease.”.*

17 **(b) USE OF FUNDS TO IMPROVE LEASED PROP-**
18 *ERTY.—Notwithstanding any other provision of law, a de-*
19 *partment or agency of the Federal Government that enters*
20 *into a lease of property under section 2905(b)(4)(C) of the*
21 *such Act, as amended by subsection (a), may use funds ap-*
22 *propriated or otherwise available to the department or*
23 *agency for such purpose to improve the leased property.*

1 **SEC. 2829. PROCEEDS OF LEASES AT INSTALLATIONS AP-**
2 **PROVED FOR CLOSURE OR REALIGNMENT.**

3 (a) *INTERIM LEASES.*—Section 2667(d) of title 10,
4 *United States Code*, is amended—

5 (1) in paragraph (1)(A)—

6 (A) by striking out “and” at the end of
7 clause (i);

8 (B) by striking out the period at the end of
9 clause (ii) and inserting in lieu thereof “; and”;
10 and

11 (C) by adding at the end the following:

12 “(iii) money rentals referred to in paragraph
13 (5).”; and

14 (2) by adding at the end the following:

15 “(5) Money rentals received by the United States under
16 subsection (f) shall be deposited in the Department of De-
17 fense Base Closure Account 1990 established under section
18 2906(a) of the Defense Base Closure and Realignment Act
19 of 1990 (part A of title XXIX of Public Law 101–510; 10
20 U.S.C. 2687 note).”.

21 (b) *DEPOSIT IN 1990 ACCOUNT.*—Section 2906(a)(2)
22 of 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) is amended—

25 (1) in subparagraph (C)—

1 (A) by striking out “transfer or disposal”
2 and inserting in lieu thereof “transfer, lease, or
3 other disposal”; and

4 (B) by striking out “and” at the end;
5 (2) in subparagraph (D)—

6 (A) by striking out “transfer or disposal”
7 and inserting in lieu thereof “transfer, lease, or
8 other disposal”; and

9 (B) by striking out the period at the end
10 and inserting in lieu thereof “; and”; and

11 (3) by adding at the end the following:

12 “(E) money rentals received by the United States
13 under section 2667(f) of title 10, United States
14 Code.”.

15 **SEC. 2830. CONSOLIDATION OF DISPOSAL OF PROPERTY**
16 **AND FACILITIES AT FORT HOLABIRD, MARY-**
17 **LAND.**

18 (a) *CONSOLIDATION.*—Notwithstanding any other pro-
19 vision of law, the Secretary of Defense shall dispose of the
20 property and facilities at Fort Holabird, Maryland, de-
21 scribed in subsection (b) in accordance with subparagraph
22 (2)(e) of the Base Closure Community Redevelopment and
23 Homeless Assistance Act of 1994 (P.L. 103–421), treating
24 the property described in subsection (b) as if the CEO of
25 the State had submitted a timely request to the Secretary

1 *of Defense under subparagraph (2)(e)(1)(B)(ii) of the Base*
2 *Closure Community Redevelopment and Homeless Assist-*
3 *ance Act of 1994 (P.L. 103–421).*

4 *(b) COVERED PROPERTY AND FACILITIES.—Subsection*
5 *(a) applies to the following property and facilities at Fort*
6 *Holabird, Maryland:*

7 *(1) Property and facilities that were approved*
8 *for closure or realignment under the 1988 base closure*
9 *law that are not disposed of as of the date of the en-*
10 *actment of this Act, including buildings 305 and 306*
11 *and the parking lots and other property associated*
12 *with such buildings.*

13 *(2) Property and facilities that are approved for*
14 *closure or realignment under the 1990 base closure*
15 *law in 1995.*

16 *(c) USE OF SURVEYS AND OTHER EVALUATIONS OF*
17 *PROPERTY.—In carrying out the disposal of the property*
18 *and facilities referred to in subsection (b)(1), the Secretary*
19 *shall utilize any surveys and other evaluations of such prop-*
20 *erty and facilities that are prepared by the Corps of Engi-*
21 *neers before the date of the enactment of this Act as part*
22 *of the process for the disposal of such property and facilities*
23 *under the 1988 base closure law.*

24 *(d) DEFINITIONS.—In this section:*

1 (1) *The term “1988 base closure law” means title*
2 *II of the Defense Authorization Amendments and*
3 *Base Closure and Realignment Act (Public Law 100–*
4 *526; 10 U.S.C. 2687 note).*

5 (2) *The term “1990 base closure law” means the*
6 *Defense Base Closure and Realignment Act of 1990*
7 *(part A of title XXIX of Public Law 101–510; 10*
8 *U.S.C. 2687 note).*

9 **SEC. 2830A. LAND CONVEYANCE, PROPERTY UNDERLYING**
10 **CUMMINS APARTMENT COMPLEX, FORT**
11 **HOLABIRD, MARYLAND.**

12 (a) *CONVEYANCE AUTHORIZED.*—*Notwithstanding*
13 *any other provision of law, the Secretary of the Army may*
14 *convey to the existing owner of the improvements thereon*
15 *all right, title, and interest of the United States in and to*
16 *a parcel of real property underlying the Cummins Apart-*
17 *ment Complex at Fort Holabird, Maryland, consisting of*
18 *approximately 6 acres and any interest the United States*
19 *may have in the improvements thereon.*

20 (b) *CONSIDERATION.*—*As consideration for the convey-*
21 *ance under subsection (a), the owner of the improvements*
22 *referred to in that subsection shall provide compensation*
23 *to the United States in an amount equal to the fair market*
24 *value (as determined by the Secretary) of the property in-*
25 *terest to be conveyed.*

1 (c) *DESCRIPTION OF PROPERTY.*—The exact acreage
2 and legal description of the real property to be conveyed
3 under subsection (a) shall be determined by a survey that
4 is satisfactory to the Secretary.

5 (d) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
6 retary may require such additional terms and conditions
7 in connection with the conveyance under subsection (a) as
8 the Secretary considers appropriate to protect the interests
9 of the United States.

10 **SEC. 2830B. INTERIM LEASES OF PROPERTY APPROVED FOR**
11 **CLOSURE OR REALIGNMENT.**

12 Section 2667(f) of title 10, United States Code, is
13 amended by adding at the end the following:

14 “(4)(A) Notwithstanding the National Environmental
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of
16 any environmental impact analysis necessary to support an
17 interim lease of property under this subsection shall be lim-
18 ited to the environmental consequences of activities author-
19 ized under the proposed lease and the cumulative impacts
20 of other past, present, and reasonably foreseeable future ac-
21 tions during the period of the proposed lease.

22 “(B) Interim leases entered into under this subsection
23 shall be deemed not to prejudice the final property disposal
24 decision, even if final property disposal may be delayed
25 until completion of the interim lease term. An interim lease

1 *under this subsection shall not be entered into without prior*
2 *consultation with the redevelopment authority concerned.*

3 “(C) *The provisions of subparagraphs (A) and (B)*
4 *shall not apply to an interim lease under this subsection*
5 *if authorized activities under the lease would—*

6 “(i) *significantly effect the quality of the human*
7 *environment; or*

8 “(ii) *irreversibly alter the environment in a way*
9 *that would preclude any reasonable disposal alter-*
10 *native of the property concerned.”.*

11 **SEC. 2830C. SENSE OF THE CONGRESS REGARDING**
12 **FITZSIMONS ARMY MEDICAL CENTER, COLO-**
13 **RADO.**

14 (a) *FINDINGS.—The Congress finds that—*

15 (1) *Fitzsimons Army Medical Center in Aurora,*
16 *Colorado has been recommended for closure in 1995*
17 *under the Defense Base Closure and Realignment Act*
18 *of 1990;*

19 (2) *The University of Colorado Health Sciences*
20 *Center and the University of Colorado Hospital Au-*
21 *thority are in urgent need of space to maintain their*
22 *ability to deliver health care to meet the growing de-*
23 *mand for their services;*

1 (3) *Reuse of the Fitzsimons facility at the earli-*
2 *est opportunity would provide significant benefit to*
3 *the cities of Aurora and Denver; and*

4 (4) *Reuse of the Fitzsimons facility by the local*
5 *community ensures that the property is fully utilized*
6 *by providing a benefit to the community.*

7 (b) *SENSE OF CONGRESS.—Therefore, it is the sense*
8 *of Congress that upon acceptance of the Base Closure list:*

9 (1) *The Federal screening process for all military*
10 *installations, including Fitzsimons Army Medical*
11 *Center should be accomplished at the earliest oppor-*
12 *tunity;*

13 (2) *To the extent possible, the Secretary of the*
14 *military departments should consider on an expedited*
15 *basis transferring appropriate facilities to Local Re-*
16 *development Authorities while still operational to en-*
17 *sure continuity of use to all parties concerned, in*
18 *particular, the Secretary of the Army should consider*
19 *an expedited transfer of Fitzsimons Army Medical*
20 *Center because of significant preparations underway*
21 *by the Local Redevelopment Authority;*

22 (3) *The Secretaries should not enter into leases*
23 *with Local Redevelopment Authorities until the Sec-*
24 *retary concerned has established that the lease falls*
25 *within the categorical exclusions established by the*

1 *Military Departments pursuant to the National Envi-*
2 *ronmental Policy Act (42 U.S.C. 4321 et seq.);*

3 *(4) This section is in no way intended to cir-*
4 *cumvent the decisions of the 1995 BRAC or other ap-*
5 *plicable laws.*

6 *(c) REPORT.—180 days after the enactment of this Act*
7 *the Secretary of the Army shall provide a report to the ap-*
8 *propriate committees of the Congress on the Fitzsimons*
9 *Army Medical Center that covers:*

10 *(1) The results of the Federal screening process*
11 *for Fitzsimons and any actions that have been taken*
12 *to expedite the review;*

13 *(2) Any impediments raised during the Federal*
14 *screening process to the transfer or lease of Fitzsimons*
15 *Army Medical Center;*

16 *(3) Any actions taken by the Secretary of the*
17 *Army to lease the Fitzsimons Army Medical Center to*
18 *the local redevelopment authority;*

19 *(4) The results of any environmental reviews*
20 *under the National Environmental Policy Act in*
21 *which such a lease would fall into the categorical ex-*
22 *clusions established by the Secretary of the Army; and*

23 *(5) The results of the environmental baseline sur-*
24 *vey and a finding of suitability or nonsuitability.*

1 **Subtitle C—Land Conveyances**

2 **SEC. 2831. LAND ACQUISITION OR EXCHANGE, SHAW AIR**
3 **FORCE BASE, SOUTH CAROLINA.**

4 (a) *LAND ACQUISITION.*—The Secretary of the Air
5 Force may, by means of an exchange of property, accept-
6 ance as a gift, or other means that does not require the
7 use of appropriated funds, acquire all right, title, and inter-
8 est in and to a parcel of real property (together with any
9 improvements thereon) consisting of approximately 1,100
10 acres that is located adjacent to the eastern end of Shaw
11 Air Force Base, South Carolina, and extends to Stamey
12 Livestock Road in Sumter County, South Carolina.

13 (b) *ACQUISITION THROUGH EXCHANGE OF LANDS.*—
14 For purposes of acquiring the real property described in
15 subsection (a) by means of an exchange of lands, the Sec-
16 retary may convey all right, title, and interest of the United
17 States in and to a parcel of real property in the possession
18 of the Air Force if—

19 (1) the Secretary determines that the land ex-
20 change is in the best interests of the Air Force; and

21 (2) the fair market value of the Air Force parcel
22 to be conveyed does not exceed the fair market value
23 of the parcel to be acquired.

24 (c) *REVERSION OF GIFT CONVEYANCE.*—If the Sec-
25 retary acquires the real property described in subsection (a)

1 *by way of gift, the Secretary may accept in the deed of con-*
2 *veyance terms or conditions requiring that the land be*
3 *reconveyed to the donor, or the donor's heirs, if Shaw Air*
4 *Force Base ceases operations and is closed.*

5 *(d) DETERMINATIONS OF FAIR MARKET VALUE.—The*
6 *Secretary shall determine the fair market value of the par-*
7 *cels of real property to be acquired pursuant to subsection*
8 *(a) or acquired and conveyed pursuant to subsection (b).*
9 *Such determinations shall be final.*

10 *(e) DESCRIPTIONS OF PROPERTY.—The exact acreage*
11 *and legal descriptions of the parcels of real property to be*
12 *acquired pursuant to subsection (a) or acquired and con-*
13 *veyed pursuant to subsection (b) shall be determined by sur-*
14 *veys that are satisfactory to the Secretary.*

15 *(f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
16 *retary may require such additional terms and conditions*
17 *in connection with the acquisition under subsection (a) or*
18 *the acquisition and conveyance under subsection (b) as the*
19 *Secretary considers appropriate to protect the interests of*
20 *the United States.*

21 **SEC. 2832. AUTHORITY FOR PORT AUTHORITY OF STATE OF**
22 **MISSISSIPPI TO USE CERTAIN NAVY PROP-**
23 **ERTY IN GULFPORT, MISSISSIPPI.**

24 *(a) JOINT USE AGREEMENT AUTHORIZED.—The Sec-*
25 *retary of the Navy may enter into an agreement with the*

1 *Port Authority of the State of Mississippi (in this section*
2 *referred to as the “Port Authority”), under which the Port*
3 *Authority may use up to 50 acres of real property and asso-*
4 *ciated facilities located at the Naval Construction Battalion*
5 *Center, Gulfport, Mississippi (in this section referred to as*
6 *the “Center”).*

7 (b) *TERM OF AGREEMENT.*—*The agreement authorized*
8 *under subsection (a) may be for an initial period of not*
9 *more than 15 years. Under the agreement, the Secretary*
10 *shall provide the Port Authority with an option to extend*
11 *the agreement for 3 additional periods of 5 years each and*
12 *for such additional periods as the Secretary and the Port*
13 *Authority mutually agree.*

14 (c) *RESTRICTIONS ON USE.*—*The agreement author-*
15 *ized under subsection (a) shall require the Port Authority—*

16 (1) *to suspend operations at the Center in the*
17 *event that Navy contingency operations are conducted*
18 *at the Center; and*

19 (2) *to use the property covered by the agreement*
20 *in a manner consistent with the Navy operations at*
21 *the Center.*

22 (d) *CONSIDERATION.*—(1) *As consideration for the use*
23 *of the property covered by the agreement under subsection*
24 *(a), the Port Authority shall pay to the Navy an amount*
25 *equal to the fair market rental value of the property, as*

1 *determined by the Secretary taking into consideration the*
2 *nature and extent of the Port Authority's use of the prop-*
3 *erty.*

4 (2) *The Secretary may include a provision in the*
5 *agreement requiring the Port Authority—*

6 (A) *to pay the Navy an amount (as determined*
7 *by the Secretary) to cover the costs of replacing at the*
8 *Center any facilities vacated by the Navy on account*
9 *of the agreement or to construct suitable replacement*
10 *facilities for the Navy; and*

11 (B) *to pay the Navy an amount (as determined*
12 *by the Secretary) for the costs of relocating Navy op-*
13 *erations from the vacated facilities to the replacement*
14 *facilities.*

15 (e) *CONGRESSIONAL NOTIFICATION.—The Secretary*
16 *may not enter into the agreement authorized by subsection*
17 *(a) until the end of the 21-day period beginning on the date*
18 *on which the Secretary submits to Congress a report con-*
19 *taining an explanation of the terms of the proposed agree-*
20 *ment and a description of the consideration that the Sec-*
21 *retary expects to receive under the agreement.*

22 (f) *USE OF PAYMENT.—(1) The Secretary may use*
23 *amounts received under subsection (d)(1) to pay for general*
24 *supervision, administration, and overhead expenses and for*
25 *improvement, maintenance, repair, construction, or res-*

1 *toration of facilities at the Center or of the roads and rail-*
2 *ways serving the Center.*

3 *(2) The Secretary may use amounts received under*
4 *subsection (d)(2) to pay for constructing new facilities, or*
5 *making modifications to existing facilities, that are nec-*
6 *essary to replace facilities vacated by the Navy on account*
7 *of the agreement under subsection (a) and for relocating op-*
8 *erations of the Navy from the vacated facilities to replace-*
9 *ment facilities.*

10 *(g) CONSTRUCTION BY PORT AUTHORITY.—The Sec-*
11 *retary may authorize the Port Authority to demolish exist-*
12 *ing facilities located on the property covered by the agree-*
13 *ment under subsection (a) and, consistent with the restric-*
14 *tion provided under subsection (c)(2), construct new facili-*
15 *ties on the property for the joint use of the Port Authority*
16 *and the Navy.*

17 *(h) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
18 *retary may require such additional terms and conditions*
19 *in connection with the agreement authorized under sub-*
20 *section (a) as the Secretary considers appropriate to protect*
21 *the interests of the United States.*

22 **SEC. 2833. CONVEYANCE OF RESOURCE RECOVERY FACIL-**
23 **ITY, FORT DIX, NEW JERSEY.**

24 *(a) AUTHORITY TO CONVEY.—The Secretary of the*
25 *Army may convey to Burlington County, New Jersey (in*

1 *this section referred to as the “County”*), without consider-
2 *ation, all right, title, and interest of the United States in*
3 *and to a parcel of real property at Fort Dix, New Jersey,*
4 *consisting of approximately two acres and containing a re-*
5 *source recovery facility known as the Fort Dix resource re-*
6 *covery facility.*

7 (b) *RELATED EASEMENTS.—The Secretary may grant*
8 *to the County any easement that is necessary for access to*
9 *and operation of the resource recovery facility conveyed*
10 *under subsection (a).*

11 (c) *REQUIREMENT RELATING TO CONVEYANCE.—The*
12 *Secretary may not carry out the conveyance of the resource*
13 *recovery facility authorized in subsection (a) unless the*
14 *County agrees to accept the facility in its existing condition*
15 *at the time of conveyance.*

16 (d) *CONDITIONS ON CONVEYANCE.—The conveyance of*
17 *the resource recovery facility authorized by subsection (a)*
18 *is subject to the following conditions:*

19 (1) *That the County provide refuse service and*
20 *steam service to Fort Dix, New Jersey, at the rate*
21 *mutually agreed upon by the Secretary and the Coun-*
22 *ty and approved by the appropriate Federal or State*
23 *regulatory authority.*

24 (2) *That the County comply with all applicable*
25 *environmental laws and regulations (including any*

1 *permit or license requirements) relating to the re-*
2 *source recovery facility.*

3 *(3) That, consistent with its ownership of the re-*
4 *source recovery facility conveyed, the County assume*
5 *full responsibility for operation, maintenance, and re-*
6 *pair of the facility and for compliance of the facility*
7 *with all applicable regulatory requirements.*

8 *(4) That the County not commence any expan-*
9 *sion of the resource recovery facility without approval*
10 *of such expansion by the Secretary.*

11 *(e) DESCRIPTION OF THE PROPERTY.—The exact legal*
12 *description of the real property to be conveyed under sub-*
13 *section (a), including the resource recovery facility conveyed*
14 *therewith, and any easements granted under subsection (b),*
15 *shall be determined by a survey and by other means satis-*
16 *factory to the Secretary. The cost of any survey or other*
17 *services performed at the direction of the Secretary under*
18 *the authority in the preceding sentence shall be borne by*
19 *the County.*

20 *(f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
21 *retary may require such additional terms and conditions*
22 *in connection with the conveyance under subsection (a) and*
23 *the grant of any easement under subsection (b) as the Sec-*
24 *retary considers appropriate to protect the interests of the*
25 *United States.*

1 **SEC. 2834. CONVEYANCE OF WATER AND WASTEWATER**
2 **TREATMENT PLANTS, FORT GORDON, GEOR-**
3 **GIA.**

4 (a) *AUTHORITY TO CONVEY.*—The Secretary of the
5 Army may convey to the City of Augusta, Georgia (in this
6 section referred to as the “City”), without consideration, all
7 right, title, and interest of the United States in and to two
8 parcels of real property located at Fort Gordon, Georgia,
9 consisting of approximately seven acres each. The parcels
10 are improved with a water filtration plant, a water dis-
11 tribution system with storage tanks, a sewage treatment
12 plant, and a sewage collection system.

13 (b) *RELATED EASEMENTS.*—The Secretary may grant
14 to the City any easement that is necessary for access to the
15 real property conveyed under subsection (a) and operation
16 of the conveyed facilities.

17 (c) *REQUIREMENT RELATING TO CONVEYANCE.*—The
18 Secretary may not carry out the conveyance of the water
19 and wastewater treatment plants and water and
20 wastewater distribution and collection systems authorized
21 in subsection (a) unless the City agrees to accept the plants
22 and systems in their existing condition at the time of con-
23 veyance.

24 (d) *CONDITIONS ON CONVEYANCE.*—The conveyance
25 authorized by subsection (a) is subject to the following con-
26 ditions:

1 (1) That the City provide water and sewer serv-
2 ice to Fort Gordon, Georgia, at a rate mutually
3 agreed upon by the Secretary and the City and ap-
4 proved by the appropriate Federal or State regulatory
5 authority.

6 (2) That the City comply with all applicable en-
7 vironmental laws and regulations (including any per-
8 mit or license requirements) relating to the water and
9 wastewater treatment plants and water and
10 wastewater distribution and collection systems con-
11 veyed under that subsection.

12 (3) That, consistent with its ownership of the
13 water and wastewater treatment plants and water
14 and wastewater distribution and collection systems
15 conveyed, the City assume full responsibility for oper-
16 ation, maintenance, and repair of the plants and
17 water and systems conveyed under that subsection
18 and for compliance of the plants and systems with all
19 applicable regulatory requirements.

20 (4) That the City not commence any expansion
21 of the water or wastewater treatment plant or water
22 or wastewater distribution or collection system con-
23 veyed under that subsection without approval of such
24 expansion by the Secretary.

1 (A) A parcel of real property consisting of ap-
2 proximately 10 acres, including a reservoir and im-
3 provements thereon, the site of the Fort Pickett water
4 treatment plant.

5 (B) Any equipment, fixtures, structures, or other
6 improvements (including any water transmission
7 lines, water distribution and service lines, fire hy-
8 drants, water pumping stations, and other improve-
9 ments) not located on the parcel described in subpara-
10 graph (A) that are jointly identified by the Secretary
11 and the Town as owned and utilized by the Federal
12 Government in order to provide water to and distrib-
13 ute water at Fort Pickett.

14 (b) *RELATED EASEMENTS.*—The Secretary may grant
15 to the Town the following easements relating to the convey-
16 ance of the property authorized by subsection (a):

17 (1) Such easements, if any, as the Secretary and
18 the Town jointly determine are necessary in order to
19 provide access to the water distribution system re-
20 ferred to in paragraph (2) of such subsection for
21 maintenance, safety, and other purposes.

22 (2) Such easements, if any, as the Secretary and
23 the Town jointly determine are necessary in order to
24 provide access to the finished water lines from the sys-
25 tem to the Town.

1 (3) *Such rights of way appurtenant, if any, as*
2 *the Secretary and the Town jointly determine are nec-*
3 *essary in order to satisfy requirements imposed by*
4 *any Federal, State, or municipal agency relating to*
5 *the maintenance of a buffer zone around the water*
6 *distribution system.*

7 (c) *WATER RIGHTS.—The Secretary shall grant to the*
8 *Town as part of the conveyance under subsection (a) all*
9 *right, title, and interest of the United States in and to any*
10 *water of the Nottoway River, Virginia, that is connected*
11 *with the reservoir referred to in paragraph (2)(A) of such*
12 *subsection.*

13 (d) *REQUIREMENTS RELATING TO CONVEYANCE.—(1)*
14 *The Secretary may not carry out the conveyance of the*
15 *water distribution system authorized under subsection (a)*
16 *unless the Town agrees to accept the system in its existing*
17 *condition at the time of the conveyance.*

18 (2) *The Secretary shall complete any environmental*
19 *removal or remediation required under the Comprehensive*
20 *Environmental Response, Compensation, and Liability Act*
21 *of 1980 (42 U.S.C. 9601 et seq.) with respect to the system*
22 *to be conveyed under this section before carrying out the*
23 *conveyance.*

24 (e) *CONDITIONS.—The conveyance authorized in sub-*
25 *section (a) shall be subject to the following conditions:*

1 (1) *That the Town reserve for provision to Fort*
2 *Pickett, and provide to Fort Pickett on demand, not*
3 *less than 1,500,000 million gallons per day of treated*
4 *water from the water distribution system.*

5 (2) *That the Town provide water to and distrib-*
6 *ute water at Fort Pickett at a rate that is no less fa-*
7 *vorable than the rate that the Town would charge a*
8 *public or private entity similar to Fort Pickett for the*
9 *provision and distribution of water.*

10 (3) *That the Town maintain and operate the*
11 *water distribution system in compliance with all ap-*
12 *plicable Federal and State environmental laws and*
13 *regulations (including any permit and license re-*
14 *quirements).*

15 (f) *DESCRIPTION OF PROPERTY.*—*The exact legal de-*
16 *scription of the property to be conveyed under subsection*
17 *(a), of any easements granted under subsection (b), and of*
18 *any water rights granted under subsection (c) shall be deter-*
19 *mined by a survey and other means satisfactory to the Sec-*
20 *retary. The cost of any survey or other services performed*
21 *at the direction of the Secretary under the authority in the*
22 *preceding sentence shall be borne by the Town.*

23 (g) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyance authorized under sub-*

1 *section (a), the easements granted under subsection (b), and*
2 *the water rights granted under subsection (c) that the Sec-*
3 *retary considers appropriate to protect the interests of the*
4 *United States.*

5 **SEC. 2836. CONVEYANCE OF ELECTRIC POWER DISTRIBUTION SYSTEM, FORT IRWIN, CALIFORNIA.**
6

7 *(a) AUTHORITY TO CONVEY.—(1) The Secretary of the*
8 *Army may convey to the Southern California Edison Com-*
9 *pany, California (in this section referred to as the “Com-*
10 *pany”), without consideration, all right, title, and interest*
11 *of the United States in and to the electric power distribu-*
12 *tion system described in subsection (b).*

13 *(2) The Secretary may not convey any real property*
14 *under the authority in paragraph (1).*

15 *(b) COVERED SYSTEM.—The electric power distribu-*
16 *tion system referred to in subsection (a) is the electric power*
17 *distribution system located at Fort Irwin, California, and*
18 *includes the equipment, fixtures, structures, and other im-*
19 *provements (including approximately 115 miles of electrical*
20 *distribution lines, poles, switches, reclosers, transformers,*
21 *regulators, switchgears, and service lines) that the Federal*
22 *Government utilizes to provide electric power at Fort Irwin.*

23 *(c) RELATED EASEMENTS.—The Secretary may grant*
24 *to the Company any easement that is necessary for access*

1 *to and operation of the electric power distribution system*
2 *conveyed under subsection (a).*

3 *(d) REQUIREMENT RELATING TO CONVEYANCE.—The*
4 *Secretary may not carry out the conveyance of the electric*
5 *power distribution system authorized in subsection (a) un-*
6 *less the Company agrees to accept that system in its existing*
7 *condition at the time of the conveyance.*

8 *(e) CONDITIONS ON CONVEYANCE.—The conveyance*
9 *authorized by subsection (a) is subject to the following con-*
10 *ditions:*

11 *(1) That the Company provide electric power to*
12 *Fort Irwin, California, at a rate mutually agreed*
13 *upon by the Secretary and the Company and ap-*
14 *proved by the appropriate Federal or State regulatory*
15 *authority.*

16 *(2) That the Company comply with all applica-*
17 *ble environmental laws and regulations (including*
18 *any permit or license requirements) relating to the*
19 *electric power distribution system.*

20 *(3) That, consistent with its ownership of the*
21 *electric power distribution system conveyed, the Com-*
22 *pany assume full responsibility for operation, mainte-*
23 *nance, and repair of the system and for compliance*
24 *of the system with all applicable regulatory require-*
25 *ments.*

1 (4) *That the Company not commence any expansion*
2 *of the electric power distribution system without*
3 *approval of such expansion by the Secretary.*

4 (f) *DESCRIPTION OF PROPERTY.—The exact legal de-*
5 *scription of the electric power distribution system to be con-*
6 *veyed pursuant to subsection (a), including any easement*
7 *granted under subsection (b), shall be determined by a sur-*
8 *vey and by other means satisfactory to the Secretary. The*
9 *cost of any survey or other services performed at the direc-*
10 *tion of the Secretary pursuant to the authority in the pre-*
11 *ceding sentence shall be borne by the Company.*

12 (g) *ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
13 *retary may require such additional terms and conditions*
14 *in connection with the conveyance under subsection (a) and*
15 *the grant of any easement under subsection (b) as the Sec-*
16 *retary considers appropriate to protect the interests of the*
17 *United States.*

18 **SEC. 2837. LAND EXCHANGE, FORT LEWIS, WASHINGTON.**

19 (a) *IN GENERAL.—(1) The Secretary of the Army may*
20 *convey to the Weyerhaeuser Real Estate Company, Wash-*
21 *ington (in this section referred to as the “Company”), all*
22 *right, title, and interest of the United States in and to the*
23 *parcels of real property described in paragraph (2).*

1 (2) *The authority in paragraph (1) applies to the fol-*
2 *lowing parcels of real property located on the Fort Lewis*
3 *Military Reservation, Washington:*

4 (A) *An unimproved portion of Tract 1000 (for-*
5 *merly being in the DuPont-Steilacoom Road), consist-*
6 *ing of approximately 1.23 acres.*

7 (B) *Tract 26E, consisting of approximately 0.03*
8 *acres.*

9 (b) *CONSIDERATION.—As consideration for the convey-*
10 *ance authorized by subsection (a), the Company shall—*

11 (1) *convey (or acquire and then convey) to the*
12 *United States all right, title, and interest in and to*
13 *a parcel of real property consisting of approximately*
14 *0.39 acres, together with improvements thereon, lo-*
15 *cated within the boundaries of Fort Lewis Military*
16 *Reservation;*

17 (2) *construct an access road from Pendleton*
18 *Street to the DuPont Recreation Area and a walkway*
19 *path through DuPont Recreation Area;*

20 (3) *construct as improvements to the recreation*
21 *area a parking lot, storm drains, perimeter fencing,*
22 *restroom facilities, and initial grading of the DuPont*
23 *baseball fields; and*

24 (4) *provide such other consideration as may be*
25 *necessary (as determined by the Secretary) to ensure*

1 *that the fair market value of the consideration pro-*
2 *vided by the Company under this subsection is not*
3 *less than the fair market value of the parcels of real*
4 *property conveyed under subsection (a).*

5 *(c) DETERMINATIONS OF FAIR MARKET VALUE.—The*
6 *determinations of the Secretary regarding the fair market*
7 *value of the real property to be conveyed pursuant to sub-*
8 *sections (a) and (b), and of any other consideration pro-*
9 *vided by the Company under subsection (b), shall be final.*

10 *(d) TREATMENT OF OTHER INTERESTS IN PARCELS*
11 *TO BE CONVEYED.—The Secretary may enter into an*
12 *agreement with the appropriate officials of Pierce County,*
13 *Washington, which provides for—*

14 *(1) Pierce County to release the existing rever-*
15 *sionary interest of Pierce County in the parcels of*
16 *real property to be conveyed by the United States*
17 *under subsection (a); and*

18 *(2) the United States, in exchange for the release,*
19 *to convey or grant to Pierce County an interest in the*
20 *parcel of real property conveyed to the United States*
21 *under subsection (b)(1) that is similar in effect (as to*
22 *that parcel) to the reversionary interest released by*
23 *Pierce County under paragraph (1).*

24 *(e) DESCRIPTION OF PROPERTY.—The exact acreages*
25 *and legal descriptions of the parcels of real property to be*

1 conveyed under subsections (a) and (b) shall be determined
2 by surveys satisfactory to the Secretary. The cost of such
3 surveys shall be borne by the Company.

4 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
5 retary may require any additional terms and conditions
6 in connection with the conveyances under this section that
7 the Secretary considers appropriate to protect the interest
8 of the United States.

9 **SEC. 2838. LAND CONVEYANCE, NAVAL SURFACE WARFARE**
10 **CENTER, MEMPHIS, TENNESSEE.**

11 (a) *AUTHORITY TO CONVEY.*—The Secretary of the
12 Navy may convey to the Memphis and Shelby County Port
13 Commission, Memphis, Tennessee (in this section referred
14 to as the “Port”), all right, title, and interest of the United
15 States in and to a parcel of real property (including any
16 improvements thereon) consisting of approximately 26 acres
17 that is located at the Carderock Division, Naval Surface
18 Warfare Center, Memphis Detachment, Presidents Island,
19 Memphis, Tennessee.

20 (b) *CONSIDERATION.*—As consideration for the convey-
21 ance of real property under subsection (a), the Port shall—

22 (1) grant to the United States a restrictive ease-
23 ment in and to a parcel of real property consisting
24 of approximately 100 acres that is adjacent to the

1 *Memphis Detachment, Presidents Island, Memphis,*
2 *Tennessee; and*

3 *(2) if the fair market value of the easement*
4 *granted under paragraph (1) exceeds the fair market*
5 *value of the real property conveyed under subsection*
6 *(a), provide the United States such additional consid-*
7 *eration as the Secretary and the Port jointly deter-*
8 *mine appropriate so that the value of the consider-*
9 *ation received by the United States under this sub-*
10 *section is equal to or greater than the fair market*
11 *value of the real property conveyed under subsection*
12 *(a).*

13 *(c) CONDITION OF CONVEYANCE.—The conveyance au-*
14 *thorized by subsection (a) shall be carried out in accordance*
15 *with the provisions of the Land Exchange Agreement be-*
16 *tween the United States of America and the Memphis and*
17 *Shelby County Port Commission, Memphis, Tennessee.*

18 *(d) DETERMINATION OF FAIR MARKET VALUE.—The*
19 *Secretary shall determine the fair market value of the real*
20 *property to be conveyed under subsection (a) and of the*
21 *easement to be granted under subsection (b)(1). Such deter-*
22 *minations shall be final.*

23 *(e) USE OF PROCEEDS.—The Secretary shall deposit*
24 *any proceeds received under subsection (b)(2) as consider-*
25 *ation for the conveyance of real property authorized under*

1 subsection (a) in the special account established pursuant
2 to section 204(h) of the Federal Property and Administra-
3 tive Services Act of 1949 (40 U.S.C. 485(h)).

4 (f) *DESCRIPTION OF PROPERTY.*—The exact acreage
5 and legal description of the real property to be conveyed
6 under subsection (a) and the easement to be granted under
7 subsection (b)(1) shall be determined by surveys satisfactory
8 to the Secretary. The cost of the surveys shall be borne by
9 the Port.

10 (g) *ADDITIONAL TERMS AND CONDITIONS.*—The Sec-
11 retary may require such additional terms and conditions
12 in connection with the conveyance authorized by subsection
13 (a) and the easement granted under subsection (b)(1) as the
14 Secretary considers appropriate to protect the interests of
15 the United States.

16 **SEC. 2839. LAND CONVEYANCE, RADAR BOMB SCORING**
17 **SITE, FORSYTH, MONTANA.**

18 (a) *AUTHORITY TO CONVEY.*—The Secretary of the Air
19 Force may convey, without consideration, to the City of
20 Forsyth, Montana (in this section referred to as the “City”),
21 all right, title, and interest of the United States in and to
22 the parcel of property (including any improvements there-
23 on) consisting of approximately 58 acres located in Forsyth,
24 Montana, which has served as a support complex and rec-

1 *reational facilities for the Radar Bomb Scoring Site,*
2 *Forsyth, Montana.*

3 (b) *CONDITION OF CONVEYANCE.*—*The conveyance*
4 *under subsection (a) shall be subject to the condition that*
5 *the City—*

6 (1) *utilize the property and recreational facili-*
7 *ties conveyed under that subsection for housing and*
8 *recreation purposes; or*

9 (2) *enter into an agreement with an appropriate*
10 *public or private entity to lease such property and fa-*
11 *cilities to that entity for such purposes.*

12 (c) *REVERSION.*—*If the Secretary determines at any*
13 *time that the property conveyed under subsection (a) is not*
14 *being utilized in accordance with paragraph (1) or para-*
15 *graph (2) of subsection (b), all right, title, and interest in*
16 *and to the conveyed property, including any improvements*
17 *thereon, shall revert to the United States and the United*
18 *States shall have the right of immediate entry onto the*
19 *property.*

20 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
21 *and legal description of the property conveyed under this*
22 *section shall be determined by a survey satisfactory to the*
23 *Secretary. The cost of such survey shall be borne by the City.*

24 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
25 *retary may require such additional terms and conditions*

1 *in connection with the conveyance under this section as the*
2 *Secretary determines appropriate to protect the interests of*
3 *the United States.*

4 **SEC. 2840. LAND CONVEYANCE, RADAR BOMB SCORING**
5 **SITE, POWELL, WYOMING.**

6 (a) *AUTHORITY TO CONVEY.*—*The Secretary of the Air*
7 *Force may convey, without consideration, to the Northwest*
8 *College Board of Trustees (in this section referred to as the*
9 *“Board”), all right, title, and interest of the United States*
10 *in and to a parcel of real property (including any improve-*
11 *ments thereon) consisting of approximately 24 acres located*
12 *in Powell, Wyoming, which has served as the location of*
13 *a support complex, recreational facilities, and housing fa-*
14 *cilities for the Radar Bomb Scoring Site, Powell, Wyoming.*

15 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
16 *thorized under subsection (a) shall be subject to the condi-*
17 *tion that the Board use the property conveyed under that*
18 *subsection for housing and recreation purposes and for such*
19 *other purposes as the Secretary and the Board jointly deter-*
20 *mine appropriate.*

21 (c) *REVERSIONARY INTEREST.*—*During the 5-year pe-*
22 *riod beginning on the date that the Secretary makes the*
23 *conveyance authorized under subsection (a), if the Secretary*
24 *determines that the conveyed property is not being used in*
25 *accordance with subsection (b), all right, title, and interest*

1 *in and to the conveyed property, including any improve-*
2 *ments thereon, shall revert to the United States and the*
3 *United States shall have the right of immediate entry onto*
4 *the property.*

5 (d) *DESCRIPTION OF PROPERTY.*—*The exact acreage*
6 *and legal description of the property conveyed under this*
7 *section shall be determined by a survey satisfactory to the*
8 *Secretary. The cost of the survey shall be borne by the*
9 *Board.*

10 (e) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
11 *retary may require such additional terms and conditions*
12 *in connection with the conveyance under this section as the*
13 *Secretary considers appropriate to protect the interests of*
14 *the United States.*

15 **SEC. 2841. REPORT ON DISPOSAL OF PROPERTY, FORT ORD**
16 **MILITARY COMPLEX, CALIFORNIA.**

17 *Not later than 60 days after the date of the enactment*
18 *of this Act, the Secretary of Defense shall submit to Congress*
19 *a report describing the plans of the Secretary for the dis-*
20 *posal of a parcel of real property consisting of approxi-*
21 *mately 477 acres at the former Fort Ord Military Complex,*
22 *California, including the Black Horse Golf Course, the Bay-*
23 *onet Golf Course, and a portion of the Hayes Housing Fa-*
24 *cility.*

1 **SEC. 2842. LAND CONVEYANCE, NAVY PROPERTY, FORT**
2 **SHERIDAN, ILLINOIS.**

3 (a) *AUTHORITY TO CONVEY.*—Subject to subsections
4 (b) and (l), the Secretary of the Navy may convey to any
5 transferee selected under subsection (i) all right, title, and
6 interest of the United States in and to a parcel of real prop-
7 erty (including any improvements thereon) at Fort Sheri-
8 dan, Illinois, consisting of approximately 182 acres and
9 comprising the Navy housing areas at Fort Sheridan.

10 (b) *REQUIREMENT FOR FEDERAL SCREENING OF*
11 *PROPERTY.*—The Secretary may not carry out the convey-
12 ance of property authorized by subsection (a) unless the Sec-
13 retary determines that no department or agency of the Fed-
14 eral Government will accept the transfer of the property.

15 (c) *CONSIDERATION.*—(1) As consideration for the con-
16 veyance under subsection (a), the transferee selected under
17 subsection (i) shall—

18 (A) convey to the United States a parcel of real
19 property that meets the requirements of subsection
20 (d);

21 (B) design for and construct on the property
22 conveyed under subparagraph (A) such housing facili-
23 ties (including support facilities and infrastructure)
24 to replace the housing facilities conveyed pursuant to
25 the authority in subsection (a) as the Secretary con-
26 siders appropriate;

1 (C) pay the cost of relocating Navy personnel re-
2 siding in the housing facilities located on the real
3 property conveyed pursuant to the authority in sub-
4 section (a) to the housing facilities constructed under
5 subparagraph (B);

6 (D) provide for the education of dependents of
7 such personnel under subsection (e); and

8 (E) carry out such activities for the maintenance
9 and improvement of the facilities constructed under
10 subparagraph (B) as the Secretary and the transferee
11 jointly determine appropriate.

12 (2) The Secretary shall ensure that the fair market
13 value of the consideration provided by the transferee under
14 paragraph (1) is not less than the fair market value of the
15 property interest conveyed by the Secretary under sub-
16 section (a).

17 (d) *REQUIREMENTS RELATING TO PROPERTY TO BE*
18 *CONVEYED TO UNITED STATES.*—The property interest
19 conveyed to the United States under subsection (c)(1)(A)
20 by the transferee selected under subsection (i) shall—

21 (1) be located not more than 25 miles from the
22 Great Lakes Naval Training Center, Illinois;

23 (2) be located in a neighborhood or area having
24 social and economic conditions similar to the social

1 *and economic conditions of the area in which Fort*
2 *Sheridan is located; and*

3 *(3) be acceptable to the Secretary.*

4 *(e) EDUCATION OF DEPENDENTS OF NAVY PERSON-*
5 *NEL.—In providing for the education of dependents of Navy*
6 *personnel under subsection (c)(1)(D), the transferee selected*
7 *under subsection (i) shall ensure that such dependents may*
8 *enroll at the schools of one or more school districts in the*
9 *vicinity of the real property conveyed to the United States*
10 *under subsection (c)(1)(A) which schools and districts—*

11 *(1) meet such standards for schools and schools*
12 *districts as the Secretary shall establish; and*

13 *(2) will continue to meet such standards after*
14 *the enrollment of such dependents regardless of the re-*
15 *ceipt by such school districts of Federal impact aid.*

16 *(f) INTERIM RELOCATION OF NAVY PERSONNEL.—*
17 *Pending completion of the construction of all the housing*
18 *facilities proposed to be constructed under subsection*
19 *(c)(1)(B) by the transferee selected under subsection (i), the*
20 *Secretary may relocate Navy personnel residing in housing*
21 *facilities located on the property to be conveyed pursuant*
22 *to the authority in subsection (a) to the housing facilities*
23 *that have been constructed by the transferee under such sub-*
24 *section (c)(1)(B).*

1 (g) *APPLICABILITY OF CERTAIN AGREEMENTS.*—The
2 *property conveyed by the Secretary pursuant to the author-*
3 *ity in subsection (a) shall be subject to the Memorandum*
4 *of Understanding concerning the Transfer of Certain Prop-*
5 *erties at Fort Sheridan, Illinois, dated August 8, 1991, be-*
6 *tween the Department of the Army and the Department of*
7 *the Navy.*

8 (h) *DETERMINATION OF FAIR MARKET VALUE.*—The
9 *Secretary shall determine the fair market value of the real*
10 *property interest to be conveyed under subsection (a) and*
11 *of the consideration to be provided under subsection (c)(1).*
12 *Such determination shall be final.*

13 (i) *SELECTION OF TRANSFEREE.*—(1) *The Secretary*
14 *shall use competitive procedures for the selection of a trans-*
15 *ferree under subsection (a).*

16 (2) *In evaluating the offers of prospective transferees,*
17 *the Secretary shall—*

18 (A) *consider the technical sufficiency of the offers*
19 *and the adequacy of the offers in meeting the require-*
20 *ments for consideration set forth in subsection (c)(1);*
21 *and*

22 (B) *consult with the communities and jurisdic-*
23 *tions in the vicinity of Fort Sheridan (including the*
24 *City of Lake Forest, the City of Highwood, and the*
25 *City of Highland Park and the County of Lake) in*

1 *order to determine the most appropriate use of the*
2 *property to be conveyed.*

3 *(j) DESCRIPTIONS OF PROPERTY.—The exact acreage*
4 *and legal descriptions of the real property to be conveyed*
5 *by the Secretary under subsection (a) and the real property*
6 *to be conveyed under subsection (c)(1)(A) shall be deter-*
7 *mined by surveys satisfactory to the Secretary. The cost of*
8 *such surveys shall be borne by the transferee selected under*
9 *subsection (i).*

10 *(k) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*
11 *retary may require such additional terms and conditions*
12 *in connection with the conveyances under this section as*
13 *the Secretary considers appropriate to protect the interests*
14 *of the United States.*

15 **SEC. 2843. LAND CONVEYANCE, ARMY RESERVE PROPERTY,**
16 **FORT SHERIDAN, ILLINOIS.**

17 *(a) AUTHORITY TO CONVEY.—Subject to subsection*
18 *(b), the Secretary of the Army may convey to any transferee*
19 *selected under subsection (g) all right, title, and interest of*
20 *the United States in and to a parcel of real property (in-*
21 *cluding improvements thereon) at Fort Sheridan, Illinois,*
22 *consisting of approximately 114 acres and comprising an*
23 *Army Reserve area.*

24 *(b) REQUIREMENT FOR FEDERAL SCREENING OF*
25 *PROPERTY.—The Secretary may not carry out the convey-*

1 *ance of property authorized by subsection (a) unless the Sec-*
2 *retary determines that no department or agency of the Fed-*
3 *eral Government will accept the transfer of the property.*

4 *(c) CONSIDERATION.—(1) As consideration for the con-*
5 *veyance under subsection (a), the transferee selected under*
6 *subsection (g) shall—*

7 *(A) convey to the United States a parcel of real*
8 *property that meets the requirements of subsection*
9 *(d);*

10 *(B) design for and construct on the property*
11 *conveyed under subparagraph (A) such facilities (in-*
12 *cluding support facilities and infrastructure) to re-*
13 *place the facilities conveyed pursuant to the authority*
14 *in subsection (a) as the Secretary considers appro-*
15 *priate; and*

16 *(C) pay the cost of relocating Army personnel in*
17 *the facilities located on the real property conveyed*
18 *pursuant to the authority in subsection (a) to the fa-*
19 *cilities constructed under subparagraph (B).*

20 *(2) The Secretary shall ensure that the fair market*
21 *value of the consideration provided by the transferee under*
22 *paragraph (1) is not less than the fair market value of the*
23 *real property conveyed by the Secretary under subsection*
24 *(a).*

1 (d) *REQUIREMENTS RELATING TO PROPERTY TO BE*
2 *CONVEYED TO UNITED STATES.*—The real property con-
3 veyed to the United States under subsection (c)(1)(A) by
4 the transferee selected under subsection (g) shall—

5 (1) *be located not more than 25 miles from Fort*
6 *Sheridan;*

7 (2) *be located in a neighborhood or area having*
8 *social and economic conditions similar to the social*
9 *and economic conditions of the area in which Fort*
10 *Sheridan is located; and*

11 (3) *be acceptable to the Secretary.*

12 (e) *INTERIM RELOCATION OF ARMY PERSONNEL.*—
13 *Pending completion of the construction of all the facilities*
14 *proposed to be constructed under subsection (c)(1)(B) by the*
15 *transferee selected under subsection (g), the Secretary may*
16 *relocate Army personnel in the facilities located on the*
17 *property to be conveyed pursuant to the authority in sub-*
18 *section (a) to the facilities that have been constructed by*
19 *the transferee under such subsection (c)(1)(B).*

20 (f) *DETERMINATION OF FAIR MARKET VALUE.*—The
21 *Secretary shall determine the fair market value of the real*
22 *property to be conveyed under subsection (a) and of the con-*
23 *sideration to be provided under subsection (c)(1). Such de-*
24 *termination shall be final.*

1 (g) *SELECTION OF TRANSFEREE.*—(1) *The Secretary*
2 *shall use competitive procedures for the selection of a trans-*
3 *ferree under subsection (a).*

4 (2) *In evaluating the offers of prospective transferees,*
5 *the Secretary shall—*

6 (A) *consider the technical sufficiency of the offers*
7 *and the adequacy of the offers in meeting the require-*
8 *ments for consideration set forth in subsection (c)(1);*
9 *and*

10 (B) *consult with the communities and jurisdic-*
11 *tions in the vicinity of Fort Sheridan (including the*
12 *City of Lake Forest, the City of Highwood, and the*
13 *City of Highland Park and the County of Lake) in*
14 *order to determine the most appropriate use of the*
15 *property to be conveyed.*

16 (h) *DESCRIPTIONS OF PROPERTY.*—*The exact acreage*
17 *and legal descriptions of the real property to be conveyed*
18 *by the Secretary under subsection (a) and the real property*
19 *to be conveyed under subsection (c)(1)(A) shall be deter-*
20 *mined by surveys satisfactory to the Secretary. The cost of*
21 *such surveys shall be borne by the transferee selected under*
22 *subsection (g).*

23 (i) *ADDITIONAL TERMS AND CONDITIONS.*—*The Sec-*
24 *retary may require such additional terms and conditions*
25 *in connection with the conveyances under this section as*

1 *the Secretary considers appropriate to protect the interests*
2 *of the United States.*

3 **SEC. 2844. LAND CONVEYANCE, NAVAL COMMUNICATIONS**
4 **STATION, STOCKTON, CALIFORNIA.**

5 (a) *AUTHORITY TO CONVEY.*—*The Secretary of the*
6 *Navy may, upon the concurrence of the Administrator of*
7 *General Services and the Secretary of Housing and Urban*
8 *Development, convey to the Port of Stockton (in this section*
9 *referred to as the “Port”), all right, title, and interest of*
10 *the United States in and to a parcel of real property, in-*
11 *cluding any improvements thereon, consisting of approxi-*
12 *mately 1,450 acres at the Naval Communication Station,*
13 *Stockton, California.*

14 (b) *INTERIM LEASE.*—*Until such time as the real*
15 *property described in subsection (a) is conveyed by deed,*
16 *the Secretary may lease the property, along with improve-*
17 *ments thereon, to the Port under terms and conditions satis-*
18 *factory to the Secretary.*

19 (c) *CONSIDERATION.*—*The conveyance may be as a*
20 *public benefit conveyance for port development as defined*
21 *in section 203 of the Federal Property and Administrative*
22 *Services Act of 1949 (40 U.S.C. 484), as amended, provided*
23 *the Port satisfies the criteria in section 203 and such regu-*
24 *lations as the Administrator of General Services may pre-*
25 *scribe to implement that section. Should the Port fail to*

1 *qualify for a public benefit conveyance and still desire to*
2 *acquire the property, then the Port shall, as consideration*
3 *for the conveyance, pay to the United States an amount*
4 *equal to the fair market value of the property to be con-*
5 *veyed, as determined by the Secretary.*

6 *(d) FEDERAL LEASE OF CONVEYED PROPERTY.—Not-*
7 *withstanding any other provision of law, as a condition for*
8 *transfer of this property under subparagraph (a), the Sec-*
9 *retary may require that the Port agree to lease all or a*
10 *part of the property currently under Federal use at the time*
11 *of conveyance to the United States for use by the Depart-*
12 *ment of Defense or any other Federal agency under the same*
13 *terms and conditions now presently in force. Such terms*
14 *and conditions will continue to include payment (to the*
15 *Port) for maintenance of facilities leased to the Federal*
16 *Government. Such maintenance of the Federal premises*
17 *shall be to the reasonable satisfaction of the United States,*
18 *or as required by all applicable Federal, State and local*
19 *laws and ordinances.*

20 *(e) DESCRIPTION OF PROPERTY.—The exact acreage*
21 *and legal description of the property to be conveyed under*
22 *subsection (a) shall be determined by a survey satisfactory*
23 *to the Secretary. The cost of such survey shall be borne by*
24 *Port*

1 (f) *ADDITIONAL TERMS.*—*The Secretary may require*
2 *such additional terms and conditions in connection with*
3 *the conveyance under subsection (a) or the lease under sub-*
4 *section (b) as the Secretary considers appropriate to protect*
5 *the interests of the United States.*

6 (g) *ENVIRONMENTAL QUALITY OF PROPERTY.*—*Any*
7 *contract for sale, deed, or other transfer of real property*
8 *under this section shall be carried out in compliance with*
9 *section 120(h) of the CERCLA (42 U.S.C. 9620(h)) and*
10 *other environmental laws.*

11 **SEC. 2845. LAND CONVEYANCE, WILLIAM LANGER JEWEL**
12 **BEARING PLANT, ROLLA, NORTH DAKOTA.**

13 (a) *AUTHORITY TO CONVEY.*—*The Administrator of*
14 *General Services may convey, without consideration, to the*
15 *Job Development Authority of the City of Rolla, North Da-*
16 *kota (in this section referred to as the “Authority”), all*
17 *right, title, and interest of the United States in and to a*
18 *parcel of real property, with improvements thereon and all*
19 *associated personal property, consisting of approximately*
20 *9.77 acres and comprising the William Langer Jewel Bear-*
21 *ing Plant in Rolla, North Dakota.*

22 (b) *CONDITION OF CONVEYANCE.*—*The conveyance au-*
23 *thorized under subsection (a) shall be subject to the condi-*
24 *tion that the Authority—*

1 (1) use the real and personal property and im-
2 provements conveyed under that subsection for eco-
3 nomic development relating to the jewel bearing
4 plant;

5 (2) enter into an agreement with an appropriate
6 public or private entity or person to lease such prop-
7 erty and improvements to that entity or person for
8 such economic development; or

9 (3) enter into an agreement with an appropriate
10 public or private entity or person to sell such prop-
11 erty and improvements to that entity or person for
12 such economic development.

13 (c) *PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL*
14 *BEARINGS.*—(1) In offering to enter into agreements pursu-
15 ant to any provision of law for the disposal of jewel bear-
16 ings from the National Defense Stockpile, the President
17 shall give a right of first refusal on all such offers to the
18 Authority or to the appropriate public or private entity or
19 person with which the Authority enters into an agreement
20 under subsection (b).

21 (2) For the purposes of this section, the term “National
22 Defense Stockpile” means the stockpile provided for in sec-
23 tion 4 of the Strategic and Critical Materials Stock Piling
24 Act (50 U.S.C. 98(c)).

1 (d) *AVAILABILITY OF FUNDS FOR MAINTENANCE AND*
2 *CONVEYANCE OF PLANT.*—Notwithstanding any other pro-
3 *vision of law, funds available in fiscal year 1995 for the*
4 *maintenance of the William Langer Jewel Bearing Plant*
5 *in Public Law 103–335 shall be available for the mainte-*
6 *nance of that plant in fiscal year 1996, pending convey-*
7 *ance, and for the conveyance of that plant under this sec-*
8 *tion.*

9 (e) *DESCRIPTION OF PROPERTY.*—The exact acreage
10 *and legal description of the property conveyed under this*
11 *section shall be determined by a survey satisfactory to the*
12 *Administrator. The cost of such survey shall be borne by*
13 *the Administrator.*

14 (f) *ADDITIONAL TERMS AND CONDITIONS.*—The Ad-
15 *ministrator may require such additional terms and condi-*
16 *tions in connection with the conveyance under this section*
17 *as the Administrator determines appropriate to protect the*
18 *interests of the United States.*

19 **SEC. 2846. LAND EXCHANGE, UNITED STATES ARMY RE-**
20 **SERVE CENTER, GAINESVILLE, GEORGIA.**

21 (a) *IN GENERAL.*—The Secretary of the Army may
22 *convey to the City of Gainesville, Georgia (in this section*
23 *referred to as the “City”), all right, title, and interest of*
24 *the United States in and to a parcel of real property (to-*
25 *gether with any improvements thereon) consisting of ap-*

1 *proximately 4.2 acres located on Shallowford Road, in the*
2 *City of Gainesville, Georgia.*

3 *(b) CONSIDERATION.—As consideration for the convey-*
4 *ance authorized by subsection (a), the city shall—*

5 *(1) convey to the United States all right, title,*
6 *and interest in and to a parcel of real property con-*
7 *sisting of approximately 8 acres of land, acceptable to*
8 *the Secretary, in the Atlas Industrial Park, Gaines-*
9 *ville, Georgia;*

10 *(2) design and construct on such real property*
11 *suitable replacement facilities in accordance with the*
12 *requirements of the Secretary, for the training activi-*
13 *ties of the United States Army Reserve;*

14 *(3) fund and perform any environmental and*
15 *cultural resource studies, analysis, documentation*
16 *that may be required in connection with the land ex-*
17 *change and construction considered by this section;*

18 *(4) reimburse the Secretary for the costs of relo-*
19 *cating the United States Army Reserve units from the*
20 *real property to be conveyed under subsection (a) to*
21 *the replacement facilities to be constructed by the City*
22 *under subsection (b)(2). The Secretary shall deposit*
23 *such funds in the same account used to pay for the*
24 *relocation;*

1 (5) pay to the United States an amount as may
2 be necessary to ensure that the fair market value of
3 the consideration provided by the City under this sub-
4 section is not less than fair market value of the parcel
5 of real property conveyed under subsection (a); and

6 (6) assume all environmental liability under the
7 Comprehensive Environmental Response, Compensa-
8 tion, and Liability Act (42 U.S.C. 9620(h)) for the
9 real property to be conveyed under subsection (b)(1).

10 (c) DETERMINATION OF FAIR MARKET VALUE.—The
11 determination of the Secretary regarding the fair market
12 value of the real property to be conveyed pursuant to sub-
13 section (a), and of any other consideration provided by the
14 City under subsection (b), shall be final.

15 (d) DESCRIPTION OF PROPERTY.—The exact acreage
16 and legal description of the parcels of real property to be
17 conveyed under subsections (a) and (b) shall be determined
18 by surveys satisfactory to the Secretary. The cost of such
19 surveys shall be borne by the City.

20 (e) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
21 retary may require any additional terms and conditions
22 in connection with the conveyances under this section that
23 the Secretary considers appropriate to protect the interest
24 of the United States.

1 **Subtitle D—Transfer of Jurisdic-**
2 **tion and Establishment of**
3 **Midewin National Tallgrass**
4 **Prairie**

5 **SEC. 2851. SHORT TITLE.**

6 *This subtitle may be cited as the “Illinois Land Con-*
7 *servation Act of 1995”.*

8 **SEC. 2852. DEFINITIONS.**

9 *As used in this subtitle:*

10 (1) *The term “Administrator” means the Admin-*
11 *istrator of the Environmental Protection Agency.*

12 (2) *The term “agricultural purposes” means,*
13 *with respect to land, the use of land for row crops,*
14 *pasture, hay, or grazing.*

15 (3) *The term “Arsenal” means the Joliet Army*
16 *Ammunition Plant located in the State of Illinois.*

17 (4) *The term “Arsenal Land Use Concept” refers*
18 *to the proposals that were developed and unanimously*
19 *approved on April 8, 1994, by the Joliet Arsenal Citi-*
20 *zen Planning Commission.*

21 (5) *The term “CERCLA” means the Comprehen-*
22 *sive Environmental Response, Compensation, and Li-*
23 *ability Act of 1980 (42 U.S.C. 9601 et seq.).*

24 (6) *The term “Defense Environmental Restora-*
25 *tion Program” means the Defense Environmental*

1 *Restoration Program established under section 2701*
2 *of title 10, United States Code.*

3 *(7) The term “environmental law” means all ap-*
4 *plicable Federal, State, and local laws, regulations,*
5 *and requirements related to the protection of human*
6 *health, natural and cultural resources, or the environ-*
7 *ment, including—*

8 *(A) CERCLA;*

9 *(B) the Solid Waste Disposal Act (42*
10 *U.S.C. 6901 et seq.);*

11 *(C) the Federal Water Pollution Control Act*
12 *(commonly known as the “Clean Water Act”; 33*
13 *U.S.C. 1251 et seq.);*

14 *(D) the Clean Air Act (42 U.S.C. 7401 et*
15 *seq.);*

16 *(E) the Federal Insecticide, Fungicide, and*
17 *Rodenticide Act (7 U.S.C. 136 et seq.);*

18 *(F) the Toxic Substances Control Act (15*
19 *U.S.C. 2601 et seq.); and*

20 *(G) title XIV of the Public Health Service*
21 *Act (commonly known as the “Safe Drinking*
22 *Water Act”) (42 U.S.C. 300f et seq.).*

23 *(8) The term “hazardous substance” has the*
24 *meaning given the term in section 101(14) of*
25 *CERCLA (42 U.S.C. 9601(14)).*

1 (9) *The term “MNP” means the Midewin Na-*
2 *tional Tallgrass Prairie established under section*
3 *2853 and managed as part of the National Forest*
4 *System.*

5 (10) *The term “national cemetery” means a cem-*
6 *etry that is part of the National Cemetery System*
7 *under chapter 24 of title 38, United States Code.*

8 (11) *The term “person” has the meaning given*
9 *the term in section 101(21) of CERCLA (42 U.S.C.*
10 *9601(21)).*

11 (12) *The term “pollutant or contaminant” has*
12 *the meaning given the term in section 101(33) of*
13 *CERCLA (42 U.S.C. 9601(33)).*

14 (13) *The term “release” has the meaning given*
15 *the term in section 101(22) of CERCLA (42 U.S.C.*
16 *9601(22)).*

17 (14) *The term “response” has the meaning given*
18 *the term in section 101(25) of CERCLA (42 U.S.C.*
19 *9601(25)).*

20 (15) *The term “Secretary” means the Secretary*
21 *of Agriculture.*

22 **SEC. 2853. ESTABLISHMENT OF MIDEWIN NATIONAL**
23 **TALLGRASS PRAIRIE.**

24 (a) *ESTABLISHMENT.—On the date of the initial*
25 *transfer of jurisdiction of portions of the Arsenal to the Sec-*

1 *retary under section 2854(a)(1), the Secretary shall estab-*
2 *lish the MNP described in subsection (b).*

3 *(b) DESCRIPTION.—The MNP shall consist of all por-*
4 *tions of the Arsenal transferred to the Secretary under this*
5 *subtitle.*

6 *(c) ADMINISTRATION.—The Secretary shall manage the*
7 *MNP as a part of the National Forest System in accordance*
8 *with this subtitle and the laws, rules, and regulations per-*
9 *taining to the National Forests, except that the Bankhead-*
10 *Jones Farm Tenant Act (7 U.S.C. 1000 et seq.) shall not*
11 *apply to the MNP.*

12 *(d) LAND ACQUISITION FUNDS.—Notwithstanding sec-*
13 *tion 7 of the Land and Water Conservation Fund Act of*
14 *1965 (16 U.S.C. 4601–9), money appropriated from the*
15 *land and water conservation fund established under section*
16 *2 of that Act (16 U.S.C. 4601–5) may be used for acquisition*
17 *of lands and interests in land for inclusion in the MNP.*

18 *(e) LAND AND RESOURCE MANAGEMENT PLAN.—The*
19 *Secretary shall develop a land and resource management*
20 *plan for the MNP, after consulting with the Illinois Depart-*
21 *ment of Conservation and local governments adjacent to the*
22 *MNP and providing an opportunity for public comment.*

23 *(f) PRE-PLAN MANAGEMENT.—In order to expedite the*
24 *administration and public use of the MNP, the Secretary*
25 *may, prior to the development of a land and resource man-*

1 *agement plan for the MNP under subsection (e), manage*
2 *the MNP for the purposes described in subsection (g).*

3 *(g) PURPOSES OF MNP.—In establishing the MNP, the*
4 *Secretary shall—*

5 *(1) conserve and enhance populations and habi-*
6 *tats of fish, wildlife, and plants, including popu-*
7 *lations of grassland birds, raptors, passerines, and*
8 *marsh and water birds;*

9 *(2) restore and enhance, where practicable, habi-*
10 *tats for species listed as threatened or endangered, or*
11 *proposed to be listed, under section 4 of the Endan-*
12 *gered Species Act of 1973 (16 U.S.C. 1533);*

13 *(3) provide fish- and wildlife-oriented public uses*
14 *at levels compatible with the conservation, enhance-*
15 *ment, and restoration of native wildlife and plants*
16 *and the habitats of native wildlife and plants;*

17 *(4) provide opportunities for scientific research;*

18 *(5) provide opportunities for environmental and*
19 *land use education;*

20 *(6) manage the land and water resources of the*
21 *MNP in a manner that will conserve and enhance the*
22 *natural diversity of native fish, wildlife, and plants;*

23 *(7) conserve and enhance the quality of aquatic*
24 *habitat; and*

1 (8) provide for public recreation insofar as the
2 recreation is compatible with paragraphs (1) through
3 (7).

4 (h) *PROHIBITION AGAINST THE CONSTRUCTION OF*
5 *NEW THROUGH ROADS.*—(1) Subject to paragraph (2), no
6 new construction of a highway, public road, or part of the
7 interstate system, whether Federal, State, or local, shall be
8 permitted through or across any portion of the MNP.

9 (2) This subsection does not preclude—

10 (A) construction and maintenance of roads for
11 use within the MNP;

12 (B) the granting of authorizations for utility
13 rights-of-way under applicable Federal, State, or local
14 law;

15 (C) necessary access by the Secretary of the
16 Army for purposes of restoration and cleanup as pro-
17 vided in this subtitle;

18 (D) such other access as is necessary.

19 (i) *AGRICULTURAL LEASES AND SPECIAL USE AU-*
20 *THORIZATIONS.*—(1) If, at the time of transfer of jurisdic-
21 tion under section 2854(a), there exists a lease issued by
22 the Secretary of the Army, Secretary of Defense, or an em-
23 ployee of the Secretary of the Army or the Secretary of De-
24 fense, for agricultural purposes on the land transferred, the
25 Secretary, on the transfer of jurisdiction, shall issue a spe-

1 *cial use authorization. Subject to paragraph (3), the terms*
2 *of the special use authorization shall be identical in sub-*
3 *stance to the lease, including terms prescribing the expira-*
4 *tion date and any payments owed to the United States. On*
5 *issuance of the special use authorization, the lease shall be-*
6 *come void.*

7 *(2) The Secretary may issue a special use authoriza-*
8 *tion to a person for use of the MNP for agricultural pur-*
9 *poses. The special use authorization shall require payment*
10 *of a rental fee, in advance, that is based on the fair market*
11 *value of the use allowed. Fair market value shall be deter-*
12 *mined by appraisal or a competitive bidding process. Sub-*
13 *ject to paragraph (3), the special use authorization shall*
14 *include such terms and conditions as the Secretary consid-*
15 *ers appropriate.*

16 *(3) No special use authorization shall be issued under*
17 *this subsection that has a term extending beyond the date*
18 *that is 20 years after the date of enactment of this Act,*
19 *unless the special use authorization is issued primarily for*
20 *purposes related to—*

21 *(A) erosion control;*

22 *(B) provision for food and habitat for fish and*
23 *wildlife; or*

24 *(C) resource management activities consistent*
25 *with the purposes of the MNP.*

1 (j) *TREATMENT OF RENTAL FEES.*—Funds received
2 under a special use authorization issued under subsection
3 (i) shall be subject to distribution to the State of Illinois
4 and affected counties in accordance with the Act of May
5 23, 1908 (35 Stat. 260, chapter 192; 16 U.S.C. 500) and
6 section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter
7 186; 16 U.S.C. 500). All funds not distributed under such
8 Acts shall be credited to an MNP Rental Fee Account, to
9 be maintained by the Secretary of the Treasury. Amounts
10 in the Account shall remain available until expended, with-
11 out fiscal year limitation. The Secretary may use funds in
12 the Account to carry out prairie-improvement work. Any
13 funds in the account that the Secretary determines to be
14 in excess of the cost of doing prairie-improvement work
15 shall be transferred, on the determination, to miscellaneous
16 receipts, Forest Service Fund, as a National Forest receipt
17 for the fiscal year in which the transfer is made.

18 (k) *USER FEES.*—The Secretary may charge reason-
19 able fees for the admission, occupancy, and use of the MNP
20 and may prescribe a fee schedule providing for a reduction
21 or a waiver of fees for a person engaged in an activity au-
22 thorized by the Secretary, including volunteer services, re-
23 search, or education. The Secretary shall permit admission,
24 occupancy, and use of the MNP at no charge for a person

1 *possessing a valid Golden Eagle Passport or Golden Age*
2 *Passport.*

3 *(l) SALVAGE OF IMPROVEMENTS.—The Secretary may*
4 *sell for salvage value any facility or improvement that is*
5 *transferred to the Secretary under this subtitle.*

6 *(m) TREATMENT OF USER FEES AND SALVAGE RE-*
7 *CEIPTS.—Funds collected under subsections (k) and (l) shall*
8 *be credited to a Midewin National Tallgrass Prairie Res-*
9 *toration Fund, to be maintained by the Secretary of the*
10 *Treasury. Amounts in the Fund shall remain available,*
11 *subject to appropriation, without fiscal year limitation. The*
12 *Secretary may use amounts in the Fund for restoration and*
13 *administration of the MNP, including construction of a vis-*
14 *itor and education center, restoration of ecosystems, con-*
15 *struction of recreational facilities (such as trails), construc-*
16 *tion of administrative offices, and operation and mainte-*
17 *nance of the MNP.*

18 *(n) COOPERATION WITH STATES, LOCAL GOVERN-*
19 *MENTS, AND OTHER ENTITIES.—In the management of the*
20 *MNP, the Secretary shall, to the extent practicable, cooper-*
21 *ate with affected appropriate Federal, State, and local gov-*
22 *ernmental agencies, private organizations, and corpora-*
23 *tions. The cooperation may include entering a cooperative*
24 *agreement or exercising authority under the Cooperative*
25 *Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.)*

1 *or the Forest and Rangeland Renewable Resources Research*
2 *Act of 1978 (16 U.S.C. 1641 et seq.). The purpose of the*
3 *cooperation may include public education, land and re-*
4 *source protection, or cooperative management among gov-*
5 *ernment, corporate, and private landowners in a manner*
6 *that is consistent with this subtitle.*

7 **SEC. 2854. TRANSFER OF MANAGEMENT RESPONSIBILITIES**
8 **AND JURISDICTION OVER ARSENAL.**

9 (a) *PHASED TRANSFER OF JURISDICTION.*—(1) *Not*
10 *later than 180 days after the date of the enactment of this*
11 *Act, the Secretary of the Army may transfer to the Sec-*
12 *retary of Agriculture those portions of the Arsenal property*
13 *identified for transfer to the Secretary of Agriculture under*
14 *subsection (c), and may transfer to the Secretary of Veter-*
15 *ans Affairs those portions identified for transfer to the Sec-*
16 *retary of Veterans Affairs under section 2855(a). In the case*
17 *of the Arsenal property to be transferred to the Secretary*
18 *of Agriculture, the Secretary of the Army shall transfer to*
19 *the Secretary of Agriculture only those portions for which*
20 *the Secretary of the Army and the Administrator concur*
21 *in finding that no further action is required under any en-*
22 *vironmental law and that have been eliminated from the*
23 *areas to be further studied pursuant to the Defense Environ-*
24 *mental Restoration Program for the Arsenal. Not later than*
25 *120 days after the date of the enactment of this Act, the*

1 *Secretary of the Army and the Administrator shall provide*
2 *to the Secretary—*

3 *(A) all documentation that exists on the date the*
4 *documentation is provided that supports the finding;*
5 *and*

6 *(B) all information that exists on the date the*
7 *information is provided that relates to the environ-*
8 *mental conditions of the portions of the Arsenal to be*
9 *transferred to the Secretary under this paragraph.*

10 *(2)(A) The Secretary of the Army may transfer to the*
11 *Secretary of Agriculture any portion of the property gen-*
12 *erally identified in subsection (c) and not transferred pur-*
13 *suant to paragraph (1) when the Secretary of the Army*
14 *and the Administrator concur in finding that no further*
15 *action is required at that portion of property under any*
16 *environmental law and that the portion has been eliminated*
17 *from the areas to be further studied pursuant to the Defense*
18 *Environmental Restoration Program for the Arsenal.*

19 *(B) Not later than 60 days before a transfer under this*
20 *paragraph, the Secretary of the Army and the Adminis-*
21 *trator shall provide to the Secretary—*

22 *(i) all documentation that exists on the date the*
23 *documentation is provided that supports the finding;*
24 *and*

1 (ii) all information that exists on the date the
2 information is provided that relates to the environ-
3 mental conditions of the portions of the Arsenal to be
4 transferred to the Secretary under this paragraph.

5 (C) Transfer of jurisdiction under this paragraph may
6 be accomplished on a parcel-by-parcel basis.

7 (b) *TRANSFER WITHOUT REIMBURSEMENT.*—The Sec-
8 retary of the Army may transfer the area constituting the
9 MNP to the Secretary without reimbursement.

10 (c) *IDENTIFICATION OF PORTIONS FOR TRANSFER FOR*
11 *MNP.*—The lands to be transferred to the Secretary under
12 subsection (a) shall be identified in an agreement between
13 the Secretary of the Army and the Secretary. All the real
14 property and improvements comprising the Arsenal, except
15 for lands and facilities described in subsection (g) or des-
16 ignated for transfer or disposal to parties other than the
17 Secretary under section 2855, shall be transferred to the
18 Secretary.

19 (d) *SECURITY MEASURES.*—The Secretary, the Sec-
20 retary of the Army, and the Secretary of Veterans Affairs,
21 shall each provide and maintain physical and other secu-
22 rity measures on such portion of the Arsenal as is under
23 the administrative jurisdiction of the respective Secretary.
24 The security measures (which may include fences and natu-
25 ral barriers) shall include measures to prevent members of

1 *the public from gaining unauthorized access to such por-*
2 *tions of the Arsenal as are under the administrative juris-*
3 *isdiction of each respective Secretary and that may endanger*
4 *health or safety.*

5 (e) *COOPERATIVE AGREEMENTS.*—*The Secretary, the*
6 *Secretary of the Army, and the Administrator individually*
7 *and collectively may enter into a cooperative agreement or*
8 *a memoranda of understanding among each other, with an-*
9 *other affected Federal agency, State or local government,*
10 *private organization, or corporation to carry out the pur-*
11 *poses described in section 2853(g).*

12 (f) *INTERIM ACTIVITIES OF THE SECRETARY.*—*Prior*
13 *to transfer and subject to such reasonable terms and condi-*
14 *tions as the Secretary of the Army may prescribe, the Sec-*
15 *retary may enter on the Arsenal property for purposes re-*
16 *lated to planning, resource inventory, fish and wildlife*
17 *habitat manipulation (which may include prescribed burn-*
18 *ing), and other such activities consistent with the purposes*
19 *for which the MNP is established.*

20 (g) *PROPERTY USED FOR ENVIRONMENTAL CLEAN-*
21 *UP.*—(1) *The Secretary of the Army shall retain jurisdic-*
22 *tion, authority, and control over real property at the Arse-*
23 *nal that is used for—*

24 (A) *water treatment;*

1 (B) *the treatment, storage, or disposal of a haz-*
2 *ardous substance, pollutant or contaminant, hazard-*
3 *ous material, or petroleum product or a derivative of*
4 *the product;*

5 (C) *purposes related to a response at the Arsenal;*
6 *and*

7 (D) *actions required at the Arsenal under an en-*
8 *vironmental law to remediate contamination or con-*
9 *ditions of noncompliance with an environmental law.*

10 (2) *In the case of a conflict between management of*
11 *the property by the Secretary and a response or other action*
12 *required under an environmental law, or necessary to reme-*
13 *diate a petroleum product or a derivative of the product,*
14 *the response or other action shall take priority.*

15 (3)(A) *All costs of necessary surveys for the transfer*
16 *of jurisdiction of a property to a Federal agency under this*
17 *subtitle shall be borne by the agency to which the property*
18 *is transferred.*

19 (B) *The Secretary of the Army shall bear the costs of*
20 *any surveys necessary for the transfer of land to a non-*
21 *Federal agency under section 2855.*

1 **SEC. 2855. DISPOSAL FOR INDUSTRIAL PARKS, A COUNTY**
2 **LANDFILL, AND A NATIONAL VETERANS CEM-**
3 **ETERY AND TO THE ADMINISTRATOR OF GEN-**
4 **ERAL SERVICES.**

5 (a) NATIONAL VETERANS CEMETERY.—The Secretary
6 of the Army may convey to the Department of Veterans Af-
7 fairs, without compensation, an area of real property to
8 be used for a national cemetery, as authorized under section
9 2337 of the Military Construction Authorization Act, 1988
10 and 1989 (division B of Public Law 100–180; 101 Stat.
11 1225), consisting of approximately 910 acres, the approxi-
12 mate legal description of which includes part of sections 30
13 and 31 Jackson Township, T. 34 N. R. 10 E., and including
14 part of sections 25 and 36 Channahon Township, T. 34 N.
15 R. 9 E., Will County, Illinois, as depicted on the Arsenal
16 Land Use Concept.

17 (b) COUNTY OF WILL LANDFILL.—(1) Subject to para-
18 graphs (2) through (6), the Secretary of the Army may con-
19 vey an area of real property to Will County, Illinois, with-
20 out compensation, to be used for a landfill by the County,
21 consisting of approximately 425 acres of the Arsenal, the
22 approximate legal description of which includes part of sec-
23 tions 8 and 17, Florence Township, T. 33 N. R. 10 E., Will
24 County, Illinois, as depicted in the Arsenal Land Use Con-
25 cept.

1 (2) *Additional acreage shall be added to the landfill*
2 *described in paragraph (1) as is necessary to reasonably*
3 *accommodate needs for the disposal of refuse and other ma-*
4 *terials from the restoration and cleanup of the Arsenal*
5 *property.*

6 (3) *Use of the landfill described in paragraph (1) or*
7 *additional acreage under paragraph (2) by any agency of*
8 *the Federal Government shall be at no cost to the Federal*
9 *Government.*

10 (4) *The Secretary of the Army may require such addi-*
11 *tional terms and conditions in connection with a convey-*
12 *ance under this subsection as the Secretary of the Army*
13 *considers appropriate to protect the interests of the United*
14 *States.*

15 (5) *Any conveyance of real property under this sub-*
16 *section shall contain a reversionary interest that provides*
17 *that the property shall revert to the Secretary of Agriculture*
18 *for inclusion in the MNP if the property is not operated*
19 *as a landfill.*

20 (6) *Liability for environmental conditions at or relat-*
21 *ed to the landfill described in paragraph (1) resulting from*
22 *activities occurring at the landfill after the date of enact-*
23 *ment of this Act and before a revision under paragraph (5)*
24 *shall be borne by Will County.*

1 (c) *VILLAGE OF ELWOOD INDUSTRIAL PARK.*—The
2 Secretary of the Army may convey an area of real property
3 to the Village of Elwood, Illinois, to be used for an indus-
4 trial park, consisting of approximately 1,900 acres of the
5 Arsenal, the approximate legal description of which in-
6 cludes part of section 30, Jackson Township, T. 34 N. R.
7 10 E., and sections or part of sections 24, 25, 26, 35, and
8 36 Channahon Township, T. 34 N. R. 9 E., Will County,
9 Illinois, as depicted on the Arsenal Land Use Concept. The
10 conveyance shall be at fair market value, as determined in
11 accordance with Federal appraisal standards and proce-
12 dures. Any funds received by the Village of Elwood from
13 the sale or other transfer of the property, or portions of the
14 property, less any costs expended for improvements on the
15 property, shall be remitted to the Secretary of the Army.

16 (d) *CITY OF WILMINGTON INDUSTRIAL PARK.*—The
17 Secretary of the Army may convey an area of real property
18 to the City of Wilmington, Illinois, to be used for an indus-
19 trial park, consisting of approximately 1,100 acres of the
20 Arsenal, the approximate legal description of which in-
21 cludes part of sections 16, 17, and 18 Florence Township,
22 T. 33 N. R. 10 E., Will County, Illinois, as depicted on
23 the Arsenal Land Use Concept. The conveyance shall be at
24 fair market value, as determined in accordance with Fed-
25 eral appraisal standards and procedures. Any funds re-

1 ceived by the City of Wilmington from the sale or other
2 transfer of the property, or portions of the property, less
3 any costs expended for improvements on the property, shall
4 be remitted to the Secretary of the Army.

5 (e) *OPTIONAL ADDITIONAL AREAS.*—(1) Not later than
6 180 days after the construction and installation of any re-
7 medial design approved by the Administrator and required
8 for any lands described in paragraph (2), the Adminis-
9 trator shall provide to the Secretary all information exist-
10 ing on the date the information is provided regarding the
11 implementation of the remedy, including information re-
12 garding the effectiveness of the remedy. Not later than 180
13 days after the Administrator provides the information to
14 the Secretary, the Secretary of the Army shall offer the Sec-
15 retary the option of accepting a conveyance of the areas
16 described in paragraph (2), without reimbursement, to be
17 added to the MNP subject to the terms and conditions, in-
18 cluding the limitations on liability, contained in this sub-
19 title. If the Secretary declines the offer, the property may
20 be disposed of as the Secretary of the Army would ordi-
21 narily dispose of the property under applicable provisions
22 of law. The conveyance of property under this paragraph
23 may be accomplished on a parcel-by-parcel basis.

24 (2)(A) *The areas on the Arsenal Land Use Concept*
25 *that may be conveyed under paragraph (1) are—*

- 1 (i) manufacturing area, study area 1, southern
2 ash pile;
- 3 (ii) study area 2, explosive burning ground;
- 4 (iii) study area 3, flashing-grounds;
- 5 (iv) study area 4, lead azide area;
- 6 (v) study area 10, toluene tank farms;
- 7 (vi) study area 11, landfill;
- 8 (vii) study area 12, sellite manufacturing area;
- 9 (viii) study area 14, former pond area;
- 10 (ix) study area 15, sewage treatment plant;
- 11 (x) study area L1, load assemble packing area,
12 group 61;
- 13 (xi) study area L2, explosive burning ground;
- 14 (xii) study area L3, demolition area;
- 15 (xiii) study area L4, landfill area;
- 16 (xiv) study area L5, salvage yard;
- 17 (xv) study area L7, group 1;
- 18 (xvi) study area L8, group 2;
- 19 (xvii) study area L9, group 3;
- 20 (xviii) study area L10, group 3A;
- 21 (xix) study area L12, Doyle Lake;
- 22 (xx) study area L14, group 4;
- 23 (xxi) study area L15, group 5;
- 24 (xxii) study area L18, group 8;
- 25 (xxiii) study area L19, group 9;

1 (xxiv) study area L20, group 20;

2 (xxv) study area L22, group 25;

3 (xxvi) study area L23, group 27;

4 (xxvii) study area L25, group 62;

5 (xxviii) study area L31, extraction pits;

6 (xxix) study area L33, PVC area;

7 (xxx) study area L34, former burning area; and

8 (xxxi) study area L35, fill area.

9 (B) The areas referred to in subparagraph (A) shall
10 include all associated inventoried buildings and structures
11 as identified in the Joliet Army Ammunition Plant
12 Plantwide Building and Structures Report and the con-
13 taminant study sites for both the manufacturing and load
14 assembly and packing sides of the Joliet Arsenal as shown
15 in the Dames and Moore Final Report, Phase 2 Remedial
16 Investigation Manufacturing (MFG) Area Joliet Army Am-
17 muniton Plant Joliet, Illinois (May 30, 1993. Contract No.
18 DAAA15-90-D-0015 task order No. 6 prepared for: United
19 States Army Environmental Center).

20 (C) Notwithstanding subparagraphs (A) and (B), the
21 landfill and national cemetery described in paragraphs (3)
22 and (4) shall not be subject to paragraph (1).

1 **SEC. 2856. CONTINUATION OF RESPONSIBILITY AND LIABIL-**
2 **ITY OF THE SECRETARY OF THE ARMY FOR**
3 **ENVIRONMENTAL CLEANUP.**

4 (a) *RESPONSIBILITY.*—*The Secretary of the Army*
5 *shall retain the responsibility to complete any remedial, re-*
6 *sponse, or other restoration actions required under any en-*
7 *vironmental law in order to carry out a transfer of property*
8 *under section 2854 before carrying out the transfer of the*
9 *property under that section.*

10 (b) *LIABILITY FOR ARSENAL.*—(1) *The Secretary of the*
11 *Army shall retain any obligation or other liability at the*
12 *Arsenal that the Secretary had under CERCLA and other*
13 *environmental laws. Following transfer of a portion of the*
14 *Arsenal under this subtitle, the Secretary of the Army shall*
15 *be accorded any easement or access to the property that may*
16 *be reasonably required to carry out the obligation or satisfy*
17 *the liability.*

18 (2) *The Secretary of Agriculture shall not be respon-*
19 *sible for the cost of any remedial, response, or other restora-*
20 *tion action required under any environmental law for a*
21 *matter that is related directly or indirectly to an activity*
22 *of the Secretary of the Army, or a party acting under the*
23 *authority of the Secretary of the Army, in connection with*
24 *the Defense Environmental Restoration Program, at or re-*
25 *lated to the Arsenal, including—*

1 (A) the costs or performance of responses re-
2 quired under CERCLA;

3 (B) the costs, penalties, or fines related to non-
4 compliance with an environmental law at or related
5 to the Arsenal or related to the presence, release, or
6 threat of release of a, hazardous substance, pollutant
7 or contaminant, hazardous waste, or hazardous mate-
8 rial of any kind at or related to the Arsenal, includ-
9 ing contamination resulting from migration of a haz-
10 ardous substance, pollutant or contaminant, a haz-
11 ardous material, or a petroleum product or a deriva-
12 tive of the product disposed during an activity of the
13 Secretary of the Army; and

14 (C) the costs of an action necessary to remedy
15 noncompliance or another problem specified in sub-
16 paragraph (B).

17 (c) *PAYMENT OF RESPONSE COSTS.*—A Federal agen-
18 cy that had or has operations at the Arsenal resulting in
19 the release or threatened release of a hazardous substance
20 or pollutant or contaminant shall pay the cost of a related
21 response and shall pay the costs of a related action to reme-
22 diate petroleum products or the derivatives of the products,
23 including motor oil and aviation fuel.

24 (d) *CONSULTATION.*—The Secretary shall consult with
25 the Secretary of the Army with respect to the management

1 *by the Secretary of real property included in the MNP sub-*
2 *ject to a response or other action at the Arsenal being car-*
3 *ried out by or under the authority of the Secretary of the*
4 *Army under any environmental law. The Secretary shall*
5 *consult with the Secretary of the Army prior to undertaking*
6 *an activity on the MNP that may disturb the property to*
7 *ensure that the activity shall not exacerbate contamination*
8 *problems or interfere with performance by the Secretary of*
9 *the Army of a response at the property.*

10 **SEC. 2857. DEGREE OF ENVIRONMENTAL CLEANUP.**

11 *(a) IN GENERAL.—Nothing in this subtitle shall re-*
12 *strict or lessen the degree of cleanup at the Arsenal required*
13 *to be carried out under any environmental law.*

14 *(b) RESPONSE.—The establishment of the MNP shall*
15 *not restrict or lessen in any way a response or degree of*
16 *cleanup required under CERCLA or other environmental*
17 *law, or a response required under any environmental law*
18 *to remediate petroleum products or the derivatives of the*
19 *products, including motor oil and aviation fuel, required*
20 *to be carried out by the Secretary of the Army at the Arse-*
21 *nal or surrounding areas.*

22 *(c) ENVIRONMENTAL QUALITY OF PROPERTY.—Any*
23 *contract for sale, deed, or other transfer of real property*
24 *under section 2855 shall be carried out in compliance with*

1 *section 120(h) of the CERCLA (42 U.S.C. 9620(h)) and*
2 *other environmental laws.*

3 ***Subtitle E—Other Matters***

4 ***SEC. 2861. DEPARTMENT OF DEFENSE LABORATORY REVI-***
5 ***TALIZATION DEMONSTRATION PROGRAM.***

6 *(a) PROGRAM REQUIRED.—The Secretary of Defense*
7 *shall carry out a program for the revitalization of Depart-*
8 *ment of Defense laboratories to be known as the “Depart-*
9 *ment of Defense Laboratory Revitalization Demonstration*
10 *Program”. Under the program the Secretary may carry out*
11 *minor military construction projects in accordance with*
12 *subsection (b) and other applicable law to improve Depart-*
13 *ment of Defense laboratories covered by the program.*

14 *(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO*
15 *MINOR CONSTRUCTION PROJECTS.—For purpose of any*
16 *military construction project carried out under the pro-*
17 *gram—*

18 *(1) the amount provided in the second sentence*
19 *of subsection (a)(1) of section 2805 of title 10, United*
20 *States Code (as amended by section 2801 of this Act),*
21 *shall be deemed to be \$3,000,000;*

22 *(2) the amount provided in subsection (b)(1) of*
23 *such section shall be deemed to be \$1,500,000; and*

1 (3) *the amount provided in subsection (c)(1)(B)*
2 *of such section, as so amended, shall be deemed to be*
3 *\$1,000,000.*

4 (c) *PROGRAM REQUIREMENTS.—(1) Not later than 30*
5 *days before commencing the program, the Secretary shall—*

6 (A) *designate the Department of Defense labora-*
7 *tories at which construction may be carried out under*
8 *the program; and*

9 (B) *establish procedures for the review and ap-*
10 *proval of requests from such laboratories to carry out*
11 *such construction.*

12 (2) *The laboratories designated under paragraph*
13 (1)(A) *may not include Department of Defense laboratories*
14 *that are contractor owned.*

15 (3) *The Secretary shall notify Congress of the labora-*
16 *tories designated under paragraph (1)(A).*

17 (d) *REPORT.—Not later than September 30, 1998, the*
18 *Secretary shall submit to Congress a report on the program.*
19 *The report shall include the Secretary's conclusions and rec-*
20 *ommendations regarding the desirability of extending the*
21 *authority set forth in subsection (b) to cover all Department*
22 *of Defense laboratories.*

23 (e) *EXCLUSIVITY OF PROGRAM.—Nothing in this sec-*
24 *tion may be construed to limit any other authority provided*

1 *by law for any military construction project at a Depart-*
2 *ment of Defense laboratory covered by the program.*

3 *(f) DEFINITIONS.—In this section:*

4 *(1) The term “laboratory” includes—*

5 *(A) a research, engineering, and develop-*
6 *ment center;*

7 *(B) a test and evaluation activity owned,*
8 *funded, and operated by the Federal Government*
9 *through the Department of Defense; and*

10 *(C) a supporting facility of a laboratory.*

11 *(2) The term “supporting facility”, with respect*
12 *to a laboratory, means any building or structure that*
13 *is used in support of research, development, test, and*
14 *evaluation at the laboratory.*

15 *(g) EXPIRATION OF AUTHORITY.—The Secretary may*
16 *not commence a construction project under the program*
17 *after September 30, 1999.*

18 **SEC. 2862. PROHIBITION ON JOINT CIVIL AVIATION USE OF**

19 **MIRAMAR NAVAL AIR STATION, CALIFORNIA.**

20 *The Secretary of the Navy may not enter into any*
21 *agreement that provides for or permits civil aircraft to use*
22 *regularly Miramar Naval Air Station, California.*

1 **SEC. 2863. REPORT ON AGREEMENT RELATING TO CONVEY-**
2 **ANCE OF LAND, FORT BELVOIR, VIRGINIA.**

3 *Not later than 60 days after the date of the enactment*
4 *of this Act, the Secretary of the Army shall submit to the*
5 *Committee on Armed Services of the Senate and the Com-*
6 *mittee on National Security of the House of Representatives*
7 *a report on the status of negotiations for the agreement re-*
8 *quired under subsection (b) of section 2821 of the Military*
9 *Construction Authorization Act for Fiscal Years 1990 and*
10 *1991 (division B of Public Law 101-189; 103 Stat. 1658)*
11 *in connection with the land conveyance authorized under*
12 *subsection (a) of that section. The report shall assess the*
13 *likelihood that the negotiations will lead to an agreement*
14 *and describe the alternative uses, if any, for the land re-*
15 *ferred to in such subsection (a) that have been identified*
16 *by the Secretary.*

17 **SEC. 2864. RESIDUAL VALUE REPORT.**

18 *(a) The Secretary of Defense, in coordination with the*
19 *Director of the Office of Management and Budget (OMB),*
20 *shall submit to the congressional defense committees status*
21 *reports on the results of residual value negotiations between*
22 *the United States and Germany, within 30 days of the re-*
23 *ceipt of such reports to the OMB.*

24 *(b) The reports shall include the following information:*

25 *(1) The estimated residual value of United States*
26 *capital value and improvements to facilities in Ger-*

1 *many that the United States has turned over to Ger-*
2 *many.*

3 (2) *The actual value obtained by the United*
4 *States for each facility or installation turned over to*
5 *the Government of Germany.*

6 (3) *The reason(s) for any difference between the*
7 *estimated and actual value obtained.*

8 **SEC. 2865. RENOVATION OF THE PENTAGON RESERVATION.**

9 *The Secretary of Defense shall take such action as is*
10 *necessary to reduce the total cost of the renovation of the*
11 *Pentagon Reservation to not more than \$1,118,000,000.*

12 **DIVISION C—DEPARTMENT OF**
13 **ENERGY NATIONAL SECURITY**
14 **AUTHORIZATIONS AND**
15 **OTHER AUTHORIZATIONS**

16 **TITLE XXXI—DEPARTMENT OF**
17 **ENERGY NATIONAL SECURITY**
18 **PROGRAMS**

19 **Subtitle A—National Security**
20 **Programs Authorizations**

21 **SEC. 3101. WEAPONS ACTIVITIES.**

22 (a) *STOCKPILE STEWARDSHIP.*—*Subject to subsection*
23 *(d), funds are hereby authorized to be appropriated to the*
24 *Department of Energy for fiscal year 1996 for stockpile*
25 *stewardship in carrying out weapons activities necessary*

1 *for national security programs in the amount of*
2 *\$1,624,080,000, to be allocated as follows:*

3 *(1) For core stockpile stewardship,*
4 *\$1,386,613,000, to be allocated as follows:*

5 *(A) For operation and maintenance,*
6 *\$1,305,308,000.*

7 *(B) For plant projects (including mainte-*
8 *nance, restoration, planning, construction, ac-*
9 *quisition, modification of facilities, and the con-*
10 *tinuation of projects authorized in prior years,*
11 *and land acquisition related thereto),*
12 *\$81,305,000, to be allocated as follows: Project*
13 *96-D-102, stockpile stewardship facilities revi-*
14 *talization, Phase VI, various locations,*
15 *\$2,520,000.*

16 *Project 96-D-103, Atlas, Los Alamos*
17 *National Laboratory, Los Alamos, New*
18 *Mexico, \$8,400,000.*

19 *Project 96-D-104, processing and en-*
20 *vironmental technology laboratory (PETL),*
21 *Sandia National Laboratories, Albuquerque,*
22 *New Mexico, \$1,800,000.*

23 *Project 96-D-105, contained firing fa-*
24 *cility addition, Lawrence Livermore Na-*

1 *tional Laboratory, Livermore, California,*
2 *\$6,600,000.*

3 *Project 95-D-102, Chemical and Met-*
4 *allurgy Research Building upgrades, Los*
5 *Alamos National Laboratory, New Mexico,*
6 *\$9,940,000.*

7 *Project 94-D-102, nuclear weapons re-*
8 *search, development, and testing facilities*
9 *revitalization, Phase V, various locations,*
10 *\$12,200,000.*

11 *Project 93-D-102, Nevada support fa-*
12 *cility, North Las Vegas, Nevada,*
13 *\$15,650,000.*

14 *Project 90-D-102, nuclear weapons re-*
15 *search, development, and testing facilities*
16 *revitalization, Phase III, various locations,*
17 *\$6,200,000.*

18 *Project 88-D-106, nuclear weapons re-*
19 *search, development, and testing facilities*
20 *revitalization, Phase II, various locations,*
21 *\$17,995,000.*

22 *(2) For inertial fusion, \$230,667,000, to be allo-*
23 *cated as follows:*

24 *(A) For operation and maintenance,*
25 *\$193,267,000.*

1 (B) For the following plant project (includ-
2 ing maintenance, restoration, planning, con-
3 struction, acquisition, modification of facilities,
4 and land acquisition related thereto),
5 \$37,400,000:

6 Project 96-D-111, national ignition
7 facility, location to be determined.

8 (3) For Marshall Islands activities and Nevada
9 Test Site dose reconstruction, \$6,800,000.

10 (b) STOCKPILE MANAGEMENT.—Subject to subsection
11 (d), funds are hereby authorized to be appropriated to the
12 Department of Energy for fiscal year 1996 for stockpile
13 management in carrying out weapons activities necessary
14 for national security programs in the amount of
15 \$2,035,483,000, to be allocated as follows:

16 (1) For operation and maintenance,
17 \$1,911,858,000.

18 (2) 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), \$123,625,000, to be allocated as follows:

23 Project GPD-121, general plant projects,
24 various locations, \$10,000,000.

1 *Project 96-D-122, sewage treatment quality*
2 *upgrade (STQU), Pantex Plant, Amarillo,*
3 *Texas, \$600,000.*

4 *Project 96-D-123, retrofit heating, ventila-*
5 *tion, and air conditioning and chillers for ozone*
6 *protection, Y-12 Plant, Oak Ridge, Tennessee,*
7 *\$3,100,000.*

8 *Project 96-D-125, Washington measure-*
9 *ments operations facility, Andrews Air Force*
10 *Base, Camp Springs, Maryland, \$900,000.*

11 *Project 96-D-126, tritium loading line*
12 *modifications, Savannah River Site, South*
13 *Carolina, \$12,200,000.*

14 *Project 95-D-122, sanitary sewer upgrade,*
15 *Y-12 Plant, Oak Ridge, Tennessee, \$6,300,000.*

16 *Project 94-D-124, hydrogen fluoride supply*
17 *system, Y-12 Plant, Oak Ridge, Tennessee,*
18 *\$8,700,000.*

19 *Project 94-D-125, upgrade life safety, Kan-*
20 *sas City Plant, Kansas City, Missouri,*
21 *\$5,500,000.*

22 *Project 94-D-127, emergency notification*
23 *system, Pantex Plant, Amarillo, Texas,*
24 *\$2,000,000.*

1 *Project 94-D-128, environmental safety*
2 *and health analytical laboratory, Pantex Plant,*
3 *Amarillo, Texas, \$4,000,000.*

4 *Project 93-D-122, life safety upgrades, Y-*
5 *12 Plant, Oak Ridge, Tennessee, \$7,200,000.*

6 *Project 93-D-123, complex-21, various lo-*
7 *cations, \$41,065,000.*

8 *Project 88-D-122, facilities capability as-*
9 *surance program, various locations, \$8,660,000.*

10 *Project 88-D-123, security enhancements,*
11 *Pantex Plant, Amarillo, Texas, \$13,400,000.*

12 *(c) PROGRAM DIRECTION.—Subject to subsection (d),*
13 *funds are hereby authorized to be appropriated to the De-*
14 *partment of Energy for fiscal year 1996 for program direc-*
15 *tion in carrying out weapons activities necessary for na-*
16 *tional security programs in the amount of \$118,000,000.*

17 *(d) ADJUSTMENTS.—The total amount authorized to*
18 *be appropriated pursuant to this section is the sum of the*
19 *amounts authorized to be appropriated in subsections (a)*
20 *through (c) reduced by the sum of—*

21 *(1) \$25,000,000, for savings resulting from pro-*
22 *curement reform; and*

23 *(2) \$86,344,000, for use of prior year balances.*

1 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
2 **MANAGEMENT.**

3 (a) *CORRECTIVE ACTIVITIES.*—Subject to subsection
4 (i), funds are hereby authorized to be appropriated to the
5 Department of Energy for fiscal year 1996 for corrective
6 activities in carrying out environmental restoration and
7 waste management activities necessary for national security
8 programs in the amount of \$3,406,000, all of which shall
9 be available for the following plant project (including main-
10 tenance, restoration, planning, construction, acquisition,
11 modification of facilities, and land acquisition related
12 thereto):

13 *Project 90–D–103, environment, safety and*
14 *health improvements, weapons research and develop-*
15 *ment complex, Los Alamos National Laboratory, Los*
16 *Alamos, New Mexico.*

17 (b) *ENVIRONMENTAL RESTORATION.*—Subject to sub-
18 section (i), funds are hereby authorized to be appropriated
19 to the Department of Energy for fiscal year 1996 for envi-
20 ronmental restoration for operating expenses in carrying
21 out environmental restoration and waste management ac-
22 tivities necessary for national security programs in the
23 amount of \$1,550,926,000.

24 (c) *WASTE MANAGEMENT.*—Subject to subsection (i),
25 funds are hereby authorized to be appropriated to the De-
26 partment of Energy for fiscal year 1996 for waste manage-

1 *ment in carrying out environmental restoration and waste*
2 *management activities necessary for national security pro-*
3 *grams in the amount of \$2,386,596,000, to be allocated as*
4 *follows:*

5 (1) *For operation and maintenance,*
6 *\$2,151,266,000.*

7 (2) *For plant projects (including maintenance,*
8 *restoration, planning, construction, acquisition, modi-*
9 *fication of facilities, and the continuation of projects*
10 *authorized in prior years, and land acquisition relat-*
11 *ed thereto), \$235,330,000, to be allocated as follows:*

12 *Project GPD-171, general plant projects,*
13 *various locations, \$15,728,000.*

14 *Project 96-D-400, replace industrial waste*
15 *pipings, Kansas City Plant, Kansas City, Mis-*
16 *souri, \$200,000.*

17 *Project 96-D-401, comprehensive treatment*
18 *and management plan immobilization of mis-*
19 *cellaneous wastes, Rocky Flats Environmental*
20 *Technology Site, Golden, Colorado, \$1,400,000.*

21 *Project 96-D-402, comprehensive treatment*
22 *and management plan building 374/774 sludge*
23 *immobilization, Rocky Flats Environmental*
24 *Technology Site, Golden, Colorado, \$1,500,000.*

1 *Project 96-D-403, tank farm service up-*
2 *grades, Savannah River, South Carolina,*
3 *\$3,315,000.*

4 *Project 96-D-405, T-plant secondary con-*
5 *tainment and leak detection upgrades, Richland,*
6 *Washington, \$2,100,000.*

7 *Project 96-D-406, K-Basin operations pro-*
8 *gram, Richland, Washington, \$41,000,000.*

9 *Project 96-D-409, advanced mixed waste*
10 *treatment facility, Idaho National Engineering*
11 *Laboratory, Idaho, \$5,000,000.*

12 *Project 96-D-410, specific manufacturing*
13 *characterization facility assessment and upgrade,*
14 *Idaho National Engineering Laboratory, Idaho,*
15 *\$2,000,000.*

16 *Project 95-D-402, install permanent elec-*
17 *trical service, Waste Isolation Pilot Plant, New*
18 *Mexico, \$4,314,000.*

19 *Project 95-D-405, industrial landfill V and*
20 *construction/demolition landfill VII, Y-12 Plant,*
21 *Oak Ridge, Tennessee, \$4,600,000.*

22 *Project 95-D-406, road 5-01 reconstruc-*
23 *tion, area 5, Nevada Test Site, Nevada,*
24 *\$1,023,000.*

1 *Project 94-D-400, high explosive*
2 *wastewater treatment system, Los Alamos Na-*
3 *tional Laboratory, Los Alamos, New Mexico,*
4 *\$4,445,000.*

5 *Project 94-D-402, liquid waste treatment*
6 *system, Nevada Test Site, Nevada, \$282,000.*

7 *Project 94-D-404, Melton Valley storage*
8 *tanks capacity increase, Oak Ridge National*
9 *Laboratory, Oak Ridge, Tennessee, \$11,000,000.*

10 *Project 94-D-407, initial tank retrieval*
11 *systems, Richland, Washington, \$9,400,000.*

12 *Project 94-D-411, solid waste operations*
13 *complex project, Richland, Washington,*
14 *\$5,500,000.*

15 *Project 94-D-417, intermediate-level and*
16 *low-activity waste vaults, Savannah River,*
17 *South Carolina, \$2,704,000.*

18 *Project 93-D-178, building 374 liquid*
19 *waste treatment facility, Rocky Flats Plant,*
20 *Golden, Colorado, \$3,900,000.*

21 *Project 93-D-182, replacement of cross-site*
22 *transfer system, Richland, Washington,*
23 *\$19,795,000.*

24 *Project 93-D-183, multi-tank waste storage*
25 *facility, Richland, Washington, \$31,000,000.*

1 *Project 93-D-187, high-level waste removal*
2 *from filled waste tanks, Savannah River, South*
3 *Carolina, \$34,700,000.*

4 *Project 92-D-171, mixed waste receiving*
5 *and storage facility, Los Alamos National Lab-*
6 *oratory, Los Alamos, New Mexico, \$1,105,000.*

7 *Project 92-D-188, waste management envi-*
8 *ronmental, safety and health (ES&H) and com-*
9 *pliance activities, various locations, \$1,100,000.*

10 *Project 90-D-172, aging waste transfer*
11 *lines, Richland, Washington, \$2,000,000.*

12 *Project 90-D-177, RWMC transuranic*
13 *(TRU) waste characterization and storage facil-*
14 *ity, Idaho National Engineering Laboratory,*
15 *Idaho, \$1,428,000.*

16 *Project 90-D-178, TSA retrieval contain-*
17 *ment building, Idaho National Engineering Lab-*
18 *oratory, Idaho, \$2,606,000.*

19 *Project 89-D-173, tank farm ventilation*
20 *upgrade, Richland, Washington, \$800,000.*

21 *Project 89-D-174, replacement high-level*
22 *waste evaporator, Savannah River, South Caro-*
23 *lina, \$11,500,000.*

1 *Project 86-D-103, decontamination and*
2 *waste treatment facility, Lawrence Livermore*
3 *National Laboratory, California, \$8,885,000.*

4 *Project 83-D-148, nonradioactive hazard-*
5 *ous waste management, Savannah River, South*
6 *Carolina, \$1,000,000.*

7 *(d) TECHNOLOGY DEVELOPMENT.—Subject to sub-*
8 *section (i), funds are hereby authorized to be appropriated*
9 *to the Department of Energy for fiscal year 1996 for tech-*
10 *nology development in carrying out environmental restora-*
11 *tion and waste management activities necessary for na-*
12 *tional security programs in the amount of \$505,510,000.*

13 *(e) TRANSPORTATION MANAGEMENT.—Subject to sub-*
14 *section (i), funds are hereby authorized to be appropriated*
15 *to the Department of Energy for fiscal year 1996 for trans-*
16 *portation management in carrying out environmental res-*
17 *toration and waste management activities necessary for na-*
18 *tional security programs in the amount of \$16,158,000.*

19 *(f) NUCLEAR MATERIALS AND FACILITIES STABILIZA-*
20 *TION.—Subject to subsection (i), funds are hereby author-*
21 *ized to be appropriated to the Department of Energy for*
22 *fiscal year 1996 for nuclear materials and facilities sta-*
23 *bilization in carrying out environmental restoration and*
24 *waste management activities necessary for national security*

1 *programs in the amount of \$1,596,028,000, to be allocated*
2 *as follows:*

3 *(1) For operation and maintenance,*
4 *\$1,463,384,000.*

5 *(2) For plant projects (including maintenance,*
6 *restoration, planning, construction, acquisition, modi-*
7 *fication of facilities, and the continuation of projects*
8 *authorized in prior years, and land acquisition relat-*
9 *ed thereto), \$132,644,000, to be allocated as follows:*

10 *Project GPD-171, general plant projects,*
11 *various locations, \$14,724,000.*

12 *Project 96-D-458, site drainage control,*
13 *Mound Plant, Miamisburg, Ohio, \$885,000.*

14 *Project 96-D-461, electrical distribution*
15 *upgrade, Idaho National Engineering Labora-*
16 *tory, Idaho, \$1,539,000.*

17 *Project 96-D-462, health physics instru-*
18 *ment laboratory, Idaho National Engineering*
19 *Laboratory, Idaho, \$1,126,000.*

20 *Project 96-D-463, central facilities craft*
21 *shop, Idaho National Engineering Laboratory,*
22 *Idaho, \$724,000.*

23 *Project 96-D-464, electrical and utility sys-*
24 *tems upgrade, Idaho Chemical Processing Plant,*

1 *Idaho National Engineering Laboratory, Idaho,*
2 *\$4,952,000.*

3 *Project 96-D-465, 200 area sanitary sewer*
4 *system, Richland, Washington, \$1,800,000.*

5 *Project 96-D-470, environmental monitor-*
6 *ing laboratory, Savannah River Site, Aiken,*
7 *South Carolina, \$3,500,000.*

8 *Project 96-D-471, chlorofluorocarbon heat-*
9 *ing, ventilation, and air conditioning and chiller*
10 *retrofit, Savannah River Site, Aiken, South*
11 *Carolina, \$1,500,000.*

12 *Project 96-D-472, plant engineering and*
13 *design, Savannah River Site, Aiken, South Caro-*
14 *lina, \$4,000,000.*

15 *Project 96-D-473, health physics site sup-*
16 *port facility, Savannah River Site, Aiken, South*
17 *Carolina, \$2,000,000.*

18 *Project 96-D-474, dry fuel storage facility,*
19 *Idaho National Engineering Laboratory, Idaho,*
20 *\$15,000,000.*

21 *Project 96-D-475, high level waste volume*
22 *reduction demonstration (pentaborane), Idaho*
23 *National Engineering Laboratory, Idaho,*
24 *\$5,000,000.*

1 *Project 95-D-155, upgrade site road infra-*
2 *structure, Savannah River, South Carolina,*
3 *\$2,900,000.*

4 *Project 95-D-156, radio trunking system,*
5 *Savannah River, South Carolina, \$10,000,000.*

6 *Project 95-D-454, 324 facility compliance/*
7 *renovation, Richland, Washington, \$3,500,000.*

8 *Project 95-D-456, security facilities up-*
9 *grade, Idaho Chemical Processing Plant, Idaho*
10 *National Engineering Laboratory, Idaho,*
11 *\$8,382,000.*

12 *Project 94-D-122, underground storage*
13 *tanks, Rocky Flats, Golden, Colorado,*
14 *\$5,000,000.*

15 *Project 94-D-401, emergency response facil-*
16 *ity, Idaho National Engineering Laboratory,*
17 *Idaho, \$5,074,000.*

18 *Project 94-D-412, 300 area process sewer*
19 *pipng system upgrade, Richland, Washington,*
20 *\$1,000,000.*

21 *Project 94-D-415, medical facilities, Idaho*
22 *National Engineering Laboratory, Idaho,*
23 *\$3,601,000.*

1 *Project 94-D-451, infrastructure replace-*
2 *ment, Rocky Flats Plant, Golden, Colorado,*
3 *\$2,940,000.*

4 *Project 93-D-147, domestic water system*
5 *upgrade, Phase I and II, Savannah River, South*
6 *Carolina, \$7,130,000.*

7 *Project 93-D-172, electrical upgrade, Idaho*
8 *National Engineering Laboratory, Idaho,*
9 *\$124,000.*

10 *Project 92-D-123, plant fire/security*
11 *alarms system replacement, Rocky Flats Plant,*
12 *Golden, Colorado, \$9,560,000.*

13 *Project 92-D-125, master safeguards and*
14 *security agreement/materials surveillance task*
15 *force security upgrades, Rocky Flats Plant, Gold-*
16 *en, Colorado, \$7,000,000.*

17 *Project 92-D-181, fire and life safety im-*
18 *provements, Idaho National Engineering Lab-*
19 *oratory, Idaho, \$6,883,000.*

20 *Project 91-D-127, criticality alarm and*
21 *production annunciation utility replacement,*
22 *Rocky Flats Plant, Golden, Colorado, \$2,800,000.*

23 *(g) COMPLIANCE AND PROGRAM COORDINATION.—*
24 *Subject to subsection (i), funds are hereby authorized to be*
25 *appropriated to the Department of Energy for fiscal year*

1 1996 for compliance and program coordination in carrying
2 out environmental restoration and waste management ac-
3 tivities necessary for national security programs in the
4 amount of \$81,251,000, to be allocated as follows:

5 (1) For operation and maintenance,
6 \$66,251,000.

7 (2) For the following plant project (including
8 maintenance, restoration, planning, construction, ac-
9 quisition, modification of facilities, and land acqui-
10 sition related thereto), \$15,000,000:

11 Project 95-E-600, hazardous materials
12 training center, Richland, Washington.

13 (h) ANALYSIS, EDUCATION, AND RISK MANAGE-
14 MENT.—Subject to subsection (i), funds are hereby author-
15 ized to be appropriated to the Department of Energy for
16 fiscal year 1996 for analysis, education, and risk manage-
17 ment in carrying out environmental restoration and waste
18 management activities necessary for national security pro-
19 grams in the amount of \$80,022,000.

20 (i) ADJUSTMENTS.—The total amount authorized to be
21 appropriated pursuant to this section is the sum of the
22 amounts specified in subsections (a) through (h) reduced by
23 the sum of—

24 (1) \$276,942,000, for use of prior year balances;
25 and

1 (2) \$37,000,000 for recovery of overpayment to
2 the Savannah River Pension Fund.

3 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

4 (a) *OTHER DEFENSE ACTIVITIES.*—Subject to sub-
5 section (b), funds are hereby authorized to be appropriated
6 to the Department of Energy for fiscal year 1996 for other
7 defense activities in carrying out programs necessary for
8 national security in the amount of \$1,408,162,000, to be
9 allocated as follows:

10 (1) For verification and control technology,
11 \$430,842,000, to be allocated as follows:

12 (A) For nonproliferation and verification
13 research and development, \$226,142,000.

14 (B) For arms control, \$162,364,000.

15 (C) For intelligence, \$42,336,000.

16 (2) For nuclear safeguards and security,
17 \$83,395,000.

18 (3) For security investigations, \$25,000,000.

19 (4) For security evaluations, \$14,707,000.

20 (5) For the Office of Nuclear Safety,
21 \$15,050,000.

22 (6) For worker and community transition,
23 \$100,000,000.

24 (7) For fissile materials disposition, \$70,000,000.

1 (8) *For naval reactors development,*
2 *\$682,168,000, to be allocated as follows:*

3 (A) *For operation and infrastructure,*
4 *\$659,168,000.*

5 (B) *For plant projects (including mainte-*
6 *nance, restoration, planning, construction, ac-*
7 *quisition, modification of facilities, and the con-*
8 *tinuation of projects authorized in prior years,*
9 *and land acquisition related thereto),*
10 *\$23,000,000, to be allocated as follows:*

11 *Project 95-D-200, laboratory systems*
12 *and hot cell upgrades, various locations,*
13 *\$11,300,000.*

14 *Project 95-D-201, advanced test reac-*
15 *tor radioactive waste system upgrades,*
16 *Idaho National Engineering Laboratory,*
17 *Idaho, \$4,800,000.*

18 *Project 93-D-200, engineering services*
19 *facilities, Knolls Atomic Power Laboratory,*
20 *Niskayuna, New York, \$3,900,000.*

21 *Project 90-N-102, expended core facil-*
22 *ity dry cell project, Naval Reactors Facility,*
23 *Idaho, \$3,000,000.*

24 (b) *ADJUSTMENT.—The total amount that may be ap-*
25 *propriated pursuant to this section is the total amount au-*

1 *thorized to be appropriated in subsection (a) reduced by*
2 *\$13,000,000, for use of prior year balances.*

3 **SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.**

4 *Funds are hereby authorized to be appropriated to the*
5 *Department of Energy for fiscal year 1996 for payment to*
6 *the Nuclear Waste Fund established in section 302(c) of the*
7 *Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in*
8 *the amount of \$198,400,000.*

9 **SEC. 3105. PAYMENT OF PENALTIES ASSESSED AGAINST**

10 **ROCKY FLATS SITE.**

11 *The Secretary of Energy may pay to the Hazardous*
12 *Substance Superfund established under section 9507 of the*
13 *Internal Revenue Code of 1986 (26 U.S.C. 9507), from*
14 *funds appropriated to the Department of Energy for envi-*
15 *ronmental restoration and waste management activities*
16 *pursuant to section 3102, stipulated civil penalties in the*
17 *amount of \$350,000 assessed under the Comprehensive En-*
18 *vironmental Response, Compensation, and Liability Act of*
19 *1980 (42 U.S.C. 9601 et seq.) against the Rocky Flats Site,*
20 *Golden, Colorado.*

1 **SEC. 3106. STANDARDIZATION OF ETHICS AND REPORTING**
2 **REQUIREMENTS AFFECTING THE DEPART-**
3 **MENT OF ENERGY WITH GOVERNMENT-WIDE**
4 **STANDARDS.**

5 (a) *REPEALS.*—(1) *Part A of title VI of the Depart-*
6 *ment of Energy Organization Act and its catchline (42*
7 *U.S.C. 7211, 7212, and 7218) are repealed.*

8 (2) *Section 308 of the Energy Research and Develop-*
9 *ment Administration Appropriation Authorization Act for*
10 *Fiscal Year 1977 (42 U.S.C. 5816a) is repealed.*

11 (3) *Section 522 of the Energy Policy and Conservation*
12 *Act (42 U.S.C. 6392) is repealed.*

13 (b) *CONFORMING AMENDMENTS.*—(1) *The table of con-*
14 *tents for the Department of Energy Organization Act is*
15 *amended by striking out the items relating to part A of*
16 *title VI including sections 601 through 603.*

17 (2) *The table of contents for the Energy Policy and*
18 *Conservation Act is amended by striking out the matter re-*
19 *lating to section 522.*

20 **SEC. 3107. CERTAIN ENVIRONMENTAL RESTORATION RE-**
21 **QUIREMENTS.**

22 *It is the sense of Congress that:*

23 (1) *No individual acting within the scope of that*
24 *individual's employment with a Federal agency or de-*
25 *partment shall be personally subject to civil or crimi-*
26 *nal sanctions, for any failure to comply with an envi-*

1 “(c) *LIMITATIONS.*—Nothing in this Act shall be con-
2 strued as an authorization to conduct hydronuclear tests.
3 Furthermore, nothing in this Act shall be construed as
4 amending or repealing the requirements of section 507 of
5 Public Law 102–377.”.

6 ***Subtitle B—Recurring General***
7 ***Provisions***

8 ***SEC. 3121. REPROGRAMMING.***

9 (a) *IN GENERAL.*—Until the Secretary of Energy sub-
10 mits to the congressional defense committees the report re-
11 ferred to in subsection (b) and a period of 30 days has
12 elapsed after the date on which such committees receive the
13 report, the Secretary may not use amounts appropriated
14 pursuant to this title for any program—

15 (1) *in amounts that exceed, in a fiscal year—*

16 (A) *110 percent of the amount authorized*
17 *for that program by this title; or*

18 (B) *\$1,000,000 more than the amount au-*
19 *thorized for that program by this title; or*

20 (2) *which has not been presented to, or requested*
21 *of, Congress.*

22 (b) *REPORT.*—(1) *The report referred to in subsection*
23 *(a) is a report containing a full and complete statement*
24 *of the action proposed to be taken and the facts and cir-*
25 *cumstances relied upon in support of such proposed action.*

1 (2) *In the computation of the 30-day period under sub-*
2 *section (a), there shall be excluded any day on which either*
3 *House of Congress is not in session because of an adjourn-*
4 *ment of more than 3 days to a day certain.*

5 (c) *LIMITATIONS.—(1) In no event may the total*
6 *amount of funds obligated pursuant to this title exceed the*
7 *total amount authorized to be appropriated by this title.*

8 (2) *Funds appropriated pursuant to this title may not*
9 *be used for an item for which Congress has specifically de-*
10 *nied funds.*

11 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

12 (a) *IN GENERAL.—The Secretary of Energy may carry*
13 *out any construction project under the general plant*
14 *projects authorized by this title if the total estimated cost*
15 *of the construction project does not exceed \$2,000,000.*

16 (b) *REPORT TO CONGRESS.—If, at any time during*
17 *the construction of any general plant project authorized by*
18 *this title, the estimated cost of the project is revised because*
19 *of unforeseen cost variations and the revised cost of the*
20 *project exceeds \$2,000,000, the Secretary shall immediately*
21 *furnish a complete report to the congressional defense com-*
22 *mittees explaining the reasons for the cost variation.*

23 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

24 (a) *IN GENERAL.—(1) Except as provided in para-*
25 *graph (2), construction on a construction project may not*

1 *be started or additional obligations incurred in connection*
2 *with the project above the total estimated cost, whenever the*
3 *current estimated cost of the construction project, which is*
4 *authorized by sections 3101, 3102, and 3103, or which is*
5 *in support of national security programs of the Department*
6 *of Energy and was authorized by any previous Act, exceeds*
7 *by more than 25 percent the higher of—*

8 *(A) the amount authorized for the project; or*

9 *(B) the amount of the total estimated cost for the*
10 *project as shown in the most recent budget justifica-*
11 *tion data submitted to Congress.*

12 *(2) An action described in paragraph (1) may be taken*
13 *if—*

14 *(A) the Secretary of Energy has submitted to the*
15 *congressional defense committees a report on the ac-*
16 *tions and the circumstances making such action nec-*
17 *essary; and*

18 *(B) a period of 30 days has elapsed after the*
19 *date on which the report is received by the commit-*
20 *tees.*

21 *(3) In the computation of the 30-day period under*
22 *paragraph (2), there shall be excluded any day on which*
23 *either House of Congress is not in session because of an*
24 *adjournment of more than 3 days to a day certain.*

1 (b) *EXCEPTION.*—Subsection (a) shall not apply to
2 any construction project which has a current estimated cost
3 of less than \$5,000,000.

4 **SEC. 3124. FUND TRANSFER AUTHORITY.**

5 (a) *TRANSFER TO OTHER FEDERAL AGENCIES.*—The
6 Secretary of Energy may transfer funds authorized to be
7 appropriated to the Department of Energy pursuant to this
8 title to other Federal agencies for the performance of work
9 for which the funds were authorized. Funds so transferred
10 may be merged with and be available for the same purposes
11 and for the same period as the authorizations of the Federal
12 agency to which the amounts are transferred.

13 (b) *TRANSFER WITHIN DEPARTMENT OF ENERGY;*
14 *LIMITATIONS.*—(1) Subject to paragraph (2), the Secretary
15 of Energy may transfer funds authorized to be appropriated
16 to the Department of Energy pursuant to this title between
17 any such authorizations. Amounts of authorizations so
18 transferred may be merged with and be available for the
19 same purposes and for the same period as the authorization
20 to which the amounts are transferred.

21 (2) Not more than 5 percent of any such authorization
22 may be transferred between authorizations under para-
23 graph (1). No such authorization may be increased or de-
24 creased by more than 5 percent by a transfer under such
25 paragraph.

1 (3) *The authority provided by this section to transfer*
2 *authorizations—*

3 (A) *may only be used to provide funds for items*
4 *relating to weapons activities necessary for national*
5 *security programs that have a higher priority than*
6 *the items from which the funds are transferred; and*

7 (B) *may not be used to provide authority for an*
8 *item that has been denied funds by Congress.*

9 (c) *NOTICE TO CONGRESS.—The Secretary of Energy*
10 *shall promptly notify the Committee on Armed Services of*
11 *the Senate and the Committee on National Security of the*
12 *House of Representatives of any transfer of funds to or from*
13 *authorizations under this title.*

14 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
15 **TION DESIGN.**

16 (a) *REQUIREMENT FOR CONCEPTUAL DESIGN.—(1)*
17 *Subject to paragraph (2) and except as provided in para-*
18 *graph (3), before submitting to Congress a request for funds*
19 *for a construction project that is in support of a national*
20 *security program of the Department of Energy, the Sec-*
21 *retary of Energy shall complete a conceptual design for that*
22 *project.*

23 (2) *If the estimated cost of completing a conceptual*
24 *design for a construction project exceeds \$3,000,000, the*
25 *Secretary shall submit to Congress a request for funds for*

1 *the conceptual design before submitting a request for funds*
2 *for the construction project.*

3 (3) *The requirement in paragraph (1) does not apply*
4 *to a request for funds—*

5 (A) *for a construction project the total estimated*
6 *cost of which is less than \$2,000,000; or*

7 (B) *for emergency planning, design, and con-*
8 *struction activities under section 3126.*

9 (b) *AUTHORITY FOR CONSTRUCTION DESIGN.—(1)*
10 *Within the amounts authorized by this title, the Secretary*
11 *of Energy may carry out construction design (including ar-*
12 *chitectural and engineering services) in connection with*
13 *any proposed construction project if the total estimated cost*
14 *for such design does not exceed \$600,000.*

15 (2) *If the total estimated cost for construction design*
16 *in connection with any construction project exceeds*
17 *\$600,000, funds for such design must be specifically author-*
18 *ized by law.*

19 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
20 **SIGN, AND CONSTRUCTION ACTIVITIES.**

21 (a) *AUTHORITY.—The Secretary of Energy may use*
22 *any funds available to the Department of Energy pursuant*
23 *to an authorization in this title, including funds authorized*
24 *to be appropriated under sections 3101, 3102, and 3103 for*
25 *advance planning and construction design, to perform*

1 *planning, design, and construction activities for any De-*
2 *partment of Energy national security program construction*
3 *project that, as determined by the Secretary, must proceed*
4 *expeditiously in order to protect public health and safety,*
5 *meet the needs of national defense, or to protect property.*

6 (b) *LIMITATION.*—*The Secretary may not exercise the*
7 *authority under subsection (a) in the case of any construc-*
8 *tion project until the Secretary has submitted to the con-*
9 *gressional defense committees a report on the activities that*
10 *the Secretary intends to carry out under this section and*
11 *the circumstances making such activities necessary.*

12 (c) *SPECIFIC AUTHORITY.*—*The requirement of section*
13 *3125(b)(2) does not apply to emergency planning, design,*
14 *and construction activities conducted under this section.*

15 (d) *REPORT.*—*The Secretary of Energy shall report to*
16 *the congressional defense committees any exercise of author-*
17 *ity under this section.*

18 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
19 **RITY PROGRAMS OF THE DEPARTMENT OF**
20 **ENERGY.**

21 *Subject to the provisions of appropriations Acts and*
22 *section 3121 of this title, amounts appropriated pursuant*
23 *to this title for management and support activities and for*
24 *general plant projects are available for use, when necessary,*

1 *in connection with all national security programs of the*
2 *Department of Energy.*

3 **SEC. 3128. AVAILABILITY OF FUNDS.**

4 *When so specified in an appropriation Act, amounts*
5 *appropriated for operating expenses, plant projects, and*
6 *capital equipment may remain available until expended.*

7 **Subtitle C—Program Authoriza-**
8 **tions, Restrictions, and Limita-**
9 **tions**

10 **SEC. 3131. TRITIUM PRODUCTION.**

11 *(a) TRITIUM PRODUCTION.—Of the funds authorized*
12 *to be appropriated to the Department of Energy under sec-*
13 *tion 3101, not more than \$50,000,000 shall be available to*
14 *conduct an assessment of alternative means of ensuring that*
15 *the tritium production of the Department of Energy is ade-*
16 *quate to meet the tritium requirements of the Department*
17 *of Defense. The assessment shall include an assessment of*
18 *various types of reactors and an accelerator.*

19 *(b) LOCATION OF NEW TRITIUM PRODUCTION FACIL-*
20 *ITY.—The Secretary of Energy shall locate the new tritium*
21 *production facility of the Department of Energy at the Sa-*
22 *vannah River Site, South Carolina.*

23 *(c) TRITIUM TARGETS.—Of the funds authorized to be*
24 *appropriated to the Department of Energy under section*
25 *3101, not more than \$5,000,000 shall be available for the*

1 *Idaho National Engineering Laboratory for the test and de-*
2 *velopment of nuclear reactor tritium targets for the various*
3 *types of reactors to be assessed by the Department under*
4 *subsection (a).*

5 **SEC. 3132. FISSILE MATERIALS DISPOSITION.**

6 *Of the funds authorized to be appropriated to the De-*
7 *partment of Energy for fiscal year 1996 under section*
8 *3103(a)(7), \$70,000,000 shall be available only for purposes*
9 *of completing the evaluation of, and commencing implemen-*
10 *tation of, the interim- and long-term storage and disposi-*
11 *tion of fissile materials (including plutonium, highly en-*
12 *riched uranium, and other fissile materials) that are excess*
13 *to the national security needs of the United States, of which*
14 *\$10,000,000 shall be available for plutonium resource as-*
15 *essment on a competitive basis by an appropriate univer-*
16 *sity consortium.*

17 **SEC. 3133. TRITIUM RECYCLING.**

18 *(a) IN GENERAL.—Except as provided in subsection*
19 *(b), the following activities shall be carried out at the Sa-*
20 *vannah River Site, South Carolina:*

21 *(1) All tritium recycling for weapons, including*
22 *tritium refitting.*

23 *(2) All activities regarding tritium formerly car-*
24 *ried out at the Mound Plant, Ohio.*

1 (b) *EXCEPTION.*—*The following activities may be car-*
2 *ried out at the Los Alamos National Laboratory, New Mex-*
3 *ico:*

4 (1) *Research on tritium.*

5 (2) *Work on tritium in support of the defense in-*
6 *ertial confinement fusion program.*

7 (3) *Provision of technical assistance to the Sa-*
8 *vannah River Site regarding the weapons surveillance*
9 *program.*

10 **SEC. 3134. MANUFACTURING INFRASTRUCTURE FOR**
11 **REFABRICATION AND CERTIFICATION OF EN-**
12 **DURING NUCLEAR WEAPONS STOCKPILE.**

13 (a) *MANUFACTURING PROGRAM.*—*The Secretary of*
14 *Energy shall carry out a program for purposes of establish-*
15 *ing within the Government a manufacturing infrastructure*
16 *that has the following capabilities as specified in the Nu-*
17 *clear Posture Review:*

18 (1) *To develop a stockpile surveillance engineer-*
19 *ing base.*

20 (2) *To refabricate and certify weapon compo-*
21 *nents and types in the enduring nuclear weapons*
22 *stockpile, as necessary.*

23 (3) *To design, fabricate, and certify new nuclear*
24 *warheads, as necessary.*

25 (4) *To support nuclear weapons.*

1 (5) *To supply sufficient tritium in support of*
2 *nuclear weapons to ensure an upload hedge in the*
3 *event circumstances require.*

4 (b) *REQUIRED CAPABILITIES.—The manufacturing*
5 *infrastructure established under the program under sub-*
6 *section (a) shall include the following capabilities (modern-*
7 *ized to attain the objectives referred to in that subsection):*

8 (1) *The weapons assembly capabilities of the*
9 *Pantex Plant.*

10 (2) *The weapon secondary fabrication capabili-*
11 *ties of the Y-12 Plant, Oak Ridge, Tennessee.*

12 (3) *The tritium production and recycling capa-*
13 *bilities of the Savannah River Site.*

14 (4) *A weapon primary pit refabrication/manu-*
15 *facturing and reuse facility capability at Savannah*
16 *River Site (if required for national security pur-*
17 *poses).*

18 (5) *The non-nuclear component capabilities of*
19 *the Kansas City Plant.*

20 (c) *NUCLEAR POSTURE REVIEW.—For purposes of*
21 *subsection (a), the term “Nuclear Posture Review” means*
22 *the Department of Defense Nuclear Posture Review as con-*
23 *tained in the Report of the Secretary of Defense to the Presi-*
24 *dent and the Congress dated February 19, 1995, or subse-*
25 *quent such reports.*

1 (d) *FUNDING.*—Of the funds authorized to be appro-
2 priated under section 3101(b), \$143,000,000 shall be avail-
3 able for carrying out the program required under this sec-
4 tion, of which—

5 (1) \$35,000,000 shall be available for activities
6 at the Pantex Plant;

7 (2) \$30,000,000 shall be available for activities
8 at the Y-12 Plant, Oak Ridge, Tennessee;

9 (3) \$35,000,000 shall be available for activities
10 at the Savannah River Site; and

11 (4) \$43,000,000 shall be available for activities
12 at the Kansas City Plant.

13 **SEC. 3135. HYDRONUCLEAR EXPERIMENTS.**

14 Of the funds authorized to be appropriated to the De-
15 partment of Energy under section 3101, \$50,000,000 shall
16 be available for preparation for the commencement of a pro-
17 gram of hydronuclear experiments at the nuclear weapons
18 design laboratories at the Nevada Test Site which program
19 shall be for the purpose of maintaining confidence in the
20 reliability and safety of the enduring nuclear weapons
21 stockpile.

1 **SEC. 3136. FELLOWSHIP PROGRAM FOR DEVELOPMENT OF**
2 **SKILLS CRITICAL TO THE DEPARTMENT OF**
3 **ENERGY NUCLEAR WEAPONS COMPLEX.**

4 (a) *IN GENERAL.*—The Secretary of Energy shall con-
5 duct a fellowship program for the development of skills criti-
6 cal to the ongoing mission of the Department of Energy
7 nuclear weapons complex. Under the fellowship program,
8 the Secretary shall—

9 (1) *provide educational assistance and research*
10 *assistance to eligible individuals to facilitate the de-*
11 *velopment by such individuals of skills critical to*
12 *maintaining the ongoing mission of the Department*
13 *of Energy nuclear weapons complex;*

14 (2) *employ eligible individuals at the facilities*
15 *described in subsection (c) in order to facilitate the*
16 *development of such skills by these individuals; or*

17 (3) *provide eligible individuals with the assist-*
18 *ance and the employment.*

19 (b) *ELIGIBLE INDIVIDUALS.*—Individuals eligible for
20 participation in the fellowship program are the following:

21 (1) *Students pursuing graduate degrees in fields*
22 *of science or engineering that are related to nuclear*
23 *weapons engineering or to the science and technology*
24 *base of the Department of Energy.*

25 (2) *Individuals engaged in postdoctoral studies*
26 *in such fields.*

1 (c) *COVERED FACILITIES.*—*The Secretary shall carry*
2 *out the fellowship program at or in connection with the fol-*
3 *lowing facilities:*

4 (1) *The Kansas City Plant, Kansas City, Mis-*
5 *souri.*

6 (2) *The Pantex Plant, Amarillo, Texas.*

7 (3) *The Y-12 Plant, Oak Ridge, Tennessee.*

8 (4) *The Savannah River Site, Aiken, South*
9 *Carolina.*

10 (d) *ADMINISTRATION.*—*The Secretary shall carry out*
11 *the fellowship program at a facility referred to in subsection*
12 *(c) through the stockpile manager of the facility.*

13 (e) *ALLOCATION OF FUNDS.*—*The Secretary shall, in*
14 *consultation with the Assistant Secretary of Energy for De-*
15 *fense Programs, allocate funds available for the fellowship*
16 *program under subsection (f) among the facilities referred*
17 *to in subsection (c). The Secretary shall make the allocation*
18 *after evaluating an assessment by the weapons program di-*
19 *rector of each such facility of the personnel and critical*
20 *skills necessary at the facility for carrying out the ongoing*
21 *mission of the facility.*

22 (f) *FUNDING.*—*Of the funds authorized to be appro-*
23 *priated to the Department of Energy for fiscal year 1996*
24 *under section 3101(b), \$10,000,000 may be used for the pur-*

1 *pose of carrying out the fellowship program under this sec-*
2 *tion.*

3 **SEC. 3137. EDUCATION PROGRAM FOR DEVELOPMENT OF**
4 **PERSONNEL CRITICAL TO THE DEPARTMENT**
5 **OF ENERGY NUCLEAR WEAPONS COMPLEX.**

6 (a) *IN GENERAL.*—*The Secretary of Energy shall con-*
7 *duct an education program to ensure the long-term supply*
8 *of personnel having skills critical to the ongoing mission*
9 *of the Department of Energy nuclear weapons complex.*
10 *Under the program, the Secretary shall provide—*

11 (1) *education programs designed to encourage*
12 *and assist students in study in the fields of math,*
13 *science, and engineering that are critical to main-*
14 *taining the nuclear weapons complex;*

15 (2) *programs that enhance the teaching skills of*
16 *teachers who teach students in such fields; and*

17 (3) *education programs that increase the sci-*
18 *entific understanding of the general public in areas of*
19 *importance to the nuclear weapons complex and to*
20 *the Department of Energy national laboratories.*

21 (b) *FUNDING.*—*Of the funds authorized to be appro-*
22 *priated to the Department of Energy for fiscal year 1996*
23 *under section 3101(a), \$10,000,000 may be used for the pur-*
24 *pose of carrying out the education program under this sec-*
25 *tion.*

1 **SEC. 3138. LIMITATION ON USE OF FUNDS FOR CERTAIN RE-**
2 **SEARCH AND DEVELOPMENT PURPOSES.**

3 *Funds appropriated or otherwise made available to the*
4 *Department of Energy for fiscal year 1996 under section*
5 *3101 may be obligated and expended for activities under*
6 *the Department of Energy Laboratory Directed Research*
7 *and Development Program or under Department of Energy*
8 *technology transfer programs only if such activities support*
9 *the national security mission of the Department.*

10 **SEC. 3139. PROCESSING OF HIGH LEVEL NUCLEAR WASTE**
11 **AND SPENT NUCLEAR FUEL RODS.**

12 (a) *ELECTROMETALLURGICAL PROCESSING ACTIVI-*
13 *TIES.—Of the amount authorized to be appropriated to the*
14 *Department of Energy under section 3102, not more than*
15 *\$2,500,000 shall be available for electrometallurgical proc-*
16 *essing activities at the Idaho National Engineering Labora-*
17 *tory.*

18 (b) *PROCESSING OF SPENT NUCLEAR FUEL RODS AT*
19 *SAVANNAH RIVER SITE.—Of the amount authorized to be*
20 *appropriated to the Department of Energy under section*
21 *3102, \$30,000,000 shall be available for operating and*
22 *maintenance activities at the Savannah River Site, which*
23 *amount shall be available for the development at the canyon*
24 *facilities at the site of technological methods (including plu-*
25 *tonium processing and reprocessing) of separating, reduc-*
26 *ing, isolating, and storing the spent nuclear fuel rods that*

1 *are sent to the site from other Department of Energy facili-*
2 *ties and from foreign facilities.*

3 *(c) PROCESSING OF SPENT NUCLEAR FUEL RODS AT*
4 *IDAHO NATIONAL ENGINEERING LABORATORY.—Of the*
5 *amount authorized to be appropriated to the Department*
6 *of Energy under section 3102, \$15,000,000 shall be avail-*
7 *able for operating and maintenance activities at the Idaho*
8 *National Engineering Laboratory, which amount shall be*
9 *available for the development of technological methods of*
10 *processing the spent nuclear fuel rods that will be sent to*
11 *the laboratory from other Department of Energy facilities.*

12 *(d) SPENT NUCLEAR FUEL DEFINED.—In this section,*
13 *the term “spent nuclear fuel” has the meaning given such*
14 *term in section 2(23) of the Nuclear Waste Policy Act of*
15 *1982 (42 U.S.C. 10101(23)).*

16 **SEC. 3140. DEPARTMENT OF ENERGY DECLASSIFICATION**
17 **PRODUCTIVITY INITIATIVE.**

18 *Of the funds authorized to be appropriated to the De-*
19 *partment of Energy under section 3103, \$3,000,000 shall*
20 *be available for the Declassification Productivity Initiative*
21 *of the Department of Energy.*

1 **SEC. 3141. AUTHORITY TO REPROGRAM FUNDS FOR DIS-**
2 **POSITION OF CERTAIN SPENT NUCLEAR**
3 **FUEL.**

4 (a) *AUTHORITY TO REPROGRAM.*—Notwithstanding
5 any other provision of law and subject to subsection (b),
6 the Secretary of Energy may reprogram funds available to
7 the Department of Energy for fiscal year 1996 under section
8 3101(b) or 3102(b) to make such funds available for use
9 for storage pool treatment and stabilization or for canning
10 and storage in connection with the disposition of spent nu-
11 clear fuel in the Democratic People’s Republic of Korea,
12 which treatment and stabilization or canning and storage
13 is—

14 (1) *necessary in order to meet International*
15 *Atomic Energy Agency safeguard standards with re-*
16 *spect to the disposition of spent nuclear fuel; and*

17 (2) *conducted in fulfillment of the Nuclear*
18 *Framework Agreement between the United States and*
19 *the Democratic People’s Republic of Korea dated Oc-*
20 *tober 21, 1994.*

21 (b) *LIMITATION.*—The total amount that the Secretary
22 may reprogram under the authority in subsection (a) may
23 not exceed \$5,000,000.

24 (c) *DEFINITION.*—In this section, the term “spent nu-
25 clear fuel” has the meaning given such term in section 2(23)

1 *of the Nuclear Waste Policy Act of 1982 (42 U.S.C.*
2 *10101(23)).*

3 **SEC. 3142. PROTECTION OF WORKERS AT NUCLEAR WEAP-**
4 **ONS FACILITIES.**

5 *Of the funds authorized to be appropriated to the De-*
6 *partment of Energy under section 3102, \$10,000,000 shall*
7 *be available to carry out activities authorized under section*
8 *3131 of the National Defense Authorization Act for Fiscal*
9 *Years 1992 and 1993 (Public Law 102–190; 105 Stat. 1571;*
10 *42 U.S.C. 7274d), relating to worker protection at nuclear*
11 *weapons facilities.*

12 **Subtitle D—Review of Department**
13 **of Energy National Security Pro-**
14 **grams**

15 **SEC. 3151. REVIEW OF DEPARTMENT OF ENERGY NATIONAL**
16 **SECURITY PROGRAMS.**

17 *(a) REPORT.—Not later than March 15, 1996, the Sec-*
18 *retary of Defense shall, in consultation with the Secretary*
19 *of Energy, submit to the congressional defense committees*
20 *a report on the national security programs of the Depart-*
21 *ment of Energy.*

22 *(b) CONTENTS OF REPORT.—The report shall include*
23 *an assessment of the following:*

1 (1) *The effectiveness of the Department of Energy*
2 *in maintaining the safety and reliability of the en-*
3 *during nuclear weapons stockpile.*

4 (2) *The management by the Department of the*
5 *nuclear weapons complex, including—*

6 (A) *a comparison of the Department of En-*
7 *ergy's implementation of applicable environ-*
8 *mental, health, and safety requirements with the*
9 *implementation of similar requirements by the*
10 *Department of Defense; and*

11 (B) *a comparison of the costs and benefits*
12 *of the national security research and develop-*
13 *ment programs of the Department of Energy*
14 *with the costs and benefits of similar programs*
15 *sponsored by the Department of Defense.*

16 (3) *The fulfillment of the requirements estab-*
17 *lished for the Department of Energy in the Nuclear*
18 *Posture Review.*

19 (c) *DEFINITION.—In this section, the term “Nuclear*
20 *Posture Review” means the Department of Defense Nuclear*
21 *Posture Review as contained in the Report of the Secretary*
22 *of Defense to the President and the Congress dated February*
23 *19, 1995, or in subsequent such reports.*

1 **Subtitle E—Other Matters**

2 **SEC. 3161. RESPONSIBILITY FOR DEFENSE PROGRAMS**

3 **EMERGENCY RESPONSE PROGRAM.**

4 *The Office of Military Applications under the Assist-*
5 *ant Secretary of Energy for Defense Programs shall retain*
6 *responsibility for the Defense Programs Emergency Re-*
7 *sponse Program within the Department of Energy.*

8 **SEC. 3162. REQUIREMENTS FOR DEPARTMENT OF ENERGY**

9 **WEAPONS ACTIVITIES BUDGETS FOR FISCAL**
10 **YEARS AFTER FISCAL YEAR 1996.**

11 *(a) IN GENERAL.—The weapons activities budget of*
12 *the Department of Energy shall be developed in accordance*
13 *with the Nuclear Posture Review, the Post Nuclear Posture*
14 *Review Stockpile Memorandum currently under develop-*
15 *ment, and the programmatic and technical requirements as-*
16 *sociated with the review and memorandum.*

17 *(b) REQUIRED DETAIL.—The Secretary of Energy*
18 *shall include in the materials that the Secretary submits*
19 *to Congress in support of the budget for a fiscal year sub-*
20 *mitted by the President pursuant to section 1105 of title*
21 *31, United States Code, a long-term program plan, and a*
22 *near-term program plan, for the certification and steward-*
23 *ship of the enduring nuclear weapons stockpile.*

24 *(c) DEFINITION.—In this section, the term “Nuclear*
25 *Posture Review” means the Department of Defense Nuclear*

1 *Posture Review as contained in the Report of the Secretary*
2 *of Defense to the President and the Congress dated February*
3 *19, 1995, or in subsequent such reports.*

4 **SEC. 3163. REPORT ON PROPOSED PURCHASES OF TRITIUM**
5 **FROM FOREIGN SUPPLIERS.**

6 (a) *REQUIREMENT.*—*Not later than May 30, 1997, the*
7 *President shall submit to the congressional defense commit-*
8 *tees a report on any plans of the President to purchase from*
9 *foreign suppliers tritium to be used for purposes of the nu-*
10 *clear weapons stockpile of the United States.*

11 (b) *FORM OF REPORT.*—*The report shall be submitted*
12 *in unclassified form, but may contain a classified annex.*

13 **SEC. 3164. REPORT ON HYDRONUCLEAR TESTING.**

14 (a) *REPORT.*—*The Secretary of Energy shall direct the*
15 *joint preparation by the Lawrence Livermore National*
16 *Laboratory and the Los Alamos National Laboratory of a*
17 *report on the advantages and disadvantages for the safety*
18 *and reliability of the enduring nuclear weapons stockpile*
19 *of permitting alternative limits to the current limits on the*
20 *explosive yield of hydronuclear tests. The report shall ad-*
21 *dress the following explosive yield limits:*

22 (1) *4 pounds (TNT equivalent).*

23 (2) *400 pounds (TNT equivalent).*

24 (3) *4,000 pounds (TNT equivalent).*

25 (4) *40,000 pounds (TNT equivalent).*

1 (b) *FUNDING.*—The Secretary shall make available
2 funds authorized to be appropriated to the Department of
3 Energy under section 3101 for preparation of the report
4 required under subsection (a).

5 **SEC. 3165. PLAN FOR THE CERTIFICATION AND STEWARD-**
6 **SHIP OF THE ENDURING NUCLEAR WEAPONS**
7 **STOCKPILE.**

8 (a) *REQUIREMENT.*—Not later than March 15, 1996,
9 and every March 15 thereafter, the Secretary of Energy
10 shall submit to the Secretary of Defense a plan for main-
11 taining the enduring nuclear weapons stockpile.

12 (b) *PLAN ELEMENTS.*—Each plan under subsection (a)
13 shall set forth the following:

14 (1) The numbers of weapons (including active
15 weapons and inactive weapons) for each type of
16 weapon in the enduring nuclear weapons stockpile.

17 (2) The expected design lifetime of each weapon
18 system type, the current age of each weapon system
19 type, and any plans (including the analytical basis
20 for such plans) for lifetime extensions of a weapon
21 system type.

22 (3) An estimate of the lifetime of the nuclear and
23 non-nuclear components of the weapons (including ac-
24 tive weapons and inactive weapons) in the enduring
25 nuclear weapons stockpile, and any plans (including

1 *the analytical basis for such plans) for lifetime exten-*
2 *sions of such components.*

3 (4) *A schedule of the modifications, if any, re-*
4 *quired for each weapon type (including active weap-*
5 *ons and inactive weapons) in the enduring nuclear*
6 *weapons stockpile, and the cost of such modifications.*

7 (5) *The process to be used in recertifying the*
8 *safety, reliability, and performance of each weapon*
9 *type (including active weapons and inactive weap-*
10 *ons) in the enduring nuclear weapons stockpile.*

11 (6) *The manufacturing infrastructure required to*
12 *maintain the nuclear weapons stockpile stewardship*
13 *management program.*

14 **SEC. 3166. APPLICABILITY OF ATOMIC ENERGY COMMUNITY**

15 **ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.**

16 (a) *DATE OF TRANSFER OF UTILITIES.*—Section 72
17 *of the Atomic Energy Community Act of 1955 (42 U.S.C.*
18 *2372) is amended by striking out “not later than five years*
19 *after the date it is included within this Act” and inserting*
20 *in lieu thereof “not later than June 30, 1998”.*

21 (b) *DATE OF TRANSFER OF MUNICIPAL INSTALLA-*
22 *TIONS.*—Section 83 of such Act (42 U.S.C. 2383) is amend-
23 *ed by striking out “not later than five years after the date*
24 *it is included within this Act” and inserting in lieu thereof*
25 *“not later than June 30, 1998”.*

1 (c) *RECOMMENDATION FOR FURTHER ASSISTANCE*
2 *PAYMENTS.*—Section 91 of such Act (42 U.S.C. 2391) is
3 amended—

4 (1) by striking out “, and the Los Alamos School
5 Board;” and all that follows through “county of Los
6 Alamos, New Mexico” and inserting in lieu thereof “;
7 or not later than June 30, 1996, in the case of the
8 Los Alamos School Board and the county of Los Ala-
9 mos, New Mexico”; and

10 (2) by adding at the end the following new sen-
11 tence: “If the recommendation under the preceding
12 sentence regarding the Los Alamos School Board or
13 the county of Los Alamos, New Mexico, indicates a
14 need for further assistance for the school board or the
15 county, as the case may be, after June 30, 1997, the
16 recommendation shall include a report and plan de-
17 scribing the actions required to eliminate the need for
18 further assistance for the school board or the county,
19 including a proposal for legislative action to carry
20 out the plan.”.

21 (d) *CONTRACT TO MAKE PAYMENTS.*—Section 94 of
22 such Act (42 U.S.C. 2394) is amended—

23 (1) by striking out “June 30, 1996” each place
24 it appears in the proviso in the first sentence and in-
25 serting in lieu thereof “June 30, 1997”; and

1 (2) by striking out “July 1, 1996” in the second
2 sentence and inserting in lieu thereof “July 1, 1997”.

3 **SEC. 3167. SENSE OF SENATE ON NEGOTIATIONS REGARD-**
4 **ING SHIPMENTS OF SPENT NUCLEAR FUEL**
5 **FROM NAVAL REACTORS.**

6 (a) *SENSE OF THE SENATE.*—It is the sense of the Sen-
7 ate that the Secretary of Defense, the Secretary of Energy,
8 and the Governor of the State of Idaho should continue good
9 faith negotiations for the purpose of reaching an agreement
10 on the issue of shipments of spent nuclear fuel from naval
11 reactors.

12 (b) *REPORT.*—(1) Not later than September 15, 1995,
13 the Secretary of Defense shall submit to the Committee on
14 Armed Services of the Senate and the Committee on Na-
15 tional Security of the House of Representatives a written
16 report on the status or outcome of the negotiations urged
17 under subsection (a).

18 (2) *The report shall include the following matters:*

19 (A) *If an agreement is reached, the terms of the*
20 *agreement, including the dates on which shipments of*
21 *spent nuclear fuel from naval reactors will resume.*

22 (B) *If an agreement is not reached—*

23 (i) *the Secretary’s evaluation of the issues*
24 *remaining to be resolved before an agreement can*
25 *be reached;*

1 (ii) the likelihood that an agreement will be
2 reached before October 1, 1995; and

3 (iii) the steps that must be taken regarding
4 the shipment of spent nuclear fuel from naval re-
5 actors to ensure that the Navy can meet the na-
6 tional security requirements of the United States.

7 **TITLE XXXII—DEFENSE NU-**
8 **CLEAR FACILITIES SAFETY**
9 **BOARD**

10 **SEC. 3201. AUTHORIZATION.**

11 There are authorized to be appropriated for fiscal year
12 1996, \$17,000,000 for the operation of the Defense Nuclear
13 Facilities Safety Board under chapter 21 of the Atomic En-
14 ergy Act of 1954 (42 U.S.C. 2286 et seq.).

15 **TITLE XXXIII—NAVAL**
16 **PETROLEUM RESERVES**

17 **SEC. 3301. SALE OF NAVAL PETROLEUM RESERVE NUM-**
18 **BERED 1 (ELK HILLS).**

19 (a) *SALE OF ELK HILLS UNIT REQUIRED.*—(1) Chap-
20 ter 641 of title 10, United States Code, is amended by in-
21 serting after section 7421 the following new section:

22 **“§ 7421a. Sale of Naval Petroleum Reserve Numbered**
23 **1 (Elk Hills)**

24 “(a) *SALE REQUIRED.*—(1) Notwithstanding any
25 other provision of this chapter other than section 7431(a)(2)

1 *of this title, the Secretary shall sell all right, title, and inter-*
2 *est of the United States in and to lands owned or controlled*
3 *by the United States inside Naval Petroleum Reserve Num-*
4 *bered 1, commonly referred to as the Elk Hills Unit, located*
5 *in Kern County, California, and established by Executive*
6 *order of the President, dated September 2, 1912. Subject*
7 *to subsection (j), within one year after the effective date,*
8 *the Secretary shall enter into one or more contracts for the*
9 *sale of all of the interest of the United States in the reserve.*

10 *“(2) In this section:*

11 *“(A) The term ‘reserve’ means Naval Petroleum*
12 *Reserve Numbered 1.*

13 *“(B) The term ‘unit plan contract’ means the*
14 *unit plan contract between equity owners of the lands*
15 *within the boundaries of Naval Petroleum Reserve*
16 *Numbered 1 entered into on June 19, 1944.*

17 *“(C) The term ‘effective date’ means the date of*
18 *the enactment of the National Defense Authorization*
19 *Act for Fiscal Year 1996.*

20 *“(b) EQUITY FINALIZATION.—(1) Not later than three*
21 *months after the effective date, the Secretary shall finalize*
22 *equity interests of the known oil and gas zones in Naval*
23 *Petroleum Reserve Numbered 1 in the manner provided by*
24 *this subsection.*

1 “(2) *The Secretary shall retain the services of an inde-*
2 *pendent petroleum engineer, mutually acceptable to the eq-*
3 *uity owners, who shall prepare a recommendation on final*
4 *equity figures. The Secretary may accept the recommenda-*
5 *tion of the independent petroleum engineer for final equity*
6 *in each known oil and gas zone and establish final equity*
7 *interest in the Naval Petroleum Reserve Numbered 1 in ac-*
8 *cordance with such recommendation, or the Secretary may*
9 *use such other method to establish final equity interest in*
10 *the reserve as the Secretary considers appropriate.*

11 “(3) *If, on the effective date, there is an ongoing equity*
12 *redetermination dispute between the equity owners under*
13 *section 9(b) of the unit plan contract, such dispute shall*
14 *be resolved in the manner provided in the unit plan con-*
15 *tract within five months after the effective date. Such reso-*
16 *lution shall be considered final for all purposes under this*
17 *section.*

18 “(c) *TIMING AND ADMINISTRATION OF SALE.—(1) Not*
19 *later than two months after the effective date, the Secretary*
20 *shall publish a notice of intent to sell the Naval Petroleum*
21 *Reserve Numbered 1. The Secretary shall make all technical,*
22 *geological, and financial information relevant to the sale*
23 *of the reserve available to all interested and qualified buyers*
24 *upon request. The Secretary, in consultation with the Ad-*
25 *ministrator of General Services, shall ensure that the sale*

1 *process is fair and open to all interested and qualified par-*
2 *ties.*

3 “(2)(A) *Not later than two months after the effective*
4 *date, the Secretary shall retain the services of five independ-*
5 *ent experts in the valuation of oil and gas fields to conduct*
6 *separate assessments, in a manner consistent with commer-*
7 *cial practices, of the value of the interest of the United*
8 *States in Naval Petroleum Reserve Numbered 1. In making*
9 *their assessments, the independent experts shall consider*
10 *(among other factors) all equipment and facilities to be in-*
11 *cluded in the sale, the estimated quantity of petroleum and*
12 *natural gas in the reserve, and the net present value of the*
13 *anticipated revenue stream that the Secretary and the Di-*
14 *rector of the Office of Management and Budget jointly deter-*
15 *mine the Treasury would receive from the reserve if the re-*
16 *serve were not sold, adjusted for any anticipated increases*
17 *in tax revenues that would result if the reserve were sold.*
18 *The independent experts shall complete their assessments*
19 *within six months after the effective date.*

20 “(B) *The independent experts shall also determine and*
21 *submit to the Secretary the estimated total amount of the*
22 *cost of any environmental restoration and remediation nec-*
23 *essary at the reserve. The Secretary shall report the estimate*
24 *to the Director of the Office of Management and Budget,*
25 *the Secretary of the Treasury, and Congress.*

1 “(C) The Secretary, in consultation with the Director
2 of the Office of Management and Budget, shall set the mini-
3 mum acceptable price for the reserve. The Secretary may
4 not set the minimum acceptable price below the average of
5 three of the assessments (after excluding the high and low
6 assessments) made under subparagraph (A).

7 “(3) Not later than two months after the effective date,
8 the Secretary shall retain the services of an investment
9 banker to independently administer, in a manner consistent
10 with commercial practices and in a manner that maximizes
11 sale proceeds to the Government, the sale of Naval Petro-
12 leum Reserve Numbered 1 under this section. Notwithstand-
13 ing section 7433(b) of this title, costs and fees of retaining
14 the investment banker shall be paid out of the proceeds of
15 the sale of the reserve.

16 “(4)(A) Not later than six months after the effective
17 date, the investment banker serving as the sales adminis-
18 trator under paragraph (3) shall complete a draft contract
19 or contracts for the sale of Naval Petroleum Reserve Num-
20 bered 1, which shall accompany the invitation for bids and
21 describe the terms and provisions of the sale of the interest
22 of the United States in the reserve.

23 “(B) The draft contract or contracts shall identify—
24 “(i) all equipment and facilities to be included
25 in the sale; and

1 “(ii) any potential claim or liability (including
2 liability for environmental restoration and remedi-
3 ation), and the extent of any such claim or liability,
4 for which the United States is responsible under sub-
5 section (d).

6 “(C) The draft contract or contracts, including the
7 terms and provisions of the sale of the interest of the United
8 States in the reserve, shall be subject to review and approval
9 by the Secretary, the Secretary of the Treasury, and the
10 Director of the Office of Management and Budget. Each of
11 those officials shall complete the review of, and approve or
12 disapprove, the draft contract or contracts not later than
13 seven months after the effective date.

14 “(5) Not later than seven months after the effective
15 date, the Secretary shall publish an invitation for bids for
16 the purchase of the reserve.

17 “(6) Not later than 10 months after the effective date,
18 the Secretary shall identify the highest responsible offer or
19 offers for purchase of the interest of the United States in
20 Naval Petroleum Reserve Numbered 1 that, in total, meet
21 or exceed the minimum acceptable price determined under
22 paragraph (2).

23 “(7) The Secretary shall take such action immediately
24 after the effective date as is necessary to obtain from an
25 independent petroleum engineer within six months after

1 *that date a certification regarding the quantity of the con-*
2 *tent of the reserve. The Secretary shall use the certification*
3 *in support of the preparation of the invitation for bids.*

4 “(d) *FUTURE LIABILITIES.*—*The United States shall*
5 *hold harmless and fully indemnify the purchaser or pur-*
6 *chasers (as the case may be) of the interest of the United*
7 *States in Naval Petroleum Reserve Numbered 1 from and*
8 *against any claim or liability as a result of ownership in*
9 *the reserve by the United States, including any claim re-*
10 *ferred to in subsection (e).*

11 “(e) *TREATMENT OF STATE OF CALIFORNIA CLAIM.*—
12 *After the costs incurred in the conduct of the sale of Naval*
13 *Petroleum Reserve Numbered 1 under this section are de-*
14 *ducted, seven percent of the remaining proceeds from the*
15 *sale of the reserve shall be reserved in a contingent fund*
16 *in the Treasury (for a period not to exceed 10 years after*
17 *the effective date) for payment to the State of California*
18 *in the event that, and to the extent that, the claims of the*
19 *State against the United States regarding production and*
20 *proceeds of sale from Naval Petroleum Reserve Numbered*
21 *1 are resolved in favor of the State by a court of competent*
22 *jurisdiction. Funds in the contingent fund shall be available*
23 *for paying any such claim to the extent provided in appro-*
24 *priation Acts. After final disposition of the claims, any un-*

1 *obligated balance in the contingent fund shall be credited*
2 *to the general fund of the Treasury.*

3 “(f) *MAINTAINING ELK HILLS UNIT PRODUCTION.*—
4 *Until the sale of Naval Petroleum Reserve Numbered 1 is*
5 *completed under this section, the Secretary shall continue*
6 *to produce the reserve at the maximum daily oil or gas rate*
7 *from a reservoir, which will permit maximum economic de-*
8 *velopment of the reservoir consistent with sound oil field*
9 *engineering practices in accordance with section 3 of the*
10 *unit plan contract. The definition of maximum efficient*
11 *rate in section 7420(6) of this title shall not apply to the*
12 *reserve.*

13 “(g) *EFFECT ON EXISTING CONTRACTS.*—(1) *In the*
14 *case of any contract, in effect on the effective date, for the*
15 *purchase of production from any part of the United States’*
16 *share of Naval Petroleum Reserve Numbered 1, the sale of*
17 *the interest of the United States in the reserve shall be sub-*
18 *ject to the contract for a period of three months after the*
19 *closing date of the sale or until termination of the contract,*
20 *whichever occurs first. The term of any contract entered*
21 *into after the effective date for the purchase of such produc-*
22 *tion shall not exceed the anticipated closing date for the*
23 *sale of the reserve.*

24 “(2) *The Secretary shall exercise the termination pro-*
25 *cedures provided in the contract between the United States*

1 *and Bechtel Petroleum Operation, Inc., Contract Number*
2 *DE-ACO1-85FE60520 so that the contract terminates not*
3 *later than the date of closing of the sale of Naval Petroleum*
4 *Reserve Numbered 1 under subsection (c).*

5 “(3) *The Secretary shall exercise the termination pro-*
6 *cedures provided in the unit plan contract so that the unit*
7 *plan contract terminates not later than the date of closing*
8 *of the sale of reserve.*

9 “(h) *EFFECT ON ANTITRUST LAWS.—Nothing in this*
10 *section shall be construed to alter the application of the*
11 *antitrust laws of the United States to the purchaser or pur-*
12 *chasers (as the case may be) of Naval Petroleum Reserve*
13 *Numbered 1 or to the lands in the reserve subject to sale*
14 *under this section upon the completion of the sale.*

15 “(i) *PRESERVATION OF PRIVATE RIGHT, TITLE, AND*
16 *INTEREST.—Nothing in this section shall be construed to*
17 *adversely affect the ownership interest of any other entity*
18 *having any right, title, and interest in and to lands within*
19 *the boundaries of Naval Petroleum Reserve Numbered 1 and*
20 *which are subject to the unit plan contract.*

21 “(j) *NOTICE TO CONGRESS.—(1) Subject to paragraph*
22 *(2), the Secretary may not enter into any contract for the*
23 *sale of the reserve until the end of the 31-day period begin-*
24 *ning on the date on which the Secretary notifies the Com-*
25 *mittee on Armed Services of the Senate and the Committee*

1 *on National Security and the Committee on Commerce of*
2 *the House of Representatives of the conditions of the pro-*
3 *posed sale.*

4 “(2) *If the Secretary receives only one offer for pur-*
5 *chase of the reserve or any subcomponent thereof, the Sec-*
6 *retary may not enter into a contract for the sale of the re-*
7 *serve unless—*

8 “(A) *the Secretary submits to Congress a notifi-*
9 *cation of the receipt of only one offer together with the*
10 *conditions of the proposed sale of the reserve or parcel*
11 *to the offeror; and*

12 “(B) *a joint resolution of approval described in*
13 *subsection (k) is enacted within 45 days after the date*
14 *of the notification.*

15 “(k) *JOINT RESOLUTION OF APPROVAL.—(1) For the*
16 *purpose of paragraph (2)(B) of subsection (j), ‘joint resolu-*
17 *tion of approval’ means only a joint resolution that is in-*
18 *troduced after the date on which the notification referred*
19 *to in that paragraph is received by Congress, and—*

20 “(A) *that does not have a preamble;*

21 “(B) *the matter after the resolving clause of*
22 *which reads only as follows: ‘That Congress approves*
23 *the proposed sale of Naval Petroleum Reserve Num-*
24 *bered 1 reported in the notification submitted to Con-*
25 *gress by the Secretary of Energy on _____.’*

1 *(the blank space being filled in with the appropriate*
2 *date); and*

3 *“(C) the title of which is as follows: ‘Joint reso-*
4 *lution approving the sale of Naval Petroleum Reserve*
5 *Numbered 1’.*

6 *“(2) A resolution described in paragraph (1) intro-*
7 *duced in the House of Representatives shall be referred to*
8 *the Committee on National Security of the House of Rep-*
9 *resentatives. A resolution described in paragraph (1) intro-*
10 *duced in the Senate shall be referred to the Committee on*
11 *Armed Services of the Senate. Such a resolution may not*
12 *be reported before the 8th day after its introduction.*

13 *“(3) If the committee to which is referred a resolution*
14 *described in paragraph (1) has not reported such resolution*
15 *(or an identical resolution) at the end of 15 calendar days*
16 *after its introduction, such committee shall be deemed to*
17 *be discharged from further consideration of such resolution*
18 *and such resolution shall be placed on the appropriate cal-*
19 *endar of the House involved.*

20 *“(4)(A) When the committee to which a resolution is*
21 *referred has reported, or has been deemed to be discharged*
22 *(under paragraph (3)) from further consideration of, a reso-*
23 *lution described in paragraph (1), it is at any time there-*
24 *after in order (even though a previous motion to the same*
25 *effect has been disagreed to) for any Member of the respec-*

1 *tive House to move to proceed to the consideration of the*
2 *resolution, and all points of order against the resolution*
3 *(and against consideration of the resolution) are waived.*
4 *The motion is highly privileged in the House of Representa-*
5 *tives and is privileged in the Senate and is not debatable.*
6 *The motion is not subject to amendment, or to a motion*
7 *to postpone, or to a motion to proceed to the consideration*
8 *of other business. A motion to reconsider the vote by which*
9 *the motion is agreed to or disagreed to shall not be in order.*
10 *If a motion to proceed to the consideration of the resolution*
11 *is agreed to, the resolution shall remain the unfinished busi-*
12 *ness of the respective House until disposed of.*

13 “(B) *Debate on the resolution, and on all debatable*
14 *motions and appeals in connection therewith, shall be lim-*
15 *ited to not more than 10 hours, which shall be divided*
16 *equally between those favoring and those opposing the reso-*
17 *lution. A motion further to limit debate is in order and*
18 *not debatable. An amendment to, or a motion to postpone,*
19 *or a motion to proceed to the consideration of other busi-*
20 *ness, or a motion to recommit the resolution is not in order.*
21 *A motion to reconsider the vote by which the resolution is*
22 *agreed to or disagreed to is not in order.*

23 “(C) *Immediately following the conclusion of the de-*
24 *bate on a resolution described in paragraph (2), and a sin-*
25 *gle quorum call at the conclusion of the debate if requested*

1 *in accordance with the rules of the appropriate House, the*
2 *vote on final passage of the resolution shall occur.*

3 “(D) *Appeals from the decisions of the Chair relating*
4 *to the application of the rules of the Senate or the House*
5 *of Representatives, as the case may be, to the procedure re-*
6 *lating to a resolution described in paragraph (1) shall be*
7 *decided without debate.*

8 “(5) *If, before the passage by one House of a resolution*
9 *of that House described in paragraph (1), that House re-*
10 *ceives from the other House a resolution described in para-*
11 *graph (1), then the following procedures shall apply:*

12 “(A) *The resolution of the other House shall not*
13 *be referred to a committee.*

14 “(B) *With respect to a resolution described in*
15 *paragraph (2) of the House receiving the resolution—*

16 “(i) *the procedure in that House shall be the*
17 *same as if no resolution had been received from*
18 *the other House; but*

19 “(ii) *the vote on final passage shall be on*
20 *the resolution of the other House.*

21 “(6) *This subsection is enacted by Congress—*

22 “(A) *as an exercise of the rulemaking power of*
23 *the Senate and House of Representatives, respectively,*
24 *and as such it is deemed a part of the rules of each*
25 *House, respectively, but applicable only with respect*

1 to the procedure to be followed in that House in the
2 case of a resolution described in paragraph (1), and
3 it supersedes other rules only to the extent that it is
4 inconsistent with such rules; and

5 “(B) with full recognition of the constitutional
6 right of either House to change the rules (so far as re-
7 lating to the procedure of that House) at any time,
8 in the same manner, and to the same extent as in the
9 case of any other rule of that House.

10 “(l) *NONCOMPLIANCE WITH DEADLINES.*—If, at any
11 time during the one-year period beginning on the effective
12 date, the Secretary determines that the actions necessary
13 to complete the sale of the reserve within that period are
14 not being taken or timely completed, the Secretary shall
15 transmit to the Committee on Armed Services of the Senate
16 and the Committees on National Security and on Commerce
17 of the House of Representatives a notification of that deter-
18 mination together with a plan setting forth the actions that
19 will be taken to ensure that the sale of the reserve will be
20 completed within that period. The Secretary shall consult
21 with the Director of the Office of Management and Budget
22 in preparing the plan for submission to the committees.

23 “(m) *OVERSIGHT.*—The Comptroller General shall
24 monitor the actions of the Secretary relating to the sale of
25 the reserve and report to the Committee on Armed Services

1 *of the Senate and the Committee on National security of*
2 *the House of Representatives any findings on such actions*
3 *that the Comptroller General considers appropriate to re-*
4 *port to such committees.*

5 “(n) *ACQUISITION OF SERVICES.*—*The Secretary may*
6 *enter into contracts for the acquisition of services required*
7 *under this section under the authority of paragraph (7) of*
8 *section 303(c) of the Federal Property and Administrative*
9 *Services Act of 1949 (41 U.S.C. 253(c)), except that the no-*
10 *tification required under subparagraph (B) of such para-*
11 *graph for each contract shall be submitted to Congress not*
12 *less than 7 days before the award of the contract.*

13 “(o) *RECONSIDERATION OF PROCESS OF SALE.*—(1) *If*
14 *during the course of the sale of the reserve the Secretary*
15 *of Energy and the Director of the Office of Management*
16 *and Budget jointly determine that—*

17 “(A) *the sale is proceeding in a manner incon-*
18 *sistent with achievement of a sale price that reflects*
19 *the full value of the reserve, or*

20 “(B) *a course of action other than the immediate*
21 *sale of the reserve is in the best interests of the United*
22 *States,*

23 *the Secretary shall submit a notification of the determina-*
24 *tion to the Committee on Armed Services of the Senate and*

1 *the Committees on National Security and on Commerce of*
2 *the House of Representatives.*

3 “(2) *After the Secretary submits a notification under*
4 *paragraph (1), the Secretary may not complete the sale the*
5 *reserve under this section unless there is enacted a joint res-*
6 *olution—*

7 “(A) *that is introduced after the date on which*
8 *the notification is received by the committees referred*
9 *to in such paragraph;*

10 “(B) *that does not have a preamble;*

11 “(C) *the matter after the resolving clause of*
12 *which reads only as follows: ‘That the Secretary of*
13 *Energy shall proceed with activities to sell Naval Pe-*
14 *troleum Reserve Numbered 1 in accordance with sec-*
15 *tion 7421a of title 10, United States Code, notwith-*
16 *standing the determination set forth in the notifica-*
17 *tion submitted to Congress by the Secretary of Energy*
18 *on _____.’ (the blank space being filled in*
19 *with the appropriate date); and*

20 “(D) *the title of which is as follows: ‘Joint reso-*
21 *lution approving continuation of actions to sell Naval*
22 *Petroleum Reserve Numbered 1’.*

23 “(3) *Subsection (k), except for paragraph (1) of such*
24 *subsection, shall apply to the joint resolution described in*
25 *paragraph (2).”.*

1 (2) *The table of sections at the beginning of such chap-*
2 *ter is amended by inserting after the item relating to section*
3 *7421 the following new item:*

“7421a. Sale of Naval Petroleum Reserve Numbered 1 (Elk Hills).”.

4 (b) *AUTHORIZATION OF APPROPRIATIONS.—Funds are*
5 *authorized to be appropriated for fiscal year 1996 for carry-*
6 *ing out section 7421a of title 10, United States Code (as*
7 *added by subsection (a)), in the total amount of \$7,000,000.*

8 ***SEC. 3302. FUTURE OF NAVAL PETROLEUM RESERVES***
9 ***(OTHER THAN NAVAL PETROLEUM RESERVE***
10 ***NUMBERED 1).***

11 (a) *STUDY OF FUTURE OF PETROLEUM RESERVES.—*
12 *(1) The Secretary of Energy shall conduct a study to deter-*
13 *mine which of the following options, or combination of op-*
14 *tions, would maximize the value of the naval petroleum re-*
15 *serves to or for the United States:*

16 (A) *Transfer of all or a part of the naval petro-*
17 *leum reserves to the jurisdiction of the Department of*
18 *the Interior for leasing in accordance with the Min-*
19 *eral Leasing Act (30 U.S.C. 181 et seq.) and surface*
20 *management in accordance with the Federal Land*
21 *Policy and Management Act (43 U.S.C. 1701 et seq.).*

22 (B) *Lease of the naval petroleum reserves consist-*
23 *ent with the provisions of such Acts.*

24 (C) *Sale of the interest of the United States in*
25 *the naval petroleum reserves.*

1 (2) *The Secretary shall retain such independent con-*
2 *sultants as the Secretary considers appropriate to conduct*
3 *the study.*

4 (3) *An examination of the value to be derived by the*
5 *United States from the transfer, lease, or sale of the naval*
6 *petroleum reserves under paragraph (1) shall include an*
7 *assessment and estimate, in a manner consistent with cus-*
8 *tomary property valuation practices in the oil industry, of*
9 *the fair market value of the interest of the United States*
10 *in the naval petroleum reserves.*

11 (4) *Not later than December 31, 1995, the Secretary*
12 *shall submit to Congress and make available to the public*
13 *a report describing the results of the study and containing*
14 *such recommendations as the Secretary considers appro-*
15 *priate to implement the option, or combination of options,*
16 *identified in the study that would maximize the value of*
17 *the naval petroleum reserves to or for the United States.*

18 (b) *IMPLEMENTATION OF RECOMMENDATIONS.*—*Not*
19 *earlier than 31 days after submitting to Congress the report*
20 *required under subsection (a)(4), and not later than Decem-*
21 *ber 31, 1996, the Secretary shall carry out the recommenda-*
22 *tions contained in the report.*

23 (c) *NAVAL PETROLEUM RESERVES DEFINED.*—*For*
24 *purposes of this section, the term “naval petroleum re-*
25 *serves” has the meaning given that term in section 7420(2)*

1 *of title 10, United States Code, except that such term does*
2 *not include Naval Petroleum Reserve Numbered 1.*

3 **TITLE XXXIV—NATIONAL**
4 **DEFENSE STOCKPILE**

5 **SEC. 3401. AUTHORIZED USES OF STOCKPILE FUNDS.**

6 (a) *OBLIGATIONS AUTHORIZED.*—*During fiscal year*
7 *1996, the National Defense Stockpile Manager may obligate*
8 *up to \$77,100,000 of the funds in the National Defense*
9 *Stockpile Transaction Fund established under subsection*
10 *(a) of section 9 of the Strategic and Critical Materials Stock*
11 *Piling Act (50 U.S.C. 98h) for the authorized uses of such*
12 *funds under subsection (b)(2) of such section.*

13 (b) *ADDITIONAL OBLIGATIONS.*—*The National Defense*
14 *Stockpile Manager may obligate amounts in excess of the*
15 *amount specified in subsection (a) if the National Defense*
16 *Stockpile Manager notifies Congress that extraordinary or*
17 *emergency conditions necessitate the additional obligations.*
18 *The National Defense Stockpile Manager may make the ad-*
19 *ditional obligations described in the notification after the*
20 *end of the 45-day period beginning on the date Congress*
21 *receives the notification.*

22 (c) *LIMITATIONS.*—*The authorities provided by this*
23 *section shall be subject to such limitations as may be pro-*
24 *vided in appropriations Acts.*

1 **SEC. 3402. DISPOSAL OF OBSOLETE AND EXCESS MATE-**
 2 **RIALS CONTAINED IN THE NATIONAL DE-**
 3 **FENSE STOCKPILE.**

4 (a) *DISPOSAL AUTHORIZED.*—Subject to the condi-
 5 tions specified in subsection (b), the President may dispose
 6 of obsolete and excess materials currently contained in the
 7 National Defense Stockpile in order to modernize the stock-
 8 pile. The materials subject to disposal under this subsection
 9 and the quantity of each material authorized to be disposed
 10 of by the President are set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Aluminum	62,881 short tons
Aluminum Oxide, Abrasive Grade	2,456 short tons
Antimony	34 short tons
Bauxite, Metallurgical Grade, Jamaican	321,083 long dry tons
Bauxite, Refractory	53,788 long dry tons
Beryllium, Copper Master Alloy	7,387 short tons
Beryllium, Metal	300 short tons
Chromite, Chemical Grade Ore	34,709 short dry tons
Chromite, Metallurgical Grade Ore	580,700 short dry tons
Chromite, Refractory Grade Ore	159,282, short dry tons
Chromium, Ferro Group	712,362 short tons
Chromium Metal	2,971 short tons
Cobalt	27,868,181 pounds of contained co- balt
Columbium Group	2,871,194 pounds of contained colum- bium
Diamond, Bort	61,542 carats
Diamond Stones	3,030,087 carats
Fluorspar, Acid Grade	28,047 short dry tons
Germanium Metal	53,200 kilograms
Graphite, Natural, Ceylon Lump	5,492 short tons
Iodine	871 pounds
Indium	50,205 troy ounces
Jewel bearings	30,237,764 pieces
Manganese, Ferro, High Carbon	230,481 short tons
Manganese, Ferro, Medium Carbon	19,752 short tons
Manganese, Ferro, Silicon	202 short tons
Mica, Muscovite Block, Stained and Better	325,896 pounds

Authorized Stockpile Disposals—Continued

Material for disposal	Quantity
Mica, Phlogopite Block	130,745 pounds
Morphine, Sulfate & Analgesic, Refined	5,679 pounds of anhydrous morphine alkaloid
Nickel	887 short tons
Platinum	252,641 troy ounces
Palladium	1,064,601 troy ounces
Rubber, Natural	25,138 long tons
Rutile	257 short dry tons
Talc, Block & Lump	2 short tons
Tantalum, Carbide Powder	28,688 pounds of contained tantalum
Tantalum, Minerals	2,575,234 pounds of contained tantalum
Tantalum, Oxide	163,691 pounds of contained tantalum
Thorium Nitrate	551,687 pounds
Tin	1,077 metric tons
Titanium Sponge	24,830 short tons
Tungsten Group	82,312,516 pounds of contained tungsten
Vegetable Tannin, Chestnut	15 long tons
Zirconium	15,991 short dry tons

1 (b) *CONDITIONS ON DISPOSAL.*—The authority of the
2 President under subsection (a) to dispose of materials stored
3 in the stockpile may not be used unless and until the Sec-
4 retary of Defense certifies to Congress that the disposal of
5 such materials will not adversely affect the capability of
6 the National Defense Stockpile to supply the strategic and
7 critical materials necessary to meet the needs of the United
8 States during a period of national emergency that requires
9 a significant level of mobilization of the economy of the
10 United States, including any reconstitution of the military
11 and industrial capabilities necessary to meet the planning
12 assumptions used by the Secretary of Defense under section

1 14(b) of the Strategic and Critical Materials Stock Piling
2 Act (50 U.S.C. 98h-5(b)).

3 (c) *RELATIONSHIP TO OTHER DISPOSAL AUTHOR-*
4 *ITY.*—The disposal authority provided in subsection (a) is
5 in addition to any other disposal authority provided by
6 law.

7 **SEC. 3403. DISPOSAL OF CHROMITE AND MANGANESE ORES**
8 **AND CHROMIUM FERRO AND MANGANESE**
9 **METAL ELECTROLYTIC.**

10 (a) *DOMESTIC UPGRADING.*—In offering to enter into
11 agreements pursuant to any provision of law for the dis-
12 posal from the National Defense Stockpile of chromite and
13 manganese ores of metallurgical grade or chromium ferro
14 and manganese metal electrolytic, the President shall give
15 a right of first refusal on all such offers to domestic
16 ferroalloy upgraders.

17 (b) *DOMESTIC FERROALLOY UPGRADER DEFINED.*—
18 For purposes of this section, the term “domestic ferroalloy
19 upgrader” means a company or other business entity that,
20 as determined by the President—

21 (1) is engaged in operations to upgrade chromite
22 or manganese ores of metallurgical grade or chro-
23 mium ferro and manganese metal electrolytic; and

1 (2) *conducts a significant level of its research,*
2 *development, engineering, and upgrading operations*
3 *in the United States.*

4 **SEC. 3404. RESTRICTIONS ON DISPOSAL OF MANGANESE**
5 **FERRO.**

6 (a) *DISPOSAL OF LOWER GRADE MATERIAL FIRST.—*
7 *The President may not dispose of high carbon manganese*
8 *ferro in the National Defense Stockpile that meets the Na-*
9 *tional Defense Stockpile classification of Grade One, Speci-*
10 *fication 30(a), as revised on May 22, 1992, until completing*
11 *the disposal of all manganese ferro in the National Defense*
12 *Stockpile that does not meet such classification. The Presi-*
13 *dent may not reclassify manganese ferro in the National*
14 *Defense Stockpile after the date of the enactment of this Act.*

15 (b) *REQUIREMENT FOR REMELTING BY DOMESTIC*
16 *FERROALLOY PRODUCERS.—Manganese ferro in the Na-*
17 *tional Defense Stockpile that does not meet the classification*
18 *specified in subsection (a) may be sold only for remelting*
19 *by a domestic ferroalloy producer.*

20 (c) *DOMESTIC FERROALLOY PRODUCER DEFINED.—*
21 *For purposes of this section, the term “domestic ferroalloy*
22 *producer” means a company or other business entity that,*
23 *as determined by the President—*

1 (1) *is engaged in operations to upgrade man-*
2 *ganese ores of metallurgical grade or manganese ferro;*
3 *and*

4 (2) *conducts a significant level of its research,*
5 *development, engineering, and upgrading operations*
6 *in the United States.*

7 **SEC. 3405. EXCESS DEFENSE-RELATED MATERIALS: TRANS-**
8 **FER TO STOCKPILE AND DISPOSAL.**

9 (a) *TRANSFER AND DISPOSAL.—The Strategic and*
10 *Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.)*
11 *is amended by adding at the end the following:*

12 “*EXCESS DEFENSE-RELATED MATERIALS: TRANSFER TO*
13 *STOCKPILE AND DISPOSAL*

14 “*SEC. 17. (a) The Secretary of Energy, in consultation*
15 *with the Secretary of Defense, shall transfer to the stockpile*
16 *for disposal in accordance with this Act uncontaminated*
17 *materials that are in the inventory of Department of En-*
18 *ergy materials for production of defense-related items, are*
19 *excess to the requirements of the department for that pur-*
20 *pose, and are suitable for transfer to the stockpile and dis-*
21 *posal through the stockpile.*

22 “*(b) The Secretary of Defense shall determine whether*
23 *materials are suitable for transfer to the stockpile under this*
24 *section, are suitable for disposal through the stockpile, and*
25 *are uncontaminated.*”.

1 (b) *CONFORMING AMENDMENT.*—Section 4(a) of such
2 Act (50 U.S.C. 98c(a)) is amended by adding at the end
3 the following:

4 “(10) Materials transferred to the stockpile under
5 section 17.”.

6 **TITLE XXXV—PANAMA CANAL**
7 **COMMISSION**

8 **SEC. 3501. SHORT TITLE.**

9 This title may be cited as the “Panama Canal Com-
10 mission Authorization Act for Fiscal Year 1996”.

11 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

12 (a) *IN GENERAL.*—Subject to subsection (b), the Pan-
13 ama Canal Commission is authorized to make such expend-
14 itures within the limits of funds and borrowing authority
15 available to it in accordance with law, and to make such
16 contracts and commitments without regard to fiscal year
17 limitations, as may be necessary under the Panama Canal
18 Act of 1979 (22 U.S.C. 3601 et seq.) for the operation,
19 maintenance, and improvement of the Panama Canal for
20 fiscal year 1996.

21 (b) *LIMITATIONS.*—For fiscal year 1996, the Panama
22 Canal Commission may expend from funds in the Panama
23 Canal Revolving Fund not more than \$50,741,000 for ad-
24 ministrative expenses, of which not more than—

1 (1) \$15,000 may be used for official reception
2 and representation expenses of the Supervisory Board
3 of the Commission;

4 (2) \$10,000 may be used for official reception
5 and representation expenses of the Secretary of the
6 Commission; and

7 (3) \$45,000 may be used for official reception
8 and representation expenses of the Administrator of
9 the Commission.

10 (c) *REPLACEMENT VEHICLES.*—Funds available to the
11 *Panama Canal Commission shall be available for the pur-*
12 *chase of not to exceed 38 passenger motor vehicles (including*
13 *large heavy-duty vehicles to be used to transport Commis-*
14 *sion personnel across the isthmus of Panama) at a cost per*
15 *vehicle of not more than \$19,500. A vehicle may be pur-*
16 *chased with such funds only as necessary to replace another*
17 *passenger motor vehicle of the Commission.*

18 ***DIVISION D—INFORMATION***
19 ***TECHNOLOGY MANAGEMENT***
20 ***REFORM***

21 ***SEC. 4001. SHORT TITLE.***

22 *This division may be cited as the “Information Tech-*
23 *nology Management Reform Act of 1995”.*

24 ***SEC. 4002. FINDINGS.***

25 *Congress makes the following findings:*

1 (1) *Federal information systems are critical to*
2 *the lives of every American.*

3 (2) *The efficiency and effectiveness of the Federal*
4 *Government is dependent upon the effective use of in-*
5 *formation.*

6 (3) *The Federal Government annually spends*
7 *billions of dollars operating obsolete information sys-*
8 *tems.*

9 (4) *The use of obsolete information systems se-*
10 *verely limits the quality of the services that the Fed-*
11 *eral Government provides, the efficiency of Federal*
12 *Government operations, and the capabilities of the*
13 *Federal Government to account for how taxpayer dol-*
14 *lars are spent.*

15 (5) *The failure to modernize Federal Government*
16 *information systems and the operations they support,*
17 *despite efforts to do so, has resulted in the waste of*
18 *billions of dollars that cannot be recovered.*

19 (6) *Despite improvements achieved through im-*
20 *plementation of the Chief Financial Officers Act of*
21 *1990, most Federal agencies cannot track the expendi-*
22 *tures of Federal dollars and, thus, expose the tax-*
23 *payors to billions of dollars in waste, fraud, abuse,*
24 *and mismanagement.*

1 (7) *Poor planning and program management*
2 *and an overburdened acquisition process have resulted*
3 *in the American taxpayers not getting their money's*
4 *worth from the expenditure of \$200,000,000,000 on*
5 *information systems during the decade preceding the*
6 *enactment of this Act.*

7 (8) *The Federal Government's investment control*
8 *processes focus too late in the system lifecycle, lack*
9 *sound capital planning, and pay inadequate atten-*
10 *tion to business process improvement, performance*
11 *measurement, project milestones, or benchmarks*
12 *against comparable organizations.*

13 (9) *Many Federal agencies lack adequate person-*
14 *nel with the basic skills necessary to effectively and ef-*
15 *fectively use information technology and other infor-*
16 *mation resources in support of agency programs and*
17 *missions.*

18 (10) *Federal regulations governing information*
19 *technology acquisitions are outdated, focus on paper-*
20 *work and process rather than results, and prevent the*
21 *Federal Government from taking timely advantage of*
22 *the rapid advances taking place in the competitive*
23 *and fast changing global information technology in-*
24 *dustry.*

1 (11) *Buying, leasing, or developing information*
2 *systems should be a top priority for Federal agency*
3 *management because the high potential for the sys-*
4 *tems to substantially improve Federal Government*
5 *operations, including the delivery of services to the*
6 *public.*

7 (12) *Structural changes in the Federal Govern-*
8 *ment, including elimination of the Brooks Act (sec-*
9 *tion 111 of the Federal Property and Administrative*
10 *Services Act of 1949), are necessary in order to im-*
11 *prove Federal information management and to facili-*
12 *tate Federal Government acquisition of the state-of-*
13 *the-art information technology that is critical for im-*
14 *proving the efficiency and effectiveness of Federal*
15 *Government operations.*

16 **SEC. 4003. PURPOSES.**

17 *The purposes of this division are as follows:*

18 (1) *To create incentives for the Federal Govern-*
19 *ment to strategically use information technology in*
20 *order to achieve efficient and effective operations of*
21 *the Federal Government, and to provide cost effective*
22 *and efficient delivery of Federal Government services*
23 *to the taxpayers.*

1 (2) *To provide for the cost effective and timely*
2 *acquisition, management, and use of effective infor-*
3 *mation technology solutions.*

4 (3) *To transform the process-oriented procure-*
5 *ment system of the Federal Government, as it relates*
6 *to the acquisition of information technology, into a*
7 *results-oriented procurement system.*

8 (4) *To increase the responsibility and authority*
9 *of officials of the Office of Management and Budget*
10 *and other Federal Government agencies, and the ac-*
11 *countability of such officials to Congress and the pub-*
12 *lic, in the use of information technology and other in-*
13 *formation resources in support of agency missions.*

14 (5) *To ensure that Federal Government agencies*
15 *are responsible and accountable for achieving service*
16 *delivery levels and project management performance*
17 *comparable to the best in the private sector.*

18 (6) *To promote the development and operation of*
19 *multiple-agency and Governmentwide, inter-operable,*
20 *shared information resources to support the perform-*
21 *ance of Federal Government missions.*

22 (7) *To reduce fraud, waste, abuse, and errors re-*
23 *sulting from a lack of, or poor implementation of,*
24 *Federal Government information systems.*

1 (8) *To increase the capability of the Federal*
2 *Government to restructure and improve processes be-*
3 *fore applying information technology.*

4 (9) *To increase the emphasis placed by Federal*
5 *agency managers on completing effective capital plan-*
6 *ning and process improvement before applying infor-*
7 *mation technology to the execution of plans and the*
8 *performance of agency missions.*

9 (10) *To coordinate, integrate, and, to the extent*
10 *practicable, establish uniform Federal information re-*
11 *sources management policies and practices in order to*
12 *improve the productivity, efficiency, and effectiveness*
13 *of Federal Government programs and the delivery of*
14 *services to the public.*

15 (11) *To strengthen the partnership between the*
16 *Federal Government and State, local, and tribal gov-*
17 *ernments for achieving Federal Government missions,*
18 *goals, and objectives.*

19 (12) *To provide for the development of a well-*
20 *trained core of professional Federal Government in-*
21 *formation resources managers.*

22 (13) *To improve the ability of agencies to share*
23 *expertise and best practices and coordinate the devel-*
24 *opment of common application systems and infra-*
25 *structure.*

1 **SEC. 4004. DEFINITIONS.**

2 *In this division:*

3 (1) *INFORMATION RESOURCES.*—*The term “in-*
4 *formation resources” means information and related*
5 *resources such as personnel, equipment, funds, and*
6 *information technology, but does not include informa-*
7 *tion resources which support national security sys-*
8 *tems.*

9 (2) *INFORMATION RESOURCES MANAGEMENT.*—
10 *The term “information resources management” means*
11 *the process of managing information resources to ac-*
12 *complish agency missions and to improve agency per-*
13 *formance, including through the reduction of informa-*
14 *tion collection burdens on the public.*

15 (3) *INFORMATION SYSTEM.*—*The term “informa-*
16 *tion system” means a discrete set of information re-*
17 *sources organized for the collection, processing, main-*
18 *tenance, use, sharing, dissemination, or disposition of*
19 *information.*

20 (4) *INFORMATION TECHNOLOGY.*—*The term “in-*
21 *formation technology”, with respect to an executive*
22 *agency—*

23 (A) *means any equipment or interconnected*
24 *system or subsystem of equipment, that is used*
25 *in the automatic acquisition, storage, manipula-*
26 *tion, management, movement, control, display,*

1 *switching, interchange, transmission, or recep-*
2 *tion of data or information by the executive*
3 *agency or under a contract with the executive*
4 *agency which (i) requires the use of such system*
5 *or subsystem of equipment, or (ii) requires the*
6 *use, to a significant extent, of such system or*
7 *subsystem of equipment in the performance of a*
8 *service or the furnishing of a product; and in-*
9 *cludes computers; ancillary equipment; software,*
10 *firmware and similar procedures; services, in-*
11 *cluding support services; and related resources;*

12 *(B) does not include any such equipment*
13 *that is acquired by a Federal contractor inciden-*
14 *tal to a Federal contract; and*

15 *(C) does not include information technology*
16 *contained in national security systems.*

17 *(5) EXECUTIVE DEPARTMENT.—The term “execu-*
18 *tive department” means an executive department*
19 *specified in section 101 of title 5, United States Code.*

20 *(6) EXECUTIVE AGENCY.—The term “executive*
21 *agency” has the meaning given the term in section*
22 *4(1) of the Office of Federal Procurement Policy Act*
23 *(41 U.S.C. 403(1)).*

24 *(7) COMMERCIAL ITEM.—The term “commercial*
25 *item” has the meaning given that term in section*

1 4(12) of the Office of Federal Procurement Policy Act
2 (41 U.S.C. 403(12)).

3 (8) *NONDEVELOPMENTAL ITEM.*—The term
4 “nondevelopmental item” has the meaning given that
5 term in section 4(13) of the Office of Federal Procure-
6 ment Policy Act (41 U.S.C. 403(13)).

7 (9) *INFORMATION ARCHITECTURE.*—The term
8 “information architecture”, with respect to an execu-
9 tive agency, means a framework or plan for evolving
10 or maintaining existing information technology, ac-
11 quiring new information technology, and integrating
12 the agency’s information technology to achieve the
13 agency’s strategic goals and information resources
14 management goals.

15 (10) *NATIONAL SECURITY SYSTEMS.*—The term
16 “national security systems” are those telecommuni-
17 cations and information systems operated by the
18 United States Government, the function, operation, or
19 use of which: (A) involve intelligence activities; (B)
20 involve cryptologic activities related to national secu-
21 rity; (C) involves the command and control of mili-
22 tary forces; (D) involves equipment that is an inte-
23 gral part of a weapon or weapons system; or (E) is
24 critical to the direct fulfillment of military or intel-
25 ligence missions, but does not include systems to be

1 *used for routine administrative and business applica-*
2 *tions (including payroll, finance, logistics, and per-*
3 *sonnel management applications).*

4 (11) *DIRECTOR.*—*The term “Director” means*
5 *the Director of the Office of Management and Budget.*

6 **SEC. 4005. APPLICATIONS OF EXCLUSIONS.**

7 *IN GENERAL.*—*The exclusions for national security*
8 *systems provided in section 4004 of the division apply only*
9 *in title XLI of this division unless otherwise provided in*
10 *that title.*

11 **TITLE XLI—RESPONSIBILITY**
12 **FOR ACQUISITIONS OF INFOR-**
13 **MATION TECHNOLOGY**
14 **Subtitle A—General Authority**

15 **SEC. 4101. AUTHORITY OF HEADS OF EXECUTIVE AGENCIES.**

16 *The heads of the executive agencies may conduct acqui-*
17 *sitions of information technology pursuant to their respec-*
18 *tive authorities.*

19 **SEC. 4102. REPEAL OF CENTRAL AUTHORITY OF THE AD-**
20 **MINISTRATOR OF GENERAL SERVICES.**

21 *Section 111 of the Federal Property and Administra-*
22 *tive Services Act of 1949 (40 U.S.C. 759) is repealed.*

1 ***Subtitle B—Director of the Office of***
2 ***Management and Budget***

3 ***SEC. 4121. RESPONSIBILITY OF DIRECTOR.***

4 *(a) In fulfilling the responsibility to administer the*
5 *functions assigned under chapter 35 of title 44, United*
6 *States Code, the Director shall comply with this subtitle*
7 *with respect to the specific matters covered by this subtitle.*

8 *(b) This subtitle shall sunset on September 30, 2001,*
9 *after which the Director may continue to comply with this*
10 *subtitle.*

11 ***SEC. 4122. CAPITAL PLANNING AND INVESTMENT CONTROL.***

12 *(a) With respect to the responsibilities under section*
13 *3504(h) of title 44, United States Code, the Director shall—*

14 *(1) promote and be responsible for improving the*
15 *acquisition, use and disposal of information tech-*
16 *nology by the Federal Government to improve the*
17 *productivity, efficiency, and effectiveness of Federal*
18 *programs, including through dissemination of public*
19 *information and the reduction of information collec-*
20 *tion burdens on the public;*

21 *(2) develop, as part of the budget process, a proc-*
22 *ess for analyzing, tracking and evaluating the risk*
23 *and results of all major agency capital investments or*
24 *information systems over the life of the system:*

1 (A) *The process should identify opportuni-*
2 *ties for interagency cooperation, ensure the suc-*
3 *cess of high risk and high return investments,*
4 *but not duplicate or supplant existing agency in-*
5 *vestment development and control processes.*

6 (B) *The process should include development*
7 *of explicit criteria for analyzing the projected*
8 *and actual cost, benefit and risk of information*
9 *systems investments. As part of the process three*
10 *categories of information systems investments*
11 *should be identified:*

12 (i) *HIGH RISK.*—*Those projects that,*
13 *by virtue of their size, complexity, use of in-*
14 *novative technology or other factors have an*
15 *especially high risk of failure.*

16 (ii) *HIGH RETURN.*—*Those projects*
17 *that, by virtue of their total potential bene-*
18 *fits in proportion to their costs, have par-*
19 *ticularly unique value to the public.*

20 (iii) *CROSSCUTTING.*—*Those projects of*
21 *individual agencies with shared benefit to*
22 *or impact on other Federal agencies and*
23 *State or local governments that require en-*
24 *forcement of operational standards or elimi-*
25 *nation of redundancies.*

1 (C) Each annual budget submission shall
2 include a report to Congress on the net program
3 performance benefits achieved by major informa-
4 tion systems investments and how these benefits
5 support the accomplishment of agency goals.

6 (D) This process shall be performed with the
7 assistance of and advice from the Chief Informa-
8 tion Officers Council and appropriate inter-
9 agency functional groups.

10 (E) The process shall ensure that agency in-
11 formation resources management plans are inte-
12 grated into agency's program plans and budgets
13 for acquisition and use of information technology
14 to improve agency performance and the accom-
15 plishment of agency missions.

16 (3) in consultation with the Director of the Na-
17 tional Institute of Standards and Technology, oversee
18 the development and implementation of information
19 technology standards by the Secretary of Commerce
20 under section 4 of Public Law 100-235;

21 (4) designate (as the Director considers appro-
22 priate) one or more heads of executive agencies as an
23 executive agent to contract for Governmentwide acqui-
24 sition of information technology;

1 (5) encourage the executive agencies to develop
2 and use the best practices in the acquisition of infor-
3 mation technology by—

4 (A) identifying and collecting information
5 regarding the best practices, including informa-
6 tion on the development and implementation of
7 the best practices by the executive agencies; and

8 (B) providing the executive agencies with
9 information on the best practices and with ad-
10 vice and assistance regarding use of the best
11 practices.

12 (6) assess, on a continuing basis, the experiences
13 of executive agencies, State and local governments,
14 international organizations, and the private sector in
15 managing information technology;

16 (7) compare the performances of the executive
17 agencies in using information technology and dis-
18 seminate the comparisons to the executive agencies;

19 (8) monitor the development and implementation
20 of training in the management of information tech-
21 nology for executive agency management personnel
22 and staff;

23 (9) keep Congress fully informed on the extent to
24 which the executive agencies are improving program
25 performance and the accomplishment of agency mis-

1 (A) *REQUIREMENT.*—*The Director of the*
2 *Office of Management and Budget shall evaluate*
3 *the information resources management practices*
4 *of the executive agencies with respect to the per-*
5 *formance and results of the information tech-*
6 *nology investments of executive agencies.*

7 (B) *CONSIDERATION OF ADVICE AND REC-*
8 *COMMENDATIONS.*—*In performing the evaluation,*
9 *the Director shall consider any advice and rec-*
10 *ommendations provided by the Chief Information*
11 *Officers Council or any interagency functional*
12 *group.*

13 (2) *GUIDANCE.*—*The Director shall issue clear*
14 *and concise guidance to ensure that—*

15 (A) *an agency and its major subcomponents*
16 *institutes effective and efficient capital planning*
17 *processes to select, control and evaluate the re-*
18 *sults of all its major information systems invest-*
19 *ments;*

20 (B) *an agency determines, prior to making*
21 *investments in new information systems—*

22 (i) *whether the function to be sup-*
23 *ported should be performed in the private*
24 *sector rather than by an agency of the Fed-*
25 *eral Government and, if so, whether the*

1 *component of the agency performing that*
2 *function should be converted from a govern-*
3 *mental organization to a private sector or-*
4 *ganization; or*

5 *(ii) whether the function should be per-*
6 *formed by the executive agency and, if so,*
7 *whether the function should be performed by*
8 *private sector source under a contract en-*
9 *tered into by head of the executive agency or*
10 *executive agency personnel;*

11 *(C) the agency analyzes its missions and,*
12 *based on the analysis, revises its mission-related*
13 *processes and administrative processes, as appro-*
14 *priate, before making significant investments in*
15 *information technology to be used in support of*
16 *agency missions;*

17 *(D) the agency's information resources*
18 *management plan is current and adequate and,*
19 *to the maximum extent practicable, specifically*
20 *identifies how information technology to be ac-*
21 *quired is expected to improve agency operations*
22 *and otherwise benefit the agency;*

23 *(E) agency information security is ade-*
24 *quate;*

25 *(F) the agency—*

1 (i) provides adequately for the integra-
2 tion of the agency's information resources
3 management plans, strategic plans prepared
4 pursuant to section 306 of title 5, United
5 States code, and performance plans pre-
6 pared pursuant to section 1115 of title 31,
7 United States Code; and

8 (ii) budgets for the acquisition and use
9 of information technology; and

10 (G) efficient and effective interagency and
11 Governmentwide information technology invest-
12 ments are undertaken to improve the accomplish-
13 ment of common agency missions.

14 (3) PERIODIC REVIEWS.—The Director shall en-
15 sure that selected information resources management
16 activities of the executive agencies are periodically re-
17 viewed in order to ascertain the efficiency and effec-
18 tiveness of information technology in improving agen-
19 cy performance and the accomplishment of agency
20 missions.

21 (4) ENFORCEMENT OF ACCOUNTABILITY.—

22 (A) IN GENERAL.—The Director may take
23 any authorized action that the Director considers
24 appropriate, including an action involving the
25 budgetary process or appropriations manage-

1 *ment process, to enforce accountability under*
2 *this title in an executive agency.*

3 *(B) SPECIFIC ACTIONS.—Actions taken by*
4 *the Director in the case of an executive agency*
5 *may include—*

6 *(i) recommending a reduction or an*
7 *increase in the amount proposed by the*
8 *head of the executive agency to be included*
9 *for information resources in the budget sub-*
10 *mitted to Congress under section 1105(a) of*
11 *title 31, United States Code;*

12 *(ii) reducing or otherwise adjusting*
13 *apportionments and reapportionments of*
14 *appropriations for information resources;*

15 *(iii) using other authorized adminis-*
16 *trative controls over appropriations to re-*
17 *strict the availability of funds for informa-*
18 *tion resources; and*

19 *(iv) designating for the executive agen-*
20 *cy an executive agent to contract with pri-*
21 *vate sector sources for the performance of*
22 *information resources management or the*
23 *acquisition of information technology.*

24 *(b) The heads of executive agencies shall apply the Of-*
25 *fice of Management and Budget guidelines promulgated*

1 *pursuant to this section to national security systems only*
2 *to the maximum extent practicable. This subsection does not*
3 *apply to subparagraphs (4)(A) or (4)(B) (i), (ii), or (iii).*

4 **SEC. 4124. INTEGRATION WITH INFORMATION RESOURCE**
5 **MANAGEMENT RESPONSIBILITIES.**

6 *In undertaking activities and issuing guidance in ac-*
7 *cordance with this subtitle, the Director shall promote the*
8 *integration of information technology management with the*
9 *broader information resource management processes in the*
10 *agencies.*

11 ***Subtitle C—Executive Agencies***

12 **SEC. 4131. RESPONSIBILITIES.**

13 *(a) In fulfilling the responsibilities assigned under*
14 *chapter 35 of title 44, United States Code, the head of each*
15 *executive agency shall comply with this subtitle with respect*
16 *to the specific matters covered by this subtitle.*

17 *(b) This subtitle shall sunset on September 30, 2001,*
18 *after which the head of each executive agency may continue*
19 *to comply with this subtitle.*

20 *(c) Guidance issued by the Director in accordance with*
21 *subtitle B of this title shall sunset on September 30, 2001,*
22 *unless the Director determines it should continue in effect*
23 *pursuant to section 4121(b) of this division, and notifies*
24 *the Congress and the agencies of that intent by March 31,*
25 *2001.*

1 **SEC. 4132. CAPITAL PLANNING AND INVESTMENT CONTROL.**

2 (a) *In fulfilling the responsibilities assigned under sec-*
3 *tion 3506(h) of title 44, United States Code, the head of*
4 *each executive agency shall design and apply in the execu-*
5 *tive agency a process for maximizing the value and assess-*
6 *ing and managing the risks of the information technology*
7 *acquisitions of the agency.*

8 (b) *The process shall—*

9 (1) *provide for the selection, control, and evalua-*
10 *tion of the results of information technology invest-*
11 *ments of the agency;*

12 (2) *be integrated with budget, financial, and*
13 *program management decisions of the agency;*

14 (3) *include minimum criteria for considering an*
15 *information systems investment—to include a quan-*
16 *titative assessment of projected net, risk-adjusted re-*
17 *turn on investment—as well as explicit criteria, both*
18 *quantitative and qualitative, for comparing and*
19 *prioritizing alternative information systems invest-*
20 *ment projects;*

21 (4) *identify information systems investments*
22 *with share benefit to or impact on other Federal agen-*
23 *cies and State or local governments that require en-*
24 *forcement of operational standards or elimination of*
25 *redundancies;*

1 (i) whether the function should be per-
2 formed in the private sector rather than by
3 an agency of the Federal Government and,
4 if so, whether the component of the agency
5 performing that function should be con-
6 verted from a governmental organization to
7 a private sector organization; or

8 (ii) whether the function should be per-
9 formed by the executive agency and, if so,
10 whether the function should be performed by
11 a private sector source under a contract en-
12 tered into by head of the executive agency or
13 executive agency personnel;

14 (B) the agency—

15 (i) provides adequately for the integra-
16 tion of the agency's information resources
17 management plans, strategic plans prepared
18 pursuant to section 306 of title 5, United
19 States Code, and performance plans pre-
20 pared pursuant to section 1115 of title 31,
21 United States Code; and

22 (ii) budgets for the acquisition and use
23 of information technology;

24 (4) ensure that performance measurements are
25 prescribed for information technology used by or to be

1 *acquired for the executive agency and that the per-*
2 *formance measurements measure how well the infor-*
3 *mation technology supports agency programs;*

4 *(5) where comparable processes and organiza-*
5 *tions in the public or private sectors exist, quan-*
6 *titatively benchmark agency process performance*
7 *against such processes in terms of cost, speed, produc-*
8 *tivity, and quality of outputs and outcomes;*

9 *(6) analyze its missions and, based on the analy-*
10 *sis, revises its mission-related processes and adminis-*
11 *trative processes as appropriate before making signifi-*
12 *cant investments in information technology to be used*
13 *in support of agency missions;*

14 *(7) ensure that the agency's information re-*
15 *sources management plan is current and adequate*
16 *and, to the maximum extent practicable, specifically*
17 *identifies how information technology to be acquired*
18 *is expected to improve agency operations and other-*
19 *wise expected to benefit the agency;*

20 *(8) ensure that efficient and effective interagency*
21 *and Governmentwide information technology invest-*
22 *ments are undertaken to improve the accomplishment*
23 *of common agency missions; and*

24 *(9) ensure that an agency's information security*
25 *is adequate.*

1 (b) *APPLICATION.*—*This section applies to national se-*
2 *curity systems except for subparagraph (3)(A).*

3 **SEC. 4134. SPECIFIC AUTHORITY.**

4 (a) *IN GENERAL.*—*The authority of the head of an ex-*
5 *ecutive agency under section 4101 and the authorities re-*
6 *ferred to in such section includes but is not limited to the*
7 *following authorities:*

8 (1) *To acquire information technology as author-*
9 *ized by law.*

10 (2) *To enter into a contract that provides for*
11 *multi-agency acquisitions of information technology*
12 *subject to the approval and guidance of the Director.*

13 (3) *If the Director, based on advice from the*
14 *Chief Information Officers Council or interagency*
15 *functional groups, finds that it would be advan-*
16 *tageous for the Federal Government to do so, to enter*
17 *into a multi-agency contract for procurement of com-*
18 *mercial items that requires each agency covered by the*
19 *contract, when procuring such items, either to procure*
20 *the items under that contract or to justify an alter-*
21 *native procurement of the items.*

22 (4) *To establish and support one or more inde-*
23 *pendent technical review committees, composed of di-*
24 *verse agency personnel (including users) and outside*
25 *experts selected by the head of the executive agency, to*

1 *advise the head of the executive agency about informa-*
2 *tion systems programs.*

3 *(b) FTS 2000 PROGRAM.—Notwithstanding any other*
4 *provision of this or any other law, the General Services Ad-*
5 *ministration shall continue to manage the FTS 2000 pro-*
6 *gram, and to coordinate the follow-on to that program, on*
7 *behalf and with the advice of the Federal agencies.*

8 **SEC. 4135. AGENCY CHIEF INFORMATION OFFICER.**

9 *(a) DESIGNATION OF CHIEF INFORMATION OFFI-*
10 *CERS.—Section 3506(a) of title 44, United States Code, is*
11 *amended by striking out “senior official” wherever it ap-*
12 *pears and inserting in lieu thereof “Chief Information Offi-*
13 *cer”; and by striking out “official” wherever it appears and*
14 *inserting in lieu thereof “Officer”.*

15 *(b) IN GENERAL.—The chief information officer of an*
16 *executive agency shall be responsible for—*

17 *(1) providing advice and other assistance to the*
18 *head of the executive agency and other senior manage-*
19 *ment personnel of the executive agency to ensure that*
20 *information technology is acquired and information*
21 *resources are managed for the agency in a manner*
22 *that implements the policies and procedures of this*
23 *division and the priorities established by the agency*
24 *head;*

1 (2) *developing, maintaining and facilitating the*
2 *implementation of a sound and integrated informa-*
3 *tion architecture for an agency; and*

4 (3) *promoting the effective and efficient design*
5 *and operation of all major information resources*
6 *management processes including work process im-*
7 *provements for an agency.*

8 (c) *DUTIES AND QUALIFICATIONS.—Duties and quali-*
9 *fications of chief information officers in agencies listed in*
10 *section 901(b)(1) of title 31, United States Code:*

11 (1) *Information resources management duties*
12 *shall be a primary duty of the chief information offi-*
13 *cer.*

14 (2) *The chief information officer shall monitor*
15 *the performance of information technology programs*
16 *of the executive agency, evaluate the performance on*
17 *the basis of the applicable performance measurements,*
18 *and advise the head of the executive agency regarding*
19 *whether to continue or terminate programs and/or*
20 *projects.*

21 (3) *The chief information officer shall, as part of*
22 *the strategic planning process required under Govern-*
23 *ment Performance and Results Act, annually—*

24 (A) *perform an assessment of the agency's*
25 *knowledge and skill requirements in information*

1 *resources management for achieving performance*
2 *goals;*

3 *(B) an analysis of the degree to which exist-*
4 *ing positions and personnel, both at the executive*
5 *and management levels, meet those requirements;*

6 *(C) develop strategies and specific plans for*
7 *hiring, training and professional development to*
8 *narrow the gap between needed and existing ca-*
9 *pability; and*

10 *(D) report to the agency head on the*
11 *progress made in improving information man-*
12 *agement capability.*

13 *(4) Agencies may establish Chief Information Of-*
14 *ficers for major subcomponents or bureaus.*

15 *(5) Agency chief information officers shall pos-*
16 *sess demonstrated ability in general management of,*
17 *and knowledge of and extensive practical experience*
18 *in, information and information technology manage-*
19 *ment practices of business or government entities.*

20 *(6) For each chief information officer, a deputy*
21 *chief information officer shall be appointed by the*
22 *agency head reporting directly to the respective agen-*
23 *cy or component chief information officer. Deputy*
24 *chief information officers shall have demonstrated*
25 *ability and experience in general management, busi-*

1 *ness process analysis, software and information sys-*
2 *tems development, design and management of infor-*
3 *mation technology architectures, data and tele-*
4 *communications management at government or busi-*
5 *ness entities.*

6 (d) *EXECUTIVE LEVEL IV.*—Section 5315 of title 5,
7 *United States Code, is amended by adding at the end the*
8 *following: “Agency chief information officers designated*
9 *under section 4135(c) of the Information Technology Man-*
10 *agement Reform Act of 1995.”.*

11 (e) *APPLICATION.*—*This section applies to national se-*
12 *curity systems.*

13 **SEC. 4136. ACCOUNTABILITY.**

14 (a) *SYSTEM OF CONTROLS.*—*The head of each execu-*
15 *tive agency, in consultation with the chief information offi-*
16 *cer and the chief financial officer of that agency (or, in the*
17 *case of an agency without a chief financial officer, any com-*
18 *parable official), shall establish policies and procedures*
19 *that—*

20 (1) *ensure that the accounting, financial, and*
21 *asset management systems and other information sys-*
22 *tems of the agency are designed, developed, main-*
23 *tained, and used effectively to provide financial or*
24 *program performance data for financial statements of*
25 *the agency;*

1 (2) ensure that financial and related program
2 performance data are provided on a reliable, consist-
3 ent, and timely basis to agency financial manage-
4 ment systems; and

5 (3) ensure that financial statements support—

6 (A) assessment and revision of mission-re-
7 lated processes and administrative processes of
8 the agency; and

9 (B) performance measurement in the case of
10 information system investments made by the
11 agency.

12 (b) INFORMATION RESOURCES MANAGEMENT PLAN.—
13 The information resources management plan required
14 under section 3506(b)(2) of title 44, United States Code
15 shall—

16 (1) be consistent with the strategic plan prepared
17 by the head of the agency pursuant to section 306 of
18 title 5, United States Code, where applicable, and the
19 agency head's mission analysis, and ensure that the
20 agency information systems conform to those plans.
21 The plan shall provide for applying information tech-
22 nology and other information resources in support of
23 the performance of the missions of the agency and
24 shall include the following:

1 (A) A statement of goals for improving the
2 contribution of information resources to program
3 productivity, efficiency, and effectiveness.

4 (B) Methods for measuring progress toward
5 achieving the goals.

6 (C) Assignment of clear roles, responsibil-
7 ities, and accountability for achieving the goals.

8 (D) A description of—

9 (i) the major existing and planned in-
10 formation technology components (such as
11 information systems and telecommunication
12 networks) of the agency and the relationship
13 among the information technology compo-
14 nents; and

15 (ii) the information architecture for
16 the agency.

17 (E) A summary, for each ongoing or com-
18 pleted major information systems investment
19 from the previous year, of the project's status
20 and any changes in name, direction or scope,
21 quantifiable results achieved and current mainte-
22 nance expenditures.

23 (c) AGENCY INFORMATION.—The head of an executive
24 agency shall periodically evaluate and, as necessary, im-

1 *prove the accuracy, security, completeness, and reliability*
2 *of information maintained by or for the agency.*

3 *(d) APPLICATION.—This section applies to national se-*
4 *curity systems except for subsection (b).*

5 **SEC. 4137. SIGNIFICANT FAILURES.**

6 *The agency shall include in the plan required under*
7 *section 3506(b)(2) of title 44, United States Code, a jus-*
8 *tification for the continuation of any major information*
9 *technology acquisition program, or phase or increment of*
10 *such program, that has significantly deviated from the es-*
11 *tablished cost, performance, or schedule baseline.*

12 **SEC. 4138. INTERAGENCY SUPPORT.**

13 *The heads of multiple executive agencies are authorized*
14 *to utilize funds appropriated for use in oversight, acquisi-*
15 *tion and procurement of information technology to support*
16 *the activities of the Chief Information Officers Council es-*
17 *tablished pursuant to section 4141 and to such independent*
18 *review committees and interagency groups established pur-*
19 *suant to section 4151 in such manner and amounts as pre-*
20 *scribed by the Director.*

1 **Subtitle D—Chief Information**
2 **Officers Council**

3 **SEC. 4141. ESTABLISHMENT OF CHIEF INFORMATION OFFI-**
4 **CERS COUNCIL.**

5 (a) *ESTABLISHMENT.*—*There is established a Chief In-*
6 *formation Officers Council, consisting of—*

7 (1) *the Deputy Director for Management of the*
8 *Office of Management and Budget, who shall act as*
9 *chairperson of the council;*

10 (2) *the Administrator of the Office of Informa-*
11 *tion and Regulatory Affairs of the Office of Manage-*
12 *ment and Budget;*

13 (3) *the Administrator of General Services;*

14 (4) *the Administrator of the Office of Federal*
15 *Procurement Policy of the Office of Management and*
16 *Budget;*

17 (5) *the Controller of the Office of Federal Finan-*
18 *cial Management of the Office of Management and*
19 *Budget; and*

20 (6) *each of the Chief Information Officers from*
21 *those agencies listed in section 901(b)(1) of title 31,*
22 *United States Code, along with a Chief Information*
23 *Officer representing other Executive agencies.*

1 (b) *FUNCTIONS.*—*The Chief Information Officers*
2 *Council shall meet periodically to advise and coordinate the*
3 *activities of the agencies of its members by—*

4 (1) *obtaining advice on information resources,*
5 *information resources management, including the re-*
6 *duction of information collection burdens on the pub-*
7 *lic, and information technology from State, local, and*
8 *tribal governments and from the private sector;*

9 (2) *making recommendations to the Director of*
10 *the Office of Management and Budget regarding Fed-*
11 *eral policies and practices on information resources*
12 *management, including the reduction of information*
13 *collection burdens on the public, to increase the effi-*
14 *ciency and effectiveness of Federal programs;*

15 (3) *providing for the Director of the Office of*
16 *Management and Budget to establish temporary spe-*
17 *cial advisory groups to the Chief Information Officers*
18 *Council, composed of senior officials from industry,*
19 *academia and the Federal Government, to review*
20 *Governmentwide information technology programs,*
21 *information technology acquisitions, and issues of in-*
22 *formation technology policy; and*

23 (4) *reviewing agency programs and processes, to*
24 *identify opportunities for consolidation of activities*
25 *or cooperation.*

1 (4) to review and make recommendations to the
2 Director and the agencies concerned regarding major
3 or high risk information technology acquisitions; and

4 (5) to otherwise improve the efficiency of infor-
5 mation technology to support agency missions.

6 (b) *TEMPORARY SPECIAL ADVISORY GROUPS.*—The
7 Director of the Office of Management and Budget is author-
8 ized to establish temporary special advisory groups to the
9 functional groups, composed of experts from industry, aca-
10 demia and the Federal Government, to review Government-
11 wide information technology programs, major or high-risk
12 information technology acquisitions, and issues of informa-
13 tion technology policy.

14 **SEC. 4152. SPECIFIC FUNCTIONS.**

15 (a) The functions of an interagency functional group
16 are as follows:

17 (1) To identify common goals and requirements
18 for common agency programs.

19 (2) To develop a coordinated approach to meet-
20 ing agency requirements, including coordinated budg-
21 et estimates and procurement programs.

22 (3) To identify opportunities to share informa-
23 tion for improving the quality of the performance of
24 agency functions, for reducing the cost of agency pro-

1 grams, and for reducing burdens of agency activities
2 on the public.

3 (4) To coordinate activities and the sharing of
4 information with other functional groups.

5 (5) To make recommendations to the heads of ex-
6 ecutive agencies and to the Director of the Office of
7 Management and Budget regarding the selection of
8 protocols and other standards for information tech-
9 nology, including security standards.

10 (6) To support interoperability among informa-
11 tion systems.

12 (7) To perform other functions, related to the
13 purposes set forth in section 4151(a), that are as-
14 signed by the chief Information Officers Council.

15 (b) Interagency functional groups may perform these
16 functions with respect to national security systems only
17 with the consent of the affected agency.

18 **Subtitle F—Other Responsibilities**

19 **SEC. 4161. RESPONSIBILITIES UNDER THE COMPUTER SE-** 20 **CURITY ACT OF 1987.**

21 (a) *IN GENERAL.*—(1) The Secretary of Commerce
22 shall, on the basis of standards and guidelines developed
23 by the National Institute of Standards and technology pur-
24 suant to section 20(a) (2) and (3) of the National Bureau
25 of Standards Act, promulgate standards and guidelines per-

1 *taining to Federal computer systems, making such stand-*
2 *ards compulsory and binding to the extent to which the Sec-*
3 *retary determines necessary to improve the efficiency of op-*
4 *eration or security and privacy of Federal computer sys-*
5 *tems. The President may disapprove or modify such stand-*
6 *ards and guidelines if he determines such action to be in*
7 *the public interest. The President's authority to disapprove*
8 *or modify such standards and guidelines may not be dele-*
9 *gated. Notice of such disapproval or modification shall be*
10 *submitted promptly to the Committee on Government Re-*
11 *form and Oversight of the House of Representatives and the*
12 *Committee on Governmental Affairs of the Senate and shall*
13 *be published promptly in the Federal Register. Upon receiv-*
14 *ing notice of such disapproval or modification, the Sec-*
15 *retary of Commerce shall immediately rescind or modify*
16 *such standards or guidelines as directed by the President.*

17 (2) *The head of a Federal agency may employ stand-*
18 *ards for the cost effective security and privacy of sensitive*
19 *information in a Federal computer system within or under*
20 *the supervision of that agency that are more stringent than*
21 *the standards promulgated by the Secretary of Commerce,*
22 *if such standards contain, at a minimum, the provisions*
23 *of those applicable standards made compulsory and binding*
24 *by the Secretary of Commerce.*

1 (3) *The standards determined to be compulsory and*
2 *binding may be waived by the Secretary of Commerce in*
3 *writing upon a determination that compliance would ad-*
4 *versely affect the accomplishment of the mission of an oper-*
5 *ator of a Federal computer system, or cause a major adverse*
6 *financial impact on the operator which is not offset by Gov-*
7 *ernmentwide savings. The Secretary may delegate to the*
8 *head of one or more Federal agencies authority to waive*
9 *such standards to the extent to which the Secretary deter-*
10 *mines such action to be necessary and desirable to allow*
11 *for timely and effective implementation of Federal computer*
12 *system standards. The head of such agency may redelegate*
13 *such authority only to a Chief Information Officer des-*
14 *ignated pursuant to section 3506 of title 44, United States*
15 *Code. Notice of each such waiver and delegation shall be*
16 *transmitted promptly to the Committee on Government Re-*
17 *form and Oversight of the House of Representatives and the*
18 *Committee on Governmental Affairs of the Senate and shall*
19 *be published promptly in the Federal Register.*

20 (4) *As used in this section, the terms “Federal com-*
21 *puter system” and “operator of a Federal computer system”*
22 *have the meanings given in section 20(d) of the National*
23 *Bureau of Standards Act.*

24 (b) *EXERCISE OF AUTHORITY.—The authority con-*
25 *ferred upon the Secretary by this section shall be exercised*

1 *subject to direction by the President and in coordination*
2 *with the Director of the Office of Management and Budget*
3 *to ensure fiscal and policy consistency.*

4 *(c) TECHNICAL AND CONFORMING AMENDMENT.—Sub-*
5 *sections 3504(g) (2) and (3), and 3506(g) (2) and (3) to*
6 *title 44, United States Code, are each amended by inserting*
7 *the phrase “and section 161 of the Information Technology*
8 *Reform Act of 1995” after the phrase “the Computer Secu-*
9 *rity Act of 1987 (P.L. 100–235).*

10 ***Subtitle G—Sense of Congress***

11 ***SEC. 4171. SENSE OF CONGRESS.***

12 *It is the sense of Congress over the next five years that*
13 *executive agencies should achieve at least a real 5 percent*
14 *per year decrease in the cost incurred by the agency for*
15 *operating and maintaining information technology, and a*
16 *real 5 percent per year increase in the efficiency of the agen-*
17 *cy operations, by reason of improvements in information*
18 *resources management by the agency.*

19 ***TITLE XLII—PROCESS FOR AC-*** 20 ***QUISITIONS OF INFORMA-*** 21 ***TION TECHNOLOGY***

22 ***Subtitle A—Procedures***

23 ***SEC. 4201. PROCUREMENT PROCEDURES.***

24 *(a) RESPONSIBILITY.—The Director of the Office of*
25 *Management and Budget of the United States shall issue*

1 *guidance to be used in conducting information technology*
2 *acquisitions.*

3 (b) *STANDARDS FOR PROCEDURES.*—*The Director*
4 *shall ensure that the process for acquisition of information*
5 *technology is, in general, a simplified, clear, and under-*
6 *standable process that specifically addresses the manage-*
7 *ment of risk.*

8 (c) *PERFORMANCE MEASUREMENTS.*—*The guidance*
9 *shall include performance measurements and other perform-*
10 *ance requirements that the Director determines appro-*
11 *priate.*

12 (d) *USE OF COMMERCIAL ITEMS.*—*The guidance shall*
13 *mandate the use, to the maximum extent practicable, of*
14 *commercial items to meet the information technology re-*
15 *quirements of the executive agency.*

16 (e) *DIFFERENTIATED PROCEDURES.*—*Subject to sub-*
17 *section (b), the Director shall consider whether and, to the*
18 *extent appropriate, how to differentiate in the treatment*
19 *and conduct of acquisitions of information technology on*
20 *any of the following bases:*

21 (1) *The dollar value of the acquisition.*

22 (2) *The information technology to be acquired,*
23 *including such consideration as whether the item is a*
24 *commercial item or an item being developed or modi-*

1 *sive acquisitions of interoperable increments pursuant to*
2 *subsections (b) and (c). Such increments shall comply with*
3 *readily available standards such that they can be connected*
4 *to other increments that comply with such standards.*

5 *“(b) DIVISION OF ACQUISITIONS INTO INCREMENTS.—*
6 *Under the successive, incremental acquisition process, a*
7 *major system of information technology may be divided into*
8 *several smaller acquisition increments that—*

9 *“(1) are easier to manage individually than*
10 *would be one extensive acquisition;*

11 *“(2) address complex information technology*
12 *problems incrementally in order to enhance the likeli-*
13 *hood of achieving workable solutions for those prob-*
14 *lems;*

15 *“(3) provide for delivery, implementation, and*
16 *testing of workable systems or solutions in discrete in-*
17 *crements each of which comprises a system or solution*
18 *that is not dependent on any subsequent increment in*
19 *order to perform its principal functions; and*

20 *“(4) provide an opportunity for subsequent in-*
21 *crements of the acquisition to take advantage of any*
22 *evolution in technology or needs that occur during*
23 *conduct of the earlier increments.*

24 *“(c) TIMELY ACQUISITIONS.—(1) A contract for an in-*
25 *crement of an information technology acquisition should,*

1 *to the maximum extent practicable, be awarded within 180*
2 *days after the date on which the solicitation is issued, or*
3 *that increment of the acquisition should be considered for*
4 *cancellation.*

5 *“(2) The information technology provided for in a con-*
6 *tract for acquisition of information technology should be de-*
7 *livered within 18 months after the date on which the solici-*
8 *tation resulting in award of the contract was issued.”.*

9 *(2) CLERICAL AMENDMENT.—The table of con-*
10 *tents in the first section of such Act is amended by*
11 *inserting after the item relating to section 303H the*
12 *following new item:*

“Sec. 303I Modular contracting.”.

13 *(b) DEPARTMENT OF DEFENSE.—*

14 *(1) PROCEDURES AUTHORIZED.—Chapter 137 of*
15 *title 10, United States Code, is amended by inserting*
16 *after section 2305 the following new section:*

17 **“§ 2305a. Modular Contracting**

18 *“(a) IN GENERAL.—An executive agency’s need for a*
19 *major system of information technology should, to the maxi-*
20 *mum extent practicable, be satisfied in successive acquisi-*
21 *tions of interoperable increments pursuant to subsections*
22 *(b) and (c). Such increments shall comply with readily*
23 *available standards such that they can be connected to other*
24 *increments that comply with such standards.*

1 “(b) *DIVISION OF ACQUISITIONS INTO INCREMENTS.*—
2 *Under the successive incremental acquisition process, a*
3 *major system of information technology may be divided into*
4 *several smaller acquisition increments that—*

5 “(1) *are easier to manage individually than*
6 *would be one extensive acquisition;*

7 “(2) *address complex information technology*
8 *problems incrementally in order to enhance the likeli-*
9 *hood of achieving workable solutions for those prob-*
10 *lems;*

11 “(3) *provide for delivery, implementation, and*
12 *testing of workable systems or solutions in discrete in-*
13 *crements each of which comprises a system or solution*
14 *that is not dependent on any subsequent increment in*
15 *order to perform its principal functions; and*

16 “(4) *provide an opportunity for subsequent in-*
17 *crements of the acquisition to take advantage of any*
18 *evolution in technology or needs that occur during*
19 *conduct of the earlier increments.*

20 “(c) *TIMELY ACQUISITIONS.*—(1) *A contract for an in-*
21 *crement of an information technology acquisition should,*
22 *to the maximum extent practicable, be awarded within 180*
23 *days after the date on which the solicitation is issued, or*
24 *that increment of the acquisition should be considered for*
25 *cancellation.*

1 “(2) *The information technology provided for in a con-*
2 *tract for acquisition of information technology should be de-*
3 *livered within 18 months after the date on which the solici-*
4 *tation resulting in award of the contract was issued.*”.

5 (2) *CLERICAL AMENDMENT.—The table of sec-*
6 *tions at the beginning of such chapter is amended by*
7 *inserting after the item relating to section 2305 the*
8 *following:*

“2305a. Modular contracting.”.

9 **SEC. 4203. TASK AND DELIVERY ORDER CONTRACTS.**

10 (a) *CIVILIAN AGENCY ACQUISITIONS.—*

11 (1) *REQUIREMENT FOR MULTIPLE AWARDS.—*
12 *Section 303H(d) of the Federal Property and Admin-*
13 *istrative Services Act of 1949 (41 U.S.C. 253H(d)) is*
14 *amended by adding at the end the following new*
15 *paragraph:*

16 “(4) *In exercising the authority under this sec-*
17 *tion for procurement of information technology, the*
18 *head of an executive agency shall award at least two*
19 *task or delivery order contracts for the same or simi-*
20 *lar information technology services or property unless*
21 *the agency determines that it is not in the best inter-*
22 *ests of the United States to award two or more such*
23 *contracts.*”.

1 (2) *DEFINITION.*—Section 303K of such Act (41
2 U.S.C. 253K) is amended by adding at the end the
3 following new paragraph:

4 “(3) The term ‘information technology’ has the
5 meaning given that term in section 4 of the Informa-
6 tion Technology Management Reform Act of 1995.”.

7 (b) *ARMED SERVICES ACQUISITIONS.*—

8 (1) *REQUIREMENT FOR MULTIPLE AWARDS.*—
9 Section 2304a(d) of title 10, United States Code, is
10 amended by adding at the end the following new
11 paragraph:

12 “(4) In exercising the authority under this sec-
13 tion for procurement of information technology, the
14 head of an executive agency shall award at least two
15 task or delivery order contracts for the same or simi-
16 lar information technology services or property unless
17 the agency determines that it is not in the best inter-
18 ests of the United States to award two or more such
19 contracts.”.

20 (2) *DEFINITION.*—Section 2304d of title 10,
21 United States Code, is amended by adding at the end
22 the following new paragraph:

23 “(3) The term ‘information technology’ has the
24 meaning given that term in section 4 of the Informa-
25 tion Technology Management Reform Act of 1995.”.

1 **Subtitle B—Acquisition**
2 **Management**

3 **SEC. 4221. ACQUISITION MANAGEMENT TEAM.**

4 (a) *CAPABILITIES OF AGENCY PERSONNEL.*—The head
5 of each executive agency shall ensure that the agency person-
6 nel involved in an acquisition of information technology
7 have the experience, and have demonstrated the skills and
8 knowledge, necessary to carry out the acquisition com-
9 petently.

10 (b) *USE OF OUTSIDE ACQUISITION TEAM.*—If the head
11 of the executive agency determines that such personnel are
12 not available for carrying out the acquisition, the head of
13 that agency should consider designating a capable executive
14 agent to carry out the acquisition.

15 **SEC. 4222. OVERSIGHT OF ACQUISITIONS.**

16 *It is the sense of Congress that the director of the Office*
17 *of Management and Budget, the heads of executive agencies,*
18 *and the inspectors general of executive agencies, in perform-*
19 *ing responsibilities for oversight of information technology*
20 *acquisitions, should emphasize reviews of the operational*
21 *justifications for the acquisitions, the results of the acquisi-*
22 *tion programs, and the performance measurements estab-*
23 *lished for the information technology rather than reviews*
24 *of the acquisition process.*

1 **TITLE XLIII—INFORMATION**
2 **TECHNOLOGY ACQUISITION**
3 **PILOT PROGRAMS**
4 **Subtitle A—Conduct of Pilot**
5 **Programs**

6 **SEC. 4301. AUTHORIZATION TO CONDUCT PILOT PRO-**
7 **GRAMS.**

8 (a) *IN GENERAL.*—

9 (1) *PURPOSE.*—*The Administrator for Federal*
10 *Procurement Policy (hereinafter referred to as the*
11 *“Administrator”), in consultation with the Adminis-*
12 *trator for the Office of Information and Regulatory*
13 *Affairs shall be authorized to conduct pilot programs*
14 *in order to test alternative approaches for acquisition*
15 *of information technology and other information re-*
16 *sources by executive agencies.*

17 (2) *MULTI-AGENCY, MULTI-ACTIVITY CONDUCT OF*
18 *EACH PROGRAM.*—*Except as otherwise provided in*
19 *this title, each pilot program conducted under this*
20 *title shall be carried out in not more than two procur-*
21 *ing activities in each of two executive agencies des-*
22 *ignated by the Administrator. The head of each des-*
23 *ignated executive agency shall, with the approval of*
24 *the Administrator, select the procuring activities of*
25 *the agency to participate in the test and shall des-*

1 *ignate a procurement testing official who shall be re-*
2 *sponsible for the conduct and evaluation of the pilot*
3 *program within the agency.*

4 ***(b) LIMITATIONS.—***

5 ***(1) NUMBER.—****Not more than two pilot pro-*
6 *grams shall be conducted under the authority of this*
7 *title, including one pilot program each pursuant to*
8 *the requirements of sections 4321 and 4322.*

9 ***(2) AMOUNT.—****The total amount obligated for*
10 *contracts entered into under the pilot programs con-*
11 *ducted under the authority of this title may not ex-*
12 *ceed \$750,000,000. The Administrator shall monitor*
13 *such contracts and ensure that contracts are not en-*
14 *tered into in violation of the limitation in the preced-*
15 *ing sentence.*

16 ***(c) INVOLVEMENT OF CHIEF INFORMATION OFFICERS***
17 ***COUNCIL.—****The Administrator may—*

18 ***(1)*** *conduct pilot programs recommended by the*
19 *Chief Information Officers Council; and*

20 ***(2)*** *consult with the Chief Information Officers*
21 *Council regarding development of pilot programs to*
22 *be conducted under this section.*

23 ***(d) PERIOD OF PROGRAMS.—***

24 ***(1) IN GENERAL.—****Subject to paragraph (2), the*
25 *Administrator shall conduct a pilot program for the*

1 *period, not in excess of five years, that is determined*
2 *by the Administrator to be sufficient to establish reli-*
3 *able results.*

4 (2) *CONTINUING VALIDITY OF CONTRACTS.—A*
5 *contract entered into under the pilot program before*
6 *the expiration of that program shall remain in effect*
7 *according to the terms of the contract after the expira-*
8 *tion of the program.*

9 **SEC. 4302. EVALUATION CRITERIA AND PLANS.**

10 (a) *MEASURABLE TEST CRITERIA.—The head of each*
11 *executive agency conducting a pilot program under section*
12 *4301 shall establish, to the maximum extent practicable,*
13 *measurable criteria for evaluating the effects of the proce-*
14 *dures or techniques to be tested under the program.*

15 (b) *TEST PLAN.—Before a pilot program may be con-*
16 *ducted under section 4301 the Administrator shall submit*
17 *to the Committee on Governmental Affairs and the Commit-*
18 *tee on Small Business of the Senate and the Committee on*
19 *Government Reform and Oversight and the Committee on*
20 *Small Business of the House of Representative a detailed*
21 *test plan for the program, including a detailed description*
22 *of the procedures to be used and a list of any regulations*
23 *that are to be waived.*

1 **SEC. 4303. REPORT.**

2 (a) *REQUIREMENT.*—Not later than 180 days after the
3 completion of a pilot program conducted under this title
4 the Administrator shall—

5 (1) submit to the Director of the Office of Man-
6 agement and Budget a report on the results and find-
7 ings under the program; and

8 (2) provide a copy of the report to the Committee
9 on Governmental Affairs and the Committee on Small
10 Business of the Senate, and the Committee on Govern-
11 ment Reform and Oversight and the Committee on
12 Small Business of the House of Representatives.

13 (b) *CONTENT.*—The report shall include the following:

14 (1) A detailed description of the results of the
15 program, as measured by the criteria established for
16 the program.

17 (2) A discussion of any legislation that the Ad-
18 ministrator recommends, or changes in regulations
19 that the Administrator considers necessary, in order
20 to improve overall information resources management
21 within the Federal Government.

22 **SEC. 4304. RECOMMENDED LEGISLATION.**

23 If the Director of the Office of Management and Budget
24 determines that the results and findings under a pilot pro-
25 gram under this title indicate that legislation is necessary
26 or desirable in order to improve the process for acquisition

1 *of information technology, the Director shall transmit the*
2 *Director's recommendations for such legislation to the Com-*
3 *mittee on Governmental Affairs and the Committee on*
4 *Small Business of the Senate and the Committee on Govern-*
5 *ment Reform and Oversight and the Committee on Small*
6 *Business of the House of Representatives.*

7 **SEC. 4305. RULE OF CONSTRUCTION.**

8 *Nothing in this title shall be construed as authorizing*
9 *the appropriation or obligation of funds for the pilot pro-*
10 *grams conducted pursuant to this title.*

11 **Subtitle B—Specific Pilot Programs**

12 **SEC. 4321. SHARE-IN-SAVINGS PILOT PROGRAM.**

13 *(a) REQUIREMENT.—The Administrator may author-*
14 *ize agencies to carry out a pilot program to test the feasibil-*
15 *ity of—*

16 *(1) contracting on a competitive basis with a*
17 *private sector source to provide the Federal Govern-*
18 *ment with an information technology solution for im-*
19 *proving mission-related or administrative processes of*
20 *the Federal Government; and*

21 *(2) paying the private sector source an amount*
22 *equal to a portion of the savings derived by the Fed-*
23 *eral Government from any improvements in mission-*
24 *related processes and administrative processes that re-*
25 *sult from implementation of the solution.*

1 (1) *ACQUISITION PLAN EMPHASIZING DESIRED*
2 *RESULT.*—*Preparation of an acquisition plan that*
3 *defines the functional requirements of the intended*
4 *users of the information technology to be acquired,*
5 *identifies the operational improvement results to be*
6 *achieved, and defines the performance measurements*
7 *to be applied in determining whether the information*
8 *technology acquired satisfies the defined requirements*
9 *and attains the identified results.*

10 (2) *RESULTS-ORIENTED STATEMENT OF WORK.*—
11 *Use of a statement of work that is limited to an ex-*
12 *pression of the end results or performance capabilities*
13 *desired under the acquisition plan.*

14 (3) *SMALL ACQUISITION ORGANIZATION.*—*Assem-*
15 *bly of small acquisition organization consisting of the*
16 *following:*

17 (A) *An acquisition management team, the*
18 *members of which are to be evaluated and re-*
19 *warded under the pilot program for contribu-*
20 *tions toward attainment of the desired results*
21 *identified in the acquisition plan.*

22 (B) *A small source selection team composed*
23 *of representatives in the specific mission or ad-*
24 *ministrative area to be supported by the infor-*

1 *mation technology to be acquired, a contracting*
2 *officer, and persons with relevant expertise.*

3 (4) *USE OF SOURCE SELECTION FACTORS EM-*
4 *PHASIZING SOURCE QUALIFICATIONS.*—*Use of source*
5 *selection factors that are limited to determining the*
6 *qualifications of the offeror, including such factors as*
7 *personnel skills, previous experience in providing*
8 *other private or public sector organizations with solu-*
9 *tions for attaining objectives similar to the objectives*
10 *to be attained in the acquisition, past contract per-*
11 *formance, qualifications of the proposed program*
12 *manager, and the proposed management plan.*

13 (5) *OPEN COMMUNICATIONS WITH CONTRACTOR*
14 *COMMUNITY.*—*Open availability of the following in-*
15 *formation to potential offerors:*

16 (A) *The agency mission to be served by the*
17 *acquisition.*

18 (B) *The functional process to be performed*
19 *by use of information technology.*

20 (C) *The process improvements to be at-*
21 *tained.*

22 (6) *SIMPLE SOLICITATION.*—*Use of a simple so-*
23 *licitation that sets forth only the functional work de-*
24 *scription, source selection factors, the required terms*
25 *and conditions, instructions regarding submission of*

1 *offers, and the estimate of the Federal Government's*
2 *budget for the desired work.*

3 (7) *SIMPLE PROPOSALS.—Submission of oral*
4 *proposals and acceptance of written supplemental*
5 *submissions that are limited in size and scope and*
6 *contain information on the offeror's qualifications to*
7 *perform the desired work together with information of*
8 *past contract performance.*

9 (8) *SIMPLE EVALUATION.—Use of a simple eval-*
10 *uation process, to be completed within 45 days after*
11 *receipt of proposals, which consists of the following:*

12 (A) *Identification of the offerors that are*
13 *within the competitive range of most of the*
14 *qualified offerors.*

15 (B) *Issuance of invitations for at least three*
16 *and not more than five of the identified offerors*
17 *to make oral presentations to, and engage in dis-*
18 *cussions with, the evaluating personnel regarding*
19 *the qualifications of the offerors, including how*
20 *the qualifications of each offeror relate to the ap-*
21 *proaches proposed to be taken by the offeror in*
22 *the acquisition.*

23 (C) *Evaluation of the qualifications of the*
24 *identified offerors on the basis of submissions re-*
25 *quired under the process and any oral presen-*

1 *tations made by, and any discussions with, the*
2 *offerors.*

3 *(9) SELECTION OF MOST QUALIFIED OFFEROR.—*

4 *A selection process consisting of the following:*

5 *(A) Identification of the most qualified*
6 *source, and ranking of alternative sources, pri-*
7 *marily on the basis of the oral proposals, presen-*
8 *tations, and discussions, but taking into consid-*
9 *eration supplemental written submissions.*

10 *(B) Conduct for 30 to 60 days of a program*
11 *definition phase, funded by the Federal Govern-*
12 *ment—*

13 *(i) during which the selected source, in*
14 *consultation with one or more intended*
15 *users, develops a conceptual system design*
16 *and technical approach, defines logical*
17 *phases for the project, and estimates the*
18 *total cost and the cost for each phase; and*

19 *(ii) after which a contract for perform-*
20 *ance of the work may be awarded to that*
21 *source on the basis of cost, the responsive-*
22 *ness, reasonableness, and quality of the pro-*
23 *posed performance, and a sharing of risk*
24 *and benefits between the source and the*
25 *Government.*

1 (C) Conduct of as many successive program
2 definition phases with the alternative sources (in
3 the order ranked) as is necessary in order to
4 award a contract in accordance with subpara-
5 graph (B).

6 (10) SYSTEM IMPLEMENTATION PHASING.—Sys-
7 tem implementation to be executed in phases that are
8 tailored to the solution, with various contract ar-
9 rangements being used, as appropriate, for various
10 phases and activities.

11 (11) MUTUAL AUTHORITY TO TERMINATE.—Au-
12 thority for the Federal Government or the contractor
13 to terminate the contract without penalty at the end
14 of any phase defined for the project.

15 (12) TIME MANAGEMENT DISCIPLINE.—Applica-
16 tion of a standard for awarding a contract within 60
17 to 90 days after issuance of the solicitation.

18 (d) PILOT PROGRAM DESIGN.—

19 (1) JOINT PUBLIC-PRIVATE WORKING GROUP.—
20 The Administrator, in consultation with the Adminis-
21 trator for the Office of Information and Regulatory
22 Affairs shall establish a joint working group of Fed-
23 eral Government personnel and representatives of the
24 information technology industry to design a plan for
25 conduct of the pilot program. The establishment and

1 *operation of this working group shall not be subject*
2 *to the requirements of the Federal Advisory Commit-*
3 *tee Act, Public Law 92-463, as amended (5 U.S.C.*
4 *App.).*

5 (2) *CONTENT OF PLAN.—The plan shall provide*
6 *for use of solutions-based contracting in the Depart-*
7 *ment of Defense and not more than two other execu-*
8 *tive agencies for a total of—*

9 (A) *not more than 10 projects, each of*
10 *which has an estimated cost of between*
11 *\$25,000,000 and \$100,000,000; and*

12 (B) *not more than 10 projects, each of*
13 *which has an estimated cost of between*
14 *\$1,000,000 and \$5,000,000, to be set aside for*
15 *small business concerns.*

16 (3) *COMPLEXITY OF PROJECTS.—(A) Subject to*
17 *subparagraph (C), each acquisition project under the*
18 *pilot program shall be sufficiently complex to provide*
19 *for meaningful evaluation of the use of solutions-based*
20 *contracting for acquisition of information technology*
21 *for executive agencies.*

22 (B) *In order for an acquisition project to satisfy*
23 *the requirement in subparagraph (A)—*

24 (i) *the solution for attainment of the execu-*
25 *tive agency's objectives under the project should*

1 *not be obvious, but rather shall involve a need for*
2 *some innovative development; and*

3 *(ii) the project shall incorporate all ele-*
4 *ments of system integration.*

5 *(C) An acquisition project should not be so ex-*
6 *tensive or lengthy as to result in undue delay in the*
7 *evaluation of the use of solutions-based contracting.*

8 *(e) USE OF EXPERIENCED FEDERAL PERSONNEL.—*
9 *Only Federal Government personnel who are experienced,*
10 *and have demonstrated success, in managing or otherwise*
11 *performing significant functions in complex acquisitions*
12 *shall be used for evaluating offers, selecting sources, and*
13 *carrying out the performance phases in an acquisition*
14 *under the pilot program.*

15 *(f) MONITORING BY GAO.—*

16 *(1) REQUIREMENT.—The Comptroller General of*
17 *the United States shall—*

18 *(A) monitor the conduct, and review the re-*
19 *sults, of acquisitions under the pilot program;*
20 *and*

21 *(B) submit to Congress periodic reports con-*
22 *taining the views of the Comptroller General on*
23 *the activities, results, and findings under the*
24 *pilot program.*

1 (2) *EXPIRATION OF REQUIREMENT.*—The re-
2 quirement under paragraph (1)(B) shall terminate
3 after submission of the report that contains the final
4 views of the Comptroller General on the last of the ac-
5 quisition projects completed under the pilot program.

6 **TITLE XLIV—OTHER INFORMA-**
7 **TION RESOURCES MANAGE-**
8 **MENT REFORM**

9 **SEC. 4401. ON-LINE MULTIPLE AWARD SCHEDULE CON-**
10 **TRACTING.**

11 (a) *AUTOMATION OF MULTIPLE AWARD SCHEDULE*
12 *CONTRACTING.*—(1) In order to provide for the economic
13 and efficient procurement of information technology, the
14 Administrator of General Services shall establish a program
15 for the development and implementation of a system to pro-
16 vide Governmentwide, on-line computer access to informa-
17 tion on information technology products and services that
18 are available for ordering through multiple award sched-
19 ules.

20 (2) The system required by paragraph (1) shall, at a
21 minimum—

22 (A) provide basic information on prices, features,
23 and performance of all products and services avail-
24 able for ordering through the multiple award sched-
25 ules;

1 (B) provide for updating that information to re-
2 flect changes in prices, features, and performance as
3 soon as information on the changes becomes available;

4 (C) enables users to make on-line computer com-
5 parisons of the prices, features, and performance of
6 similar products and services offered by various ven-
7 dors;

8 (D) enable users to place, and vendors to receive,
9 on-line computer orders for products and services
10 available for ordering through the multiple award
11 schedules (up to the maximum order limitation of the
12 applicable schedule contract);

13 (E) enable ordering agencies to make payments
14 to contractors by bank card, electronic funds transfer,
15 or other automated methods in cases in which it is
16 practicable and in the interest of the Federal Govern-
17 ment to do so; and

18 (F) archive data relating to each order placed
19 against multiple award schedule contracts using such
20 system, including, at a minimum, data on—

21 (i) the agency or office placing the order;

22 (ii) the vendor receiving the order;

23 (iii) the products or services ordered; and

24 (iv) the total price of the order.

1 (3)(A) *The system required by paragraph (1) shall be*
2 *implemented not later than January 1, 1998.*

3 (B) *The Administrator shall certify to Congress that*
4 *the system required by paragraph (1) has been implemented*
5 *at such time as a system meeting the requirements of para-*
6 *graph (2) is in place and accessible by at least 90 percent*
7 *of the potential users in the departments and agencies of*
8 *the Federal Government.*

9 (4) *Orders placed against multiple award schedule*
10 *contracts through the system required by paragraph (1)*
11 *may be considered for purposes of the determinations re-*
12 *garding implementation of the capability described under*
13 *subsection (b) of section 30A of the Office of Federal Pro-*
14 *urement Policy Act (41 U.S.C. 426a) and implementation*
15 *of such capability under subsection (d) of such section.*

16 (b) *STREAMLINED PROCEDURES; PILOT PROGRAM.—*

17 (1)(A) *In order to provide for compliance with provisions*
18 *of law requiring the use of competitive procedures in Fed-*
19 *eral Government procurement, the procedures established by*
20 *the Administrator of General Services for the program re-*
21 *ferred to in subsection (a) shall include requirements for—*

22 (i) *participation in multiple award schedule*
23 *contracts to be open to all responsible and responsive*
24 *sources; and*

1 (ii) orders to be placed using a process which re-
2 sults in the lowest overall cost alternative to meet the
3 needs of the Government, except in a case in which
4 a written determination is made (in accordance with
5 such procedures) that a different alternative would
6 provide a substantially better overall value to the
7 Government.

8 (B) The Administrator may require offerors to agree
9 to accept orders electronically through the electronic ex-
10 change of procurement information in order to be eligible
11 for award of a multiple award schedule contract.

12 (C) Regulations on the acquisition of commercial items
13 issued pursuant to section 8002 of the Federal Acquisition
14 Streamlining Act of 1994 (Public Law 103-355; 108 Stat.
15 3386; 41 U.S.C. 264 note) shall apply to multiple award
16 schedule contracts.

17 (2) Within 90 days after the Administrator makes the
18 certification referred to in subsection (a)(3)(B), the Admin-
19 istrator shall establish a pilot program to test streamlined
20 procedures for the procurement of information technology
21 products and services available for ordering through the
22 multiple award schedules. The Administrator shall provide
23 for the pilot program to be applicable to all multiple award
24 schedule contracts for the purchase of information tech-
25 nology and to test the following procedures:

1 (A) A procedure under which negotiation of the
2 terms and conditions for a covered multiple award
3 schedule contract is limited to terms and conditions
4 other than price.

5 (B) A procedure under which the vendor estab-
6 lishes the prices under a covered multiple award
7 schedule contract and may adjust those prices at any
8 time in the discretion of the vendor.

9 (C) A procedure under which a covered multiple
10 award schedule contract is awarded to any respon-
11 sible and responsive offeror that—

12 (i) has a suitable record of past perform-
13 ance on Federal Government contracts, including
14 multiple award schedule contracts;

15 (ii) agrees to terms and conditions that the
16 Administrator determines as being required by
17 law or as being appropriate for the purchase of
18 commercial items; and

19 (iii) agrees to establish and update prices
20 and to accept orders electronically through the
21 automated system established pursuant to sub-
22 section (a).

23 (3)(A) Not later than three years after the date on
24 which the pilot program is established, the Comptroller
25 General of the United States shall review the pilot program

1 *and report to the Committee on Governmental Affairs and*
2 *the Committee on Small Business of the Senate and the*
3 *Committee on Government Reform and Oversight and the*
4 *Committee on Small Business of the House of Representa-*
5 *tives on the results of the pilot program.*

6 *(B) The report shall include the following:*

7 *(i) An evaluation of the extent of the competition*
8 *for the orders placed under the pilot program.*

9 *(ii) The effect of the pilot program on prices*
10 *charged under multiple award schedule contracts.*

11 *(iii) The effect of the pilot program on paper-*
12 *work requirements for multiple award schedule con-*
13 *tracts and orders.*

14 *(iv) The impact of the pilot program on small*
15 *businesses and socially and economically disadvan-*
16 *tagged small businesses.*

17 *(4) Unless reauthorized by Congress, the authority of*
18 *the Administrator to award contracts under the pilot pro-*
19 *gram shall expire four years after the date on which the*
20 *pilot program is established. Contracts entered into before*
21 *the authority expires shall remain in effect in accordance*
22 *with their terms notwithstanding the expiration of the au-*
23 *thority to enter new contracts under the pilot program.*

24 *(c) DEFINITIONS.—In this section:*

1 (1) The term “information technology” has the
2 meaning given that term in section 4 of this Act.

3 (2) The term “commercial item” has the mean-
4 ing given the term in section 4(12) of the Office of
5 Federal Procurement Policy Act (41 U.S.C. 403(12)).

6 (3) The term “competitive procedures” has the
7 meaning given the term in section 309(b) of the Fed-
8 eral Property and Administrative Services Act of
9 1949 (41 U.S.C. 259(b)).

10 **SEC. 4402. DISPOSAL OF EXCESS COMPUTER EQUIPMENT.**

11 (a) *AUTHORITY TO DONATE.*—The head of an execu-
12 tive agency may, without regard to the procedures otherwise
13 applicable under title II of the Federal Property and Ad-
14 ministrative Services Act of 1949 (40 U.S.C. 481 et seq.),
15 convey without consideration all right, title, and interest
16 of the United States in any computer equipment under the
17 control of such official that is determined under title II of
18 such Act as being excess property to a recipient in the fol-
19 lowing order of priority:

20 (1) Elementary and secondary schools under the
21 jurisdiction of a local educational agency and schools
22 funded by the Bureau of Indian Affairs.

23 (2) Public libraries.

24 (3) Public colleges and universities.

1 (b) *INVENTORY REQUIRED.*—Upon the enactment of
2 this Act, the head of an executive agency shall inventory
3 all computer equipment under the control of that official
4 and identify in accordance with title II of the Federal Prop-
5 erty and Administrative Services Act of 1949 (40 U.S.C.
6 481 et seq.) the equipment, if any, that is excess property.

7 (c) *DEFINITIONS.*—In this section:

8 (1) The term “excess property” has the meaning
9 given such term in section 3 of the Federal Property
10 and Administrative Services Act of 1949 (40 U.S.C.
11 472).

12 (2) The terms “local educational agency”, “ele-
13 mentary school”, and “secondary school” have the
14 meanings given such terms in section 14101 of the El-
15 elementary and Secondary Education Act of 1965 (20
16 U.S.C. 8801).

17 **SEC. 4403. LEASING INFORMATION TECHNOLOGY.**

18 (a) *ANALYSIS BY GAO.*—The Comptroller General of
19 the United States shall perform a comparative analysis of
20 alternative means of financing the acquisition of informa-
21 tion technology. The analysis should—

22 (1) investigate the full range of alternative fi-
23 nancing mechanisms, to include leasing, purchasing
24 and rentals of new and used equipment; and

1 (2) *assess the relative costs, benefits and risks of*
2 *alternative financing options for the Federal Govern-*
3 *ment.*

4 (b) *LEASING GUIDELINES.*—*Based on the analysis, the*
5 *Comptroller General shall develop recommended guidelines*
6 *for financing information technology for executive agencies.*

7 ***TITLE XLV—PROCUREMENT PRO-***
8 ***TEST AUTHORITY OF THE***
9 ***COMPTROLLER GENERAL***

10 ***SEC. 4501. PERIOD FOR PROCESSING PROTESTS.***

11 *Section 3554(a) of title 31, United States Code, is*
12 *amended—*

13 (1) *in paragraph (1), by striking out “para-*
14 *graph (2)” in the second sentence and inserting in*
15 *lieu thereof “paragraphs (2) and (5)”;* and

16 (2) *by adding at the end the following:*

17 “(5)(A) *The requirements and restrictions set*
18 *forth in this paragraph apply in the case of a protest*
19 *in a procurement of information technology.*

20 “(B) *The Comptroller General shall issue a final*
21 *decision concerning a protest referred to in subpara-*
22 *graph (A) within 45 days after the date of the protest*
23 *is submitted to the Comptroller General.*

24 “(C) *The disposition under this subchapter of a*
25 *protest in a procurement referred to in subparagraph*

1 (A) bars any further protest under this subchapter by
2 the same interested party on the same procurement.”.

3 **SEC. 4502. DEFINITION.**

4 Section 3551 of title 31, United States Code, is amend-
5 ed by adding at the end the following:

6 “(4) The term ‘information technology’ has the
7 meaning given that term in section 4 of the Informa-
8 tion Technology Management Reform Act of 1995.”.

9 **SEC. 4503. EXCLUSIVITY OF ADMINISTRATIVE REMEDIES.**

10 Section 3556 of title 31, United States Code, is amend-
11 ed by striking out the first sentence and inserting in lieu
12 thereof the following:

13 “Notwithstanding any other provision of law, the
14 Comptroller General shall have the exclusive administrative
15 authority to resolve a protest involving the solicitation, a
16 proposal for award, or an award of a contract for informa-
17 tion technology, to the exclusion of the boards of contract
18 appeals or any other entity. Nothing contained in the sub-
19 chapter shall affect the right of any interested party to file
20 a protest with the contracting agency or to file an action
21 in a district court of the United States or the United States
22 Court of Federal Claims.”.

1 **TITLE XLVI—RELATED TERMI-**
2 **NATIONS, CONFORMING**
3 **AMENDMENTS, AND CLERICAL**
4 **AMENDMENTS**

5 **Subtitle A—Conforming**
6 **Amendments**

7 **SEC. 4601. AMENDMENTS TO TITLE 10, UNITED STATES**
8 **CODE.**

9 *For the Department of Defense section 2315 of such*
10 *title is amended by striking out from the words “Section*
11 *111” through the words “use of equipment or services if,”*
12 *and substituting therein the following:*

13 *“For the purposes of the Information Technology Man-*
14 *agement Reform Act of 1995, the term ‘national security*
15 *systems’ means those telecommunications and information*
16 *systems operated by the Department of Defense, the func-*
17 *tions, operation or use of which”.*

18 **SEC. 4602. AMENDMENTS TO TITLE 28, UNITED STATES**
19 **CODE.**

20 *Section 612 of title 28, United States Code, is amend-*
21 *ed—*

22 *(1) in subsection (f), by striking out “section 111*
23 *of the Federal Property and Administrative Services*
24 *Act of 1949 (40 U.S.C. 759)” and inserting in lieu*
25 *thereof “the provisions of law, policies, and regula-*

1 **SEC. 4604. AMENDMENTS TO TITLE 38, UNITED STATES**
2 **CODE.**

3 *Section 310 of title 38, United States Code, is amended*
4 *to read as follows:*

5 **“SEC. 310. CHIEF INFORMATION OFFICER.**

6 *“(a) The Secretary shall designate a chief information*
7 *officer for the Department in accordance with section*
8 *4135(a) of the Information Technology Management Reform*
9 *Act of 1995.*

10 *“(b) The chief information officer shall perform the du-*
11 *ties provided for chief information officers of executive agen-*
12 *cies under the Information Technology Management Reform*
13 *Act of 1995.”.*

14 **SEC. 4605. PROVISIONS OF TITLE 44, UNITED STATES CODE,**
15 **RELATING TO PAPERWORK REDUCTION.**

16 *(a) DEFINITION.—Section 3502 of title 44, United*
17 *States Code, is amended by striking out paragraph (9) and*
18 *inserting in lieu thereof the following:*

19 *“(9) the term ‘information technology’ has the*
20 *meaning given that term in section 4004 of the Infor-*
21 *mation Technology Management Reform Act of*
22 *1995;”.*

23 *(b) DEVELOPMENT OF STANDARDS AND GUIDELINES*
24 *BY NATIONAL INSTITUTE OF STANDARDS AND TECH-*
25 *NOLOGY.—Section 3504(h)(1)(B) of such title is amended*
26 *by striking out “section 111(d) of the Federal Property and*

1 *Administrative Services Act of 1949 (40 U.S.C. 759(d))*”
2 *and inserting in lieu thereof “paragraphs (2) and (3) of*
3 *section 20(a) of the National Institute of Standards and*
4 *Technology Act (15 U.S.C. 278g-3(a))”.*

5 (c) *COMPLIANCE WITH DIRECTIVES.*—Section
6 *3504(h)(2) of such title is amended by striking out “sections*
7 *110 and 111 of the Federal Property and Administrative*
8 *Services Act of 1949 (40 U.S.C. 757 and 759)” and insert-*
9 *ing in lieu thereof “the Information Technology Manage-*
10 *ment Reform Act of 1995 and directives issued under sec-*
11 *tion 110 of the Federal Property and Administrative Serv-*
12 *ices Act of 1949 (40 U.S.C. 757)”.*

13 **SEC. 4606. AMENDMENT TO TITLE 49, UNITED STATES CODE.**

14 *Section 40112(a) of title 49, United States Code, is*
15 *amended by striking out “or a contract to purchase prop-*
16 *erty to which section 111 of the Federal Property and Ad-*
17 *ministrative Services Act of 1949 (40 U.S.C. 759) applies”.*

18 **SEC. 4607. OTHER LAWS.**

19 (a) *COMPUTER SECURITY ACT OF 1987.*—(1) *Section*
20 *2(b)(2) of the Computer Security Act of 1987 (Public Law*
21 *100-235; 101 Stat. 1724) is amended by striking out “by*
22 *amending section 111(d) of the Federal Property and Ad-*
23 *ministrative Services Act of 1949 (40 U.S.C. 759(d))”;* and
24 (2) *Nothing in the Information Technology Management*

1 *Reform Act shall affect the limitations on the authorities*
2 *set forth in Public Law 100–235.*

3 (b) *NATIONAL ENERGY CONSERVATION POLICY ACT.*—
4 *Section 801(b)(3) of the National Energy Conservation Pol-*
5 *icy Act (42 U.S.C. 8287(b)(3)) is amended by striking out*
6 *the second sentence.*

7 (c) *NATIONAL SECURITY ACT OF 1947.*—*Section 3 of*
8 *the National Security Act of 1947 (50 U.S.C. 403c) is*
9 *amended by striking out subsection (e).*

10 ***SEC. 4608. ACCESS OF CERTAIN INFORMATION IN INFORMA-***
11 ***TION SYSTEMS TO THE DIRECTORY AND SYS-***
12 ***TEM OF ACCESS ESTABLISHED UNDER SEC-***
13 ***TION 4101 OF TITLE 44, UNITED STATES CODE.***

14 *Notwithstanding any other provision of this division,*
15 *if in designing an information technology system pursuant*
16 *to this division, the agency determines that a purpose of*
17 *the system is to disseminate information to the public, then*
18 *the head of such agency shall ensure that information so*
19 *disseminated is included in the directory created pursuant*
20 *to section 4101 of title 44, United States Code. Nothing in*
21 *this section shall authorize the dissemination of information*
22 *to the public unless otherwise authorized.*

1 **SEC. 4609. RULE OF CONSTRUCTION RELATING TO THE**
2 **PROVISIONS OF TITLE 44, UNITED STATES**
3 **CODE.**

4 *Nothing in this division shall be construed to amend,*
5 *modify or supercede any provision of title 44, United States*
6 *Code, other than chapter 35 of title 44, United States Code.*

7 **Subtitle B—Clerical Amendment**

8 **SEC. 4621. AMENDMENT TO TITLE 38, UNITED STATES CODE.**

9 *The table of sections at the beginning of chapter 3 of*
10 *title 38, United States Code, is amended by striking out*
11 *the item relating to section 310 and inserting in lieu thereof*
12 *the following:*

“310. Chief information officer.”.

13 **TITLE XLVII—SAVINGS**
14 **PROVISIONS**

15 **SEC. 4701. SAVINGS PROVISIONS.**

16 *(a) REGULATIONS, INSTRUMENTS, RIGHTS, AND PRIVI-*
17 *LEGES.—All rules, regulations, contracts, orders, deter-*
18 *minations, permits, certificates, licenses, grants, and privi-*
19 *leges—*

20 *(1) which have been issued, made, granted, or al-*
21 *lowed to become effective by the Administrator of Gen-*
22 *eral Services or the General Services Administration*
23 *Board of Contract Appeals, or by a court of com-*
24 *petent jurisdiction, in connection with an acquisition*
25 *activity carried out under the section 111 of the Fed-*

1 *eral Property and Administrative Services Act of*
2 *1949 (40 U.S.C. 759), and*

3 *(2) which are in effect on the effective date of*
4 *this title, shall continue in effect according to their*
5 *terms until modified, terminated, superseded, set*
6 *aside, or revoked in accordance with law by the Di-*
7 *rector of the Office of Management and Budget, any*
8 *other authorized official, by a court of competent ju-*
9 *risdiction, or by operation of law.*

10 *(b) PROCEEDINGS AND APPLICATIONS.—*

11 *(1) TRANSFERS OF FUNCTIONS NOT TO AFFECT*
12 *PROCEEDINGS.—This Act and the amendments made*
13 *by this Act shall not affect any proceeding, including*
14 *any proceeding involving a claim or application, in*
15 *connection with an acquisition activity carried out*
16 *under section 111 of the Federal Property and Ad-*
17 *ministrative Services Act of 1949 (40 U.S.C. 759)*
18 *that is pending before the Administrator of General*
19 *Services or the General Services Administration*
20 *Board of Contract Appeals on the effective date of this*
21 *Act.*

22 *(2) ORDERS IN PROCEEDINGS.—Orders may be*
23 *issued in any such proceeding, appeals may be taken*
24 *therefrom, and payments may be made pursuant to*
25 *such orders, as if this Act had not been enacted. An*

1 *order issued in any such proceeding shall continue in*
2 *effect until modified, terminated, superseded, or re-*
3 *voked by the Director of the Office of Management*
4 *and Budget, or any other authorized official, by a*
5 *court of competent jurisdiction, or by operation of*
6 *law.*

7 (3) *DISCONTINUANCE OR MODIFICATION OF PRO-*
8 *CEEDINGS NOT PROHIBITED.—Nothing in this sub-*
9 *section prohibits the discontinuance or modification*
10 *of any such proceeding under the same terms and*
11 *conditions and to the same extent that such proceed-*
12 *ing could have been discontinued or modified if this*
13 *Act had not been enacted.*

14 (4) *REGULATIONS FOR TRANSFER OF PROCEED-*
15 *INGS.—The Director of the Office of Management and*
16 *Budget may prescribe regulations providing for the*
17 *orderly transfer of proceedings continued under para-*
18 *graph (1).*

1 ***TITLE XLVIII—EFFECTIVE DATES***

2 ***SEC. 4801. EFFECTIVE DATES.***

3 *This Act and the amendments made by this Act shall*
4 *take effect 180 days after the date of the enactment of this*
5 *Act.*

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

H. R. 1530

AMENDMENT

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